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UNPAID INTERNSHIPS: A LOOK AT THE CONFUSING STANDARDS, NEGATIVE
IMPACTS, AND WHY THE U.S. NEEDS TO UTILIZE THE APPRENTICESHIP MODEL

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ABSTRACT

Unpaid internships occur in many companies in nearly every industry. Students work in varying capacities without remuneration, and the practice is rationalized by the idea that it gives students valuable professional experience. However the experience is often eclipsed by the cost to the student, the economic impact, and other negative societal impacts. These issues demonstrate a pattern of exploitation and a need for change.

In order to curb exploitation of these workers, the Department of Labor issued a six-part test to determine whether an intern can rightfully be considered an employee. Despite their attempt at clarifying the matter, a litany of contradictory court cases and internal investigations establish that the regulation is not enough to solve the problems caused by unpaid internships. Many organizations have taken a stance on the matter, and through a study of their opinions, a set of recommendations are forthcoming that most principally suggests a shift in the paradigm of the unpaid internship experience to an apprenticeship model.

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Part 1

INTRODUCTION

“The distinction between ‘assistant’ and ‘intern’ is a simple one: assistants are paid. Interns are not. But of course interns are paid, in experience.”

-Joyce Carol Oates, American Author

Internships, where students spend a short time with a company or organization to gain educational or professional experience, are a common practice. These experiences vary, but as Joyce Carol Oates intimates, the principal distinction is that many are unpaid.

Students involved in internships, regardless of their level of compensation, value these experiences immeasurably. But they also are subjected to improprieties, be it discrimination, wrongful termination, or even sexual harassment¹. Most United States’ laborers are covered by the Fair Labor Standards Act (FLSA), which defines an employee as someone who “suffers or permits to work.”² The act in turn provides the employee with protection from many workplace injustices. However, because the interns do not receive remuneration for their services, they are exempt from those who “suffer or permit” to employment. As such, unpaid interns work at various companies and industries without coverage by the FLSA. Moreover, or other labor protections such as Title VII, Whistleblower Act, or sexual harassment laws do not apply to unpaid interns due to their exemption from employee status.³

¹ Notably, Because interns are not considered employees, protection is lacking on the federal level, particularly when it comes to Title VII of the Civil Rights Act of 1964. *O’Connor v. Davis*, 126 F.3d 112, 115-116 (2d Cir. 1997).

² Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 201 *et seq.*

³ Katherine Anne Edwards & Alexander Hertel-Fernandez, *Not-So-Equal Protection: Reforming the Regulation of Student Internships*, (April 5 2010) at 1, <http://www.epi.org/publication/pm160/>

Evidently, unpaid internships are costly—both financially and potentially to the students' wellbeing—considering the lack of protections and recompense. Furthermore unpaid internships occur more frequently in particular classes of students, namely females studying business and hoping to work for a glamour industry or health care.⁴ For these reasons, one must consider the importance of admitting to the negative impacts of unpaid internships and how the said implications can be eradicated.

This article will analyze the current climate of unpaid internships, first by understanding the prevalence, impacts, and regulation regarding laborers in those internships. That is to say, the majority of college students participate in an internship.⁵ The negative effect of unpaid internships is both macro and micro focused, more than likely because the available regulations are inconclusive, confusing, and inconsistent as evidenced by the range of cases and government investigations. Both are analyzed in the third section, through the lens of said regulation to demonstrate just how unreliable the application of the standards are. Many organizations, from universities to labor unions give opinions on the matter as well. A summary of which are available in the fourth section, because doing so gives a global view of the stakeholders involved, and therefore demonstrates yet another cause for confusion as each group works from a different angle. The final section details the recommendations for changes in university involvement, applicable laws, and finally the corporate model for internships. It is the latter that truly addresses the issue at hand most effectively.

⁴ Phil Gardner, *The Debate over Unpaid College Internships*, (Jan. 2010), <http://www.ceri.msu.edu/wp-content/uploads/2010/01/Intern-Bridge-Unpaid-College-Internship-Report-FINAL.pdf>

⁵ Debra D. Burke & Robert Carton, *The Pedagogic, Legal and Ethical Implications of Unpaid Internships*, 30 *J. Legal Stud.* 99, 101 (2013).

Compensation for real work is vital in maintaining protection for students from any negative impact of an unpaid internship. Hence, looking at the concept of unpaid internships in a new light—a hybrid of learning and working—brings a company back to a seemingly antiquated practice, that of the apprenticeship. Shifting to an apprenticeship model would allow for an internship to take two distinct roles: on one hand a student would gain applicable knowledge, and this educational portion of the program could be unpaid; adversely it is undeniable that interns, when placed in a professional setting for an internship, will only learn by doing, and when this occurs, the interns will be compensated. Only when this shift occurs will the students' employment relationship be appropriately classified, and students will resultantly be appropriately compensated and fall within the ambit of federal statutes that hold employers accountable for exploitative terms and conditions of work.

Part 2
STATEMENT OF FACT

Background

It was once known as an apprenticeship. A young trainee donates time and effort in return for viable skills that opens doors to some vocational or other professional opportunities. Nowadays, it is known as an internship, and it has become a wildly popular practice for corporations, non-profits, and just about any organization that hires workers. In fact, seventy-five per cent of college students admit having at least one internship experience throughout their educational career.⁶

Internships can theoretically provide students with valuable experience that better prepares them for the workforce than just their classroom education alone could. “Analysis, synthesis, and evaluation” that comes from applying knowledge in the real world might only be available to students who work in the real world with a real company.⁷ Job markets are becoming exceedingly competitive prompting corporations to require many applicants to have career experience before beginning even entry-level positions.⁸ As a result institutions of higher education also have responded by making accommodations for internships in the course of a students’ academic career. Universities and colleges do so by assisting students in finding internships and creating the opportunity (and sometimes the requirement) for students to receive

⁶ Burke & Carton, *supra* note 5, at 101.

⁷ *Id.* at 102.

⁸ Anthony J. Tucci, Comment, *Worthy Exemption? Examining How the DOL Should Apply the FLSA to Unpaid Interns at Nonprofits and Public Agencies*, 97 Iowa L. Rev. 1363, 1382 (2012).

academic credit for their internship.⁹ Incidentally the schools also assume the responsibility of monitoring the internship programs through some educational component, as well as charging and receiving tuition dollars for the credits. Students also typically pay over \$400 per credit to their colleges or universities in order to even qualify for the internship.¹⁰ Often the stipulation for an internship to be unpaid is that the student receives academic credit for it. More often than not, the universities involved do not monitor the programs adequately.¹¹ As a result there is a vicious cycle of interns being required to pay their universities for their experience, or else they are prohibited from participating by the company; yet the educational institutions provide little in return for the income that they receive from students on internships.

Just as a university wants compensation for whatever part they do play in the internship programs, students also often expect payment for the work they are providing to the company. The average hourly wage for undergraduate interns in the United States is \$16.26.¹² Yet, a third to half of the students participating in internships are given no compensation at all.¹³ Companies sometimes complain that the depressed economy has made it impossible to compete with those paying well above minimum wage, so rather than try, they decide not to pay their interns at all.¹⁴

⁹ Burke & Carton, *supra* note 5, at 122.

¹⁰ Gardner, *supra* note 4, at 13.

¹¹ Burke & Carton, *supra* note 5, at 123.

¹² National Association of Colleges and Employers, *2014 Internship & Co-op Survey*, (May 14, 2014) at 4, www.naceweb.org/surveys/internship-co-op.aspx. (NACE's 2014 Internship & Co-op Survey was conducted from November 18, 2013, through January 24, 2014. The survey was sent to 1,116 NACE employer members: 264, or 23.7 percent, took part). Since the publication of this report, NACE has reported an increase in the wage rate to \$16.35. See National Association of Colleges and Employers, *Hourly Wages for Interns and Co-ops Stable*, (April 2, 2014), <http://www.naceweb.org/s04022014/hourly-wages-interns-co-ops.aspx?terms=2013%20co%20op%20survey>

¹³ Burke & Carton, *supra* note 5, at 101.

