REGULATION of UNPAID INTERNSHIPS: THE UNCERTAIN FUTURE

Tuesday, October 12, 2010
9:00 a.m. – 5:00 p.m.
Jack Morton Auditorium,
The George Washington University,
805 21st Street, NW

A series of panel discussions examining the nuances of the Fair Labor Standards Act in the 21st Century.
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8:30am  Registration, coffee & pastries etc.

9:00  **Introduction & Welcome**  
Alan Morrison, Lerner Family Associate Dean for Public Interest & Public Service, George Washington University Law School

9:15  **Overview of Law & Policy**  
Professor Lance Liebman, Columbia University Law School

9:45  **The Landscape of Internships**  
Moderator: Amy Cohen, Director, Center for Civic Engagement & Public Service, George Washington University
Jessica Tillipman, Assistant Dean for Outside Placement, George Washington University Law School
Anne Scammon, Director Career Learning & Experience, Career Center, George Washington University
Allison Moriarty, Director of Research Compliance, Brigham Women’s Hospital

10:45  **Coffee Break**

11:00  **The Employer Perspective**  
Moderator: Marva Gumbs Jennings, Executive Director, GW Career Center
Gail Johnson, Civil Division, US Department of Justice
Bailey Kasten, Operations Manager, National Society of Collegiate Scholars
Marilyn Marcosson, Senior Vice President, Merrill Lynch
Ross Herosian, Internships & HR Special Projects Manager, Sirius XM Radio
12:00pm  The Student Perspective
Moderator: Peter Konwerski, Dean of Students, George Washington University

A panel of six students, both undergraduates and graduate students, with a variety of experiences, including paid and unpaid, and credit and no credit.

1:00  Lunch - Continental Ballroom, 3rd Floor, Marvin Center, across 21st Street

2:00  The Legal Issues
Moderator: Alan Morrison
David Gregory, Professor St John’s University Law School
Michael Oswalt, Office of General Counsel, Service Employees International Union
Michael Kravitz, Wage & Hour Division, US Department of Labor
Ariel Cudkowicz, Partner, Seyfarth Shaw

3:15  The Policy Issues
Moderator: Lance Liebman
Kathryn Edwards, Economic Policy Institute
Kelly Ross, Deputy Director of Policy, AFL-CIO
Emily Spieler, Dean, Northeastern University Law School
Samuel Estreicher, Professor, New York University Law School

4:30  Conclusion & Next Steps - Alan Morrison
The Unpaid Intern, Legal or Not

By STEVEN GREENHOUSE

With job openings scarce for young people, the number of unpaid internships has climbed in recent years, leading federal and state regulators to worry that more employers are illegally using such internships for free labor.

Convinced that many unpaid internships violate minimum wage laws, officials in Oregon, California and other states have begun investigations and fined employers. Last year, M. Patricia Smith, then New York’s labor commissioner, ordered investigations into several firms’ internships. Now, as the federal Labor Department’s top law enforcement official, she and the wage and hour division are stepping up enforcement nationwide.

Many regulators say that violations are widespread, but that it is unusually hard to mount a major enforcement effort because interns are often afraid to file complaints. Many fear they will become known as troublemakers in their chosen field, endangering their chances with a potential future employer.

The Labor Department says it is cracking down on firms that fail to pay interns properly and expanding efforts to educate companies, colleges and students on the law regarding internships.

“If you’re a for-profit employer or you want to pursue an internship with a for-profit employer, there aren’t going to be many circumstances where you can have an internship and not be paid and still be in compliance with the law,” said Nancy J. Leppink, the acting director of the department’s wage and hour division.

Ms. Leppink said many employers failed to pay even though their internships did not comply with the six federal legal criteria that must be satisfied for internships to be unpaid. Among those criteria are that the internship should be similar to the training given in a vocational school or academic institution, that the intern does not displace regular paid workers and that the employer “derives no immediate advantage” from the intern’s activities — in other words, it’s largely a benevolent contribution to the intern.

No one keeps official count of how many paid and unpaid internships there are, but Lance Choy, director of the Career Development Center at Stanford University, sees definitive evidence that the number of unpaid internships is mushrooming — fueled by employers’ desire to hold down costs.
and students’ eagerness to gain experience for their résumés. Employers posted 643 unpaid internships on Stanford’s job board this academic year, more than triple the 174 posted two years ago.

In 2008, the National Association of Colleges and Employers found that 50 percent of graduating students had held internships, up from the 17 percent shown in a 1992 study by Northwestern University. This means hundreds of thousands of students hold internships each year; some experts estimate that one-fourth to one-half are unpaid.

In California, officials have issued guidance letters advising employers whether they are breaking the law, while Oregon regulators have unearthed numerous abuses.

“We’ve had cases where unpaid interns really were displacing workers and where they weren’t being supervised in an educational capacity,” said Bob Estabrook, spokesman for Oregon’s labor department. His department recently handled complaints involving two individuals at a solar panel company who received $3,350 in back pay after claiming that they were wrongly treated as unpaid interns.

Many students said they had held internships that involved noneducational menial work. To be sure, many internships involve some unskilled work, but when the jobs are mostly drudgery, regulators say, it is clearly illegal not to pay interns.

One Ivy League student said she spent an unpaid three-month internship at a magazine packaging and shipping 20 or 40 apparel samples a day back to fashion houses that had provided them for photo shoots.

At Little Airplane, a Manhattan children’s film company, an N.Y.U. student who hoped to work in animation during her unpaid internship said she was instead assigned to the facilities department and ordered to wipe the door handles each day to minimize the spread of swine flu.

Tone Thyne, a senior producer at Little Airplane, said its internships were usually highly educational and often led to good jobs.

Concerned about the effect on their future job prospects, some unpaid interns declined to give their names or to name their employers when they described their experiences in interviews.

While many colleges are accepting more moderate- and low-income students to increase economic mobility, many students and administrators complain that the growth in unpaid internships undercuts that effort by favoring well-to-do and well-connected students, speeding their climb up the career ladder.

Many less affluent students say they cannot afford to spend their summers at unpaid internships, and in any case, they often do not have an uncle or family golf buddy who can connect them to a
prestigious internship.

Brittany Berckes, an Amherst senior who interned at a cable news station that she declined to identify, said her parents were not delighted that she worked a summer unpaid.

“Some of my friends can’t take these internships and spend a summer without making any money because they have to help pay for their own tuition or help their families with finances,” she said. “That makes them less competitive candidates for jobs after graduation.”

Of course, many internships — paid or unpaid — serve as valuable steppingstones that help young people land future jobs. “Internships have become the gateway into the white-collar work force,” said Ross Perlin, a Stanford graduate and onetime unpaid intern who is writing a book on the subject. “Employers increasingly want experience for entry-level jobs, and many students see the only way to get that is through unpaid internships.”

Trudy Steinfeld, director of N.Y.U.’s Office of Career Services, said she increasingly had to ride herd on employers to make sure their unpaid internships were educational. She recently confronted a midsize law firm that promised one student an educational $10-an-hour internship. The student complained that the firm was not paying him and was requiring him to make coffee and sweep out bathrooms.

Ms. Steinfeld said some industries, most notably film, were known for unpaid internships, but she said other industries were embracing the practice, seeing its advantages.

“A few famous banks have called and said, ‘We’d like to do this,’” Ms. Steinfeld said. “I said, ‘No way. You will not list on this campus.’ ”

Dana John, an N.Y.U. senior, spent an unpaid summer at a company that books musical talent, spending much of her days photocopying, filing and responding to routine e-mail messages for her boss.

“It would have been nice to be paid, but at this point, it’s so expected of me to do this for free,” she said. “If you want to be in the music industry that’s the way it works. If you want to get your foot in the door somehow, this is the easiest way to do it. You suck it up.”

The rules for unpaid interns are less strict for non-profit groups like charities because people are allowed to do volunteer work for non-profits.

California and some other states require that interns receive college credit as a condition of being unpaid. But federal regulators say that receiving college credit does not necessarily free companies from paying interns, especially when the internship involves little training and mainly benefits the employer.
Many employers say the Labor Department’s six criteria need updating because they are based on a Supreme Court decision from 1947, when many apprenticeships were for blue-collar production work.

Camille A. Olson, a lawyer based in Chicago who represents many employers, said: “One criterion that is hard to meet and needs updating is that the intern not perform any work to the immediate advantage of the employer. In my experience, many employers agreed to hire interns because there is very strong mutual advantage to both the worker and the employer. There should be a mutual benefit test.”

Kathyrn Edwards, a researcher at the Economic Policy Institute and co-author of a new study on internships, told of a female intern who brought a sexual harassment complaint that was dismissed because the intern was not an employee.

“A serious problem surrounding unpaid interns is they are often not considered employees and therefore are not protected by employment discrimination laws,” she said.

This article has been revised to reflect the following correction:

**Correction: April 10, 2010**

An article last Saturday about the increasing numbers of college students taking unpaid internships, using erroneous information from a report by the Economic Policy Institute, misstated the results of a 2008 survey by the National Association of Colleges and Employers and also the results of a Northwestern University study in 1992. The NACE survey found that 50 percent of graduating students had participated in internships, not 83 percent. The university study found that of graduating students in 1992, 17 percent — not 9 percent — had held internships.
Each year, thousands of college students descend on Washington for unpaid internships. It can be a nerve-racking process: sending out résumés, trying to make contacts, interviewing again and again.

