

Retreat Policy for Diocesan and Congregational Employees

V1.6 Approved by Executive Council on 9/7/2024

1. Purpose/Objective

Employees of the Episcopal Diocese of San Diego or its **member** congregations may be required to serve overnight retreat events as chaperones. In general, in California, non-exempt workers are subject to **standard wage and hour laws while serving on a retreat or other non-typical outing**, and therefore must be paid for every hour worked, including overnight time when the employee may be on-call or on standby in **the event of** an unforeseen circumstance or emergency.

This policy contemplates the three most common scenarios in which retreat chaperones are paid, either by the diocese or a congregation:

1. Diocesan-sponsored events – events planned by the diocese where ***chaperones are provided by the diocesan Director for Formation*** (or other diocesan staff);
2. Diocesan-coordinated events – events coordinated by the diocesan Director of Formation (or other diocesan staff) but where ***chaperones are provided by participating congregations***; and
3. Congregational events – events sponsored by the local congregation where chaperones are required.

Chaperones may be paid either as ***single-engagement contractors (1099 wages)***, or as ***employees (regular wages)*** depending upon the nature of the event. There are circumstances where chaperones can be ***volunteers***, as detailed below in Section 2.3.

2. Retreat Worker pay options

2.1 Single-Engagement Contractors

To ensure an adequate number of qualified chaperones, larger events, especially diocesan-wide/diocesan-sponsored events, may require hiring chaperones. These chaperones will be compensated as single-engagement contractors and paid 1099 wages for the specific event in questions. The cost of these hired chaperones will be built into the cost of the event. For diocesan-wide events, the pool of potential single-engagement event contractors will include employees from across the diocese serving in roles that do not require their participation in the specific event in question.

To qualify to be paid as a single-engagement event contractor, the event must meet all requirements of California law, *including that the event must be a stand-alone, non-recurring event in a single location, or a series of events in the same location for no more than once a week*. Contractors may not be direct employees of the diocese. If the congregation/employer **requires** their employee to participate in the event, such employee will not be eligible for pay under the single-engagement event provision and must be paid as an employee of the congregation as described in section 2.2. Single-event contractors are hired at the discretion of the diocese.

This policy does not preclude the diocese from hiring single-engagement contractors who otherwise are employed by a congregation, provided the work is not required by the employer congregation of the employee. This policy also does not prevent the diocese from billing participating congregations for costs of diocesan events, including but not limited to costs of contract or employee chaperones. Congregations may hire single-engagement contractors for events provided the chaperones are not employees of the congregation and otherwise meet the criteria of this section.

2.2 Employee Chaperones

Nonexempt or exempt employees may work overnight retreats at the request of their employer.

Employees of congregations who are **required** by their employer to participate in an event (diocesan, congregational, or otherwise) are not eligible for hire as a single-engagement contractor. Rather, they must be paid as an employee by the congregation according to this section.

Exempt employees are not paid additional wages for chaperoning (but are eligible for expense reimbursement).

Non-Exempt employees on retreat duty will be paid according to federal, state, and local wage and hour laws, including the following:

1. Time spent on standby or active work will be paid at the employee's regular hourly rate subject to Federal, State, and Local Wage and Hour laws (i.e., all time between 8 and 12 hours per day shall be paid at 1.5X the regular hourly rate and all hours over 12 per day shall be paid at double time; working through rest and meal breaks may require additional compensation, etc.) Nothing in this policy is intended to contradict applicable wage and hour laws.
2. Paid time must include, but is not limited to, meal periods and sleep periods if the employees are subject to the employer's control, or *available* to event participants (even if not called upon).
3. Travel time is also paid when the employee is traveling to a site to serve as chaperone.
4. Travel expenses shall be reimbursed according to the employer travel policy.

5. Employees may be provided an unpaid break (or if eligible under law, a paid rest break) only for time the employee is *completely* relieved of chaperone duty: non-exempt employees must be paid for any break that can be interrupted by their duties, even if the duty or need is unforeseen (e.g. a camper gets injured and needs assistance).

2.3 Volunteer Chaperones

Diocesan or congregational employees may volunteer for unpaid retreat work **only if** their daily responsibilities are completely dissimilar to the work performed on retreat (e.g. youth ministers may not volunteer unpaid for a youth retreat). Non-exempt employees also may not volunteer unpaid for a retreat in lieu of working their normal schedule (comp time).

Volunteer chaperones are accepted at the discretion of the Director of Formation (for diocesan events), or at the discretion of the priest-in-charge (for stand-alone congregational events).

3.0 Expectations of Chaperones

No event shall be planned for persons 18 years or under without adequate chaperone supervision as determined by Safe Church, Safe Communities guidelines.

All chaperones are required to comply with applicable diocesan policies, including the Diocesan Drug and Alcohol policy, and the Safe Church, Safe Communities policies. This includes contractor, employee, and volunteer chaperones.

Chaperones serving on retreat duty are expected to remain with the group they are chaperoning unless specific arrangements have been otherwise approved by the retreat planner (usually the Director of Formation for diocesan events).