

FLSA-1307

August 3, 1995

Secretary Reich has asked me to respond to your inquiry concerning the application of the Fair Labor Standards Act (FLSA) to parent volunteers who are also public school employees. You ask several follow-up questions in light of the recent enforcement policy statement on this issue by Secretary Reich and Secretary of Education Riley. I regret the delay in responding to your inquiry.

As you know, the Wage and Hour Division will not assert FLSA violations for time spent by a public school employee, who is also the parent of the child in that school system, volunteering in their own child's classroom or in activities directly involving their own child's education without expectation of compensation so long as there is no coercion or pressure on the employee by the employer to do so.

This policy is intended to be applicable only for the time spent by a public school employee, who is also the parent (or who stands in loco parentis) of a child in that school system, volunteering in their own child's classroom or in activities directly related to their own child's education without expectation of compensation.

For example, this means that the employee/parent can volunteer time with respect to their own child's class field trip, athletic contest, band concert, debate or speech club event, etc. On the other hand, the enforcement policy is not considered applicable in situations where the employee/parent volunteers in a school activity in which their child does not participate.

Enclosed is a copy of the enforcement policy from the Field Operations Handbook. It should be noted that the enforcement policy was adopted notwithstanding the provisions of §3(e)(4) of the FLSA. The policy does not waive or otherwise have any effect on an individual employee's right under §16(b) of the FLSA to, at some future date, maintain a claim for appropriate FLSA compensation for "volunteer" hours. Thus, your inference with respect to the enforcement policy and the provisions of the FLSA is correct.

When an enforcement policy is changed, it is our policy to announce such change through all appropriate means, including the media, so that the interested and affected parties have sufficient notice of its effect and have time to adjust their operations accordingly.

I trust that the above is responsive to your inquiry. If we may be of further assistance, please do not hesitate to contact this office.

Sincerely,

Maria Echaveste
Administrator

Enclosure