

Employment Law Considerations for Construction Companies Planning Internship Programs

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In an article published by *Construction Executive*, **Curtis Moore** differentiates between paid and unpaid internships and cautions that "...industry employers must be careful in creating and implementing their unpaid internship programs so as not to run afoul of the Fair Labor Standards Act (FLSA) or state-equivalent wage-and-hour laws." He then provides an explanation of the Department of Labor's (DOL) Primary-Beneficiary Test to determine whether an unpaid intern is an employee, and he explains that "if the intern is determined to be an employee...then he or she would be entitled to minimum wage and potentially overtime pay for any hours worked." In the end, Curt advises that construction industry executives study the DOL's Primary-Beneficiary Test and carefully draft their internship materials and agreements to help avoid FLSA lawsuits and exposure.

To read the article, visit [Construction Executive](#).

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