¹⁴ Robert Shindell, *The Business Case for Paying Interns*, at 3, (April, 2012), <http://www.internbridge.com/images/The%20Buisness%20Case%20for%20Paying%20Interns%20Whitepaper%20as%20of%20April%2027.pdf>

Other organizations feel that the skills students glean from their internships have enough economic value to substitute for compensation.¹⁵ Yet interns often complete administrative or janitorial tasks, work long hours, and are not necessarily gaining employment afterwards, begging the question whether these “skills” are really just compensation. Aside from the benefits of compensation, many interns are also deprived of the rights of employment, such as overtime pay, record of wages, and discrimination or harassment protection in the workplace.¹⁶

Unpaid internships and the associated concerns are not limited to one industry or one organization, but there are some interesting trends. In a survey by Intern Bridge, data on both the type of student and type of company involved in unpaid programs was presented. Such students are most likely to be female.¹⁷ By major, a student pursuing a business degree will participate in an unpaid internship most frequently, followed closely by sciences, then agriculture and natural resources.¹⁸ Companies likely to provide unpaid internships are predominantly non-profit and government positions.¹⁹ More specifically, unpaid internships in art industries and health care are most common.²⁰

¹⁵ Burke & Carton, *supra* note 5, at 103.

¹⁶ *Id.*

¹⁷ Gardner, *supra* note 4, at 5.

¹⁸ *Id.* at 6.

¹⁹ *Id.*

²⁰ *Id.* at 7.

Confusion in Regulatory Guidance

Fair Labor Standards Act

Considering the pervasiveness of internship programs coupled with the ever-present practice of not paying said interns, there is potential for companies, schools, and students to become confused or unsure of the employment relationship created. This confusion stems first from the lack of clarity on the definition of an employee. One might look to the Fair Labor Standards Act (FLSA) which is a federal law that sets forth employment protections and defines an employee as anyone who “suffers or permits to work.”²¹ Conversely, it excludes volunteers for the government, religious groups, or humanitarian programs.²² Moreover any student participating in a training program can also be exempt if the program is:

Authorized and approved by a state board of vocational education or other recognized educational body that provides for part-time employment training which may be scheduled for a part of the work day or workweek, for alternating weeks or for other limited periods during the year, supplemented by and integrated with a definitely organized plan of instruction designed to teach technical knowledge and related industrial information given as a regular part of the student-learner's course by an accredited school, college, or university.²³

If the above criteria are met, the definition of employment is not satisfied and minimum wage is not required. Though, as the subsequent discussion on regulations from the Department

²¹ U.S. Dep’t of Labor, Wage & Hour Div., Fact Sheet #13 at 3, *Am I an Employee?: Employment Relationship Under the Fair Labor Standards Act* (May 2014).

²² U.S. Dep’t of Labor, Wage & Hour Div., Fact Sheet #71 at 1, *Internships Programs Under the Fair Labor Standards Act* (Apr. 2010), <http://www.dol.gov/whd/regs/compliance/whdfs71.htm>

²³ National Association of Colleges and Universities Attorneys, *Internship and Externship Programs under the Fair Labor Standards Act*, 9 NACUNotes 11, (May 24, 2011) at 5, <https://www.american.edu/counsel/upload/Internship-and-Externship-Programs-under-the-Fair-Labor-Standards-Act.pdf>

of Labor (DOL) will demonstrate, it is neither the inclusion of academic credit nor the benefits potentially bestowed on the employer that confirms or denies that an intern is an employee.²⁴

The Department of Labor’s Six-Factor Test

In an effort to clarify FLSA’s standards and exemptions, the Department of Labor issued a six-part test to further elucidate whether an intern is an employee or not. The test originated from factors used to decide *Walling v. Portland Terminal*²⁵ in 1947.²⁶ In its decision, the United States Supreme Court in *Walling* wanted to ensure workers were not forced to work without earning minimum wages but to adversely establish that companies need not compensate workers for time spent training or learning a skill not for the benefit of the company.²⁷ In this case, the railway offered a training course to individuals who sought to become railroad brakeman.²⁸ The trainees worked alongside regular employees and learned through observation and performance of actual work under the close supervision of railway employees.²⁹ To differentiate between the two scenarios, the Supreme Court looked at a set of factors³⁰ that ultimately leaned in favor of not requiring compensation for the trainees at Portland Terminal.³¹ Thereafter, those factors were

²⁴ Burke & Carton, *supra* note 5 at 113.

²⁵ *Walling v. Portland Terminal Co.*, 330 U.S. 148, 67 S. Ct. 639, 91 L. Ed. 809 (1947). Refer to Chapter 3 for a detailed discussion of the case in the context of the six-factor test.

²⁶ Burke & Carton, *supra* note 5 at 112.

²⁷ *Id.*

²⁸ *Portland Terminal*, 330 US at 149.

²⁹ *Id.*

³⁰ To hold that the trainees were not employees under the FLSA, the Supreme Court found that: (1) the trainees did not provide any “immediate advantage” to the railway; (2) the railway provided instruction that was similar to that provided by a vocational school; (3) the trainees worked “solely” for their own personal purpose or pleasure; and (4) the trainees did not displace any railway employees, but actually impeded their work. *Id.* at 149-152.

³¹ *Id.*

used to create the DOL's current six-part test, which states that if a trainee satisfies all of the following six criteria, he or she is not considered an employee deserving of wages³²:

1. The internship is similar to training which would be given in an educational environment;
2. The internship experience is for the benefit of the intern;
3. The intern does not displace regular employees;
4. 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;
5. The intern is not necessarily entitled to a job at the conclusion of the internship; and
6. The employer and the intern understand that the intern is not entitled to wages³³

In 2010 these standards were released by the DOL in a fact sheet. In addition the fact sheet stated that the level of supervision determined the nature of the employment relationship; specifically that the less an intern was supervised, the more likely it is that they should be paid.³⁴ Significantly, the Department of Labor included a disclaimer regarding these standards: it "is not to be considered in the same light as official statements of position contained in the regulations." In other words, the test is not an agency rule—just a guidance.³⁵ As a result, confusion remains as to the relationship of the FLSA, and the factors of the six-part test, and whether the latter is required for considering if an internship should be considered employment.

Due to the unclear nature of the standard, interns seeking compensation are subjected to either unreliable application, or even complete disregard for the test. For example some cases deny that the standard requires an "all or nothing," application in that it is not necessary for an

³² Hereafter, each respective portion of the six-part test will be referenced using its corresponding number; for example, when applying the first criteria, it will be referred to as criteria 1, first criteria, first factor, etc.

³³ Fact Sheet #71 *supra* note 22, at 1.

³⁴ *Id.*

³⁵ *Id.*

internship to satisfy all the factors to be unpaid.³⁶ Instead of using the six-part test, some courts have found that the determination of the party that receives the most benefit will control the nature of the employment relationship. Resultantly if an intern receives the majority of the benefit, then that intern does not need to be paid.³⁷ Furthermore, other organizations oppose regulation by the DOL altogether, arguing that requiring compensation or implementing unwieldy regulation discourages companies from offering internships at all, therein denying students an opportunity for educational experience and professional opportunities.³⁸ For similar reasons, many students neglect to alert anyone of exploitative programs, for fear of retaliation³⁹ and subsequent exclusion from internships or professional experiences in the future.⁴⁰

Impact of the Confusion

Though internships are often considered beneficial to participants, there are a number of negative impacts that result from unpaid internships and the lack of clear regulation. It is these negative impacts that make the discussion of unpaid internships such a pertinent one. Repercussions on both the an individual level and for the entire class of interns are discussed below.

³⁶ National Association of Colleges and Universities Attorneys, *supra* note 23, at 3

³⁷ Brief for the American Council on Education, et al. at 5 as Amici Curiae In Support of Neither Party, *Glatt v. Fox Searchlight Pictures, Inc.*, No. 13-4478-cv (2d. Cir. April 3, 2014).

³⁸ Tucci, *supra* note 8, at 1376.

³⁹ In an article published in the New York Times, the author noted that some unpaid interns interviewed for the piece “declined to give their names or to name their employers when they described their experiences in interviews.” Steven Greenhouse, *The Unpaid Intern, Legal or Not*, N.Y. Times, April 2, 2010, at 2.

⁴⁰ Burke & Carton, *supra* note 5, at 121.

On a micro level, the interns involved in unpaid programs report less-positive experiences as compared to their paid counterparts.⁴¹ Perhaps it is a result of the lack of full-time offers available for them after their unpaid, temporary program. One survey showed that only 38% of unpaid interns received offers after they interned, as opposed to the 61% of paid interns who are subsequently offered employment by the company for which they interned.⁴² When the unpaid intern is able to secure a job, their salaries are more limited by recessions because they have less salary negotiation power because their previous work experiences were unpaid.⁴³ Finally, the individual intern is subject to potential abuse, as evidenced by lawsuits alleging employment discrimination under federal and state statutes. Namely, the interns endure sexual harassment⁴⁴, retaliation⁴⁵, and exclusion from other safeguards⁴⁶.

