

NIH POLICY MANUAL

2300-308-1 - GUEST RESEARCHER/SPECIAL VOLUNTEER PROGRAMS

Issuing Office: OD/OHR/DWM 496-3540

Release Date: 10/23/98

1. **Explanation of Material Transmitted:** This issuance describes the Guest Researcher/Special Volunteer Programs and establishes the conditions under which a Guest Researcher/Special Volunteer may be invited to NIH.

2. **Filing Instructions:**

Remove: NIH Manuals 2300-320-5, and 2300-308-3, dated 11/01/82, as amended on 07/01/91.

Insert: NIH Manual 2300-308-1, dated 10/23/98

PLEASE NOTE: For information on:

- Content of this chapter, contact the issuing office listed above.
- NIH Manual System, contact the Division of Management Services, OMA on 496-2832, or enter this URL: <http://www3.od.nih.gov/oma/manualchapters>.

NOTE: To print this file, set your printer to "Landscape" printing.

NIH GUEST RESEARCHER/SPECIAL VOLUNTEER PROGRAMS

NIH Manual Chapter 2300-308-1

PROVISIONS

GUEST RESEARCHER

SPECIAL VOLUNTEER

A. Definition Guest Researchers (GRs) are scientists, engineers, and students who are permitted to engage in scientific studies and investigations using NIH facilities. Under this program, these individuals further their own research by using equipment and resources that are otherwise unavailable to them. They provide no direct services to NIH.

Special Volunteers (SVs) are individuals who provide research services, direct patient care, clerical support, technical assistance, or any other necessary services for NIH.

Neither GRs nor SVs are compensated by NIH.

B. Legal Authority Section 301(a)(2) of the Public Health Service Act authorizes the Secretary to "...make available research facilities of the Service to appropriate public authorities, and to health officials and scientists engaged in special study." 45CFR Part 9, Use of DHHS Research Facilities by Academic Scientists, Engineers, and Students, and DHHS General Administration Manual Chapter 13-10, provide DHHS policy on making Department facilities available to the scientific community. Public Health Service General Administration Manual, PHS 13-10, Use of Research Facilities by Academic Scientists, Engineers, and Qualified Students, states PHS policy and procedures pertaining to the use of research facilities by GRs.

Sections 402 and 405 of the PHS Act, as amended. The Director, NIH, and the Directors of the national research institutes and centers may accept and use the services of volunteers in carrying out the functions of NIH pursuant to section 301 of the PHS Act.

C. Current Approval Authority **IC Scientific Director (may redelegate authority)** **IC Director (may redelegate authority)**

D. Eligibility NIH research facilities are available to non-NIH employees who are sponsored and paid by an outside organization or who are self-supporting.

The following individuals are not eligible to be NIH GRs:

- Scientists at NIH for the purpose of informal observation, discussions and/or participation in scientific activities who have no formal relationship with NIH.
- Scientists at NIH for less than 1 week.
- SVs.

Volunteer services may be accepted from any appropriate source, including individuals who are:

- donating their services as members of volunteer or charitable organizations.
- offering their services on their own time.
- receiving fellowship or stipend support from outside organizations with whom they have non-employment relationships.
- employed by, and receiving compensation from outside organizations (nonprofit or otherwise) or are employees of outside organizations on sabbaticals or leaves of absence.
- Federal employees volunteering services unrelated to their official duties and responsibilities, outside of their normal work hours.

Volunteer services may not be accepted from individuals who are:

- Commissioned Officers in the U.S. Public Health Service or members of other uniformed services.
- paid employees of outside organizations who are not on sabbaticals or leaves of absence.
- GRs.

E. Requirements **Citizenship.** GRs/SVs are not required to be U.S. citizens; foreign nonimmigrants must present pertinent documents (e.g., passport and U.S. immigration-related forms), indicating that they are authorized to conduct research and perform services, to the International Services Branch (ISB), FIC, upon arrival at NIH. (See also section on Visas)

State and Local Requirements. State and local government standards for minors must be followed in accepting the services of volunteers under 18 years of age. Where required by State or local government law or regulation, work permits must be obtained. The agreement of a parent or guardian is also required before the volunteer services of minors can be accepted.

