# THE UNIVERSITY OF TEXAS RIO GRANDE VALLEY

# **EMPLOYER INTERNSHIP GUIDE**







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# INTRODUCTION

Thank you for your interest in UT Rio Grande Valley student interns! Recruiting great talent can often involve much effort. A proven, low cost method of "testing" an employee's capability is to hire them as an intern. Internship experiences allow you to involve students in meaningful, productive work while providing your organization with fresh perspectives. In this handbook, you will be provided with a broad overview of the development of an internship program and the steps necessary to attract top recruits for your organization.

# **INTERNSHIP BASICS**

An internship is defined as a short-term, usually semester-long, opportunity for a student to gain valuable hands-on experience in their field of study/interest. An internship has many valuable benefits for students, while also enhancing academic programs and satisfying the needs of employers. Students are able to identify career fields that would be a suitable fit for their future career, as well those that don't. Internships also allow students to gain valuable employability skills such as teamwork, problem-solving, and effective communication within the workplace.

In addition, students have the opportunity to meet and network with professionals in their potential field, which significantly improves their chances of securing permanent employment upon graduation. Without any tangible, career-related experience, their employability is immensely reduced. If a student wants to stay competitive in today's job market, internships should not be an option, but a necessity.

# Internship vs. Part-Time Job vs. Volunteer Position

Before hiring an intern, it is best to identify your business needs and specify what type of work needs to be completed. This will help you better identify the type of position for which you should be hiring. To ensure that an experience is educational, and thus eligible to be considered a legitimate internship, all the following criteria must be met (NACE, 2011):

- The experience must be an **extension of the classroom**: a learning experience that provides for applying the knowledge gained in the classroom. It must not be simply to advance the operations of the employer or be the work that a regular employee would routinely perform.
- The experience has a defined **beginning and end** (typically one semester in length or 15 weeks) and a job description with desired qualifications.
- There are clearly defined **learning objectives/goals** related to the professional goals of the student's academic coursework.
- There is **supervision by a professional** with expertise and educational and/or professional background in the field of the study.
- There is **routine feedback** by the supervisor and a formal evaluation conducted at the end of the experience.
- There are resources, equipment, and facilities provided by the employer that support learning objectives/goals.
- The experience does not take place in a private home.

An internship may also be a part-time job if the student is being paid like other employees. The difference between hiring a student to do a part-time job and making it an internship is the element of education, training, established learning objectives, and mentorship/supervision. These help the student connect the world of work to his/her field of study. If a part-time associate would be better suited than an intern, you can post the position on the Career Center's job portal at https://joinhandshake.com.

In some cases, internships may be unpaid, making them feel like a volunteer experience. Some non-profit and public service organizations that depend on volunteer labor do not pay student interns an hourly wage. Organizations like The Salvation Army, Habitat for Humanity, or Boys and Girls Club may offer internships and volunteer projects. Short term volunteering (e.g. weekend project or special events) would NOT be considered an internship [For short-term volunteering, you may post your opportunity on Engagement Zone via <a href="https://ez.utrgv.edu/">https://ez.utrgv.edu/</a> provided by the Office of Community Relations]. However, a student volunteer who works 5-10 hours per week over the course of a semester, has regular work hours, is provided ongoing duties and responsibilities in a job description, and is provided strong learning objectives could be considered an intern. It is the learning objectives and supervision/mentorship that take a volunteer position to the internship level.

To best determine what type of student/position would best suit your needs, you may contact the internship coordinator at the UTRGV Career Center.

### **Planning and Time Requirements**

Before sitting down to work on your internship program, organization and planning is critical to making your internship program successful. It is important to take into consideration a college or university's academic calendar. Being aware of how long a semester is at the student's institution will help you plan your weekly hours accordingly and accommodate an intern's school schedule.