⁴¹ *Id.* at 107.

⁴² Tucci, *supra* note 8 at 1379.

⁴³ *Id.* at 1380.

⁴⁴ See *O'Connor v. Davis*, 126 F.3d 112 (2d Cir. 1997). O'Connor's case is one of the more illicit examples of intern mistreatment. O'Connor was a student at Marymount College who majored in sociology. She was required to perform 200 hours of fieldwork to satisfy the requirements of her major. She was placed as an unpaid intern at Rockland Psychiatric Center, a hospital operated by the State of New York. During her time there, a supervisor referred to her as "Miss Sexual Harassment," and made other inappropriate comments. *Id.* At 114. O'Connor file a lawsuit alleging, in part, sexual harassment under Title VII of the Civil Rights Act of 1964. The district court declined to review her claims of sexual harassment and granted the defendants' motion for summary judgment on the basis that she was not a covered employee under Title VII, as she worked for free. The Second Circuit Court of Appeals affirmed that decision. *Id.* At 116. The damage was done, and O'Connor had to find work elsewhere.

⁴⁵ See *Wang v. Phoenix Satellite Television*, 976 F.Supp.2d 527 (S.D.N.Y. 2013). Wang worked as an unpaid intern in the defendant's New York City bureau, and brought a claim of sexual harassment under the New York City Human Rights Law. The federal district court dismissed her complaint because she was not the type of worker who is afforded the protection of the statute. *Id.* at 534-35.

⁴⁶ See *Masri v. Wisconsin*, 2014 WI 81, 356 Wis. 2d 405, 850 N.W.2d 298 (Wis. 2014). Asma Masri was an unpaid psychological intern at the Medical College of Wisconsin. During her time there she was asked to take on the role of a social worker, which she believed was above her skill level. Masri refused to fulfill those duties. She also raised other ethical concerns to her administrator, and was subsequently terminated. Masri filed suit alleging retaliatory discharge

Bearing in mind the macro effects of unpaid internships brings to light the economic impact unpaid internships are causing. For example, the lower starting salaries that come from the aforementioned lack of negotiation power can create increased student load debt which in turn reduces spending power and burdens the economy.⁴⁷ Because many of these students cannot turn to their parents for financial support⁴⁸ sixty-four per cent of students admit they would need to take on a second job, potentially hurting their ability to academically perform well academically.⁴⁹ In addition, there is considerable discussion as to whether unpaid internships propagate economic unfairness for students. In particular, the financial pressure that unpaid internships place on students essentially excludes an economic class from even having the experience that more financially stable students are privy to. One US News editorial complained,

Every single time you see a posting for an unpaid internship, you're seeing a posting that's only open to people who can afford to work for free... These unpaid and unregulated [internships]...prevent anyone without economic privilege from getting ahead.⁵⁰

Considering this possibility, unpaid internships could be aggregating a gap between economically strapped students before they have had the opportunity to earn an income. So, whether it is depressing the economy entirely or disadvantaging a particular class of students, the

under the Wisconsin Health Care Worker Protection Statute. Her action was dismissed because, as an unpaid intern, she did not fall within the ambit of the pertinent statute. *Id.* 356 Wis. 2d at 440.

⁴⁷ Tucci, *supra* note 8, at 1380.

⁴⁸ Only 35% of parents surveyed said they would help support their child during their unpaid internship, according to an Intern Bridge Survey. Shindell, *supra* note 14, at 13.

⁴⁹ Gardner, *supra* note 4, at 2.

⁵⁰ Mikey Franklin, *We All Deserve Fair Pay and a Fair Shot*, (April 23, 2014), <http://www.usnews.com/debate-club/should-unpaid-internships-be-illegal/we-all-deserve-fair-pay-and-a-fair-shot>

comprehensive effect of unpaid internships causes concern for many economists and labor advocates.⁵¹

⁵¹ While this issue would have a significant widespread effect on the equality of the job, statistically it is not the case. According to an Intern Bridge Survey, households with income over \$80,000 actually participate in unpaid internships much less than those below \$80,000. Specifically, 31% come from households above \$80,000, 32% are from households with income between \$40,000 and \$80,000, and 37% come from households with less than \$40,000 in income. Shindell, *supra* note 14, at 2

Part 3

RECENT LITIGATION AND AGENCY DETERMINED APPLICATIONS REGARDING UNPAID INTERNSHIPS

There are many attempts, both in through litigation and through other avenues, for interns to resolve their disputes over the wages that they should have earned in their unpaid internships. The following sections detail both important decisions, as well as the Department of Labor's investigations to relate the conflicting nature of regulation within this realm of labor disputes.⁵² The following cases, however, do not represent a comprehensive summary of all cases or investigations on the matter; they are merely the most significant or influential. These cases give an indication of the inconsistency in applying the precedent of *Portland Terminal* and the DOL's six-part test to contemporary employment relationships.

First Circuit

Walling v Portland Terminal

Walling v. Portland Terminal is the principle case when it comes to discussing compensation for unpaid interns. The case was decided in 1947, and the defendant was Portland

⁵² With the exception of *Walling*, all of the cases included are from the Southern District of New York with the appeals brought to the Second Circuit, as this district has become a hotbed for unpaid intern disputes.

terminal, a railroad company.⁵³ The plaintiff was a trainee involved in Portland Terminal's yard brakeman program that prepared potential future workers for the railway.⁵⁴ An application of the six-part test for this case is simple because the discussion *Walling v. Portland Terminal* marked the inception of what would become six-part standard. It is important to note though, that Portland Terminal's "future workers" were paid a small amount each day, and were also classified as trainees and not interns.⁵⁵

A review of the facts of the case makes it clear that all standards are met. With that said the courts still discussed possible deviations from the standard. For example it was noted that in the course of training it may be possible that the company would have tasks completed for them that otherwise would be completed by wage earners.⁵⁶ Moreover, Portland was obviously providing employer-specific training to prepare current or future employees with the skills they needed to work within the company.⁵⁷ Though, the trainees were never guaranteed a job, they frequently received one upon completion of the program.⁵⁸

Arguably, the vocational training program described in *Walling* and the corresponding standards created from it do not fit the present-day model for internship programs, yet the DOL's six-factor test currently in use arose from this case.

⁵³ *Portland Terminal*, *supra* note 25.

⁵⁴ *Id.* at 4.

⁵⁵ *Id.*

⁵⁶ *Id.* at 6.

⁵⁷ *Id.* at 3.

⁵⁸ *Id.*

US Southern District of New York

Eric Glatt and Alexander Footman v. Fox Searchlight Pictures

Eric Glatt's case is an example of a victory for unpaid interns. After performing various clerical tasks including accounting and office work, the interns who worked across the company felt that they were gaining less benefit than they were contributing to the company.⁵⁹ These interns were not part of a well-designed internships program, and did not receive academic training or other educational benefits. After a series of procedural motions the students were deemed employees under the Department of Labor's six-part test, thus entitling them to coverage under the FLSA.⁶⁰ Most notably, the court in the Southern District of New York determined that the interns' benefit was incidental compared to what they could have gained by spending their time in school or at vocational training.⁶¹ This case represented the first time that unpaid interns were afforded protection and fairness as it relates specifically to wages for work performed through an internship program.

The litigation focuses on Glatt and Footman, two interns at Fox Searchlight Pictures during its time producing the movie *Black Swan*.⁶² Respectively Glatt and Footman worked in accounting and productions, doing tasks that otherwise would have been done by previously trained employees.⁶³ Criteria #1-4 were not met, according to the facts included in the complaint.

⁵⁹ Class Action Complaint at 2, *Glatt v. Fox Searchlight Pictures, Inc.*, No. 11-CIV-6784 (S.D.N.Y. Sept. 28, 2011).

⁶⁰ *Glatt v. Fox Searchlight Pictures, Inc.*, 293 F.R.D. 516, 2013 U.S. Dist. LEXIS 82079 (S.D.N.Y. 2013).

⁶¹ *Id.* at 534.

⁶² Class Action Complaint *supra* note 59, at 2.

⁶³ *Id.* at 13.

In particular, the interns provided their own supplies often and were never trained or educated in a way that was distinct from other employees.⁶⁴

Glatt's internship program may have particularly breached the 6th criteria. His supervisor casually mentioned in an email that it would be acceptable if Glatt did not receive class credit for his work.⁶⁵ Glatt was also paid for one day of work. These facts may have led the plaintiff to misinterpret whether or not he was due wages.