Medical Requirements. GRs/SVs must meet Medical Requirements in accordance with NIH Manual [2300-339-2](#), Medical Qualifications Determinations.

Patient Contact. Consistent with applicable PHS policy, GRs/SVs who will engage in direct patient care activities in the NIH Clinical Center must have and maintain current valid professional licensure; have their professional credentials reviewed; and obtain clinical privileges consistent with requirements specified by the IC. Any patient contact must be consistent with visa provisions of the GR/SV.

Health Insurance. GRs/SVs are not eligible for health insurance coverage under the Federal Employees Health Benefits Program. Those who do not have adequate health insurance must obtain immediate coverage that is substantially equivalent to the Federal Employees Health Benefits Plan and show proof of coverage prior to beginning an assignment. NIH may not purchase health insurance for GRs/SVs.

Foreign GRs/SVs who fail to obtain adequate health insurance coverage will be denied the use of NIH facilities. Furthermore, J-1 visa holders who willfully fail to obtain and maintain the minimum health insurance coverage (for themselves and any J-2 dependents) required by the United States Information Agency (USIA) will be deemed in violation of these regulations and may be terminated by USIA as a participant in the exchange visitor program. Currently, GRs/SVs who are U.S. Citizens are not required to show proof of health insurance coverage.

Requirements - Health Ins. (cont'd) Since the GR is not covered by the Federal Employees Compensation Act, it is critical that any individually purchased health benefits plan provide coverage for work-associated injuries or illnesses. Under 5 U.S.C. 8101(1)(B), "Compensation for Work Injuries," volunteers may be eligible for certain benefits for work-related injuries or illnesses.

Investigative Requirements. The same tests of character, reputation, and fitness applicable to regular Federal employees should be considered in accepting the services of volunteers. However, all incumbents of child care provider positions must meet the investigative requirements of PL 101-647, Section 408, "Child Care Worker Employee Background Checks," as amended by PL 102-90.

Medical Executive Committee Review (MEC). SVs who may be providing direct patient care should have their clinical credentials approved by the MEC.

Employing Organization/NIH Agreement. Because SVs provide a service to NIH, ICs should enter into written agreements that stipulate that employing organizations have agreed to relinquish supervision over activities and services performed at NIH.

Documentation Requirements. All documents specifying the terms, conditions, and limitations of GR/SV status should be filed and maintained in accordance with established IC policy (i.e., Appendix 1- Form NIH 590, Special Volunteer and Guest Researcher Assignment;" Appendix 2 - NIH Guest Researcher Agreement; Appendix 3 - NIH Special Volunteer Agreement; Appendix 4 - Sample Letter Acknowledging Offer to Serve as an NIH Special Volunteer; Appendix 5 - Letter Acknowledging Special Voluntary Service from Individuals Receiving Fellowship or Stipend Support from Outside Organizations; Appendix 6 - Sample Letter Acknowledging Special Voluntary Service from Individuals Employed by Outside Organizations.)

F. Exceptions Exception to this policy in an intramural or clinical setting (other than for those providing clinical support) require the approval of the Deputy Director for Intramural Research (DDIR), NIH, or the DDIR's designee. ICs should establish policy on exceptions in non-intramural settings.

