

# Colgate University

## The Center for Career Services Policy on Internships

The Center for Career Services and Colgate University require that all positions in naviGATE adhere to the guidelines outlined in the [Fair Labor Standards Act](#) by the United States Department of Labor.

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- A. PAID INTERNSHIPS must observe the Department of Labor's standards around **minimum wage and overtime compensation**. Internships awarding a one-time stipend or otherwise not meeting these standards should be listed in naviGATE as unpaid.
- B. UNPAID INTERNSHIPS must comply with the Test for Unpaid Interns.

### 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 considered below.

By signing below, you confirm that your opportunity complies with all legal requirements.

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Print Name

Employer

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Signature

Date