In 2013 Glatt and his fellow interns were granted employee status under FLSA.⁶⁶ The district court specifically stated that their internship program was "a far cry from *Walling*, where trainees impeded the regular business of the employer, worked only in their own interest, and provided no advantage to the employer,"⁶⁷. Because the first four criteria were not met in Fox's internship program, the district court held that these interns were improperly classified as unpaid trainees, and were instead granted relief they deserved as employees entitled to wages.

Xuedan Wang v. The Hearst Corporation

Hearst, a major magazine conglomerate that houses magazines such as *Cosmopolitan* and *Harper's Bazaar*, became caught up in an employment relationship dispute through a complaint filed by Xuedan Wang.⁶⁸ Wang alleged that Hearst deprived her and a class of other interns, of wages and overtime pay pursuant to the FLSA and NYLL.⁶⁹ Criteria #1-4 were not met,

⁶⁴ *Id.*

⁶⁵ *Glatt, supra* note 60, at 576-527.

⁶⁶ *Id.* at 534.

⁶⁷ *Id.*

⁶⁸ Class Action Complaint at 1, *Wang v. Hearst Corp.*, No. 12-CIV-0793. (S.D.N.Y. Feb. 1, 2012).

⁶⁹ *Id.* at 3.

according to the facts included in the complaint.⁷⁰ Tasks completed by the employees included administrative tasks as well as management of other employees and new interns.⁷¹

In 2013 the case was brought before the Southern District of New York. The district court denied Wang and her fellow interns the opportunity to pursue a summary judgment on the matter of their status as employees.⁷² The district court declined to follow the guidance of the DOL's six-part test, noting that,

While the weight to be given to these factors is far from crystal clear, the Fact Sheet adds to the confusion with the introductory language: whether an internship or training program⁷³ meets this exclusion depends upon all the facts and circumstances of each such program. Instead, the district court adopted a “balancing of the benefits test” which looks to the totality of circumstances to evaluate the ‘economic reality’ of the relationship.⁷⁴

The district court explained that using a primary benefit test, or a test that determines the nature of the employment relationship based on “who is the primary recipient of benefits from the relationship” depends completely on the totality of the circumstances.⁷⁵ Although the district court did not utilize a rigid application of the DOL's six-part test, the court stated that the test

ought not be disregarded; rather, it suggests a framework for analysis of the employer-employee relationship. After all, they emanate from the agency that administers the laws under which Plaintiffs brought this lawsuit. This position finds support in *United States v. Mead Corp.*, where we read ‘An agency’s interpretation may merit some deference whatever its form, given the specialized experience and broader investigations and information and given the value of uniformity in its administrative and judicial understandings of what a national law requires.’⁷⁶

⁷⁰ *Wang v. Hearst Corp.*, 293 F.R.D. 489, 2103 U.S. Dist. LEXIS 65869 (S.D.N.Y. 2013).

⁷¹ *Wang Complaint supra* note 68, at 11.

⁷² *Wang, supra* note 70, at 490.

⁷³ *Id.* 493.

⁷⁴ *Id.*

⁷⁵ *Id.* at 6

⁷⁶ *Id.* at 493-94 (citing *United States v. Mead Corp.*, 533 U.S. 218, 121 S.Ct. 2164, 150 L. Ed. 2d. 292 (2001)).

Moreover, the district court noted that at least one case in the Southern District of New York did in fact review the DOL's six-part test and concluded that the test "is 'a reasonable application of the FLSA and . . . entitled to deference by this court.'"⁷⁷

Wang sought partial summary judgment based upon an "immediate advantage standard," with heavy emphasis on the DOL's six-part test⁷⁸ On the other hand, Hearst wanted to consider the "totality of circumstances."⁷⁹ Since there was conflict on the legal standard of review, as well as the material facts in dispute, Wang's partial summary judgment motion was denied.⁸⁰

Dajia Davenport v. Elite Model Management

In the largest suit for unpaid interns to date, Dajia Davenport, and a class of other interns, sued Elite Model Management for unpaid wages. Between attorney's fees, damages, and wages of approximately \$125 per week for one hundred and twenty-three interns, the suit totaled approximately \$50 million⁸¹.

⁷⁷ *Id.*, at 494 (citing *Archie v. Grand Cent. P'ship, Inc.*, 997 F. Supp. 504, 531 (S.D.N.Y. 1998) and *Brown v. New York City Dep't of Educ.*, No. 12 Civ. 35, 2012 U.S. Dist. LEXIS 176212 (S.D.N.Y. Dec. 12, 2012)).

⁷⁸ *Id.*

⁷⁹ *Id.* at 493.

⁸⁰ *Id.* It should be noted that several courts have chosen to review unpaid internships to determine whether or not students are entitled to compensation by utilizing a totality of the circumstances approach, specifically highlighting the identity of the party who derives the most benefit from the employment relationship. See, e.g., *Petroski v. H&R Block Enters. LLC*, 750 F.3d 976, 980 (8th Cir. 2014); *McLaughlin v. Ensley*, 877 F.2d 1207, 1209 (4th Cir. 1989); *Donovan v. Am. Airlines, Inc.*, 686 F.2d 267, 272 (5th Cir. 1982).

⁸¹ Order Granting Plaintiffs' Motion for Preliminary Approval of Class Action Settlement, Provisional Certification of the Settlement Classes, Appointment of Plaintiffs' Counsel as Class Counsel, and Approval of Plaintiffs' Proposed Notices of Settlement at 25. *Davenport v. Elite Model Management Corp.*, No. 13-CIV-01061. (Jan. 9, 2014).

Criteria #1-4 were not met, according to the facts included in the complaint.⁸² Davenport and her peers alleged Elite hired the interns to manage models, clothes, and other activities that real employees would be expected to complete.⁸³ The attorneys in the case explained that Elite protected their profits by hiring “exempt trainees” to fulfill the responsibilities of full-time workers, and the young interns accepted the positions out of desperation for experience.⁸⁴

In return for their work, they were given no compensation. Rather than applying actual putative action against the company, the intern class settled out of court for approximately \$450,000. The courts accepted this settlement as a resolution for the case.⁸⁵

Lauren Ballinger and Matthew Leib v. Condé Nast Publications

Condé Nast is a large publishing company that manages major magazine brands such as The New Yorker.⁸⁶ Lauren Ballinger and a class of other interns sought action against the company for classifying employees as interns and thus depriving them of wages.⁸⁷

The complaint includes the same explicit statements as other complaints filed by Outten and Goulden, a law firm representing nearly all unpaid interns. The complaint asserted that Ballinger and her fellow interns were not placed in an educational environment, were not

⁸² *Id.* at 5. *See also* Greenhouse, *supra* note 39, at 3 (The author identified by name a New York University student who worked as an unpaid intern at a music industry company, where her tasks were menial and administrative. She is quoted as saying, “it would have been nice to be paid, but at this point it’s so expected of me to do this for free, ...[i]f you want to be in the music industry that’s the way it works. If you want to get your foot in the door somehow, this is the easiest way to do it. You suck it up.”).

⁸³ *Davenport Order supra* note 81, at 6.

⁸⁴ *Id.* at 5.

⁸⁵ *Id.* at 25.

⁸⁶ Class Action Complaint at 1. *Ballinger v. Condé Nast Publ’n.*, No. 13-CIV-4036. (June 13, 2013).

⁸⁷ *Id.*

benefitting from the internship, were replacing regular employees, and were not impeding the company's operations through for their own advantage.⁸⁸ In other words, the first four criteria were not met. Ballinger and her fellow interns performed clerical, administrative, and organizational tasks that necessitated at least minimum wage payment.⁸⁹

Lihuan Wang v. Phoenix Satellite Television

The document available for Lihuan Wang's case is the opinion of the United States District Court for the Southern District of New York. Lihuan Wang sued her employer, Phoenix Satellite, a Chinese media company with locations in the United States.⁹⁰ Rather than another wage and hour discrepancy, this case centers on Wang's allegations of sexual harassment, hostile work environment, and potential retaliation from her employer by not hiring her as a full time employee after her internship. The court dismissed her hostile work environment and sexual harassment claims brought under New York City Human Rights Law on the grounds that Wang was not an employee and thus could not bring such a claim.⁹¹

Wang's responsibilities were not consistent with the nature of training programs. She performed administrative tasks, assisted full-time employees, and even pitched and reported her own stories for broadcast.⁹²

Considering Wang's description of her internship, criteria (#5) was not met. She was lead to believe her time with Phoenix was forming a basis for potential future employment.⁹³ In

⁸⁸ *Id.* at 3.