- G. Tort Claims/Malpractice Coverage** Guest Researchers are not eligible for coverage under the Federal Torts Claim Act in the event of a tort/malpractice claim. It is considered that volunteers would be eligible for coverage under the Federal Tort Claims Act (28 U.S.C. 2671 et seq.) and under section 224 of the PHS Act, which provides absolute immunity from personal liability for damages or injuries that arise from actions occurring within the scope of their assignment and while under the direct supervision of a Federal employee. The ultimate decision on issues of liability are made by the courts on a case-by-case basis.
- H. Publications** Publications resulting from work done by GRs/SVs must credit NIH and be cleared in advance in accordance with NIH Manual [1183](#), "Publications."
- I. Inventions** In accordance with Executive Order 10096, as amended, 45 CFR Part 7, patent rights for inventions developed in NIH facilities are NIH property unless NIH waives its rights.
- J. Length of Assignment** Each IC should establish a policy on the length and renewal of GR and SV assignments. Time spent as a GR or SV counts toward the 5/8-year rule for postdoctoral trainees.
- K. Extension** A GR or SV may extend his/her visit at NIH with the approval of the proper officials. If the GR or SV is a foreign nonimmigrant, he/she must remain in a valid visa status. The request for extension must be received in the ISB, FIC, 120 calendar days prior to the expiration of the GR's or SV's current visa.
- L. Termination** Notwithstanding individual IC policies on the length of assignments, GR/SV assignments may be terminated at any time by either party to the agreement. ICs must notify the ISB, FIC of foreign GR/SV assignment termination 30 days prior to the end date.

M. Visas

Foreign GRs/SVs must have appropriate visas that support their activities at NIH. The approved Form NIH 590 and supporting documentation for these individuals must be sent to the ISB, FIC, for visa assistance and issuance of any necessary visa documents. Requests for all foreign nonimmigrant GRs/SVs should include a copy of the individual's curriculum vitae. If the GR/SV is in the U.S., copies of the individual's passport and all U.S. immigration-related documents should be attached. Any document not in English should be accompanied by an English translation. Submit the request to the ISB, FIC, 90 days in advance of the expected start date if the individual is abroad and 120 days in advance if the individual is already in the U.S.

For J-1 visa issuance, the following additional documentation is required: proof of funding, copies of professional degrees, verification of health insurance, and dependent information (name of each dependent, relationship to GR/SV, date and place of birth, and country of citizenship).

- GRs/SVs who have J-1 visas must have ample funds for their support; a minimum of \$25,000 per year is normally required.
- GRs/SVs coming to NIH on J-1 visas must have, at a minimum, a master's degree or equivalent.

In some instances, a foreign GR/SV may come to NIH on a B-1 visa (Temporary Visitor for Business) or in WB status (visa waiver for business, intended for stays of 90 days or less for individuals from certain countries), provided he/she will receive no salary or other remuneration from a U.S. source. The B-2 visa or WT status (Temporary Visitor for Pleasure) is intended for tourism purposes and is not allowed for GR/SV assignments.

GRs/SVs who receive assistance from the ISB, FIC, in obtaining their visas must be physically located in NIH research facilities and not in contract facilities or at local universities.

For further information or guidance on immigration-related issues, contact your FIC Immigration Specialist on (301) 496-6166.

N. Available Resources

May use Occupational Medical Service facilities and NIH, supplies and research services. Travel at Government expense is permitted when it is of direct benefit to NIH and is fully justified as such. However, because GRs are not Government employees, they may not use Government-owned vehicles.

ICs may, at their discretion, and subject to the availability of funds, provide space, equipment, clerical support, clothing or uniforms, or any other resources deemed necessary for volunteers to carry out their assignments (including travel and training).

Training for GRs may not be paid by IC funds.

Parking and ID Cards. GRs/SVs may obtain parking permits and identification cards in the same manner as NIH employees. (See NIH Manual 1330, "Parking.")

O. Awards and Recognition

It is not appropriate to grant GRs any form of award or recognition since they do not perform services for NIH.

ICs are encouraged to develop suitable forms of recognition for the contributions and services rendered by volunteers. Although cash awards from appropriated funds may not be given, certificates of appreciation for volunteer service or similar types of recognition are recommended.

P. Supply of Forms

The Special Volunteer and Guest Researcher Assignment, Form NIH 590 (Appendix 1); Guest Researcher Agreement, Form NIH 590-1 (Appendix 2); and the Special Volunteer Agreement, Form NIH 590-2 (Appendix 3) of this issuance should be reproduced locally.

Q. Management Controls

The purpose of this chapter is to provide guidelines on the use of the Guest Researcher and Special Volunteer Programs at NIH. It establishes the conditions under which a Guest Researcher may be invited to use NIH facilities and defines responsibilities of the various parties involved. In addition, it describes the policies and requirements for acceptance of volunteer services at NIH. This issuance is intended to be used in conjunction with Government-wide policies and regulations.