Increasingly, many of them are finding an alternative: paying thousands of dollars to a placement company for a guaranteed spot.

It's a business just starting to appear in other cities. In Washington, it's been thriving for years.

Estimates of the annual number of interns locally range from 20,000 to 40,000. The placement programs provide about 2,500 of these interns, with the number growing each year.

For their money -- often funded with taxpayer-subsidized loans -- students get an internship, housing, night classes, tours of Washington and college credit. But most say they sign up for the work experience.

"I wanted experience. I was worried about graduating and not getting a job," said Brian Schiller, 21, a soon-to-be college senior from Sherborn, Mass., who interned at an executive search firm this summer through the Washington Center for Internships and Academic Seminars. "I needed an internship, and they found me one."

The Washington Center is the city's largest program, and for the past three years it has placed about 1,500 interns annually, up from about 1,300 in 2007. It charges nearly $9,000 for a summer, including housing.

Others include:

-- The Washington Internship Institute. It will place about 200 interns this year, up from 120 in 2007, and charges about $7,000 for a summer.

-- The Fund for American Studies. It has grown from about 370 students in 2005 to 525 this year and charges as much as $7,800 during the summer.

-- The National Internship Program, formerly the Washington Internship Program. It charges an enrollment fee of $3,400 without housing and has seen its numbers increase from 166 students last year to an expected 250 to 300 this year. The for-profit company has doubled its staff in that time and is beginning to expand into other major cities.

"There has never been a harder time to get hired," said chief executive Lev Bayer, whose mother started the company nearly 30 years ago. "There is such a need for internships. We have more students than we can ever deal with."
**Career investments**

Those involved routinely point out that the programs cost less than some colleges charge for tuition. And as long as students receive academic credit, they are usually able to pay using their student loans, federal Pell grants or other forms of financial aid. Most companies offer scholarships, some funded by state governments, some by the companies.

Emily Goyert, 21, and her parents debated her decision to get an internship through the Fund for American Studies. She was unable to transfer any credits to the University of Michigan, where she will be a senior.

"We definitely just viewed it as an investment in my future," said Goyert, who interned at the Living Classrooms Foundation and created a weekend program for a D.C. neighborhood. "There are only so many internships, and everyone wants one."

The tuition payments add up to millions of dollars of revenue for the internship programs, many of which operate as nonprofit groups, pay their top employees six-figure salaries and set up shop in prime D.C. real estate.

The nonprofit Washington Center has its headquarters in a former embassy blocks from the White House. The center had about $18 million in revenue last fiscal year and has a staff of 75, with at least eight employees making six-figure salaries. The president, Michael B. Smith, was paid more than $300,000 last year.

Adele R. Cehrs, a spokeswoman for the center, said in a statement that "like any well-managed nonprofit, the Board of Directors determines the salary for the President of the organization and ensures it is comparable to other similarly sized organizations in the industry."

The Fund for American Studies is a nonprofit group based in a renovated mansion in Dupont Circle and had about $8.4 million in revenue last fiscal year. At least four employees have six-figure salaries, including director Roger R. Ream, who is paid more than $250,000 a year. Ream said his salary is comparable to those at similar nonprofit organizations, and he took a pay cut last year because of the economy.

The topic of tuition and salaries "doesn't come up with our students. Maybe because we have been doing it for 40 years," Ream said. "We have a lot of eager students who come to our program."

**Eager employees**

Employers are usually sent a list of potential candidates to select from. A few pay students a small stipend at the end of the summer or assist with travel costs, but a large majority of these internships are unpaid.

"They are all young people who are smart, motivated, willing to work and willing to do grunt work," said Bernadette Musselwhite, a Montgomery County government business development specialist who has received interns from the Washington Center for two years. "We started with one, then two, then three this summer. We might have four or five interns this fall."

Musselwhite said she did not know how much the program cost students. "We didn't go into the specifics," she said. "We'd like to be in a position where we could pay for interns, but given the current economic crisis, there is no way in the world."

All of the programs say that they have inside connections that can provide students an internship they might not otherwise be able to get. The three nonprofit programs tout their ability to place students at federal agencies. A photo on the Washington Internship Institute Web site, for instance, shows five students standing in front of a State Department sign.
Daniel A. Stewart, the State Department's branch chief for student programs, said the agency has no connection with any of these programs and accepts students only through its own application process.

"The only way they are getting in is if they apply directly through us," he said. "The opportunities in the federal government -- beyond just the Department of State -- are open to everyone."

On top of placing a student in an internship, the placement programs promise to be an advocate for that student -- stepping in if problems arise, helping find another internship if a company cuts its program at the last minute and ensuring that students aren't stuck doing just clerical work. They also promise to vet employers, although the process is not foolproof.

In 2008, the Washington Center was sued by a New Jersey college student who alleged she was sexually harassed while at her internship in a doctor's office during the summer of 2007.

According to the lawsuit, center employees did not visit the office, interview the doctor or investigate his credentials before placing the student. The doctor's license had been suspended for a year in 2003 because he inappropriately touched female patients.

In mid-July, a center employee visited the office, learned what was happening and removed the intern from the office. The lawyer who represented the doctor at the time declined to comment. Messages left for the doctor were not returned.

The case was settled out of court for an undisclosed amount. The Washington Center said in a statement it could not comment on the settlement.

In a statement, Smith said: "As a parent and the president of [the Washington Center], my goal is to work with my staff to carefully evaluate all our host organizations, with [the] same care and consideration I would take if my son and daughter were participating."

**A safe place to stay**

Many of the students in these programs are doing their first internship and also living in a major city for the first time.

"Safety of students is a priority of these programs. As a parent, that's something that's very attractive," said David Fitzgerald, a career center adviser at the University of Iowa, which sends 40 to 50 students to the Washington Center each year. "You don't really want your student finding a roommate on Craig's List."

Each of the programs offers housing, often renting college dorms or floors in apartment buildings. The Fund for American Studies, for instance, has a partnership with Georgetown University, and students are required to live in the dorms, which cost about $1,800 for the summer.

The Washington Center does not require its students to live in its housing, but most do. In recent years, the center has housed interns in six apartment complexes in the Washington suburbs. Half of those buildings are owned by the Paradigm Cos., headed by Stanley W. Sloter, a member of the center's board of directors.

The center paid $1.7 million in rent in fiscal year 2007 to "an entity operated by a member of the board of directors," according to tax filings. In 2008, the center paid $1.5 million in such rent. Sloter referred a call from a reporter to the center.

This summer, the center opened its own dormitory near the New York Avenue Metro station in Northeast Washington. The $38 million dorm can house about 350 students and features a 500-seat auditorium, six classrooms, a student lounge, a fitness center and flat-screen televisions in each room. The project was
financed chiefly with tax-exempt bonds.

The facility was built by Paradigm Construction, which was founded by Sloter. Paradigm was awarded the contract through "a transparent process of sealed bids" because it promised to complete the project for $1.1 million less than the second-lowest bidder, Cehrs said.

"Clearly, this board member did not benefit unfairly from this process. The Washington Center and ultimately its students are the true beneficiaries," Cehrs said in a statement.

Four students live in each two-bedroom apartment, cook for themselves and pay $3,540 each for 10 weeks. That housing fee includes furnishings, cleaning costs, utilities, and Internet, cable and phone service, plus the support of full-time resident assistants, Cehrs said in a statement.

"All rental properties have been rented by [the Washington Center] at market or below market rates," she said. The center's "residential housing fee is comparable in price to local Washington area high end residential facilities such as those provided by Georgetown and George Washington Universities."

Dean A. Zerbe, a former senior counsel for Sen. Charles E. Grassley (R-Iowa), who led an investigation into nonprofit groups, said contracts with board members raise "one of the biggest flags."

"How independent as a board member am I if I am getting a sweetheart deal?" Zerbe said. "Are these children's funds, in a sense, being used appropriately?"

Some colleges, including Boston University, Stanford and the University of Texas, run their own programs in Washington. Independent programs such as the Washington Center and the others allow colleges to offer their students a D.C. experience without the liability and cost of setting up their own programs, award credits without tying up campus resources and, in a few cases, continue collecting some of a student's tuition money.

Over the past 40 years, the programs have collectively placed more than 60,000 interns. Some of them participate in alumni networks that function like college alumni associations, fundraise for the programs, join Facebook groups, volunteer to mentor or take on interns of their own.

"I can't wait to get back to school and talk to everyone about it," said Farah Ardeshir, 21, a junior at Eastern Kentucky University who interned at a D.C. human rights research institute through the Washington Center. "Living in the real world, even just for two months, is critical."

Researcher Meg Smith contributed to this report.
SUMMARY OF GW UNIVERSITY INTERNSHIP PROGRAMS

Most U.S. colleges and universities develop their internship, service, or educational employment programs based on institutional mission, policies, faculty and curriculum. Other considerations include financial resources and human capital, risk assessment, the interest of students/alumni/employers as well as geographical location.

At George Washington University multiple co- and extra-curricular programs are available to students, including Non-Credit/Non-Paid Internships, Academic Internships, Cooperative Education, Federal Work Study, Community Service/Volunteer Experiences, and Service Learning. GW internships are an integral part of the college experience. Internships may be paid or unpaid, for credit or not for credit, and mandatory or optional.

All internships will be impacted by shifts in policy and practices related to the Fair Labor Standards Act.