⁸⁹ *Id.* at 11.

⁹⁰ *Wang v. Phoenix Satellite Tel. US Inc.*, 976 F. Supp. 2d 527, 529 (S.D.N.Y. 2013).

⁹¹ *Id.*

⁹² *Id.*

addition her supervisor said that she could at least continue employment with the company as long as her visa permitted, and longer barring she obtained a work visa.⁹⁴ Unfortunately, after her supervisor allegedly sexually assaulted Wang, the prospects of future employment were no longer made forthcoming.

Incidentally, Ms. Wang's hostile work environment allegation was denied because she was not given remuneration for her employment.⁹⁵ However she was permitted to proceed with her failure to hire complaint.⁹⁶

Department of Labor Investigations

Outside Magazine

In 2011 the Department of Labor investigated Outside Magazine, a publication geared towards active, athletic, and outdoorsy individuals for failing to pay twenty-eight interns wages they had earned.⁹⁷ These interns were recent graduates hired to complete editing, artistic, and online tasks for the magazine.⁹⁸

Within the investigation, the Department of Labor applied the six-factor test to the internship program. The DOL could not conclusively determine that first and fifth conditions had been met.⁹⁹ Interviews showed disagreement as to whether the entire internship program

⁹³ *Id.* at 531.

⁹⁴ *Id.*

⁹⁵ *Id.* at 532.

⁹⁶ *Id.* at 538.

⁹⁷ Outside Magazine, *U.S. Dep't of Labor WHISARD Compliance Action Report* at 3, (June 20, 2012), <http://www.propublica.org/documents/item/787554-outside-magazine>

⁹⁸ Outside Magazine *supra* note 97, at 5.

⁹⁹ *Id.*

provided training, or if there was just a brief period of training at the start of the internship.¹⁰⁰

Also due to an “unwritten understanding” and evidence that many past interns were subsequently hired full-time, it is possible that interns expected the internship to translate into a job offer.¹⁰¹

With that said, the second and sixth conditions were definitively met.¹⁰² However, the editor of the magazine admitted that interns were doing work that would otherwise necessitate a paid employee, and moreover, that the company was gaining advantage from interns who are able to navigate online work more quickly than current employees.¹⁰³ As such, the third and fourth criteria are decidedly not met.

Outside’s defense to not meeting the six criteria is that the courts have yet to undeniably accept an “all or nothing” approach to the six-factor test.¹⁰⁴ Consequentially Outside felt that they were justified in providing an unpaid program while not meeting all six criteria.¹⁰⁵

Larrabee Sound Studios

Interns began work at Larrabee Sound Studios by being trained with employees hired as “Runners.”¹⁰⁶ In other words, Larrabee, an audio hardware provider, hired their college-enrolled

¹⁰⁰ *Id.*

¹⁰¹ Outside Magazine *supra* note 97, at 6.

¹⁰² *Id.*

¹⁰³ *Id.* at 5.

¹⁰⁴ *Id.* at 7.

¹⁰⁵ *Id.*

¹⁰⁶ Larabee Sound Studios, *U.S. Dep’t of Labor WHISARD Compliance Action Report*, at 11, (October 6, 2011), <http://www.propublica.org/documents/item/787542-larrabee-sound-studios>

interns to clean and complete other administrative tasks.¹⁰⁷ As a result the interns were seeking back pay via a judgment by the Department of Labor in 2012.¹⁰⁸

The DOL determined that factors one through four were not met due to the nature of the work the interns were doing.¹⁰⁹ The final two factors were not mentioned. As a result thirty-seven interns were due back pay from Larrabee, while two other interns were found exempt because their program adequately satisfied the FLSA requirements.¹¹⁰ In response to the DOL's findings Tadros Mikhael from Larrabee's accounting department spoke in the company's defense. He explained that he was not previously aware of the DOL's six-factor test, and additionally felt that the internship program was benefitting the interns by giving them exposure to the industry.¹¹¹ After further correspondence, Larrabee agreed to remedy their violation by ending their internship program as well as paying wages to the interns.¹¹²

Axis Medical

Almost exactly one year after the Larabee decision, the department of Labor investigated another organization, Axis Medical. Axis is a physician's office that frequently hires students from the local vocational school as unpaid interns.¹¹³ One such intern, as well as a current employee who had previously been an intern, explained that their time with Axis included some educational training in addition to "productive work" including administrative and nursing

¹⁰⁷ *Id.*

¹⁰⁸ *Id.*

¹⁰⁹ *Id.* at 13.

¹¹⁰ *Id.*

¹¹¹ *Id.* at 14.

¹¹² *Id.*

¹¹³ Axis Medical, *U.S. Dep't of Labor WHISARD Compliance Action Report*, at 3, (Dec. 18, 2013), <http://www.propublica.org/documents/item/1001319-axis-medical-dol-report>

tasks.¹¹⁴ For example the interns frequently completed filings and interacted with patients.¹¹⁵

Despite completing these tasks, both Axis' office manager as well as the DOL agreed that none of the criteria in the six-factor test were disturbed.¹¹⁶ The educational components included in the program outweighed any benefits the company received.

Extraco Events Center

In 2012, a complaint against Extraco Events Center, was examined by the Department of Labor. Though the DOL report does not include details of the internship program, a description is available on Extraco's website. The marketing and sales internship offered is unpaid.

Responsibilities are as follows:

- Support overall marketing department
- Assist with photographing all aspects of the Fair & Rodeo for promotional usage
- Assist with sponsorship programs
- Create fulfillment reports
- Assist with sponsor award night at the Rodeo
- Work with sponsors, build relationships, and network
- Marketing and sponsor research
- Assistant in implementing new technology and new marketing strategies
- Act as contact for public by phone, walk-in and email
- Act as staff representative with volunteers and public¹¹⁷

The qualifications for this position also include "Ability to work independently, make independent judgments and solve problems."¹¹⁸ These details are relevant because, according to the report, no individual interns were interviewed to determine which factors of the six-part test

¹¹⁴ *Id.* at 4

¹¹⁵ *Id.*

¹¹⁶ *Id.*

¹¹⁷ Extraco Events Center, <http://www.extracoeventscenter.com/jobs.aspx> (last visited April 13, 2015).

¹¹⁸ *Id.*

were followed.¹¹⁹ Nonetheless, it was determined that the Extraco internship program was not in violation of the FLSA standard because it was a “bona fide professional learning experience.”¹²⁰

Therefore, despite having no educational components listed in the job description, requiring independent work from interns, and instead expecting their interns to create reports, act as a staff representative, etc., this internship did not violate the first four factors of the six-part test.

Extraco is resultantly still able to offer this internship today.

¹¹⁹ Extraco, Extraco Events Center, *U.S. Dep’t of Labor WHISARD Compliance Action Report*, available at 5, (Jan 22, 2014) <http://www.propublica.org/documents/item/1008958-extraco-events-center-dol-report>

¹²⁰ *Id.* at 6.

Part 4

RESPONSES AND CRITICISMS FROM UNIONS, GOVERNMENT, AND MISCELANNEOUS PARTIES

If the discrepancies in protection do not alert the reader to the severity of this problem, perhaps an analysis of various other opinions will. As the following compilation demonstrates, the magnitude of issues related to unpaid internships elicits a variety of responses from interest groups. These responses set the stage for how organizations are viewing unpaid internships. It further confirms the need for change.

Labor Unions

Teamsters Union

The Teamster's Union released a blog post on their website regarding unpaid internships. "5 Reasons Unpaid Internships are Ruining America," was authored in 2013. Citing statistics from a New York Times article, the Teamsters discuss the ramifications of over half a million students taking internships.¹²¹

¹²¹ Teamsters Nation Blog, *5 Reasons Unpaid Internships are Ruining America* (June 24, 2013), <http://teamsternation.blogspot.com/2013/06/5-reasons-unpaid-internships-are.html> See also Steven Greenhouse, *The Unpaid Intern, Legal or Not*, N.Y. Times, April 2, 2010, at 2. In an article published in 2010, it was noted that there is no official count of the number of paid versus unpaid internships. Nonetheless, the author provided the following comment attributed to a university administrator: "Lance Choy, director of the Career Development Center at Stanford University, sees definite evidence that the number of unpaid internships is mushrooming – fueled

First, the Teamsters were concerned that the added, non-reported work at unpaid internships was endangering students' academic life.¹²² Between a new social life, the internship, and sometimes a second paid job, students may lack the time necessary to complete their academic requirements. Additionally the article notes the lack of labor rights applied to unpaid interns. Furthermore, even if the interns wanted to sue the companies for the negligence, it only possible if the intern is financially able.¹²³ The third reason unpaid internships are "ruining America," is that it creates legal complications for businesses.¹²⁴ Particularly, the differing standards between for-profit and non-profit businesses create confusion and unintentional liability.¹²⁵ Next, Teamsters believe unpaid internships push talented students towards jobs that underutilize their skills.¹²⁶ Namely, students will pass up stimulating, albeit unpaid, work for a paycheck at a fast food restaurant. The final disadvantage of unpaid internships according to the Teamsters is the way it stifles economies.¹²⁷ Fashion, movie, and magazine industries are typically located in the same area, and their dependency on unpaid interns means there is a centralization of poor students living, but not earning and thus not spending.¹²⁸

by employers' desire to hold down costs and students' eagerness to gain experience for their resumes. Employers posted 643 unpaid internships on Stanford's job board this academic year, more than triple the 174 posted two years ago. *Id.* at 2.