It is common for internships to be promoted at least two months prior to the proposed start date with a one-month window for candidates to submit their applications and additional materials. Additionally, it is best to consider semester timelines. **Examples:** A fall internship should be promoted two months prior to August. A spring internship should be promoted two months prior to May.

# **Internships and Academic Credit**

Academic credit is best left up to the intern. The student will make his/her own arrangements unless you are working directly with the university or college. Some universities and/or colleges will require students to complete an internship as part of degree or graduation requirements. Also, different schools require different types of reporting and have various time requirements.

Should the student choose to receive academic credit for their internship, he/she will advise the internship supervisor or mentor of their professor's requirements. These requirements vary between universities, departments and even professors within a single department. An agreement form and evaluation may be required for credit-seeking student.

As an employer, you should not make dramatic changes to your expectations or requirements of the intern, but you should be flexible in order to accommodate the wide variety of situations related to earning credit.

# **INTERNSHIP FIT**

Before sitting down to work on your internship program, organization and planning is critical to making your internship program successful. The first step is to assess the internal needs of your company or organization. Start by reviewing the checklist to see where your organization/department stands.

### Resources

☐ We have the <b>time</b> to support an intern.				
☐ We have the <b>human resources</b> to support a	n intern.			
□ We have the <b>physical resources</b> to support an intern. This may include:				
<ul> <li>A safe, adequate work space</li> </ul>	<ul> <li>Telephone and mailbox</li> </ul>			
<ul> <li>Access to computers</li> </ul>	<ul> <li>Business cards and reference materials</li> </ul>			
<ul> <li>Internet access</li> </ul>	• Parking			
☐ We have the <b>financial resources</b> to support an intern. Some suggested forms of compensation include				
<ul> <li>Hourly pay</li> </ul>	<ul> <li>Tuition payment</li> </ul>			
<ul> <li>Monthly or semester stipend</li> </ul>	<ul> <li>Assisting student in receiving academic credit</li> </ul>			
<ul> <li>Scholarship</li> </ul>	<ul> <li>Payment for incidentals (mileage, per diem, etc.)</li> </ul>			
☐ We have the <b>technical resources</b> to suppor	t an intern.			
<ul> <li>Industry specific software/programs</li> </ul>	<ul> <li>Technical equipment</li> </ul>			

### Work/Projects

- ☐ We have **quality work assignments** for the intern. These may include:
  - Assisting/creating/overseeing specific programs or projects
  - Participation in staff, team, or committee meetings
  - Ability to shadow professionals in industry work related to student's field of study
- ☐ The intern will be able to **apply the knowledge and theory** learned in the classroom to the workplace.

# **Supervision**

- ☐ We have **someone to train, supervise, and mentor** an intern. Responsibilities may include:
  - Creating and hosting an orientation for new interns
  - · Outlining expectations of intern
  - Outlining learning objectives with the intern
  - Holding one-on-one weekly meetings with the intern
  - Being open and available to answer questions
  - · Providing the intern with personal and career development opportunities outside of their duties
  - Evaluating the intern's performance midway and at the conclusion of the experience
- ☐ The intern's supervisor has some degree of **expertise** in the area in which the intern will be working.

An internship allows students to learn about your organization. The internship opportunity is a great way to screen a potential candidate before offering a full-time position.

# DEVELOPING AN EFFECTIVE INTERNSHIP JOB DESCRIPTION

In preparation of hiring an intern for your organization, an **internship job description will be necessary** in providing the intern with details pertaining to the position. Every internship needs a good job description that will attract the best candidates, outline responsibilities of both intern and employer, provide learning objectives, and establish clear qualifications for the position. The following components should be included in an internship job description.

