



## Virginia Workplace Law

### Rite of Spring: Requests for Internships

By: Karen Elliott. *Thursday, March 8th, 2012*

Has your phone started ringing with requests to provide internships for students eager to gain a line on their resume? If so, you are not alone. **USA Today reports**, however, that in light of recent litigation, companies are supporting fewer interns, fearful they will become the subject of a class action wage and hour lawsuit. True internships, however, have never been a substitute for cheap labor. The employers involved in the litigation simply got caught.

In November, we provided **tips on internships** after interns on the movie set of **Black Swan** filed suit. The Black Swan suit was followed last month by another **class action lawsuit** filed by an unpaid intern at **Harper's Bazaar** who claims she did work that's usually done by a paid fashion assistant.

But employers should not be fearful of providing true internships. As the calls start rolling in, every employer should ask itself one key question. Who is benefiting from this relationship? If the employer benefits, most likely the intern is doing work that the employer should be paying for. Internships are really for the student's immediate benefit. Internships are not a clever way to save money. They are instead, an investment in the future. They take work and effort by the employer.

While the DOL outlines **guidelines for interns**, employers should consider setting out the relationship in writing for the intern, up front. Following is a sample of what that information might include:

- We are offering you an educational unpaid internship at XYZ Company.
- The first day of your internship will begin on [Date]. Your internship will terminate on [Date].
- This internship is provided to you with the following understanding:
- This internship is to provide an educational opportunity for your benefit.
  - You will receive school credit for this internship.
  - You will work under the close supervision of existing staff.

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- Your supervisors will be providing evaluations of your performance as requested by your school.
- Your time spent on your internship at XYZ Company is UNPAID.
- Your internship does not entitle you to a job at the conclusion of the internship.
- If at any time you believe that your educational internship duties have shifted to requiring you to perform general operations work, for example, such that you are replacing an employee, or if at any time you believe that you are performing work which is not for your educational benefit but for which you believe is primarily for the benefit of XYZ Company, you must immediately inform [Name] of your concerns.
- If you wish to accept this internship, please sign in the place provided below. Your signature also constitutes your agreement to abide by our company practices and policies while you are participating in this program, as well as to show your agreement with the provisions set forth above.
- Should you have any questions about starting with XYZ Company please do not hesitate to contact [Name].

By setting forth the parameters up front, everyone benefits. And finally, if the internship is too much trouble, because your company is not getting anything out of it, then you need to reassess why it's being offered.

If you need assistance with understanding the wage and hour laws, the **Virginia employment attorneys** at Sands Anderson would be pleased to assist you.

Tags: **Black Swan, Class action, Department of Labor regulations, employer, employment, Harper's Bazaar, Internship, Sands Anderson, USA Today, Virginia**

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