



BOARD RESOLUTION CLARIFYING THE USE OF VOLUNTEERS IN THRIFT STORES

At the Thursday, February 16, 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 recommended 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. The majority of 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 such SVdP thrift stores could be considered by the DOL and applicable courts to be employees, rather than volunteers; and

WHEREAS, at the Thursday, January 26, 2023 meeting of the Board of Directors for SVdP it was resolved that in order to minimize legal risk, to cease using volunteers in thrift stores and redirect volunteers to serve in other types of charitable outreach, not associated with commercial activities; and

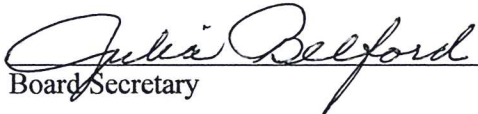
WHEREAS, subsequent to the meeting on January 26, 2023 it was learned that certain individuals with disabilities who are part of established vocational programs volunteer at SVdP thrift stores; and

WHEREAS, the DOL has outlined specific criteria that must be adhered to in order to demonstrate that an employment relationship does not exist with volunteers with disabilities; and

WHEREAS, subsequent to the meeting on January 26, 2023 it was learned that the following thrift stores: St. Vincent de Paul, Perryville; St. Rose of Lima, Desoto; Immaculate Conception, Union and St. Agnes, Bloomsdale historically and presently have never had employees working in these stores, rather, they rely exclusively on the service of volunteers (these stores are collectively referred to as "Volunteer Only Thrift Stores"); and

WHEREAS, it is believed that employees have not and will not be displaced by volunteers serving in the Volunteer Only Thrift Stores; the volunteers serving in the Volunteer Only Thrift Stores are free to volunteer or not to volunteer and are under no obligation to volunteer; and volunteers in the Volunteer Only Thrift Stores have no expectation of compensation.

THEREFORE, BE IT RESOLVED, that effective no later than February 28, 2023, SVdP will cease using volunteers in its thrift stores, except: (1) volunteers with disabilities who are enrolled in a vocational program that provides appropriate documentation to SVdP that applicable DOL criteria have been met may continue to serve in SVdP thrift stores; and (2) volunteers may continue to serve in the Volunteer Only Thrift Stores provided each such volunteer signs an appropriate document acknowledging their volunteer service is freely offered without coercion and with no expectation of compensation in any form.

 2/16/2023
Board Secretary Date