**Internship Statistics**

More than 6712 internships were listed by employers on GWork, the GW University online intern and job listing service, between July 1, 2009 and June 30, 2010. GWork is available to all GW students. Of the internships listed by employers, 2028 designated “paid” (32%), 3041 were designated “unpaid” (49%), and 1103 did not designate paid or unpaid (18%). Internships are also found through friends, student organizations, and other listservs, including academic departments.

According to GW’s Post-Baccalaureate Survey of Class of 2009, more than 78% of GW’s 2009 undergraduates participated in an internship or volunteer experience, 69% participated in part-time or full-time jobs, and 22% participated in Cooperative Education while matriculating at GW.

**Types of Internships and Related Experiences**

1. Non-Credit/Unpaid Internships
2. Academic Internships
3. Cooperative Education
4. Federal Work Study
5. Community/Service/Volunteer Experience
6. Service Learning

**1. Non-Credit/Unpaid Experiences**

**Independent Non-Credit/Unpaid Experiences**

Many students choose to participate in non-credit, non-paying internships to enhance their academic experience, build marketable skills, and develop a professional network. Non-credit/Unpaid Internships offer the student an opportunity to explore career options and pursue interests without the responsibilities associated with academic credit or employment. These experiences are not related to an academic course, may be in corporations, non-profits or in public service, and are not managed, tracked, or monitored by the University. Little data about these experiences is available. Examples of unpaid internship employers are in Addendum A.
School-based Non-Credit/Unpaid Experiences
The respective Offices’ of the Deans of GW Schools of Business, Arts and Sciences, and International Affairs have designated an optional undergraduate internship “class” for a zero credit. Requirements vary by school. All types of employers are eligible. Some internships are during the academic year and some only during the summer. Zero credit internships originated in many cases as a result of employer requests that students provide documentation of a formal affiliation to a university or institution; students use them for resume enhancing. Some examples of these kinds of internships are in Addendum B.

2. Academic (For Credit) Internships
Credit for academic internships is de-centralized in the offices’ of the deans and in the schools’ departments/program where requirements vary. Several academic programs require an internship as a part of the major curriculum and grant credit, others provide academic credit as an option, and still others never grant credit for internships.

Although some internships are paid, most are not. Students are responsible for finding their own internship and rely on department listservs, referrals from professors and fellow students as well as the University’s online intern database, GWork for listings.

To receive credit, students are required to identify an internship supervisor at their internship site who agrees to complete an end-of-semester final student evaluation. A faculty advisor or sponsor links the academic activities to the internship and identifies academic assignments that may include research papers, readings, and other activities. A minimum number of weekly hours are required, and academic credit is granted based on the successful completion of all academic assignments. A grade is determined by the faculty advisor and often graded on a Pass/No Pass basis. Requirements vary by schools. Further details can be found in Addendum C.

3. Cooperative Education (Co-op)
Co-op is a not-for-credit structured experiential learning activity that provides students with an opportunity to gain relevant experience related to their academic field of study. Co-op positions are always paid by the outside employer and related to the student’s major. Students must "co-op" for a minimum of 10 weeks and 150 hours per semester.

Cooperative Education positions exist in any field though the majority is found in engineering and in the federal government. Co-op students and their supervisor complete evaluations of the experience each semester and site visits are conducted to solicit feedback from the employer and the student. Upon successful completion of a co-op, a notation is made on the official University academic transcript, though students receive no credit.

The Federal government Student Educational Employment Program includes the Student Career and Experience Program (SCEP) and is coordinated through the GW Career Center’s Cooperative Education Program. SCEP provides professional work experience in federal agencies which is directly related to the student's academic program and career goals. In academic year 2009-2010, GW’s Cooperative Education placed 155 students at 93 employer sites, including 17 students who were placed in federal agencies via the SCEP program. A selected list of corporate, government, and non-profit Co-op employers is in Addendum D.
International Students

International students (F1) are eligible for "Curricular Practical Training" (CPT) which allows students to be employed off campus and paid by corporations, non-profits, or the government (unlikely due to citizenship requirements) in positions that are related to their academic major. The F1 student must work a total of 150 hours per semester. Students must not exceed 20 hours of work per week during the Fall and Spring Semesters, but may work over 20 hours per week during the summer if it is an official break. In 2009-2010, there were 112 international student placements managed by the Center.

The Career Center works with the GW International Services Office, the employer, and faculty members to complete materials for each student to obtain approval to pursue the CPT option, including a student evaluation of learning, a student evaluation of the site, and the employer evaluation of the student. In addition a Center staff member visits students at their respective employer sites to meet with the employer and student to discuss the students' and employers' experiences and satisfaction level.

4.) Federal Work Study (FWS)
The Federal Work Study program provides students who have received a FWS award through his or her federal financial aid package to earn money for education-related expenses during the school year by working at a pre-approved part-time job. Both graduate and undergraduate students may participate, though most FWS students are undergraduates. The student’s wages are funded by the federal government (75%) and the employer (25%) up to the amount of the student’s FWS award.

At GW, a FWS job is viewed as the first step on the student’s career path. Students are able to explore career interests and acquire transferable skills that enhance resumes, including interview skills, time management skills, customer service skills, professional communication (speaking and writing) skills, real-time problem solving skills and teamwork skills.

Each year off-campus organizations may apply to be part of GW’s FWS program. Employers must be either (a) a federal, state or local government agency OR (b) be incorporated as a nonprofit under federal or state law. Once an organization meets either condition (a) or (b) above, it must demonstrate that the work it intends to have the students perform is in the public interest, which means work performed for the welfare of the nation or community, rather than work performed for a particular interest or group.

In 2009-2010, more than 1600 FWS jobs were posted on the University’s GWork listing service. Over 900 students worked on campus and 700 students worked off campus, in FWS jobs, including 400 Community Service Tutors. The off-campus FWS employers who have been approved for the upcoming 2010-2011 academic year follow in Addendum E.

5.) Community Service/Volunteer Experience

Community service is an activity that is performed in an individual or a group of people for the benefit of the public or public agencies and institutions. Volunteers may provide community service; however, not everyone who provides community service is a volunteer, because community service may be done by those compelled to do so by a court or other sanctioning body. And, not all community service is unpaid. Many programs exist to allow people from all socioeconomic backgrounds to contribute to public life by performing community service.
At GW, we have a deep commitment to community service. Last year alone, students, faculty and staff recorded 163,980 unpaid and not for credit hours of service. Most GW schools and departments organize service opportunities. In addition, GW’s Greek chapters and student organizations organize service projects throughout the year. The central organizer for community service at GW is the Office of Community Service, now a part of the Center for Civic Engagement and Public Service. The office engages thousands of GW students in episodic and ongoing community service projects. Large scale service opportunities are offered throughout the year and are an opportunity to make a difference in the community and learn more about the possibilities for a regular service experience. A list of organizations for ongoing service via the GW Neighbors Project is in Addendum F.

6.) Service Learning

Service Learning is a structured learning experience that combines community service with explicit learning objectives, preparation, and reflection. Students involved in service-learning are expected to provide community service and to learn about the context in which the service is provided, the connection between the service and their academic coursework, and their roles as citizens. Service-learning is a form of experiential education that:

- is developed, implemented, and evaluated in collaboration with the community;
- responds to community-identified concerns;
- attempts to balance the service that is provided and the learning that takes place;
- enhances the curriculum by extending learning beyond the classroom and allowing students to apply what they've learned to real-world situations; and
- provides opportunities for critical reflection.

In higher education, most service-learning experiences take place in the context of a credit-bearing course. Faculty determines the scope and context of the service experience in conjunction with community partners and in accordance with the learning objectives for their courses. Service-learning courses can be found in any discipline and frequently involve students in community-based research. Research has shown that approximately 20 hours of service over the course of a semester is optimal for student learning.

At GW, many schools have service-learning courses and projects, approximately 45 courses currently use service-learning. For example, Columbian College of Arts and Sciences (CCAS) offers multiple service-learning courses, and the Human Services major has service fully integrated. The GW Medical Center sponsors Interdisciplinary Student Community-Oriented Prevention Enhancement Service (ISCOPES), a multidisciplinary service-learning program for graduate-level students in the health professions. Teams of students from GW School of Medicine and Health Sciences and School of Public Health and Health Services, and George Mason University’s School of Nursing work together with local community-based organizations in mutually beneficial partnerships to promote health in the region.

The Center for Civic Engagement and Public Service at GW received a grant through Serve DC and
Learn and Serve America to expand service-learning courses; more than 30 new service-learning courses will be created with these funds. The Center for Civic Engagement and Public Service works with faculty members and community organizations to create effective and mutually-beneficial partnerships. The Center also works with students to develop and expand service-learning.

Like many of the experiential education programs described herein, there are multiple ways that service-learning can be offered. Students generally engage in service-learning as part of a credit-bearing course and are not paid for their service. However, depending on the policies of the college, some students may receive FWS support, a fellowship, or an AmeriCorps education award for the direct service portion of their coursework.

