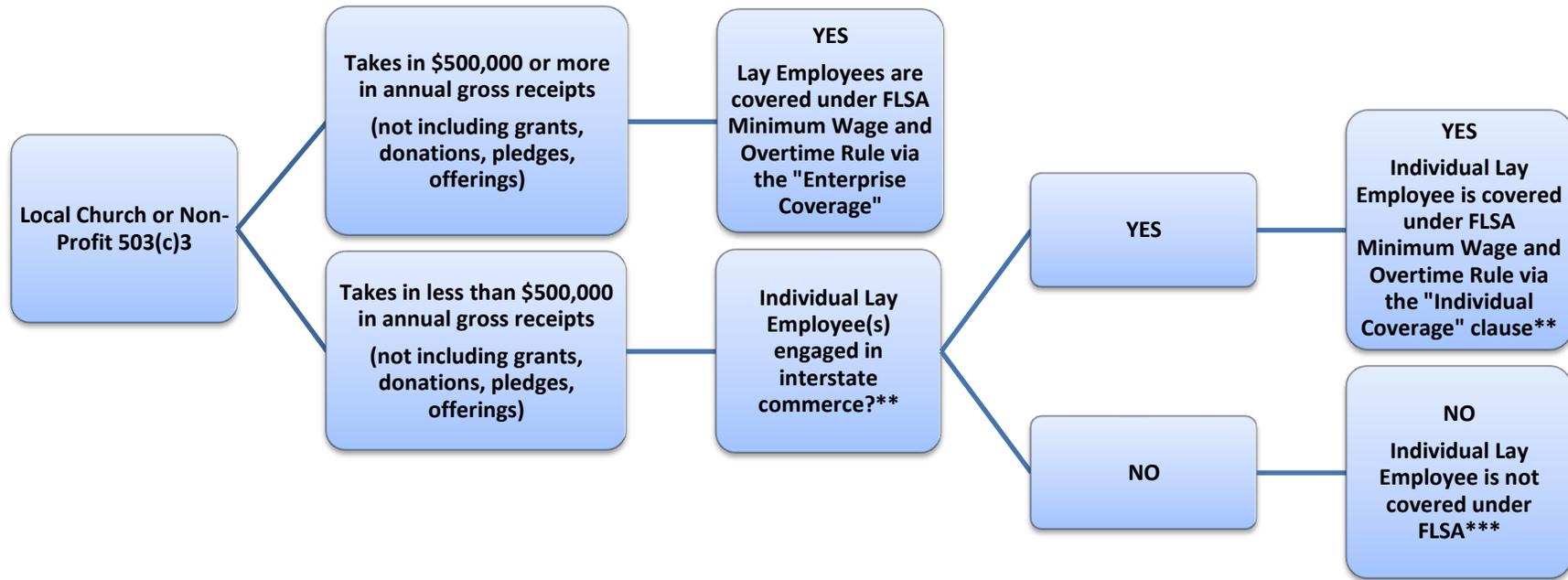


Are Church Lay Employees* covered under Fair Labor Standards Act (FLSA) Minimum Wage and Overtime Rule?



Resources:

- United States Department of Labor: Overtime Final Rule and the Non-Profit Sector: <https://www.dol.gov/sites/default/files/overtime-nonprofit.pdf>
- Fact Sheet #14: Coverage under the Fair Labor Standards Act (FLSA): <https://www.dol.gov/whd/regs/compliance/whdfs14.pdf>
- New York State Minimum Wage Information: <http://labor.ny.gov/workerprotection/laborstandards/workprot/minwage.shtm>

Notes:

*Clergy are not subject to the FLSA minimum wage and overtime rule.

**Individual Coverage includes lay employees engaged in *Interstate Commerce*; for example, lay employees who “produce goods (such as a worker assembling components in a factory or a secretary typing letters in an office) that will be sent out of state, regularly make telephone calls to persons located in other States, handle records of interstate transactions, travel to other States on their jobs, and do janitorial work in buildings where goods are produced for shipment outside the State.”

***Even if a lay employee is not covered under FLSA minimum wage and overtime rules, the employee still must be paid at least NYS minimum wage and is eligible for overtime if not exempt under NYS law. It is also recommended employees be paid in line with similar positions/organizations in the regional job market. This will help to ensure recruitment and retention of quality talent who can contribute positively to the success of the ministry work at your local congregation.

Contact the UNY Conference Benefits Office at (855) 424-7878 ext. 302 with questions. This information does not constitute legal advice. It is recommended that all Local Churches retain an attorney with expertise in employment law to facilitate proper interpretation and compliance with State and Federal law.