

GUIDELINES FOR UNPAID INTERNSHIPS

The purpose of this document is to provide guidance when you are considering recruiting an unpaid intern to work in your office or department. Bringing an unpaid intern onto your team is a different process than hiring a new employee, so it is important to understand the process and requirements for unpaid internships.

If you are considering recruiting an unpaid intern, you should review this guide and then contact Human Resources at hr@whitman.edu before moving forward. Human Resources will support you through this process to ensure all the essential guidelines are being met.

THE PRIMARY BENEFICIARY TEST FOR UNPAID INTERNSHIPS

Primary Beneficial Test

According to the Fair Labor Standards Act (FLSA), seven criteria are used to analyze the intern-employer relationship and determine who the primary beneficiary of the internship is. If you want to recruit an unpaid intern, you must contact Human Resources *ahead of time* to perform a primary beneficiary test. Below is a paraphrased version of the primary beneficiary test:

- 1) There should be no expectation of compensation. Both the employer and intern should be explicitly aware of this.
- 2) The internship should provide training akin to the training that would be provided in an educational environment, such as hands-on training.
- 3) The internship should be related to the intern's education program via integrated coursework or by receiving academic credit for their work.
- 4) The internship should accommodate the intern's academic commitments during the academic year.
- 5) The internship should cease once the internship is no longer providing the intern with beneficial learning.
- 6) The intern's duties should not replace those of a paid employee. The intern's duties should provide educational benefits to the intern and complement the work of paid employees.
- 7) There should be no expectation that the intern will be entitled to receive a paid job offer at the end of the internship.

If all of the above criteria are met, then the intern is not considered an employee and, therefore, not entitled to minimum wage or overtime pay through the FLSA. If the criteria are not met, then the intern should be considered an employee and is entitled to be paid minimum wage and overtime for their work. Human Resources will determine if the criteria are met and, if not, may assist you in

making appropriate adjustments to adhere to the unpaid internship guidelines. Because of this, it is essential that you contact Human Resources before moving forward with recruiting an intern.

Additional Information

For more information about internship programs under the FLSA, visit the U.S. Department of Labor website [here](#).