In addition, service-learning programs can be conducted outside the bounds of an academic course. Living-Learning Programs and co-curricular service programs often provide students with a strong leadership or civic skills development curriculum which, when combined with service and reflection, provides a quality, but non-credit bearing and non-academic service-learning experience. A list of Service-learning classes appears in Appendix G.
ADDENDUM A – SELECTED UNPAID INTERNSHIP LISTINGS

AARP
The Advisory Board
The AIDS Institute
American Bar Association
American Association for the Advancement of Science
American Civil Liberties Union
American Correctional Association
American Enterprise Institute
American Red Cross
Animal Planet
Ashoka
Bloomberg
Best Buddies
Brookings Institution
Campaign for Youth Justice
Carnegie Endowment for National Peace
Center for Free Cuba
CBS News
Clean Water Alliance
Members of Congress
DC Central Kitchen
DC Chamber of Commerce
Deloitte Consulting
Earth Day Works
Executive Office of the President
Foreign Policy Initiative
Fox News
Fund for Global Human Rights
Morgan Stanley Smith Barney
NARAL: Pro-Choice
National Children’s Museum
National Trust for Historic Preservation
NBC Universal
OMB Watch
Oxfam America
PBS Nightly Business Report
Peace Corps
Project on Middle East Democracy
Rails to Trails Conservancy
Smithsonian Institution
Woodrow Wilson International Center for Scholars
World Affairs Council of America
World Learning
YMCA of the USA
ADDENDUM B -- SAMPLE REQUIREMENTS FOR UNPAID, NON-CREDIT INTERNSHIPS

Columbian College of Arts and Sciences (CCAS) Non-Credit/Unpaid Experiences
Students in CCAS may participate in an internship for zero credit in the summer only. The student must complete the application and will receive a letter confirming that the student is registered at GW for zero credit. At the end of the summer the CCAS internship coordinator submits a grade of Pass which will be noted on the transcript. The student is charge a $35 administrative fee for processing the registration. There are no additional requirements for the zero credit internship.

Elliott School of International Affairs Non-Credit/Unpaid Experiences
Undergraduate ESIA degree programs do not require internships but may be taken for zero credit by registering for IAFF 195, though students do not attend a class. Students are required to find an internship that is relevant to international affairs. No credit internships are available Fall, Spring and Summer. NGO’s, non-profits, government

Zero Credit:
- No faculty supervisor is required
- Completed 24 semester hours as an Elliott School Undergraduate
- Cumulative GPA of at least a 2.5
- No more than one Incomplete on transcript

ESIA graduate students are neither required nor eligible to use an internship for credit.

GW School of Business (GWSB) Non-Credit/Unpaid Experiences
School of Business undergraduates may participate in an optional internship for zero credit by registering for GWSB Internship 195 though students do not attend a class. The student must work at the site a minimum of six hours weekly which is confirmed by a supervisor. An administrative fee is charged. The course may be repeated each semester if desired.

School of Engineering and Applied Science (SEAS) Non-Credit/Unpaid Experiences
The BA in Systems Engineering has a zero credit internship requirement. Each student must participate in an appropriate internship/co-op experience during the last two years of the program. This requirement may be satisfied by an approved full-time summer position after the second or third year or by one or two approved part-time positions requiring 15–20 hours per week during two of the final four semesters. The paid, non-credit position may be obtained through the GW Career Center Co-op program.
ADDENDUM C – SAMPLE REQUIREMENTS FOR UNPAID, CREDIT INTERNSHIPS

Columbian College of Arts and Sciences Academic (For Credit) Internships
CCAS does not offer an official internship “program,” but does offer an optional “Dean’s Office” internship for credit. In addition CCAS departments offer academic credit for required and optional internships.

Credit:
- CCAS 154 credits may count only as ELECTIVE credit
- Students may earn 1-3 credit hours for CCAS 154 in any one semester.
- A maximum of 6 CCAS 154 credit hours may be applied towards the Bachelor’s degree
- Fall and Spring

Grading
- CCAS 154 is graded as “Pass/No Pass”
- Grade determined by Faculty Advisor
- May be paid

General Requirements
- Complete an Intern Application Form
- Find the internship
- Identify an Internship Supervisor at the site who will complete an Internship Supervisor’s Agreement Form as well as an end of semester final evaluation of the student’s performance.
- Students must identify a Faculty Advisor who will “sponsor” the internship. The Faculty Advisor will meet with the student regularly, grade the academic paper, complete a final evaluation form and submit a grade for the internship.
- Complete an Internship Objectives/Independent Study Form

Academic Requirements
- Research Paper: The student and Faculty Advisor must agree upon the subject of an academic research paper related to the internship which must be academic in nature and include footnotes and bibliography.
- Readings: Students must read a designated number of pages of literature relevant to the internship and research paper.
- Career Center Assignments: Attend the Center’s CCAS 154 Orientation and two additional Center workshops
- Internship Hours: The student must complete a minimum number of site hours weekly during the 14 week semester to complete the internships

<table>
<thead>
<tr>
<th>Number of Credits</th>
<th>Minimum # of Hours Per Week at Internship</th>
<th>Minimum Pages of Research Paper</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>6 hours per week</td>
<td>8 – 10 pages</td>
</tr>
<tr>
<td>2</td>
<td>10 hours per week</td>
<td>12 – 15 pages</td>
</tr>
<tr>
<td>3</td>
<td>15 hours per week</td>
<td>16 – 20 pages</td>
</tr>
</tbody>
</table>
ADDENDUM D -- SELECTED 2009-2010 CO-OP EMPLOYERS

Academy for Educational Development (AED)
Acumen Solutions
Advanced Medical Technology Association (AdvaMed)
American Association of Intellectual and Developmental Disabilities (AAIDD)
American Federation of Teachers
American Registry of Pathology
ASRC Management
ATDI
Benetta
Catalist
Center for Construction Research and Planning
Children's National Medical Center
China Construction America, Inc.
Ciena
Computer Consultants Corporation
Content Now/ Georgetown University Medical Center
Crown Agents USA, Inc
DCWASA
DDOT
Donohoe
Dumbarton House
Fannie Mae
Financial Industry Regulatory Authority
Future of Music Coalition
Genetics and IVF Institute
Georgetown University Department of Radiology
Georgetown University Medical Center
Global Insight
Hughes Associates, Inc.
Initiate Government Solutions
International Association of Firefighters
International Dark Sky Association
International Monetary Fund
Irwin Communications, Inc
ITT Technical Institute
Marine Corps Information Operations Center
Middle East Broadcasting Network
NASA, Goddard
National Museum of Crime and Punishment
National Wetlands Newsletter
Naval Research Laboratory
Office of Comptroller of Currency
ADDENDUM E – SELECTED OFF-CAMPUS FWS EMPLOYERS

Alliance for Community Trees
American Association on Intellectual and Developmental Disabilities (AAIDD)
Association for American Indian Affairs
Asthma and Allergy Foundation of America, The
Ayuda
Beacon House
Breastfeeding Center of Greater Washington
Bright Beginnings
Campaign Digital Ink
Campaign Finance Institute
Capital Partners for Education
Carbon Fund
Casey Trees
Center for Inspired Teaching
Conservation International
Consortium of Universities of the Greater Washington Metropolitan Area
Cultural Tourism DC
DC Coalition Against Domestic Violence
DC Children’s Trust Fund
DC Employment Justice Center
East-West Center (Center for Cultural and Technical Interchange Between East and West)
Environmental Law Institute
Escuela Bolivia
Genetic Alliance
Greater Washington Urban League
Hillel at The George Washington University
Human Rights Watch
Institute for Women’s Policy Research
Jews United for Justice
Kid Power
National Archives and Records Administration
National Association for Law Placement
National Association of Student Personnel Administrators
National Council for Science and the Environment – DC EnvironMentors
National Parks Conservation Association
National Science Foundation
National Society for Collegiate Scholars
Partnership for Public Service
Peace Corps
Project Create
RAINN (Rape, Abuse and Incest National Network)
Reach 4 Success
Robert Graham Center
The GW Neighbors Project, founded in 1993, is GW’s primary volunteer placement program. The program works with over 40 community partner agencies, which are organized into seven issue areas. The program’s mission is to promote awareness and understanding of social and economic inequalities through the education and placement of GW volunteers in agencies throughout the District that drive social change. Volunteers are placed in the following Issue Areas:

**Environment Sustainability:** Volunteers work with organizations that deal with environmental and advocacy issues pertaining to parks, recreation, equal access to fresh fruits and vegetables, and creation of a stronger DC community.

*Site Partnerships:* Washington Parks and People, Casey Trees, GW Grow Garden, DC Scores

**Service with Senior Citizens:** Volunteers work with agencies that address the needs of senior citizens, the disabled, and the sick. Opportunities include assisting the elderly with household tasks, delivering groceries to low-income senior citizens in the Shaw & Columbia Heights neighborhood, and visiting with the elderly.

*Site Partnerships:* IONA Senior Services, St. Mary’s Court, We Are Family

**Hunger, Homelessness, & Poverty:** Volunteers work with agencies that prepare food for and provide services to those who are homeless, have low income, or have life-threatening illnesses. Volunteers stock pantry shelves, prepare food, and other activities.

DC Central Kitchen, Foggy Bottom Food Pantry, Miriam’s Kitchen, Capital Area Food Bank, ThriveDC, Transitional Housing Corporation

**Intervention Services:** Volunteers work with organizations that offer crisis intervention for survivors of sexual assault and rape, and advocacy services for juvenile youth and abused children.

*Site Partnerships:* DC Rape Crisis Center (DCRCC), Safe Shores, Rape Abuse and Incest National Network (RAINN), Survivors & Advocates for Empowerment (SAFE), Time Dollar Youth Court

**Pre-K & Elementary Tutoring and Enrichment Programs:** Volunteers work with child development and education programs (six weeks old to sixth grade) by tutoring, serving as a teacher’s aide, mentoring, and leading after school programs.