¹²² Teamsters Nation Blog, *supra* note 121.

¹²³ *Id.*

¹²⁴ *Id.*

¹²⁵ *Id.*

¹²⁶ *Id.*

¹²⁷ *Id.*

¹²⁸ *Id.*

International Labor Organization

The International Labor Organization, a global labor and human rights group, released a short statement on the topic of unpaid internships. Within the statement, ILO Washington DC Director, Nancy Donaldson, assures that the ILO strives to provide paid internships, but they still admit the potential benefits of having an unpaid program. She explained:

The ILO believes all companies and organizations that offer internships should follow the laws set out to govern them. Internships, even unpaid ones, when conducted in the proper manner—that means they have a heavy training component and they further the intern’s skill set—can be an important career builder. Still, our view is that interns should be paid and should be supported and trained as valuable members of the workplace team.¹²⁹

Furthermore, the statement encourages all member states to create legal safeguards against any form of exploitation of interns and recommends the adoption of positive practices.¹³⁰ In other words, avoiding using unpaid interns to replace salaried workers, giving interns meaningful work assignments, and providing them with proper training and guidance would create a positive experience for the student.

Other Labor-Related Groups

Recently, a number of unions filed an amicus curiae for courts in the case of *Glatt v. Fox Searchlight*. The unions included Writers Guild of America East; American Federation of State, County, and Municipal Employees; Communication Workers of America, Service Employees

¹²⁹ International Labor Organization, *Unpaid Equals Unfair, The Law, Economics and Ethics of Unpaid Internships*, (March 18, 2013), http://www.ilo.org/global/docs/WCMS_208112/lang-en/index.htm

¹³⁰ *Id.*

International Union, and United Food and Commercial Workers International Union.¹³¹ Within the brief it says that many interns are compelled to take on unpaid work, but are not generally benefited as a result.¹³² In particular unpaid internships often require students to pay for school credit, and additionally give an unfair economic advantage to companies that choose not to pay their interns.¹³³ The brief reminds that there is little basis for excluding unpaid interns from the Fair Labor Standards Act, which is meant to cover a broad range of employment relationships.¹³⁴ Interns should not be excluded because companies, mostly for-profit organizations, do so in order to avoid labor requirements, or cut costs. In fact there is a \$2 billion savings just from replacing wage earners with interns.¹³⁵ Pertinent to the unions in particular, is the issue that the National Labor Relations Act does not include unpaid workers in the class of workers protected from collective bargaining. Resultantly, unpaid interns are not given the benefits of collective bargaining agreements and other union coverage.¹³⁶

In a discussion of *Walling v. Portland Terminal*, the case frequently cited in support of the employers, the amicus brief actually states that the case does not apply to unpaid interns.¹³⁷ Particularly the case is irrelevant because the training in Portland Terminal was serving only the trainee, much like a vocational program, and thus did not warrant compensation. In other words, this small exception does not suffice to exclude interns.

To avoid the perils resulting from court cases like *Glatt*, the amicus brief details solutions emanating from the universities with students performing unpaid internships. For one, schools

¹³¹ Brief For the Economic Policy Institute et al. as Amici Curiae In Support of Neither Parties at 1. *Glatt v. Fox Searchlight Pictures, Inc.*, No. 13-4478-cv (2d. Cir. 2014).

¹³² *Id.* at 14.

¹³³ *Id.*

¹³⁴ *Id.*

¹³⁵ *Id.* at 27.

¹³⁶ *Id.* at 28.

¹³⁷ *Id.* at 17.

can stop charging students for their credits required by unpaid internships.¹³⁸ Taking it one step further, some Ivy League schools have stopped accepting the credits all together.¹³⁹ More principally, the brief encourages a ruling in favor of Glatt and other unpaid interns to better protect unpaid interns.¹⁴⁰

Government

The Department of Labor

The DOL has addressed employers' concerns by responding to their specific inquiries regarding unpaid interns. In documents called opinion letters, the DOL issues cursory thoughts on a question posed by an organization. There are two such opinions regarding the matter of unpaid internships, where a company has requested the DOL's opinion on their program. In both of these opinions the DOL leans towards supporting the employer's choice to classify the interns as unpaid.

The first opinion authored in 2004 discussed a marketing internship that required students to "perform the work of a field marketing representative on-campus and are expected to assume the role of regular staff members of the company," by surveying and interacting potential customers.¹⁴¹ The DOL then applied the six-part test and determined that it was inconclusive,

¹³⁸ *Id.* at 30.

¹³⁹ *Id.*

¹⁴⁰ *Id.* at 32.

¹⁴¹ Barbara R. Relerford, *Opinion Letter of the U.S. Dep't of Labor, Wage and Hour Div.*, (May 17, 2004),

http://www.dol.gov/whd/opinion/FLSANA/2004/2004_05_17_05FLSA_NA_internship.htm

given the provided information, whether the internship could rightfully be unpaid.¹⁴² Despite the internship description stating that the interns take on responsibilities of staff members, the DOL felt that the criteria regarding displacement of employees and impediment of operations (number three and four) were not met.¹⁴³ Thus the DOL encouraged the company to self-assess the program and make changes if necessary.¹⁴⁴

Similarly, in 2006 a university requested feedback regarding a shadowing program where students spent a week at a company relevant to their career interest following a professional.¹⁴⁵ In this case, the students were contributing no work to the company, and thus were receiving training similar to what they would find in a classroom. The DOL determined conclusively that students did not require compensation for their work.¹⁴⁶

Congress

In 2010 the Committee on Oversight and Government Reform issued a request to the Barack Obama. In light of the increased focus both in the courtroom and the Department of Labor, a request by Congress was given to the White House to report the number of unpaid interns utilized by the president, to clarify the standards the White House uses to ensure its internships follow the six-part test, and to estimate potential damages for any unpaid interns that

¹⁴² *Id.*

¹⁴³ *Id.*

¹⁴⁴ *Id.*

¹⁴⁵ Alfred B. Robinson, Jr., *Opinion Letter of the U.S. Dep't of Labor, Wage and Hour Div.*, (April 6, 2006), http://www.dol.gov/whd/opinion/FLSA/2006/2006_04_06_12_FLSA.pdf

¹⁴⁶ *Id.*

violated the test.¹⁴⁷ More recently, the White House has been under fire for their conflicting messages regarding labor rights.¹⁴⁸ On one hand, there is a push to increase minimum wage. On the other hand, the president has been silent on the topic of compensating unpaid interns.¹⁴⁹ The government is a non-profit organization, though, and thus is not necessarily required to abide by the DOL's standards, and resultantly there is no necessity to respond to any requests to pay its interns.

The US Equal Employment Opportunity Council

The Equal Employment Opportunity Council (EEOC) oversees Title VII of the Civil Rights Act, the Equal Pay Act, the Age Discrimination in Employment Act, Title I of the Americans with Disabilities Act, and Title II of the Genetic Information Nondiscrimination Act.¹⁵⁰ In 2011, the EEOC issued an informal letter meant to discuss coverage of unpaid interns in the aforementioned regulations.¹⁵¹ The definition of an employee, according to the EEOC, relies on whether the intern receives “significant remuneration,” and that remuneration can

¹⁴⁷ Letter from Darrell Issa, Ranking Member, Committee on Oversight and Government Reform, United States House of Representatives to Barack Obama, President of the United States (April 12, 2010), <http://online.wsj.com/public/resources/documents/IssaLettertoPOTUS-Interns.pdf>

¹⁴⁸ Sam Stein, *White House Ignores Calls to Pay Interns*, (April 29, 2014), http://www.huffingtonpost.com/2014/04/28/white-house-interns_n_5227892.html

¹⁴⁹ *Id.*

¹⁵⁰ Raymond L. Peeler, *Federal EEO Laws: When Interns May Be Employees*, EEOC Office of Legal Counsel, Opinion Letter (Dec. 18, 2011), http://www.eeoc.gov/eeoc/foia/letters/2011/eo_laws_when_interns_may_be_employees.html

¹⁵¹ *Id.*

excludes experience and class credit.¹⁵² The informal opinions in this letter explained the EEOC's view on unpaid interns.

