



BOARD RESOLUTION CEASING THE USE OF VOLUNTEERS IN THRIFT STORES

At the Thursday, January 26, 2023 meeting of the Board of Directors of the Society of St. Vincent De Paul Archdiocesan Council of St. Louis the following recommendation was proposed and approved.

WHEREAS, at the Wednesday, January 11, 2023, Stores Committee meeting, the Committee discussed and recommends changing policy to cease allowing persons to volunteer in the thrift stores operated by Society of St. Vincent de Paul Archdiocesan Council of St. Louis ("SVdP"); and

WHEREAS, for decades, SVdP has operated thrift stores in the St. Louis area. These thrift stores are staffed with both paid employees and with unpaid volunteers. The duties of both the employees and volunteers are similar and both clock in and clock out when they begin and finish their duties; and

WHEREAS, the U.S. Department of Labor (DOL) has taken the position that "Individuals may volunteer time to religious, charitable, civic, humanitarian, or similar nonprofit organizations as a public service and not be covered by the Fair Labor Standards Act ("FLSA"). Individuals generally may not, however, volunteer in commercial activities run by a non-profit organization such as a gift shop. A volunteer generally will not be considered an employee for FLSA purposes if the individual volunteers freely for public service, religious or humanitarian objectives, and without contemplation or receipt of compensation."; and

WHEREAS, there is legal risk to SVdP that volunteers serving in SVdP thrift stores could be considered by the DOL and applicable courts to be employees, rather than volunteers.

THEREFORE, BE IT RESOLVED, that in order to eliminate this legal risk on a prospective basis, and effective no later than March 30, 2023, SVdP will cease using volunteers in its thrift stores and redirect volunteers to serve in other types of charitable outreach, not associated with commercial activities.

Board Secretary

Date January 26, 2023