*Partnerships:* Bright Beginnings, School for Arts In Learning (SAIL), Martha’s Table, Vietnamese American Community Service Center, The Fishing School

**Secondary Education Tutoring and Enrichment Programs:** Volunteers work with organizations that deal with secondary school tutoring and mentoring programs by tutoring, serving as a teacher’s aide, mentoring, and leading after school programs

*Site Partnerships:* Without Walls, Thurgood Marshall Academy, Metro Teen AIDS, Big Brother Big Sister, Latin American Youth Center, DC Scores

**Cultural Service:** Volunteers work with a community organization that focuses on cultural diversity, tourism, exploration and learning in the DC region.
Site Partnerships: Cultural Tourism DC, National Air & Space Museum, National Geographic Museum, and other institutions emerging regularly

Adult Education & Workforce Development: Volunteers work with community organizations that deal with adult education and workforce training/development by tutoring, editing resumes, and providing basic business training for those seeking to obtain their GED.

Site Partnerships: LIFT (formerly, National Student Partnerships), So Others Might Eat (SOME), Second Chance Employment Services, Academy of Hope
ADDENDUM G – SERVICE LEARNING CLASSES FALL 2010

Business Administration
BADM 130 – Human Resource Management
Description: Global and strategic implications of human capital policies and practices, including human resource planning, recruitment, selection, training, development, compensation, and collective bargaining. Pre-req: Econ 12.

MGT 216 – Cross-Cultural Management
Description: The cultural foundations of organizations and institutions, with an emphasis on managerial behavior. Cross-cultural differences as they affect work-related behaviors, such as communication, attitude, teamwork, negotiation, and decision making.

Geography
GEOG 143 – Urban
Description: Relationship between urban spaces and the environment through the lens of sustainability.

GEOG 198 – Planning & Policy in Contemporary Urban Communities
Description: In this course, students will work with a local organization to conduct research in support of community-based planning efforts in District of Columbia neighborhoods. Students will focus on one of the city’s eight wards, assessing the availability, quality, and accessibility of public land assets, including schools, libraries, and parks, in that ward.

GEOG 244 - Urban Sustainability
Description: Urban sustainability and environmental issues in developed and developing cities.

Human Services
HMSR 152 – Issues in Human
Comments: Registration restricted to HMSR majors. Instructor approval required for all others.
Description: An inquiry into the values and methods of practitioners in the field of human services, linking academic study and field experience. Group research project explores the state of social services in the District of Columbia.

HMSR 171 – Intro to Human Development
Comments: Registration restricted to HMSR majors. Instructor approval required for all others.
Description: Lectures and fieldwork. All aspects of development through adolescence; child study techniques. Two to three hours weekly field experience in appropriate setting.

HMSR 176 – Program Planning and Development
Comments: Registration restricted to junior and senior HMSR majors. Instructor approval required for all others.
Description: The program planning and development activities essential to human service agencies. Through case studies and on-site field experiences, students analyze processes by which agency needs are assessed and programs planned. Community-based research.

**HMSR 177 – Human Services and Community**
Comments: Registration restricted to HMSR majors. Instructor approval required for all others.
Description: The community as a laboratory for the study of contemporary issues in philanthropy aimed toward social change. Through readings, observations, and group internships, students participate in various aspects of community service.

**Sociology**
**SOC 105W – Social Problems in American Society**
Description: Introduction to critical social problems (e.g., unemployment, poverty, crime, discrimination) in the United States and how they are, and have historically been, researched and understood by the academic and non-academic worlds. Concepts, theories, and methods of sociological research; examination of the field of social problems generally, emphasizing contemporary social problems.

**SOC 170W – Class/Inequality in American Society**
Description: Course will focus on the study of wealth, poverty, and inequality in American society, with a particular focus on DC. Students should have some background in methods and theory, as the course will highlight not only the study of existing research and theory on inequality in areas like the labor market, education, and health, but will also include original collection and analysis of data on class and social inequality in the community.

**Spanish**
**SPAN 004 – Intermediate Spanish II**

**University Writing**
**UW20 – Writing for Social Change**

**UW20 – Radically Rewriting America**
Description: This course is designed as a writing workshop for our own research-based radical rewrites of “America.” From their basis in anti-capitalist critique, we will consider the multiple meanings and effects of radical ideas and activism. We will closely read authors of our choosing to consider whether and how to model our own writing on their rhetorical strategies of argument, style, voice, truth claims, research, and audience.
SUMMARY OF LAW SCHOOL INTERNSHIP PROGRAMS

The internship program at the Law School has several components to it, each presenting different issues under the FLSA.

1. **The GW Law Outside Placement Program** is one of the nation’s largest law school externship programs. Enrollment varies from approximately 125-225 students per semester. The Program is offered year-round (fall, spring, and summer semesters). This is an academic program with strict requirements, under which the externships are eligible for credit and tied to mandatory co-requisite courses. Students may earn up to four academic credits for their externship work per semester, for a maximum of eight credits during their law school tenure.

   To be eligible to receive credit, a student’s externship must meet the Program’s stringent requirements that are set pursuant to ABA guidelines and GW Law Faculty Committee decisions. Among other requirements, students must be:
   - *unpaid*;
   - working at their outside placement at least 60 hours per credit;
   - supervised by a licensed on-site attorney;
   - spending most of their externship hours on-site at an adequate work space;
   - working on substantive legal or legislative assignments; and
   - producing at least eight pages of original and substantive legal/legislative work product per credit.

   In addition to their externship work, students must take a 2-credit co-requisite course that relates to their placement.

   Students may only extern at government or non-profit organizations/agencies. They work in all three branches of the government, at all three levels of government, including state and federal judicial chambers, executive agencies, and congressional offices. In addition, they also work with public interest organizations (traditional and non-traditional, such as unions and trade associations). Students generally extern in the DC Metro area, but recently we have allowed students with opportunities to extern throughout the country during the summer. Among the hundreds of agencies and organizations that have participated in the program include:
   - The Office of the White House Counsel;
   - The American Civil Liberties Union
   - The United States Department of Justice;
   - Senate Judiciary Committee;
   - The Recording Industry Association of America (RIAA);
   - World Organization for Human Rights;
   - U.S. District Court for the District of Columbia; and

2. **The law school’s clinical program** is comprised of ten clinics focused on various types of legal practice, such as immigration law, employment law, family law, health law, domestic violence, international human rights, criminal appeals, and
community economic development. The clinics are housed in law school space, and each clinic typically enrolls 8-10 students per semester. The students are not paid and generally receive 4-6 academic credits per semester for their clinic work, which includes both a classroom component and a casework component. Students serve as lawyers and are taught and supervised by law school faculty.

3. **The law school’s pro bono program** is open to all students and is not for academic credit. Students volunteer to work, without pay, for non-profit or governmental organizations, usually for either a specific project or for a few hours a week, often not on a regular schedule. Some of the projects are organized independently by law student groups, while most are run by non-profit organizations doing legal work or in some cases non-legal work. Students who do more than 60 hours of pro bono work (exclusive of clinics or outside placement) are honored at a pre-graduation breakfast and recognized in the commencement brochure. Efforts to expand the program include having students working on pro bono projects that private, for-profit law firms undertake, which may raise different issues than other pro bono representation.

4. **Summer jobs, with non-profits or government agencies of all kinds**, but without pay, are quite common. Some are undertaken as part of the outside placement program, but in those cases, students will generally work more hours than would be required of an in-semester outside placement, also without pay. Approximately 60 students per summer receive grants to enable them to take a job with a non-profit or government agency that generally does not pay them. The amount of the grant works out to be enough to equal or exceed what an employer would have paid the student at minimum wage. Some students choose to work additional days or weeks, for which they are not paid, and for which the grant would not be sufficient to enable them to received the minimum wage for all hours worked. Many students take these jobs without seeking academic credit, without pay or a summer grant, including some who take them during the fall or spring semesters or after graduation (or between jobs) while seeking another position.

September 2010
The Fair Labor Standards Act of 1938, as amended

29 U.S.C. 201, et seq.

To provide for the establishment of fair labor standards in employments in and affecting interstate commerce, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this Act may be cited as the “Fair Labor Standards Act of 1938.”

§ 201. Short title

This chapter may be cited as the “Fair Labor Standards Act of 1938”.

§ 202. Congressional finding and declaration of policy

(a) The Congress finds that the existence, in industries engaged in commerce or in the production of goods for commerce, of labor conditions detrimental to the maintenance of the minimum standard of living necessary for health, efficiency, and general well-being of workers

(1) causes commerce and the channels and instrumentalities of commerce to be used to spread and perpetuate such labor conditions among the workers of the several States;

(2) burdens commerce and the free flow of goods in commerce;

(3) constitutes an unfair method of competition in commerce;

(4) leads to labor disputes burdening and obstructing commerce and the free flow of goods in commerce; and

(5) interferes with the orderly and fair marketing of goods in commerce. That Congress further finds that the employment of persons in domestic service in households affects commerce.

(b) It is declared to be the policy of this chapter, through the exercise by Congress of its power to regulate commerce among the several States and with foreign nations, to correct and as rapidly as practicable to eliminate the conditions above referred to in such industries without substantially curtailing employment or earning power.

§ 203. Definitions

As used in this chapter—

(a) “Person” means an individual, partnership, association, corporation, business firm, legal representative, or any organized group of persons.

(b) “Commerce” means trade, commerce, transportation, transmission, or communication among the several States or between any State and any place outside thereof.

(c) “State” means any State of the United States or the District of Columbia or any Territory or possession of the United States.