- **1. Organization/Company/Department** name: Include the name of the organization, division, and department as well as the location of the organization.
- **2. Job/Intern Title:** It is best to list the intern title and ensure it relates to the type of work being performed (*Business Development Intern* is better than *intern*).
- **3. Supervisor:** Include the name of the intern's supervisor, their title, and contact information.
- **4. Company Overview:** It is best to provide a short overview of the company history and its overall mission/goals.
- **5. Responsibilities:** Describe the principle duties and responsibilities of the intern. Be sure to detail specific projects that the intern will take part in.
- **6. Learning Outcomes:** To make the most of your internship, learning outcomes should be a priority. In developing your internship job description, it is best to detail what learning outcomes will be provided in the internship experience.
- **7. Requirements/Qualifications:** Are you looking for a specific major? Specific skill sets? Particular classification of student (junior, senior, graduate student)?
- **8. Compensation:** It is best to list the type of compensation the intern will be provided with. Compensation may include an hourly wage, stipend, mileage, etc. **Note:** Academic credit is not a form of compensation as it is as the discretion of the academic department whether or not an internship is considered credit-worthy.
- **9. How to apply:** Students can apply directly through the Career Center's job portal or you may provide them a link to an online application.

# INTERNSHIP LEARNING OUTCOMES

Internship opportunities are an extension of classroom learning, and in order to make the connection between academics and hands-on learning, the internship should provide the intern with clearly defined learning outcomes.

### What are Learning Outcomes?

Internship learning outcomes are learning targets for students. They provide interns an understanding of what they should or would like to be able to learn by the end of the internship. This can be achieved by connecting competencies to specific projects or tasks. Whether the internship is for-credit or non-credit, learning outcomes should always be considered and listed in the internship job description. Learning outcomes will also provide internship supervisors with detailed examples for evaluation purposes.

### How do I develop them?

It is important to understand that an intern will be pursuing an opportunity, at most time, relatable to their field of study. For this reason, the skills should be specific to their discipline, or general skills that the intern would like to enhance. Most importantly, the learning outcomes should be measurable and attainable. Keep in mind that the learning outcomes are not all about the student and should align with the goals of the organization/department.

# **Sample Learning Outcomes**

#### **Learning Objective 1**

Enhance multi-channel communication skills including oral, written, audio/visual and digital

#### Task/Assignment 1

To understand basic communication procedures for the organization, student will research development methods, assist in drafting product marketing content, contribute to public service announcements (PSAs), and provide support to social media content.

#### **Learning Objective 2**

Demonstrate specific knowledge of computer information systems, including computer hardware and operating system concepts, application software use and development, database systems and networks.

#### Task/Assignment 2

To understand basic concepts of application software, student will assist senior IT specialist in the development of a mobile operating software for smartphones. Student will begin with research and data analysis of competitors, contribute to the design and coding of application software, as well as contribute to the problem-solving of technical challenges of distributed systems, optimization, scalability, and security.

# **SAMPLE: INTERNSHIP DESCRIPTION**

XYZ Company

Supervisor:

123 Main Blvd. City, State 12345 John Smith, Director of XYZ Company Ph. (123) 456-7890

Job Title: Marketing Intern

Part-time. 15-20 hours per week. Flexible hours, 5 days/week

1 position available. Compensation: \$12.00/hr

### Company Profile:

Insert short company profile. 3-5 sentences.

#### **Job Description:**

XYZ Company is looking for a qualified intern to join our marketing/advertising team. Our marketing department produces quality work for major companies in the area, and seeks an intern who can participate in various stages of print and online marketing campaigns. This intern should be prepared to work in a fast-paced team environment, and will finish the internship having gained broad experience in various aspects of marketing.

