

## College Procedure: 404.16 – Internships

Policy Reference:	404 – Employment Relationship
Responsible Department:	Human Resources
Approval Authority:	Cabinet
Procedure Owner:	Vice President, Human Resources and Institutional Effectiveness
Effective Date:	07/28/2014

Version Number:	3
Legal Counsel Reviewed (yes/no):	No
Scope:	College-wide

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### Reason for Procedure

The intent of this procedure is to outline the guidelines for paid and unpaid interns. The U.S. Department of Labor (DOL) provides guidelines on whether interns must be paid minimum wage and overtime under the Fair Labor Standards Act (FLSA).

### The Procedure

#### Unpaid Internships

In order for an intern to be eligible to work for no pay, all six of the following criteria must be met:

1. The internship must be similar to training which would be given in an educational environment.
2. The internship experience must be 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 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.
6. The employer and the intern understand that the intern is not entitled to wages for the time spent in the internship.

If all six criteria are met, an employment relationship does not exist under the FLSA, and the intern is not subject to minimum wage and overtime provisions. The supervisor of the intern is responsible to ensure that the above criteria are met constantly during the duration of the internship.

The [Unpaid Internship Agreement](#) must be completed by both the intern and supervisor and submitted to Human Resources.

## Paid Internships

If not all six criteria are met, the intern must be hired as a paid employee under the provisions of Kirkwood's Compensation Policy. The intern is subject to the FLSA provisions regarding minimum wage and overtime.

## References

FAIR LABOR STANDARDS ACT (FLSA)

COMPENSATION POLICY

UNPAID INTERNSHIP AGREEMENT

## Revision Log

*Table 1 Revision Log*

Version Number	Date Approved	Approved by	Description of Change
1	07/28/2014	Jim Choate, Vice President, Finance	New procedure
2	05/15/2017	Mick Starcevich, President	New template
3	07/17/2019	Cabinet	Procedure template