(d) “Employer” includes any person acting directly or indirectly in the interest of an employer in relation to an employee and includes a public agency, but does not include any labor organization (other than when acting as an employer) or anyone acting in the capacity of officer or agent of such labor organization.

(e) Except as provided in paragraphs (2), (3), and (4), the term “employee” means any individual employed by an employer.
(2) In the case of an individual employed by a public agency, such term means—

(A) any individual employed by the Government of the United States—
   (i) as a civilian in the military departments (as defined in section 102 of title 5),
   (ii) in any executive agency (as defined in section 105 of such title),
   (iii) in any unit of the judicial branch of the Government which has positions in the competitive service,
   (iv) in a nonappropriated fund instrumentality under the jurisdiction of the Armed Forces,
   (v) in the Library of Congress, or
   (vi) the Government Printing Office;

(B) any individual employed by the United States Postal Service or the Postal Regulatory Commission; and

(C) any individual employed by a State, political subdivision of a State, or an interstate governmental agency, other than such an individual—
   (i) who is not subject to the civil service laws of the State, political subdivision, or agency which employs him; and
   (ii) who—
      (I) holds a public elective office of that State, political subdivision, or agency,
      (II) is selected by the holder of such an office to be a member of his personal staff,
      (III) is appointed by such an officeholder to serve on a policymaking level,
      (IV) is an immediate adviser to such an officeholder with respect to the constitutional or legal powers of his office, or
      (V) is an employee in the legislative branch or legislative body of that State, political subdivision, or agency and is not employed by the legislative library of such State, political subdivision, or agency.

(3) For purposes of subsection (u) of this section, such term does not include any individual employed by an employer engaged in agriculture if such individual is the parent, spouse, child, or other member of the employer's immediate family.

(4) (A) The term “employee” does not include any individual who volunteers to perform services for a public agency which is a State, a political subdivision of a State, or an interstate governmental agency, if—
   (i) the individual receives no compensation or is paid expenses, reasonable benefits, or a nominal fee to perform the services for which the individual volunteered; and
   (ii) such services are not the same type of services which the individual is employed to perform for such public agency.

(B) An employee of a public agency which is a State, political subdivision of a State, or an interstate governmental agency may volunteer to perform services for any other State, political subdivision, or interstate governmental agency, including a State, political
subdivision or agency with which the employing State, political subdivision, or agency has a mutual aid agreement.

(5) The term “employee” does not include individuals who volunteer their services solely for humanitarian purposes to private non-profit food banks and who receive from the food banks groceries.

****

§ 204. Administration

(a) Creation of Wage and Hour Division in Department of Labor; Administrator

There is created in the Department of Labor a Wage and Hour Division which shall be under the direction of an Administrator, to be known as the Administrator of the Wage and Hour Division (in this chapter referred to as the “Administrator”). The Administrator shall be appointed by the President, by and with the advice and consent of the Senate.

****

(d) Biennial report to Congress; studies of exemptions to hour and wage provisions and means to prevent curtailment of employment opportunities

(1) The Secretary shall submit biennially in January a report to the Congress covering his activities for the preceding two years and including such information, data, and recommendations for further legislation in connection with the matters covered by this chapter as he may find advisable. Such report shall contain an evaluation and appraisal by the Secretary of the minimum wages and overtime coverage established by this chapter, together with his recommendations to the Congress. In making such evaluation and appraisal, the Secretary shall take into consideration any changes which may have occurred in the cost of living and in productivity and the level of wages in manufacturing, the ability of employers to absorb wage increases, and such other factors as he may deem pertinent. Such report shall also include a summary of the special certificates issued under section 214(b) of this title.

***

§ 206. Minimum wage

(a) Employees engaged in commerce; home workers in Puerto Rico and Virgin Islands; employees in American Samoa; seamen on American vessels; agricultural employees

Every employer shall pay to each of his employees who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce, wages at the following rates:

(1) except as otherwise provided in this section, not less than

(A) $5.85 an hour beginning on the 60th day after the enactment of the Fair Minimum Wage Act of 2007;

(B) $6.55 an hour, beginning 12 months after that 60th day; and

(C) $7.25 an hour, beginning 24 months after that 60th day.

***
§ 213. Exemptions

(a) Minimum wage and maximum hour requirements

The provisions of sections 206 (except subsection (d) in the case of paragraph (1) of this subsection) and 207 of this title shall not apply with respect to—

(1) any employee employed in a bona fide executive, administrative, or professional capacity (including any employee employed in the capacity of academic administrative personnel or teacher in elementary or secondary schools), or in the capacity of outside salesman (as such terms are defined and delimited from time to time by regulations of the Secretary, subject to the provisions of subchapter II of chapter 5 of Title 5, except that an employee of a retail or service establishment shall not be excluded from the definition of employee employed in a bona fide executive or administrative capacity because of the number of hours in his workweek which he devotes to activities not directly or closely related to the performance of executive or administrative activities, if less than 40 per centum of his hours worked in the workweek are devoted to such activities); or


(3) any employee employed by an establishment which is an amusement or recreational establishment, organized camp, or religious or non-profit educational conference center, if

(A) it does not operate for more than seven months in any calendar year, or

(B) during the preceding calendar year, its average receipts for any six months of such year were not more than 33 1/3 per centum of its average receipts for the other six months of such year, except that the exemption from sections 206 and 207 of this title provided by this paragraph does not apply with respect to any employee of a private entity engaged in providing services or facilities (other than, in the case of the exemption from section 206 of this title, a private entity engaged in providing services and facilities directly related to skiing) in a national park or a national forest, or on land in the National Wildlife Refuge System, under a contract with the Secretary of the Interior or the Secretary of Agriculture; or


(5) any employee employed in the catching, taking, propagating, harvesting, cultivating, or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds, or other aquatic forms of animal and vegetable life, or in the first processing, canning or packing such marine products at sea as an incident to, or in conjunction with, such fishing operations, including the going to and returning from work and loading and unloading when performed by any such employee; or

(6) any employee employed in agriculture ......

(7) any employee to the extent that such employee is exempted by regulations, order, or certificate of the Secretary issued under section 214 of this title; or

(8) any employee employed in connection with the publication of any weekly, semiweekly, or daily newspaper with a circulation of less than four thousand the major part of which circulation is within the county where published or counties contiguous thereto; or

\(\text{(10) any switchboard operator employed by an independently owned public telephone company which has not more than seven hundred and fifty stations; or}\)

\(\text{(11) Repealed Pub.L. 93-259, §10(a), Apr. 8, 1974, 88 Stat. 63}\)

\(\text{(12) any employee employed as a seaman on a vessel other than an American vessel; or}\)

\(\text{(13), (14) Repealed Pub.L. 93-259, §§ 9(b)(1), 23(b)(1), Apr. 8, 1974, 88 Stat. 63, 69}\)

\(\text{(15) any employee employed on a casual basis in domestic service employment to provide babysitting services or any employee employed in domestic service employment to provide companionship services for individuals who (because of age or infirmity) are unable to care for themselves (as such terms are defined and delimited by regulations of the Secretary); or}\)

\(\text{(16) a criminal investigator who is paid availability pay under section 5545a of Title 5; or}\)

\(\text{(17) any employee who is a computer systems analyst, computer programmer, software engineer, or other similarly skilled worker ...... who, in the case of an employee who is compensated on an hourly basis, is compensated at a rate of not less than $27.63 an hour.}\)

\[\text{***}\]

\(\text{§ 214. Employment under special certificates}\)

\(\text{(a) Learners, apprentices, messengers}\)

The Secretary, to the extent necessary in order to prevent curtailment of opportunities for employment, shall by regulations or by orders provide for the employment of learners, of apprentices, and of messengers employed primarily in delivering letters and messages, under special certificates issued pursuant to regulations of the Secretary, at such wages lower than the minimum wage applicable under section 206 of this title and subject to such limitations as to time, number, proportion, and length of service as the Secretary shall prescribe.

\(\text{(b) Students}\)

\(\text{(1) (A) The Secretary, to the extent necessary in order to prevent curtailment of opportunities for employment, shall by special certificate issued under a regulation or order provide, in accordance with subparagraph (B), for the employment, at a wage rate not less than 85 per centum of the otherwise applicable wage rate in effect under section 206 of this title or not less than $1.60 an hour, whichever is the higher, of full-time students (regardless of age but in compliance with applicable child labor laws) in retail or service establishments.}\)

\(\text{(B) Except as provided in paragraph (4)(B), during any month in which full-time students are to be employed in any retail or service establishment under certificates issued under this subsection the proportion of student hours of employment to the total hours of employment of all employees in such establishment may not exceed ......}\)

\(\text{(2) The Secretary, to the extent necessary in order to prevent curtailment of opportunities for employment, shall by special certificate issued under a regulation or order provide for the employment, at a wage rate not less than 85 per centum of the wage rate in effect under section 206(a)(5) of this title or not less than $1.30 an hour, whichever is the higher, of full-time students}\)
(regardless of age but in compliance with applicable child labor laws) in any occupation in agriculture.

(3) The Secretary, to the extent necessary in order to prevent curtailment of opportunities for employment, shall by special certificate issued under a regulation or order provide for the employment by an institution of higher education, at a wage rate not less than 85 per centum of the otherwise applicable wage rate in effect under section 206 of this title or not less than $1.60 an hour, whichever is the higher, of full-time students (regardless of age but in compliance with applicable child labor laws) who are enrolled in such institution. The Secretary shall by regulation prescribe standards and requirements to insure that this paragraph will not create a substantial probability of reducing the full-time employment opportunities of persons other than those to whom the minimum wage rate authorized by this paragraph is applicable.

