

Make Sure Unpaid Interns Pass Federal Test

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The popularity of unpaid internships has risen substantially in recent years, driven by the recession. Job seekers have been eager for opportunities to make connections and demonstrate their skills and work ethic, while short-handed employers have been grateful to have extra hands.

Some, however, saw exploitation lurking within the trend, and last year the federal Department of Labor issued a fact sheet governing internships. Now employers must meet a six-point federal test to justify bringing unpaid people into the workplace, and enforcement is being emphasized.

What this means is that employers, to avoid legal entanglements, have to be very careful about creating or continuing unpaid internships. The expectation now is that anyone making any worthwhile contributions in your workplace should be paid in accordance with standard wage and hour laws and regulations.

Unemployment remains stubbornly high, so chances are still good that an eager job seeker may come knocking with a free "audition" offer that's almost too good to be true. But under the law, just because the intern is OK with not being paid doesn't by itself make the deal acceptable.

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