

## **UNPAID Internships or Volunteering and Optional Practical Training**

"Students may work as volunteers or unpaid interns, where this practice does not violate any labor laws. The work should be at least 20 hours per week for students on post-completion OPT. A student should be able to provide evidence, acquired from the student's employer, to verify that he or she worked at least 20 hours per week during the period of employment."

**THE ISSS is advising to be cautious when considering "unpaid" volunteer or internship experiences.**

**Please review the following information:**

*If unpaid volunteer or internship is in violation of U.S. Labor Laws then they will not be considered as employment. The Employer may face wage/hour law penalties such as having to pay back pay.*

Private sector for-profit entities. Fact Sheet #71 describes the following six factors [from the Supreme Court's decision in *Walling v. Portland Terminal Co.*, 330 U.S. 148 (1947)] that will be considered in determining whether individuals who participate in "for-profit" private sector internships or training programs may do so without compensation.

- 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;
- The internship experience is for the benefit of the intern;
- The intern does not displace regular employees, but works under close supervision of existing staff;
- 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;
- The intern is not necessarily entitled to a job at the conclusion of the internship; and
- The employer and the intern understand that the intern is not entitled to wages for the time spent in the internship.

Public sector and non-profit entities. Fact Sheet #71 states that "Unpaid internships in the public sector and for non-profit charitable organizations, where the intern volunteers without expectation of compensation, are generally permissible.

<https://www.dol.gov/whd/regs/compliance/whdfs71.pdf>

WHD is reviewing the need for additional guidance on internships in the public and non-profit sectors." The fact sheet notes that wage and hour law makes special exceptions under certain circumstances for:

- Individuals who volunteer to perform services for a state or local government agency;
- Individuals who volunteer for humanitarian purposes for private non-profit food banks;
- Individuals who volunteer their time, freely and without anticipation of compensation for religious, charitable, civic, or humanitarian purposes to non-profit organizations.

For more information, please visit the United States Department of Labor at

<https://www.dol.gov/whd/>