#### Responsibilities:

- Assist in the creation of signage, circulars, mock ups, e-mail campaigns, on line promotion, etc.
- Assist in the distribution or delivery of marketing and materials
- · Assist with fulfillment of marketing offers
- Assist with the preparation and delivery of training materials
- · Perform analysis of marketing and sales data
- Seek and analyze competitor marketing and sales materials both on and offline
- Prepare presentations
- Enter contact information into contact management systems
- Provide support to social media efforts

#### **Learning Outcomes:**

- Identify and define the common business terminology used at the worksite
- Apply marketing concepts to problems and issues within the industry
- Understanding the management of the marketing process and create value for the organization and stakeholders
- Produce high quality documents utilizing Word, Excel, Access or PowerPoint
- Demonstrate multi-channel communication skills including oral, written, audio/visual and digital
- Develop and maintain an advertising budget and determine the goals of an advertising effort

#### **Candidate Qualifications:**

XYZ Company is looking for an undergraduate student who is majoring in Sales, Marketing or Advertising or similar degree

#### **Skills Requirements:**

- Excellent verbal and written communication skills
- Knowledge of Web and social media.
- Prefer experience with PowerPoint, Word and Excel

#### **Application Instructions:**

Students must email a resume and cover letter to <a href="mailto:hiringmanager@XYZCompany.com">hiringmanager@XYZCompany.com</a>

# **SELECTING YOUR INTERN**

The selection process for interns should closely resemble your company's process for hiring regular employees. The success of the internship depends upon a good match between the company and the intern.

### **Evaluating Student Resumes and Applications**

- 1. Does the student possess the skills required for the internship position?
- 2. Has the student completed relevant coursework for this internship?
- 3. Does the student have previous work experience?
- 4. What extracurricular activities is the student involved in?
- 5. Has the student displayed leadership qualities?
- 6. Has the student listed honors and awards?
- 7. Has the student listed class projects or experience that is relevant to the internship?

After evaluating resumes and qualifications, it is important to interview candidates. This can be done either via phone interview or face-to-face interview. It is a critical step that will help confirm the selection process and provides a valuable interviewing experience for the potential intern.

# **Sample Interview Questions**

- 1. Describe your background and qualifications.
- 2. Why did you choose your current major?
- 3. Why are you interested in an internship with our company/organization?
- 4. What experience do you hope to gain in an internship?
- 5. What experience do you have that is related to this internship?
- 6. Give an example of when you worked on a team project.
- 7. Describe a situation in which you performed a difficult task.
- 8. Tell me about a time when your ethics or values were challenged.
- 9. When are you available to start an internship, and for how long?
- 10. How many hours per week are you available for an internship?

# MANAGING YOUR INTERN

An internship should provide the student with clear expectations. All interns should be on the same page and in making sure they are, a formal intern orientation, mentoring system and evaluation process are integral parts of an internship. Before hiring your intern, plans for these should be in place.

#### **Formal Orientation**

A well-structured internship program will begin with an orientation. An orientation is a necessary step to ensure a meaningful and successful internship and will provide the opportunity for:

- The employer to reinforce expectations
- The employer to detail the organizational structure
- The employer to review organizational and employee policies
- The employer to review internship and complete Internship Contract
- The employer to provide interns with a tour of the facility
- The intern to ask questions
- The goals of the internship to be clearly established
- The methods for intern evaluation to be defined

# Mentoring, Project Teams, and Networking

Internship supervisors or hiring managers should emphasize the importance of real work assignments during a manager/mentor orientation and communicate with the student interns frequently throughout the entire internship term. The use of mentors or a project team can provide the structure and guidance that an intern requires particularly in the early stages of the internship.

Mentors can help train, evaluate, correct or redirect inappropriate actions and be a resource for the intern. A mentor provides encouragement, and will monitor your growth and development.

# **Opportunity to Observe Professionals in Action**

Interns should be given the opportunity to observe working professionals in their particular field of study in order to gain an understanding of the type of work the occupation involves. When appropriate, interns should be allowed the opportunity to sit in meetings, attend presentations, and meet with clients. Additionally, interns should be allowed to speak with professionals inside and outside of their department to learn about other occupations and career paths.

# **EVALUATING YOUR INTERN**

Effective supervision throughout the entire internship process makes for a more satisfactory experience for the student and company. At the end of the semester a final evaluation is provided to the company which is the most significant aspect to the intern's grade (if for Academic Credit) and/or experience. Providing an intern with feedback about his or her performance and skill set provides a great learning opportunity for the student.

