

# Mandatory Volunteerism: A Bad Idea All Around

03.15.18 | Linda J. Rosenthal, JD



In the past few months, we've seen a flare-up of interest in, and government action on, an idea that has been pushed by conservative legislators and executives repeatedly over many years.

It's the proposal to require needy recipients of Medicaid to work, look for work, go to school, or engage in community volunteer activities in order to be eligible for this assistance they desperately need.

This policy agenda as it applies to a requirement to volunteer in the community a specified number of hours a week or month is commonly referred to in the nonprofit sector as "mandatory volunteerism."

## *Stepped-Up Action on Mandatory Volunteerism*

The Trump administration is "paving the road for states to design new eligibility requirements for Medicaid, including forcing many recipients to work, look for work, or volunteer in order to qualify for government health coverage."

Medicaid is a program that the federal government and states jointly fund, but the states have the duty to run it. Under current law – and in accordance with the policy that stretches back to its beginnings some 50 years ago – eligibility is generally based on income level.

Work requirements are not allowed at a national level without the approval of Congress. States, though, can propose a work requirement in a waiver, and the current administration can approve it. The Trump Administration is not only planning to approve such requests, it is actively facilitating this action by "telling states how they can introduce a new (work) requirement." On January 11, 2018, the Centers for Medicare and Medicaid Services (CMS) sent a letter to state Medicaid directors announcing this new policy and "encouraging states to apply 'work and community engagement' requirements to some recipients.

As of January 2018, at least 10 states had submitted proposals to the federal government to impose “some kind of work or community engagement requirement.” The ones from Kentucky and Indiana were approved in January; Arkansas’s was approved in March. Under the Obama Administration, such waivers were denied.

As expected, there have been immediate legal challenges on many grounds including the argument that “Medicaid, unlike other social services, is solely designed to provide health services and cannot be used to impose work or volunteer requirements.”

Blowback on policy grounds is also coming at the Administration from many corners. See, for example, just one of many such articulations: Work Requirements Are Bad for Women’s Health [“Work requirements are unnecessary, burdensome, stigmatizing, and harmful to women and their families” and the “majority of adults enrolled in it – 25 million individuals – are women.”]

“So the matter is not yet resolved. But the Trump administration has opened a major new front in the battle over Medicaid.”

### *Opposition to Mandatory Volunteerism*

For many reasons – including the substantive policy concerns – the nonprofit community generally opposes any such mandatory requirements for community volunteer activity. For example, see the statement of position from the National Council of Nonprofits: “Mandatory volunteerism is harmful because the policy imposes increased costs, burdens, and liabilities on nonprofits by an influx of coerced individuals. Few if any of the mandatory volunteerism bill sponsors ever ask whether nonprofits in their communities can handle an onslaught of hundreds or thousands of individuals showing up on nonprofit doorsteps for the purpose of doing time rather than doing good.”

The key point in this paragraph about nonprofits being unable to handle a deluge of new “volunteers” is – if anything – a dramatic and polite understatement of the reality of the problem that the federal and state governments are so casually tossing onto the shoulders of the nonprofit community – on very shaky policy grounds, no less.

Any prudent nonprofit organization takes the matter of its volunteer program seriously. Volunteers can be a tremendous benefit to carrying out the goals and activities, but they also can be the source of risk and problems – even legal liability – if not supervised and controlled carefully.

### *Conclusion*

It is critical that the nonprofit community take immediate and active steps to educate policymakers and legislators as to the real-world consequences of their laws on the nation’s philanthropic organizations. This focus on the extreme burden of these policies on the nation’s nonprofits should be in addition to any policy objections that many nonprofits are expected to voice.

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