



### **Can volunteers be paid a stipend?**

**You first must determine if they are really a volunteer, or should they be considered an employee?**

- Is work performed during normal work hours?
- Is work similar to employee's regular job duties?
- **Are they a current employee (or ever been an employee especially doing this work)?**

**If you can answer NO to ALL of the above, this is volunteer work.**

**A volunteer can receive a stipend (monetary appreciation) for efforts, and remain a volunteer, only when:**

- The amount is no more than 20% of what a regular employee would be paid; and
- The fee is not a substitute for wages; and
- The fee is not tied to productivity; and
- The fee is not tied to the amount of time expended; and
- The individual is only available for specific times; and
- The services are provided as needed (not throughout the year).

(More information can be found in the Department of Labor Opinion Letters FLSA2005-51 and FLSA2006-18.)

Because this has tax and employment law implications it is always advisable to work closely with Human Resources – even when you are sure... just to be safe! We are happy to help!

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