Office Responsible for Reviewing Management Controls Relative to this Chapter (Issuing Office). Through this Manual Issuance, OHRM in the Office of the Director, NIH, is accountable for ensuring that ICs have implemented appropriate management controls.

Frequency of Review. The review of IC files will be required once every three years from the date that the Office of Intramural Research establishes the database on nonemployed scientists at NIH.

Method of Review. Alternative Management Control Review will be conducted which will include a statistically valid random sample of ICs using this program to determine their compliance with the policies and procedures.

Review Reports are sent to: Director, Office of Human Resource Management, NIH, and the Deputy Director for Management, NIH.

R. Records Retention and Disposal All records (e-mail and non-e-mail) pertaining to this chapter must be retained and disposed of under the authority of NIH Manual [1743](#), "Keeping and Destroying Records, Appendix 1, NIH Records Control Schedule," Item 2300-320-3.

NIH e-mail messages. NIH e-mail messages (messages, including attachments that are created on NIH computer systems or transmitted over NIH networks) that are evidence of the activities of the agency or have informational value are considered Federal records. These records must be maintained in accordance with current NIH Records Management guidelines. If necessary, back-up file capability should be created for this purpose. Contact your IC Records Officer for additional information.

All e-mail messages are considered Government property, and, if requested for a legitimate Government purpose, must be provided to the requester. Employees' supervisors, NIH staff conducting official reviews or investigations, and the Office of Inspector General may request access to or copies of e-mail messages. E-mail messages must also be provided to Congressional oversight committees if requested and are subject to Freedom of Information Act requests. Since most e-mail systems have back-up files that are retained for significant periods of time, e-mail messages and attachments are likely to be retrievable from a back-up file after they have been deleted from an individual's computer. The back-up files are subject to the same requests as the original messages.

Appendix 1. Form NIH 590

Click here to view [Form 590](#). (.pdf file, requires Acrobat Reader)

Appendix 2. Form NIH 590-1

Click here to view form in either [Word](#) or [WordPerfect](#).

NIH Manual 2300-320-5, Appendix 2

OMB 0925-0177

Date: 6/29/98

Expiration Date: July 31, 2005

Replaces: 7/1/91

Issuing Office: OHRM, 402-9484

NIH Guest Researcher Program
NIH Guest Researcher Agreement

I, (name) hereby agree in consideration of acceptance by NIH as a Guest Researcher that I will.

1. Agree to be bound by all provisions of Executive Order 10096, as amended, 45 C.F.R. Part 7 and any orders, rules, regulations or the like issued thereunder, as if I were a Government employee who conceived an invention or first actually reduced it to practice while at the NIH. I agree to disclose promptly to the appropriate NIH officials, all inventions which I may conceive or first actually reduce to practice during my visit to the NIH, and to sign and execute all papers necessary for conveying to the Government the rights to which it is entitled by virtue of Executive Order 10096, as amended, and this agreement.
2. Submit publications resulting from work at NIH to be cleared for conformance with NIH's publication policies.
3. Waive any and all claims for compensation from the Government of the United States for any services performed incidental to the personal research I am doing, and absolve NIH of any responsibility in case of personal injury or death arising out of those research activities, and/or failure or damage to my experiments or equipment.
4. While on NIH premises, conform to all applicable administrative instructions and requirements of the Department of Health and Human Services and NIH, including all regulations and procedures concerning conduct, safety, patient care, and animal care.
5. If not a United States citizen, agree that I will obtain, prior to the beginning of this assignment, health insurance coverage substantially comparable to that provided by the Federal Employee's Health Benefits Plan and will have that coverage approved by the host IC.

Please check this box if you will receive a salary or stipend while at NIH that is derived in any way from, or related to, Federal (including NIH) funds (e.g., grants, contracts, training awards). Specify details on a separate page.