Evaluation is not always necessary if the student chooses not to receive academic credit, however, establishing the framework for communication throughout the process is important for a successful internship.

### **Performance Evaluation**

For most employers, this is an informal process and is rooted in good communication. Feedback begins on the first day and continues throughout the entire internship. Evaluations are a positive way to conclude the internship for the student. The supervisor, mentor, or project team should review what is working and what changes or improvements need to be made. The following areas should be considered.

- The intern's performance based on the job description
- · If additional training is required for the intern
- Expectations were met
- Positive feedback on what is working and what needs correction

#### For Intern

- What were the intern's best skills?
- What areas need improvement?
- Did the intern adapt to employer culture?

# **Intern Evaluation of Employer**

The exit interview or final evaluation provides important feedback to the employer and intern. Feedback can help determine ways to improve internship procedures.

#### Interns may be asked:

- What new skills did you learn?
- Did you receive consistent feedback throughout the internship?
- Was the mentor or project team of help during your internship?
- Do you view the company as a potential employer upon graduation?
- Would you recommend this experience to your friends or peers?
- What would you add or change to improve the experience?

# **Employer Evaluation of Internship**

Following the conclusion of an internship, the team involved with the internship program should meet to review "exit surveys" and evaluate the internship. Did the internship benefit the company or organization? What changes will improve the internship experience? Were sufficient resources available for the intern (work space, equipment, compensation and supervision)?

# **SAMPLE: EVALUATION FORM**

Name of Student:			
Student's Job Title:			
Supervisor's Name:			
Company Name:			
Semester of Service:			
	:		
Please check the spaces below that best describe confidential and will greatly assist us in the future	the student's performance. Your evaluation will remain placement efforts and in mentoring our students.		
Relations with Others	Attitude Toward Work/Initiative		
<ul> <li>□ Exceptionally well accepted</li> <li>□ Works well with others</li> <li>□ Gets along satisfactorily</li> <li>□ Some difficulty working with others</li> <li>□ Has serious issues with interpersonal skills</li> </ul>	<ul> <li>□ Outstanding Enthusiasm</li> <li>□ Very interested and industrious</li> <li>□ Average diligence and interest</li> <li>□ Somewhat in difference</li> <li>□ Definitely not interested</li> </ul>		
Judgement	Dependability		
<ul> <li>□ Exceptionally Mature</li> <li>□ Above average decision making</li> <li>□ Usually makes the right decision</li> <li>□ Often uses poor judgement</li> <li>□ Consistently uses bad judgement</li> </ul>	<ul> <li>□ Completely dependable</li> <li>□ Above average dependability</li> <li>□ Usually dependable</li> <li>□ Neglectful or careless at times</li> <li>□ Unreliable</li> </ul>		
Ability to learn	Quality of Work		
<ul> <li>□ Learns very quickly</li> <li>□ Learns readily</li> <li>□ Average learning rate</li> <li>□ Must be instructed repeatedly</li> </ul>	<ul><li>□ Excellent</li><li>□ Very good</li><li>□ Average</li><li>□ Below Average</li></ul>		
Quantity of Work	Basic Skills		
<ul><li>□ Exceptionally productive</li><li>□ Well above average</li><li>□ Average for an intern</li><li>□ Unsatisfactory</li></ul>	<ul><li>Excellent command of fundamentals</li><li>Well above average</li><li>Average for an intern</li><li>Unsatisfactory</li></ul>		
Please rate the following:			
1=Poor 2=Fair 3=Adequate	4=Good 5=Excellent		
Attendance Punctuality Overall Performance			
Please give us any additional comments about th	e performance of the student:		

How can we improve the educat	on and training of our students	for jobs in your industry?
How can we improve the Cooper	ative Education/Internship prog	gram?
We encourage you to review and This report has been reviewed w	•	dent.
Student's Signature		
Supervisor's Signature	Date	

# **HUMAN RESOURCE ISSUES**

In the process of developing an internship program, your company or organization should evaluate whether or not an employment relationship will be created between your company and the intern. It is critical to properly classifying individuals as interns or employees. An employer that incorrectly classifies an individual as an intern rather than an employee may face serious consequences, including liability for discrimination, harassment, back taxes, interest, penalties, benefits and workers' compensation premiums.