***

(d) Employment by schools
The Secretary may by regulation or order provide that sections 206 and 207 of this title shall not apply with respect to the employment by any elementary or secondary school of its students if such employment constitutes, as determined under regulations prescribed by the Secretary, an integral part of the regular education program provided by such school and such employment is in accordance with applicable child labor laws.
Fact Sheet #71: Internship Programs Under The Fair Labor Standards Act

This fact sheet provides general information to help determine whether interns must be paid the minimum wage and overtime under the Fair Labor Standards Act for the services that they provide to “for-profit” private sector employers.

Background

The Fair Labor Standards Act (FLSA) defines the term “employ” very broadly as including to “suffer or permit to work.” Covered and non-exempt individuals who are “suffered or permitted” to work must be compensated under the law for the services they perform for an employer. Internships in the “for-profit” private sector will most often be viewed as employment, unless the test described below relating to trainees is met. Interns in the “for-profit” private sector who qualify as employees rather than trainees typically must be paid at least the minimum wage and overtime compensation for hours worked over forty in a workweek.*

The Test For Unpaid Interns

There are some circumstances under which individuals who participate in “for-profit” private sector internships or training programs may do so without compensation. The Supreme Court has held that the term "suffer or permit to work" cannot be interpreted so as to make a person whose work serves only his or her own interest an employee of another who provides aid or instruction. This may apply to interns who receive training for their own educational benefit if the training meets certain criteria. The determination of whether an internship or training program meets this exclusion depends upon all of the facts and circumstances of each such program.

The following six criteria must be applied when making this determination:

1. The internship, even though it includes actual operation of the facilities of the employer, is similar to training which would be given in an educational environment;

2. The internship experience is for the benefit of the intern;

3. The intern does not displace regular employees, but works under close supervision of existing staff;

4. The employer that provides the training derives no immediate advantage from the activities of the intern; and on occasion its operations may actually be impeded;

5. The intern is not necessarily entitled to a job at the conclusion of the internship; and

6. The employer and the intern understand that the intern is not entitled to wages for the time spent in the internship.

If all of the factors listed above are met, an employment relationship does not exist under the FLSA, and the Act’s minimum wage and overtime provisions do not apply to the intern. This exclusion from the definition of employment is necessarily quite narrow because the FLSA’s definition of “employ” is very broad. Some of the most commonly discussed factors for “for-profit” private sector internship programs are considered below.

* This material is not intended to be comprehensive. It does not cover all circumstances. The determination depends on the specific circumstances of each case.
Similar To An Education Environment And The Primary Beneficiary Of The Activity
In general, the more an internship program is structured around a classroom or academic experience as opposed to the employer’s actual operations, the more likely the internship will be viewed as an extension of the individual’s educational experience (this often occurs where a college or university exercises oversight over the internship program and provides educational credit). The more the internship provides the individual with skills that can be used in multiple employment settings, as opposed to skills particular to one employer’s operation, the more likely the intern would be viewed as receiving training. Under these circumstances the intern does not perform the routine work of the business on a regular and recurring basis, and the business is not dependent upon the work of the intern. On the other hand, if the interns are engaged in the operations of the employer or are performing productive work (for example, filing, performing other clerical work, or assisting customers), then the fact that they may be receiving some benefits in the form of a new skill or improved work habits will not exclude them from the FLSA’s minimum wage and overtime requirements because the employer benefits from the interns’ work.

Displacement And Supervision Issues
If an employer uses interns as substitutes for regular workers or to augment its existing workforce during specific time periods, these interns should be paid at least the minimum wage and overtime compensation for hours worked over forty in a workweek. If the employer would have hired additional employees or required existing staff to work additional hours had the interns not performed the work, then the interns will be viewed as employees and entitled compensation under the FLSA. Conversely, if the employer is providing job shadowing opportunities that allow an intern to learn certain functions under the close and constant supervision of regular employees, but the intern performs no or minimal work, the activity is more likely to be viewed as a bona fide education experience. On the other hand, if the intern receives the same level of supervision as the employer’s regular workforce, this would suggest an employment relationship, rather than training.

Job Entitlement
The internship should be of a fixed duration, established prior to the outset of the internship. Further, unpaid internships generally should not be used by the employer as a trial period for individuals seeking employment at the conclusion of the internship period. If an intern is placed with the employer for a trial period with the expectation that he or she will then be hired on a permanent basis, that individual generally would be considered an employee under the FLSA.

Where to Obtain Additional Information
This publication is for general information and is not to be considered in the same light as official statements of position contained in the regulations.

For additional information, visit our Wage and Hour Division Website: http://www.wagehour.dol.gov and/or call our toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4USWAGE (1-866-487-9243).

U.S. Department of Labor
Frances Perkins Building
200 Constitution Avenue, NW
Washington, DC 20210

1-866-4-USWAGE
TTY: 1-866-487-9243
Contact Us

* The FLSA makes a special exception under certain circumstances for individuals who volunteer to perform services for a state or local government agency and for individuals who volunteer for humanitarian purposes for private non-profit food banks. WHD also recognizes an exception for individuals who volunteer their time, freely and without anticipation of compensation for religious, charitable, civic, or humanitarian purposes to non-profit organizations. Unpaid internships in the public sector and for non-profit charitable organizations, where the intern volunteers without expectation of compensation, are generally permissible. WHD is reviewing the need for additional guidance on internships in the public and non-profit sectors.
Fact Sheet #7: State and Local Governments Under the Fair Labor Standards Act (FLSA)

This fact sheet provides general information concerning the application of the FLSA to State and local government employees.

Characteristics

State and local government employers consist of those entities that are defined as public agencies by the FLSA. "Public Agency" is defined to mean the Government of the United States; the government of a State or political subdivision thereof; any agency of the United States, a State, or a political subdivision of a State, or any interstate governmental agency. The public agency definition does not extend to private companies that are engaged in work activities normally performed by public employees.

Coverage

Section 3(s)(1)(C) of the FLSA covers all public agency employees of a State, a political subdivision of a State, or an interstate government agency.

Requirements

The FLSA requires employers to:

- pay all covered nonexempt employees, for all hours worked, at least the Federal minimum wage of $7.25 per hour effective July 24, 2009;
- pay at least one and one-half times the employees' regular rates of pay for all hours worked over 40 in the workweek;
- comply with the youth employment standards; and
- comply with the recordkeeping requirements

Youth Minimum Wage: The 1996 Amendments to the FLSA allow employers to pay a youth minimum wage of not less that $4.25 an hour to employees who are under 20 years of age during the first 90 consecutive calendar days after initial employment by their employer. The law contains certain protections for employees that prohibit employers from displacing any employee in order to hire someone at the youth minimum wage.

Under certain prescribed conditions, employees of State or local government agencies may receive compensatory time off at a rate of not less than one and one-half hours for each overtime hour worked, instead of cash overtime pay. Police and fire fighters, emergency response personnel, and employees engaged in seasonal activities may accrue up to 480 hours of comp time; all others, 240 hours.

In locations with concurrent State wage laws, some States may not recognize or permit the application of some or all of the following exemptions. Since an employer must comply with the most stringent of the State or Federal provisions, it is strongly recommended that the State laws be reviewed prior to applying any of the exclusions or exemptions discussed herein.
Certain employees in the following examples may be exempt from the overtime requirements of the FLSA:

- employees who solely at their option occasionally or sporadically work on a part-time basis for the same public agency in a different capacity than the one in which they are normally employed
- employees at their option with approval of the agency, who substitute for another during scheduled work hours in the same work capacity
- employees that meet exemption requirements for Executive, Administrative, Professional or Outside Sales occupations
- hospital or residential care establishments may with agreement or understanding with employees adopt a fixed work period of 14 consecutive days and pay overtime after 8 hours in a day or 80 in the work period, whichever is greater
- mass transit employees' time spent in charter activities may be excludable from the regular rate
- minimum wage and overtime may not be required for employees working in separate seasonal amusement or recreational establishments such as swimming pools, parks, etc.

**Employees Engaged in Fire Protection and Law Enforcement Activities**

An employee in fire protection includes a firefighter, paramedic, emergency medical technician, rescue worker, ambulance personnel, or hazardous materials worker who is:

1. trained in fire suppression,
2. has the legal authority and responsibility to engage in fire suppression, and
3. is engaged in the prevention, control and extinguishment of fires or response to emergency situations

- employees may at their own option perform special duty work in fire protection and law enforcement for a separate and independent employer without including wages and hours in regular rate or overtime determinations
- Fire Departments or Police Departments may establish a work period ranging from 7 to 28 days in which overtime need be paid only after a specified number of hours in each work period
- any employee who in any workweek is employed by an agency employing less than 5 employees in fire protection or law enforcement may be exempt from overtime

**Where to Obtain Additional Information**

For additional information, visit our Wage and Hour Division Website: [http://www.wagehour.dol.gov](http://www.wagehour.dol.gov) and/or call our toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4USWAGE (1-866-487-9243).

This publication is for general information and is not to be considered in the same light as official statements of position contained in the regulations.