Public reporting burden for this collection of information is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: NIH, Project Clearance Office, 6701 Rockledge Drive, MSC7730, Bethesda, MD 20892-7730, ATTN PRA (0925-0177). Do not return the completed form to this address.

Guest Researcher's Signature Date NIH 590-1 (6/98)

Appendix 3. Form NIH 590-2

Click here to view form in either [Word](#) or [WordPerfect](#)

NIH Manual 2300-308-3, Appendix 3

OMB NO. 0925-0177

Date: 6/29/98

Expiration Date: April 30, 2000

Replaces: 7/1/91

Issuing Office: OHRM, 402-9484

NIH Special Volunteer Program
NIH Special Volunteer Agreement

I, (*name*), offer to serve as a volunteer at the National Institutes of Health. In making this offer, I understand and agree that I will:

1. Follow the supervision and direction of the NIH employee(s) to whom I have been assigned to perform my volunteer services and activities.
2. Agree to be bound by all provisions of Executive Order 10096, as amended, 45 C.F.R. Part 7 and any orders, rules, regulations or the like issued thereunder, as if I were a Government employee who conceived an invention or first actually reduced it to practice while at the NIH. I agree to disclose promptly to the appropriate NIH officials, all inventions which I may conceive or first actually reduce to practice during my visit to the NIH, and to sign and execute all papers necessary for conveying to the Government the rights to which it is entitled by virtue of Executive Order 10096, as amended, and this agreement.
3. Submit publications resulting from work at NIH to be cleared for conformance with NIH publications policies.
4. Waive any and all claims for compensation from the Government of the United States for any services performed related to my volunteer assignment at NIH.
5. While on the premises of NIH, and while performing volunteer services off the premises of NIH, conform to all applicable administrative instructions and requirements of the Department of Health and Human Services and NIH, including all regulations and procedures concerning conduct, safety, patient care, and animal care.
6. Be eligible under 5 U.S.C. 8101(1)(B) to file for benefits for work-related injuries and /or illness that may arise and are directly related to the performance of my volunteer assignment.
7. Be eligible for coverage under the Federal Tort Claims Act, (28 U.S.C. 2671), for any damages or injuries that may arise from the performance of my volunteer assignment.
8. Not be considered to be an employee of the Federal Government for any purposes other than tort claims and injury compensation, and that my volunteer service is not creditable for leave accrual or any other employee benefits.

9. If ~~volunteering to provide direct patient care services, be subject to the same~~ requirements for obtaining clinical privileges as other paid health professionals of the Public Health Service.
10. Be responsible for any cost or treatment for any illness or medical condition that may arise and is not directly related to the performance of my volunteer assignment. *While optional for U.S. citizens, I understand that it may be in my best interest to have or obtain adequate health insurance coverage prior to the beginning of my volunteer assignment.

I understand that my volunteer assignment will begin in _____ and end on _____, and that I will spend _____ hours/days per week providing volunteer services. I also understand that my volunteer assignment may be terminated at any time by either party to this agreement.

*Substitute the following for Special Volunteers who are not U.S. citizens or are otherwise subject to the provisions of NIH Manual Chapter 2300-320-2:

I understand that I must have or obtain adequate health insurance coverage prior to the beginning of my volunteer assignment, and that I must bear the cost of such insurance myself.

Please check this box if you will receive a salary or stipend while at NIH that is derived in any way from, or related to, Federal (including NIH) funds (e.g., grants, contracts, training awards). Specify details on a separate page.

Public reporting burden for this collection of information is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: NIH, Project Clearance Office, 6701 Rockledge Drive, MSC7730, Bethesda, MD 20892 -7730, ATTN PRA (0925-0177). Do not return the completed form to this address.

Signature of Volunteer Date

Signature of Parent or Guardian of a Minor Date

Signature of NIH Approving Official Date

NIH 590-2 (6/98)

Appendix 4. Volunteer Letter

Click here to view in either [Word](#) or [WordPerfect](#)

2300-308-1 NIH GUEST RESEARCHER/SPECIAL VOLUNTEER PROGRAMS

ISSUING OFFICE: OD/OHRM/DICC 402-9484

RELEASE DATE: 10/23/98

REPLACES: 7/1/91

**Sample Letter Acknowledging Offer to Serve
As an NIH Special Volunteer**

Dear _____:

On behalf of the _____, I would like to thank you for your offer to serve as a Special Volunteer in our organization.