Human Resources role concerning internship programs depends on the situation. If your company or organization has no formal internship program, then Human Resources' first task is to make communication with upper management of organizational needs and the importance of establishing one. Making that case will further entail coming up with specifics on organizational needs, wages, hours, policies and legal issues. The specifics of a new internship program will mostly focus on how it would benefit the employer in the short term.

# **Compensation**

As part of the planning process for your internship program, compensation must be considered. In some industries, unpaid internships are quite common. In others, internships can be very well-paid. An employer should consider what is appropriate or standard for the particular industry,

We highly encourage the internship to be a paid experience. There are several benefits with that kind of arrangement. Paid internships become an excellent way for employers to observe an intern's potential first-hand, provide a long-term orientation, and identify top recruits for full-time positions. Additionally, paid internships can motivate interns and ensure higher productivity and performance. Some are motived by financial compensation. Some want experience. Others want the opportunity for advancement or academic credit. The two most important questions an employer will face are:

- 1. Paid or unpaid
- 2. Academic credit or non-credit

# Paid vs. Unpaid

As previously mentioned, the compensation you offer to an intern is influenced by many factors, such as your industry, your workforce needs and other company-specific factors. It is important to look at the federal and state regulations related to interns. Your decision on how to handle compensation should be discussed with a human resources or legal professional. The principal legal issue with internships is whether the company or organization must pay the intern anything at all. For private-sector employers in the United States, the answer is almost always yes. Generally, the intern should be paid at least minimum wage as well as overtime. The U.S. Department of Labor (DOL) recognizes very narrow exceptions to the requirements of the Fair Labor Standards Act (FLSA) for private-sector internships in for-profit organizations. Public-sector employers and non-profit organizations, however, are given greater extent in determining whether to pay interns anything at all. Below is a brief overview of the federal guidelines.

# Fair Labor Standards Act (FLSA) Compliance

• "Who Benefits" - FLSA requires employers to pay interns at least minimum wage plus overtime if the company benefits at all from interns conducting "productive work."

- If the intern is promised a full-time position at the end of the internship, the internship then becomes a probationary period and, at this point, the intern is treated like an employee and should be compensated as such.
- If the intern is replacing a regular employee, it may be an indication that the intern is being treated like and employee.
- Some companies prefer to pay interns a stipend. This is a viable alternative, however, the company or organization must still comply with FLSA requirements. If the company or organization has determined it is required to compensate the interns according to FLSA, then the stipend must be equivalent to an hourly rate of at least the minimum wage for all hours worked. If a company feels that no direct compensation of the student is required under FLSA, then a stipend or donation of any amount can also be given.

#### Social Media

Social media has become an integral part of everyday life. In today's society, companies have established social media policies to ensure employees are representing themselves and the company in a positive light when engaging online. Interns should be expected to follow the same guidelines and policies as full-time employees.

#### International Students

International students can bring new perspectives to your organization as interns. They bring insight from their culture and are eager to experience the professional world in the United States. International students are often bright students and can be outstanding candidates. There are several types of visas granted to international students, most of which allow the student to work off-campus. In most cases, the **student should be advised of what needs to be done before he/she can accept an internship**. The Office of Global Engagement: International Admissions and Student Services will be able to advise a UTRGV student regarding his/her work authorization status and particular type of student visa needed.

