



FLSA Intern Class Conditionally Certified In Hearst Lawsuit

Insights

7.25.12

As we reported earlier, a former *Harper's Bazaar* unpaid intern is pursuing a lawsuit against publisher The Hearst Corporation in which she claims (among other things) to have been an "employee" under the federal Fair Labor Standards Act who was not compensated in compliance with that law.

A New York federal judge has now conditionally approved the case as a "collective action". This means that the lawsuit will proceed as the FLSA's version of a class action, including that court-authorized notice of the complaint will be sent to potential class members to let them know that they may join the lawsuit if they choose to do so.

The court ruled that Xuedan Wang had presented enough evidence to justify allowing the case to move forward on this basis for the time being. Among the allegations of which the court took note are that Hearst decided that all interns working at 19 magazines were non-employees but used them to complete tasks necessary to its operations, such as answering telephones, making deliveries, and organizing clothing and accessories. Wang also asserts that Hearst required interns to submit "credit letters" from colleges, some of which, she says, required the intern to make a payment to his or her college in order to receive the credit. She contends that she and other interns were essentially entry-level employees who performed commensurate work with little supervision.

Of course, these are simply Wang's claims. And after further factual development, Hearst can try to convince the court that treating the case as a collective action is not warranted after all. Nevertheless, this litigation bears watching, because it might well serve as a template for similar FLSA lawsuits across the nation.