

Columbus State Community College Internship Program

Hosting an Unpaid Intern

There are legal considerations when you are looking to take on an intern without compensation. According to the Department of Labor, if all of the following criteria apply, the students are not employees within the meaning of the Act and may not be compensated: (<http://www.dol.gov/elaws/esa/flsa/scope/er15.asp>)

	Qualification	Department of Labor Guideline
1	Training	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	For the benefit of the student	The training is for the benefit of the trainees or students;
3	Do not displace regular employees	The trainees or students do not displace regular employees, but work under close supervision;
4	Mentor (employer) dedicates time and receives no immediate advantage	The employer that provides the training receives no immediate advantage from the activities of the trainees or students and, on occasion, his operations may even be impeded;
5	Not necessarily entitled to job at the conclusion of internship	The trainees or students are not necessarily entitled to a job at the conclusion of the training period;
6	Both parties understand and agree there is no entitlement to wages	The employer and the trainees or students understand that the trainees or students are not entitled to wages for the time spent in training;

A learning experience at an employer's work site should include all of the following elements:

1. a planned program of job training and work experience for the student, appropriate to the student's abilities, which includes training related to pre-employment and employment skills that are coordinated with a school-based learning component;
2. the learning experience encompasses a sequence of activities that build upon one another, that increase in complexity and promote mastery of basic skills;
3. the learning experience has been structured to expose the student to all aspects of an industry and promotes the development of broad, transferable skills; and,
4. the learning experience provides for real or simulated tasks or assignments which push students to develop higher-order critical thinking and problem-solving skills.

A student enrolled in a learning experience would not be considered an employee (and thusly can be unpaid) if all of the following criteria are met:

1. the student receives ongoing instruction at the employer's worksite and receives close on-site supervision throughout the learning experience, with the result that any productive work that the

student would perform would be offset by the burden to the employer from the training and supervision provided;

2. the placement of the student at a worksite during the learning experience does not result in the displacement of any regular employee -- i.e., the presence of the student at the worksite cannot result in an employee being laid off, cannot result in the employer not hiring an employee it would otherwise hire, and cannot result in a current employee working fewer hours than he or she would otherwise work;
3. the student is not entitled to a job at the completion of the learning experience -- but this does not mean that employers are to be discouraged from offering employment to students who might successfully complete the training; and
4. the employer and student understand that the student is not entitled to compensation for the time spent in the learning experience -- although the student may be paid a stipend for expenses (travel, tools, books, etc).