

Volunteering To Work?

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For hospitals and health care providers, events such as health fairs, run/walks, and other activities are traditional links to their community. The events also build employee camaraderie and morale, so much so that workers readily volunteer their time to participate. Unfortunately, these scenarios can present serious legal questions regarding whether employees must be paid for the time they spend "volunteering."

The relevant legal issues arise almost exclusively under the Fair Labor Standards Act (FLSA), the federal law that sets forth requirements regarding the payment of minimum wages and overtime. The frequency of FLSA lawsuits, particularly class actions, is growing rapidly. The health care industry has already seen considerable activity in this area, where groups of employees have parlayed various claims into large judgments or settlements. Considering the costs involved and the special role of events such as health fairs in the industry, hospitals would be well served to review their relevant policies before their next event.

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