
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 256 Session of
1995

INTRODUCED BY MAITLAND, NICKOL, FLEAGLE, FARGO, E. Z. TAYLOR,
GEIST, SAYLOR, WAUGH, PLATTS, HERSHEY, VANCE, FARMER, RUBLEY,
BAKER, HENNESSEY, PETTIT, LAUGHLIN, CORRIGAN, SERAFINI, LYNCH
AND TRELLO, NOVEMBER 21, 1995

REFERRED TO COMMITTEE ON INTERGOVERNMENTAL AFFAIRS,
NOVEMBER 21, 1995

A CONCURRENT RESOLUTION

1 Memorializing Congress to enact legislation to further protect
2 the eligibility of volunteers in nursing homes and other
3 assisted-living institutions.

4 WHEREAS, The Brethren Home, which has section 501(c)(3)
5 status under the Internal Revenue Code, is a nonprofit, church-
6 sponsored charitable organization and its mission is to provide
7 care and service to the elderly and infirm; and

8 WHEREAS, In the summer of 1994, the Brethren Home initiated a
9 student volunteer program to provide an opportunity for the
10 youth of the community to donate their time and effort to
11 enhancing the quality of life for the elderly and infirm served
12 by the home; and

13 WHEREAS, The goals of the volunteer program were to provide
14 intergenerational interaction between the elderly residents of
15 the home and youth volunteers, to allow the staff to spend more
16 quality time with the residents, to install a sense of
17 commitment and responsibility within the youth volunteers, to

1 provide the youth volunteers with the sense of self-satisfaction
2 which comes from assisting those who are unable to care for
3 themselves and to allow the youth volunteers to contribute to a
4 church-sponsored social ministry; and

5 WHEREAS, It was believed that the youths, ages 10 through 16,
6 and the elderly would benefit mutually from the student
7 volunteer program; and

8 WHEREAS, The home's volunteer program was designed to allow
9 the youth to volunteer on whatever days and times they desired
10 and to select from a number of volunteer opportunities ranging
11 from one-to-one interaction with the residents, assisting with
12 meals, pouring drinking water into pitchers and glasses,
13 participating in resident group activities and folding laundry
14 and the home received many positive comments from the youth who
15 participated in the program and many wanted to participate again
16 in the summer of 1995; and

17 WHEREAS, Many residents were blessed by the volunteer efforts
18 of the participating youth; and

19 WHEREAS, As part of a wage and hour compliance review, the
20 United States Department of Labor conducted an investigation of
21 the student volunteer program; and

22 WHEREAS, The Department of Labor has indicated the youth who
23 performed the volunteer services have been deemed employees of
24 the home and are entitled to pay for their services and the
25 government has taken the position that the services performed by
26 the volunteers primarily benefited the home and only indirectly
27 benefited the residents, and, therefore, constituted employment;
28 and

29 WHEREAS, The home received a "Summary of Unpaid Wages" from
30 the United States Department of Labor totalling \$14,314.03 on

1 September 24, 1995, along with a notice of 23 violations of the
2 Fair Labor Standards Act; and

3 WHEREAS, The United States Government's decision has the
4 potential to impact on volunteers in many other charitable,
5 civic and church-sponsored organizations; and

6 WHEREAS, Rather than creating opportunities for volunteerism,
7 it appears that our government is creating barriers to
8 volunteerism in church-sponsored social ministry; therefore be
9 it

10 RESOLVED (the Senate concurring), That the General Assembly
11 of the Commonwealth of Pennsylvania memorialize Congress to
12 enact legislation requiring the United States Department of
13 Labor to reverse its decision that the youth volunteers at The
14 Brethren Home constituted employees; and be it further

15 RESOLVED, That the General Assembly of the Commonwealth of
16 Pennsylvania is committed to having the Government interpret the
17 efforts of the youth as volunteerism rather than employment,
18 there being no meaningful difference between a volunteer who
19 helps prepare a first aid kit and a volunteer who helps
20 administer first aid; and be it further

21 RESOLVED, That Congress direct the Secretary of the United
22 States Department of Labor to promulgate regulations to
23 accomplish these ends; and be it further

24 RESOLVED, That copies of this resolution be transmitted to
25 the presiding officers of each house of Congress and to each
26 member of Congress from Pennsylvania and to the Governor of
27 Pennsylvania.