The U.S. Chamber of Commerce

In an additional Amicus Brief regarding *Glatt vs. Fox Searchlight*, The U.S. Chamber of Commerce and the U.S. Employment Law Council issued statements in support of the company rather than the interns.¹⁵³ The Chamber of Commerce felt that they had a stake in the matter because most of its members were small businesses who needed to have clear regulations on how to handle employment relationships.¹⁵⁴ They point out that small businesses have similar needs to non-profit organizations, and as a result requiring payment for interns could be highly detrimental.¹⁵⁵ According to the brief there is little evidence to support the claims that unpaid internships displace workers, disadvantage low-income students, or that regulations should be increased in general.¹⁵⁶ The Chamber of Commerce as well as the Employment Law Council voiced concern regarding implementing the six-factor test, saying that it might reduce the educational benefits of internships.¹⁵⁷ Instead, they suggest that a “primary benefit test” be used to assess who gains greater advantage from an internship program.¹⁵⁸ Internships would pass the muster if they proved to be mutually advantageous for both the company and the intern.

¹⁵² *Id.*

¹⁵³ Brief for the Chamber of Commerce of the USA et al. as Amici Curiae In Support of the Defendant at 1. *Glatt v. Fox Searchlight Pictures, Inc.*, No. 13-4480-cv (2d. Cir. April 4, 2014).

¹⁵⁴ *Id.* at 8.

¹⁵⁵ *Id.*

¹⁵⁶ *Id.* at 10.

¹⁵⁷ *Id.* at 11.

¹⁵⁸ *Id.*

In addition, the amicus brief explains the mutual benefit that schools, companies, and students have to gain with unpaid internships.¹⁵⁹ Schools are able to confirm that their curriculum matches real world needs, as well as create a network for their students. For companies there is potential for creating a more skilled workforce, providing service to the community, and developing lasting relationships with universities.¹⁶⁰ Finally the benefits for the students include the hands-on experience and networking opportunities, which the brief said are clearly available or else sixty-five per cent of interns would not report satisfaction with their internships.¹⁶¹

Other Institutions

National Association of Colleges and Employers

NACE releases a significant amount of relevant research in the realm of unpaid internships. Consequentially they also released a position statement in order to better define internship experiences for students and employers alike. In this position statement NACE explains that an internship is “.... [A] form of experiential learning that integrates knowledge and theory learned in the classroom with practical application and skills development in a professional setting.”¹⁶² Framing their definition of an internship is the six-part DOL test. With that said, NACE notes that within their surveying, employers and colleges expressed

¹⁵⁹ *Id.* at 12.

¹⁶⁰ *Id.*

¹⁶¹ *Id.* at 18.

¹⁶² National Association of Colleges And Employers, *Position Statement: US Internships. A Definition and Criteria to Assess Opportunities and Determine the Implications of Compensation*, (July 2011), <https://www.naceweb.org/advocacy/position-statements/united-states-internships.aspx>

disagreement with one of the criteria; namely that of the employer deriving no benefit from the work of the intern.¹⁶³ In recognition of those opinions NACE supported recent court decisions to deny unpaid interns FLSA coverage insofar as the work experience in question is not “simply an operational work experience that happens to be conducted by a student.”¹⁶⁴

NACE issued its own criteria to ensure educational benefit for interns. The criteria are as follows:

1. The experience must be an extension of the classroom: a learning experience that provides for applying the knowledge gained in the classroom. It must not be simply to advance the operations of the employer or be the work that a regular employee would routinely perform.
2. The skills or knowledge learned must be transferable to other employment settings.
3. The experience has a defined beginning and end, and a job description with desired qualifications.
4. There are clearly defined learning objectives/goals related to the professional goals of the student’s academic coursework.
5. There is supervision by a professional with expertise and educational and/or professional background in the field of the experience.
6. There is routine feedback by the experienced supervisor.
7. There are resources, equipment, and facilities provided by the host employer that support learning objectives/goals.¹⁶⁵

NACE thus suggests that employers do not post or approve of unpaid internships unless they follow the above criteria.¹⁶⁶ Through those standards and genuine effort to ensure mutual benefit and ethical consideration, NACE believes that internships, including those without compensation are productive examples of learning through application.¹⁶⁷

¹⁶³ *Id.*

¹⁶⁴ *Id.*

¹⁶⁵ *Id.*

¹⁶⁶ *Id.*

¹⁶⁷ *Id.*

Organization for Economic Cooperation and Development

The Organization for Economic Cooperation and Development (OECD) is an economic analysis organization that frequently provides commentary and recommendations to governments regarding social, environmental, and economic issues.¹⁶⁸ During a forum in 2013, the OECD consulted Ben Lyons, co-director of an intern advocacy group, regarding the labor rights of unpaid interns.¹⁶⁹ Lyons explains that the recent recession is only aggravating the issues surrounding unpaid interns. In particular the depressed economy causes employers to be more selective, thus unpaid internships become a requirement—yet an impossible one for many economically strapped students.¹⁷⁰ As a result Lyons gives suggestions to remedy the economic damage caused by unpaid internships. Namely, the government could create a new employment category to reclassify the labor done by unpaid interns and provide them with special protections.¹⁷¹ Also, cooperation between employers (particularly the ones offering regulated internships) and the government, such as listing internships on government websites, would result in the promotion of positive practices.¹⁷²

Intern Bridge

Intern Bridge is a research and consulting group geared towards giving students productive internship experiences.¹⁷³ In 2010 they released a paper detailing their findings and

¹⁶⁸ About the OECD, <http://www.oecd.org/about/> (last visited April 13, 2015).

¹⁶⁹ Ben Lyons, *Interns Are Workers, Too*, <http://www.oecd.org/employment/interns-are-workers-too.htm> (2013).

¹⁷⁰ *Id.*

¹⁷¹ *Id.*

¹⁷² *Id.*

¹⁷³ Intern Bridge, <http://www.internbridge.com/company/about-us> (last visited April 13, 2015).

opinions regarding the climate of unpaid internships. Most importantly they admit that the benefit to students is undeniable.¹⁷⁴ Regardless of gender, profession, or income bracket, interns have the potential to provide students with skills they cannot learn in a classroom.¹⁷⁵ For that reason internships must be made “fair, equitable, and available to the greatest number of young people possible.”¹⁷⁶ In order to do so Intern Bridge suggests four improvements. First, schools could provide stipends to low-income students to cover costs during the internships.¹⁷⁷ Second, to control the cost of tuition schools could label internship credit as zero or partial to avoid making students pay for their professional experiences.¹⁷⁸ The third step Intern Bridge asks of universities is to reevaluate their federal work-study programs.¹⁷⁹ Work-study is government funded labor done for the university by students, often in exchange for tuition or lower-than-minimum wage. Intern Bridge suggests giving the programs greater career focus and ensuring just compensation.¹⁸⁰ Finally, Intern Bridge explains the need for the corporations and organizations that provide unpaid internships to “set a better example,” in their practice of unfairly treating interns.¹⁸¹

Universities and Colleges

In 2010, thirteen university presidents signed a letter to the Secretary of Labor, Hilda Solis. Within the letter, the presidents briefly noted the importance of experiential learning in

¹⁷⁴ Gardner, *supra* note 4, at 4.

¹⁷⁵ *Id.*

¹⁷⁶ Gardner, *supra* note 4, at 14.

