

FLSA-261

February 11, 1974

This is in reply to your letter of December 28, 1973, in which you ask if a proposed television news internship program of The *** State University would result in the *** participating students being considered employees under the Fair Labor Standards Act.

You describe the program as follow:

1. Only those undergraduate or graduate students who had satisfactorily completed certain prescribed Mass Communication classroom courses would be eligible for participating in the program.
2. The students receiving on-the-job training would be closely supervised.
3. At no time would the student displace an employee of the TV station at which he was receiving the training.
4. The training is primarily for the benefit of the student, who previously has had only classroom training.
5. The student would spend one or two quarters in the program, and may earn up to 12 credit hours for his participation.
6. Participating students would not be entitled to wages during this phase of their training.

The internship program envisions the obtaining of practical experience in identifying and solving problems in news gathering, including beat work at governmental and private agencies, city desk and general assignment activities in the newsroom, on-site reporting and cinematography, film editing, rewriting and on-the-air work to be done under the close supervision of supervisory and other news personnel employed by the training facility (TV stations). Upon completion of the academic quarter, the student will submit a written report and evaluation of his internship to his facility advisor-supervisor, with a copy to the Department of Communications for consideration by the Curriculum Committee.

It appears that the program is designed to provide a student with professional practice in the furtherance of his college education and the training is academically oriented for the benefit of the student. Accordingly, the Department will not assert that the students are employees of the TV station which provides this portion of the student's education.

Sincerely,

Warren D. Landis
Acting Administrator
Wage and Hour Division

Enclosure