# **Intellectual Property and Confidentiality**

Intern can work on a variety of projects, and in some cases, may work on projects where intellectual property rights are a cause of concern for the company or organization. Typically, if new employees would be asked to sign a nondisclosure agreement, an intern may be asked to do so as well.

#### **Benefits and Insurance**

Since most internships are short-term in nature, benefits are not typically offered to interns. Most students will already have insurance coverage through their colleges or universities should they be enrolled in an academic course for credit. In other case, the student will be covered under their parents' insurance policies.

#### Dismissal of an Intern

In many cases, the period of the internship is brief, making dismissal unnecessary. However, it is best to be prepared should a situation arise in which steps must be taken to dismiss an intern. It is important that an employer takes steps that are consistent with your company or organization's employment policies.

Dismissal of interns should only occur in cases of major misconduct (theft, assault, use of controlled substances in the workplace, etc.) or instances of significant violation of company or organization policy

after prior instruction.

Interns for the most part, are young people who may not have the same level of maturity and judgement as those in your regular workforce. Accordingly, there should be a high level of patience for their adjustments to the workplace during the internship.

Because internships are a very brief period of time (summer, fall, spring), students should be given a fair opportunity to become part of your organizational culture. At the conclusion of the internship, there is no obligation to return the student for another internship or extend an offer of regular employment.

Should dismissal of an intern be considered, the supervisor recommending dismissal must be able to clearly articulate in writing the reason(s) for dismissal and have it reviewed by a high level of management. Additionally, a written report should be provided to the faculty internship coordinator or university internship coordinator.

# U.S. Department of Labor Wage and Hour Division

(Updated January 2018)



# Fact Sheet #71: Internship Programs Under The Fair Labor Standards Act

This fact sheet provides general information to help determine whether interns and students working for "for-profit" employers are entitled to minimum wages and overtime pay under the Fair Labor Standards Act (FLSA).

### **Background**

The FLSA requires "for-profit" employers to pay employees for their work. Interns and students, however, may not be "employees" under the FLSA—in which case the FLSA does not require compensation for their work.

#### The Test for Unpaid Interns and Students

Courts have used the "primary beneficiary test" to determine whether an intern or student is, in fact, an employee under the FLSA. In short, this test allows courts to examine the "economic reality" of the intern/employer relationship to determine which party is the "primary beneficiary" of the relationship. Courts have identified the following seven factors as part of the test:

- 1. The extent to which the intern and the employer clearly understand that there is no expectation of compensation. Any promise of compensation, express or implied, suggests that the intern is an employee—and vice versa.
- 2. The extent to which the internship provides training that would be similar to that which would be given in an educational environment, including the clinical and other hands-on training provided by educational institutions.
- 3. The extent to which the internship is tied to the intern's formal education program by integrated coursework or the receipt of academic credit.
- 4. The extent to which the internship accommodates the intern's academic commitments by corresponding to the academic calendar.
- 5. The extent to which the internship's duration is limited to the period in which the internship provides the intern with beneficial learning.
- 6. The extent to which the intern's work complements, rather than displaces, the work of paid employees while providing significant educational benefits to the intern.
- 7. The extent to which the intern and the employer understand that the internship is conducted without entitlement to a paid job at the conclusion of the internship.

Courts have described the "primary beneficiary test" as a flexible test, and no single factor is determinative. Accordingly, whether an intern or student is an employee under the FLSA necessarily depends on the unique circumstances of each case. If analysis of these circumstances reveals that an intern or student is actually an employee, then he or she is entitled to both minimum wage and overtime pay under the FLSA. On the other hand, if the analysis confirms that the intern or student is not an employee, then he or she is not entitled to either minimum wage or overtime pay under the FLSA.

#### Where to Obtain Additional Information

This publication is for general information and is not a regulation. 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).

The FLSA exempts certain people who volunteer to perform services for a state or local government agency or who volunteer for humanitarian purposes for 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 for public sector and non-profit charitable organizations, where the intern volunteers without expectation of compensation, are generally permissible.