

FLSA-512

December 27, 1972

This is in further reference to your letter of November 2, 1972, on behalf of ***.

The Administrator's letter of October 13, 1972, mentioned the position of the Wage and Hour Division concerning volunteer workers. In this connection, persons such as nuns, priests, lay brothers, ministers, deacons, and other members of religious orders who serve pursuant to their religious obligations in preschools, schools, hospitals, or other institutions operated by their church or religious order are not considered to be employees.

In many cases the nature of religious, charitable, and similar non-profit organizations is such that an employee may volunteer his or her services in a different capacity not as an employee or in contemplation of pay for the services rendered. For example, an office employee of a church may volunteer to perform nonclerical services in the preschool during off duty time from his or her office work as an act of charity. Conversely, a preschool employee may volunteer to perform work in some other facet of the church's operations without an employment relationship being formed with respect to such volunteer time.

As indicated in our letter of December 1, 1972, we have arranged for a representative from our Harrisburg Area Office to meet with *** and assist him in solving the problems he mentioned.

Sincerely,

Ben P. Robertson
Acting Administrator