(ICs should insert information that briefly discusses the mission and programs of the organization, and the nature of the volunteer assignment.)

Your interest in the programs of our organization and the health needs of the people we serve is deeply appreciated, and we are grateful for the assistance you are willing to provide in helping us achieve our mission.

Before you agree to serve as a volunteer in our organization, I must ask that you read the attached NIH Special Volunteer Agreement. This is a standard agreement that we enter into with all Special Volunteers, and is for your protection as well as ours. If you have questions concerning any of the provisions in this agreement, or would like clarification, please call me on _____.

If the terms of this agreement are acceptable to you, please sign the attached agreement and return it to me. As soon as we receive your signed agreement, we will proceed with the final arrangements for your volunteer assignment.

Once again, let me thank you for volunteering your services to our organization. I look forward to our future association.

Sincerely,

IC Designated Official

Appendix 5. Volunteer Letter with Outside Stipend

Click here to view in either [Word](#) or [WordPerfect](#)

2300-308-1 NIH GUEST RESEARCHER/SPECIAL VOLUNTEER PROGRAMS

ISSUING OFFICE: OD/OHRM/DICC 402-9484

RELEASE DATE: 10/23/98

REPLACES: 7/1/91

**Sample Letter Acknowledging Special Voluntary
Service From Individuals Receiving Fellowship
or Stipend Support From Outside Organizations**

Dear _____.

You have been selected to serve as _____ in the Laboratory of _____ to carry out a project on _____ as discussed between you and your proposed supervisor, Dr. _____.

Because you are being supported from an outside source of funds, NIH policy classifies your assignment as that of a Special Volunteer on the NIH staff, and this letter constitutes an invitation to serve in this capacity.

Before you agree to accept this assignment in our organization, I must ask that you read the attached NIH Special Volunteer Agreement. This is a standard agreement that we enter into with all volunteers, and is for your protection as well as ours. If you have questions concerning any of the provisions in this agreement, or would like clarification, please call me on _____.

If the terms of this agreement are acceptable to you, please sign the attached agreement and return it to me. As soon as we receive the signed agreement, we will proceed with the final arrangements for your assignment.

I look forward to our future association.

Sincerely,

IC Designated Official

Appendix 6. Volunteer Letter with O/S Employment

Click to view in either [Word](#) or [WordPerfect](#)

**2300-308-1 NIH GUEST RESEARCHER/SPECIAL VOLUNTEER PROGRAMS
ISSUING OFFICE: OD/OHRM/DICC 402-9484
RELEASE DATE: 10/23/98
REPLACES: 7/1/91**

Sample Letter Acknowledging Special Voluntary Service From Individuals Employed By Outside Organizations

Dear _____:

On behalf of the _____, I would like to thank (outside organization) for making your services available to our organization and for sponsoring you as a volunteer at NIH.

(ICs should insert information that briefly discusses the mission and programs of the organization, and the nature of the volunteer assignment.)

You will not receive any direct compensation from the NIH for services or activities you perform as a volunteer at NIH. Although (name of outside organization) is providing your compensation in sponsorship of your activities here, your activities will be carried out under the direction and for the benefit of the IC in accordance with the agreement reached between NIH and (name of outside organization).

Before you agree to serve as a volunteer in our organization, I must ask that you read the attached NIH Special Volunteer Agreement. This is a standard agreement that we enter into with all Special Volunteers, and is for your protection as well as ours. If you have questions concerning any of the provisions in this agreement, or would like clarification, please call me on _____.

If the terms of this agreement are acceptable to you, please sign the attached agreement and return it to me. As soon as we receive the signed agreement, we will proceed with the final arrangements for your volunteer assignment.

I look forward to our future association.

Sincerely,

IC Designated Official

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