CAPE COD COMMUNITY COLLEGE

EXPERIENTIAL LEARNING (INTERNSHIP/ CO-OP) SITE APPLICATION

Name of business/organization:_____

Contact Name:_____, Title:_____

Address:_____Town:_____Zip:_____

Phone: _____ Email: _____

□ This is not an in-home business

Please select the timing for the internship below (select all that apply):

□ Fall semester (September – December) □ Spring semester (January – May)

□ Summer (May – August)

Number of interns you are seeking: □ one □ two □ _____

Nature of work the intern will perform: _____

_____

_____

This experience would be most appropriate for students enrolled in the following internship/co-op courses:

□ Business □ Criminal Justice □ Environmental Technology

□ Graphic Design □ Hospitality □ Information Technology

□ Mass Communications □ Paralegal □ Natural Sciences

Other_____

Internship supervisor will be:

Contact Name:_____Title:_____

Phone Number: _____ Email: _____

Will interns be paid? □ yes at a rate of $_____ per hour

□ no - refer to the Fair Labor Standards Act on the next page or online at: http://www.dol.gov/whd/regs/compliance/whdfs71.pdf and describe how your organization meets these six standards below (please state if non-profit or government)

_____

_____

_____

_____

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_____

Please submit this application to: kierardi@capecod.edu (or fax to 508-375-4079)
Kristina Ierardi, Coordinator, Career Services & Experiential Learning,
Cape Cod Community College, West Barnstable, MA 02668

U.S. Department of Labor
Wage and Hour Division
(April 2010)

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 discussed at http://www.dol.gov/whd/regs/compliance/whdfs71.pdf.