



Should The White House Be Paying Its Interns?

Insights

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The unpaid-interns ruckus continues to unfold, this time in a way that entangles President Obama.

As we may have observed, an unpaid White House intern might conclude that he or she is “engaged in the operations of the employer or...performing productive work,” activities which the U.S. Labor Department says would be viewed as federal Fair Labor Standards Act employment where a business is concerned. Although another federal law says that the rights and protections of the FLSA apply to “covered employees” in presidential offices, the drafters expressly excluded interns.

But now a movement referring to itself as the “FairPay Campaign” has launched a petition “call[ing] on the White House to pay the interns it employs an hourly wage.” The group’s approach appears to be to cajole and shame President Obama into doing so, including by asserting that not paying the interns would be hypocritical in light of his call for an increase in the FLSA’s minimum-wage rate. A *CNNMoney* report suggests that spotlighting the White House is part of a soon-to-be-undertaken broader effort aimed at, as the group’s website puts it, “fighting to end Unpaid Internships.”

This heightened publicity takes place against the backdrop of a continued onslaught of lawsuits under the FLSA and state laws brought by unpaid *or allegedly underpaid* interns. We have reported on some of them in the firm’s wage/hour blog, but in just the last couple of months others have been filed against Bad Boy Entertainment, Columbia Recordings Corp. (along with Sony Corporation and Sony Music Holdings), and NBC Universal.

We are even more inclined to suspect that, by next spring, informed employers will be thinking long and hard about whether to offer any internships at all, whether unpaid *or* paid. Paging through comments entered by some FairPay petition signers will make for interesting reading in this connection.

One may reasonably question whether efforts by FairPay and others will eventually have amounted to “fighting to end” many or even most internships of *every* kind.

This article originally appeared in the Fisher Phillips Wage & Hours Law blog, which can be accessed through our website at www.fisherphillips.com.

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