**U.S. Department of Labor**

Frances Perkins Building
200 Constitution Avenue, NW
Washington, DC 20210

1-866-4-USWAGE
TTY: 1-866-487-9243
Dear [Name*],

This is in response to your request for an opinion regarding whether students in a university’s externship program are considered employees under the Fair Labor Standards Act (FLSA). It is our opinion that the program participants are not employees of the companies that sponsor them.

The university operates an externship program designed to expose students to various careers so they are better able to make wise career decisions. In the program, the students spend one week “shadowing” an employee at a sponsoring employer. The students are not compensated for time spent at the sponsoring employer, nor do they receive college credit for their time. The purpose of the program is purely educational, and the sponsors invest significant effort into designing experiences for the externs. The students do not generally perform work for the employers, but may perform small office tasks or assist with a project. Because of the short duration of the program, the sponsors do not derive any benefit from the externs' labor, and the externs do not displace any regular employees. You state that the only benefit to the sponsor, aside from satisfaction in assisting students’ career development, is the potential opportunity to screen future interns or employees. The externs are not guaranteed future internships or employment from their participation in the program.

The FLSA provides minimum wage and overtime protection to those employed within the meaning of the Act. FLSA section 3(g) states that to “employ” means to “suffer or permit to work.” The Supreme Court in Walling v. Portland Terminal Co., 330 U.S. 148, 152 (1947), observed that this definition “was obviously not intended to stamp all persons as employees who, without any express or implied compensation agreement, might work for their own advantage on the premises of another.” Based on Portland Terminal, the Wage and Hour Division (WHD) has developed six factors to evaluate whether a trainee, intern, extern, apprentice, graduate assistant, or similar individual is to be considered an employee. If all of the following six factors are met, then an employment relationship does not exist:

1. The training is similar to what would be given in a vocational school or academic educational instruction;

2. The training is for the benefit of the trainees or students;

3. The trainees or students do not displace regular employees, but work under their close observation;

4. The employer that provides the training derives no immediate advantage from the activities of the trainees or students, and on occasion the employer’s operations may actually be impeded;

5. The trainees or students are not necessarily entitled to a job at the conclusion of the training period; and

6. The employer and the trainees or students understand that the trainees or students are not entitled to wages for the time spent in training.

See Wage and Hour Opinion Letter May 17, 2004; Field Operations Handbook § 10b11 (copies enclosed). In the typical externship or internship program, where the work activities are simply an extension of the student’s academic program, these factors often are met and an employer-employee relationship does not exist. If no employment relationship exists, the provisions of the FLSA do not apply.
Based upon the information you have provided, it is our opinion that the program does not create an employment relationship between the extern and the sponsor. The training the externs receive is a practical application of material taught in a classroom; therefore, it qualifies as training similar to what would be given in a vocational school or academic educational instruction. The training primarily benefits the students because the students participate in the program to observe the practical application of the classroom instruction in the workplace, thus fulfilling the second requirement. The students’ participation for only one week, the virtual absence of actual work, and the sponsor’s need to assign a shadowed employee means the sponsor does not receive any tangible benefit and may in fact lose productive work from the employee assigned to the student, satisfying the fourth requirement. Because the externs “shadow” an employee, they do not displace any regular employees. Finally, the students are clearly told that they will not receive a job at the conclusion of the externship and that they will not receive compensation for the week. Thus, there is no employment relationship between the externs and the sponsors or the university. Therefore, the externs are not entitled to compensation under the FLSA.

This opinion is based exclusively on the facts and circumstances described in your request and is given based on your representation, express or implied, that you have provided a full and fair description of all the facts and circumstances that would be pertinent to our consideration of the question presented. Existence of any other factual or historical background not contained in your letter might require a conclusion different from the one expressed herein. You have represented that this opinion is not sought by a party to pending private litigation concerning the issue addressed herein. You have also represented that this opinion is not sought in connection with an investigation or litigation between a client or firm and the Wage and Hour Division or the Department of Labor.

We trust that this letter is responsive to your inquiry.

Sincerely,

Alfred B. Robinson, Jr.
Acting Administrator

Enclosures:
Wage and Hour Opinion Letter May 17, 2004
FOH §§ 10b11

* Note: The actual name(s) was removed to preserve privacy in accordance with 5 U.S.C. § 552(b)(7)
Dear Name*,

Re: FLSA status of student interns

This is in response to your request for an opinion concerning the application of the Fair Labor Standards Act (FLSA) to college students participating in your client’s internship program. You ask whether an employer-employee relationship exists under the FLSA for students in the internship program. We regret the delay in responding to your request.

According to the information that you provided, the purpose of the internship is to teach “marketing, promotion, and statistical analysis to students in a real world setting.” You note that, “the internship will be structured like a college Marketing course complete with program description, outline, syllabus and assignments.” The student interns work a flexible, part-time schedule of approximately 7-10 hours per week. They perform the work of a field marketing representative on-campus and are expected to assume the role of regular staff members of the company. The duties of the student interns include wearing items of clothing embossed with the company logo while distributing stickers and flyers and evaluating the response of other students; collecting data on the composition of the campus population and that of the surrounding city; utilizing on-line chat rooms to track the effectiveness of certain web sites and the ability to drive on-line traffic to different sites; obtaining detailed contact information for five of the most popular club/bars, coffee shops, bookstores, record shops, beauty salons, clothing stores, and skate shops; and surveying 50 people on campus and compiling data to predict trends in the area and nationally.

Students may participate as interns only if they obtain college credit for the internship. While Marketing and Communication majors are preferred, any student will be accepted if his/her academic advisor approves the course. A faculty coordinator is responsible for advising the student interns and consulting with the company supervisor on a regular basis regarding the student’s performance. The company assumes responsibility for direct supervision of the student interns. A company supervisor consults with the faculty coordinator about any problems the student encounters and submits an evaluation of the student at the completion of the program. The company is not obligated to hire the student interns, and the students are under no obligation to accept employment with the company.

The FLSA defines an employee as “any individual employed by an employer.” 29 U.S.C. 203(e)(1). Similarly, the FLSA definition of “[e]mploy” includes to suffer or permit to work.” Id. The Supreme Court held over fifty years ago in Walling v. Portland Terminal Co., 330 U.S. 148 (1947), that the FLSA definition of “employ” does not make all persons employees who, without any express or implied compensation agreement, may work for their own advantage on the premises of another. Whether student interns are employees under the FLSA will depend upon all the circumstances surrounding their activities. For example, where certain work activities are performed by students that are simply an extension of their academic programs, we often would not assert that an employer-employee relationship exists for purposes of the FLSA. Thus, provided the six criteria listed below are met, where educational or training programs are designed to provide students with professional experience in the furtherance of their education, and the training is academically oriented for the benefit of the students, it is our position that the students will not be considered employees of the firm to which they are assigned. The six criteria, derived from the Supreme Court’s decision in Portland Terminal, are as follows:

1. The training, even though it includes actual operation of the facilities of the employer, is similar to that which would be given in a vocational school;
2. The training is for the benefit of the trainee;
3. The trainees do not displace regular employees, but work under close observation;
4. The employer that provides the training derives no immediate advantage from the activities of the trainees and on occasion the employer’s operations may actually be impeded;
5. The trainees are not necessarily entitled to a job at the completion of the training period; and

6. The employer and the trainee understand that the trainees are not entitled to wages for the time spent in training.


According to the information submitted, it is not clear that each of the six criteria above is satisfied. The internship program satisfies the first criteria. The company’s training program is similar to that which would be given in a school. The internship involves the students in real life situations and provides them with an educational experience that they could not obtain in the classroom, which generally is related to their course of study. The program also appears to satisfy the second criteria. The internship inures to the benefit of the students, who receive college credit for performing the internship, although it is not a required program. You have not provided sufficient information for us to determine whether the internship program satisfies the third and fourth criteria, however. While it does not appear likely that the student interns displace regular employees, since they work a maximum of 10 hours per week, they are “expected to assume the role of regular staff members of the company.” You did not describe how closely the students are supervised and whether at any time the company’s operations are impeded by virtue of the internship program. We also do not know whether the employer may derive an immediate benefit from the activities of the students, who analyze trends on campus and develop marketing information in a number of areas, including a list of contacts for a large number of area businesses, data on the “guerilla marketing” of the company’s product on the internet, a detailed analysis of the population of the campus and the city, and a prediction of local and national trends. The internship program does appear to meet the fifth and sixth criteria because the student interns are not necessarily entitled to a job with the company at the end of their internship, and they are not compensated during the internship period.

On the basis of the information that you have provided and the application of the Department of Labor’s six criteria, we cannot say definitely whether an employment relationship exists under the FLSA between the company and the student interns. However, we hope that you are able to use this information to review the program in light of the relevant criteria.

This opinion is based exclusively on the facts and circumstances described in your request and is given on the basis of your representation, explicit or implied, that you have provided a full and fair description of all the facts and circumstances which would be pertinent to our consideration of the question presented. Existence of any other factual or historical background not contained in your request might require a different conclusion than the one expressed herein. You have represented that this opinion is not sought by a party to pending litigation concerning the issue addressed herein. You have also represented that this opinion is not sought in connection with an investigation or litigation between a client or firm and the Wage and Hour Division or the Department of Labor.

We trust that the above information is responsive to your inquiry.

Sincerely,

Barbara R. Relerford
Office of Enforcement Policy
Fair Labor Standards Team

*Note: The actual name(s) was removed to preserve privacy in accordance with 5 U.S.C. 552 (b)(7).
SELECTED LAW REVIEW ARTICLES


"Oh, I love the perks and the power, but, on the other hand, it is an internship."