

## Intern and Volunteer Criteria

### Interns

Under the Fair Labor Standards Act employers must pay employees for all work that is being performed. There is an exemption from the pay requirement for interns that involve several factors. The factors include:

- That the training, even though it includes actual operations of the facilities of the employer, is similar to training that would be given in a vocational school or academic credit is being given for the training
- That the training is for the benefit of the individual
- That the individual does not displace regular employees, but works under close supervision
- That the employer does not derive immediate advantages from the activities of the individual
- That the individual is not necessarily entitled to a job at the end of the training period, and
- That the employer and the individual understand that the individual is not entitled to wages for the time spent training.

If all factors are met, the individual will be considered an intern and not an employee under the Department of Labor's standards, which may change from time to time.

### Volunteers

Under the Fair Labor Standards Act employers must pay employees for all work that is being performed. There is an exemption from the pay requirement for volunteers at a nonprofit institution. The factors include:

- The nature of the entity that receives the services
- The receipt by the individual (or expectation thereof) of any benefits from those for whom the services are performed
- Whether the activity is less than a full-time occupation
- Whether regular employees are displaced
- Whether the services are offered freely without pressure or coercion, and
- Whether the services are of the kind typically associated with volunteer work.

If all factors are met, the individual will be considered a volunteer and not an employee under the Department of Labor's standards, which may change from time to time.