¹⁷⁷ *Id.*

¹⁷⁸ *Id.*

¹⁷⁹ *Id.*

¹⁸⁰ *Id.*

¹⁸¹ *Id.*

their schools' educational landscape and they explained that recent increases in regulation by the Department of Labor could potentially "erode employers willingness to provide valuable and sought-after opportunities," for students.¹⁸² In addition the letter included a reassurance that the schools involved, including Boston University, New York University, and Gannon University, monitor and regulate their programs in order to adequately protect interns from mistreatment.¹⁸³

Additionally a group of educational institutions released an amicus brief in regards to the *Glatt v. Fox Searchlight* case. The organizations included American Council on Education, American Association of Community Colleges, American Association of State Colleges and Universities, Association of Public and Land-grant Universities, College and University Professional Association for Human Resources, and NASPA: Student Affairs Administrators in Higher Education.¹⁸⁴ The brief was filed in support of neither plaintiff nor the defendant, and was meant to inform the courts on the educational benefits of internships, and to deter future regulation that may harm students' chances at partaking in experiential learning.¹⁸⁵ Most interns, the brief states, feel positively about their internship experience, and employers are increasingly requiring them as a prerequisite to employment.¹⁸⁶ Thus, if the FLSA applies the same rules to interns as they do to employees, they will be applying their rules to educational, rather than employment relationships, which will overstep their bounds and discourage companies from allowing the experiences to occur.¹⁸⁷ Further, enforcing minimum wage laws for interns might even discourage employers from creating programs that benefit the intern by shifting the

¹⁸² Letter from to Joseph E. Aoun, President, Northeastern University to Hilda L. Solis, Sec., U.S. Dep't of Labor (April 28, 2010), http://s1.epi.org/files/page/-/pdf/20100428_univ_presidents_letter_to_USDOL.pdf

¹⁸³ *Id.*

¹⁸⁴ Amicus Brief for the American Council on Education, et al. *supra* note 37, at 2.

¹⁸⁵ *Id.* at 1.

¹⁸⁶ *Id.* at 4.

¹⁸⁷ *Id.* at 5.

responsibilities to more menial tasks.¹⁸⁸ However the amicus brief concludes that the six-factor test is an “inadequate framework,” to protect interns from exploitation.¹⁸⁹ Instead, the universities are best qualified to determine if the internship is sufficiently educational and non-exploitative.¹⁹⁰

Economic Policy Institute

After colleges and universities took a stance on the matter, the Economic Policy Institute (EPI) released a response. Ross Eisenbrey heads the EPI, a thirty-year old advocacy group for low and middle income workers, and he penned a letter to Hilda Solis that corresponded with the one from university presidents.¹⁹¹ Within the letter, Eisenbrey calls the universities’ opinions “astonishing,” because the work interns do is still employment, regardless of the educational component.¹⁹² The EPI vice president also notes that University regulation is ineffective. In essence it gives universities opportunity to charge students for the credits while not having to provide any educational resources in return.¹⁹³

In the same year, the EPI issued a policy memorandum suggesting a reform of the regulation on internships. Citing ambiguity, flawed design, and lack of enforcement as the issue,

¹⁸⁸ *Id.*

¹⁸⁹ *Id.* at 9.

¹⁹⁰ *Id.* at 14.

¹⁹¹ Ross Eisenbrey, *EPI Responds to University Presidents on Internship Regulations* (May 5, 2010),

http://www.epi.org/publication/epi_responds_to_university_presidents_on_internship_regulation_s/

¹⁹² *Id.*

¹⁹³ *Id.*

EPI suggests that the six-part test is not adequate to protect interns.¹⁹⁴ In particular, there are three issues with this lack of protection. The first issue is that questionable internship programs are all-to-common in for-profit companies.¹⁹⁵ Second, unpaid interns are increasingly replacing employees, which often results in a mismatch between the skills of college-educated unpaid interns and the administrative tasks they are now doing in lieu of minimum-wage employees.¹⁹⁶ Finally, EPI notes that unpaid internships leave the door open¹⁹⁷ for discrimination or harassment in the workplace, as there is no recourse for this unprotected class of workers.¹⁹⁸

¹⁹⁴ Edwards & Fernandez *supra*. note 3 at 2-3.

¹⁹⁵ *Id.* at 3.

¹⁹⁶ *Id.* at 4.

¹⁹⁷ On the Federal level, at least.

¹⁹⁸ Edwards & Fernandez *supra*. note 3 at 4.

Part 5

RECOMMENDATIONS: INSTITUTIONAL CONTROL, POLICY AMENDMENT, AND ALTERNATIVE PROGRAM ENHANCEMENTS

Many of the current resources suggest one of two outlets to resolve the many issues caused by unpaid internships. Either: (1) the academic institutions can better monitor and control the internship system; or (2) the regulatory standards can be improved or altered in order to accommodate the current climate of unpaid internships. Albeit, focusing on the academic and regulatory outlets alone overlooks placing responsibility on the companies that propagate exploitative unpaid internships. Aside from being subjected to stricter regulatory environments, there is also potential for companies to revert to a modified internship system. This system would mirror an apprenticeship model already in use by Volkswagen and Siemens.

In isolation, university control, regulation, or a new internship system will not solve all of the aforementioned issues and inconsistencies. Companies will undoubtedly always be inclined to exploit cheap labor through internships, whether through the lack of hourly wage, benefits, etc. Present legal standards can never account for how internships will evolve in the future. Educational institutions might miss the mark when it comes to monitoring external programs. Rather, implementing each in some capacity in tandem would ensure success. All of these distinct alternatives are analyzed in greater detail below.

As a starting point, companies adhering to a revised ideal for internship programs provide an impetus towards a more ethical climate for unpaid interns that not only creates a clearer distinction between training and employment, but also amply compensates the intern for their

work. In doing so regulation would be easier, as the vocational and labor aspects of an internship would be distinguished from the other. In turn, universities could better discern the academic benefit the internship provides a student. For those reasons, companies offering internships under the new model would best solve the problems at hand. This must be the first step because it allows for companies to maintain a system that works for them, allowing regulation and university responsibility to subsequently fall into place.

Educational Institution Control

Increased responsibility on the part of educational institutions is one possible solution for the problems caused by unpaid internships. There are three important elements of the added responsibility an educational institution must take: screening on the front end of a student pursuing an internship, monitoring on the back end, and acceptance of liability in the event something goes wrong.

The holistic approach to academic regulation of internships would start with internal policy. College institutions should never require unpaid internship. And if students utilize unpaid internships, the school should screen the opportunity, confirming that the program is beneficial and non-exploitative. A method of confirming this would be assessing the job description, required tasks, time frame, and other elements before the intern accepts the position.¹⁹⁹ After new internships are introduced through a student's participation, the school should confirm that their assessment was accurate. Through this continued observance schools

¹⁹⁹ Burke & Carton, *supra* note 5 at 129.

will be able to establish relationships with companies that satisfy the requirements of a positive internship experience.²⁰⁰

This new approach to academic regulation would also include implementing academic standards for the student to monitor their progress throughout the program.²⁰¹ But additionally, if something does go wrong, including sexual harassment claims, discrimination, and the like, the university should be prepared to catch the problem and adequately protect the intern—be it legally or by terminating future relationships with the employer and alerting proper legal entities of the incident.²⁰²

Despite the above alterations to academic programs, there would still be potential for abusive internship programs to still slip through the cracks. Whether through complacency on the part of the school or deception by the company, some interns could still find themselves with undue financial burden or unfair treatment. There is a lack of legitimate accountability that ensues from leaning on the university to control internships that would make this alternative alone unsuccessful.

Policy Amendment

As an alternative to university-centered control, there is also potential for implementing new, or at least, improved regulations in lieu of the six-part test and current statutory coverage. Thus, policy changes could be rooted in either modifying the definition of employee in the FLSA, or amending the DOL's current standards and thereafter consistently applying them.

²⁰⁰ *Id.*

²⁰¹ *Id.*

²⁰² *Id.*

One example of a modified definition of employee is creation of an educational exemption. In other words the intern would not be considered an employee if:

1) Academic credit is granted; 2) the educational institution is able to require, as a condition of an internship experience, that the work to be performed by the student will develop skills specifically related to the student's educational program; and 3) the educational institution assigns one of its own administrators or faculty members to oversee (though not necessarily directly supervise) the student's internship.²⁰³

This exemption would define a clear alternative to an employee, making it evident that the aforementioned intern does not fall under the protections of the FLSA. Effectually, the exemption would create a new category and the differences between the educational exemption and a regular employee would create the standard for determining whether an intern should or should not be paid.

If it is not the definition of employee that is contentious, it is the ambiguity of the DOL's six-part test. The Economic Policy Institute provides a detailed description of their view on necessary changes to the standard. First, they suggest further clarifying factors two and four in the six-part test.²⁰⁴ In their opinion, these factors carry the most weight, and in order to adequately assess their validity, a quantifiable cost-benefit analysis must occur. Specifically, if the production per hour of the intern exceeds the cost of training and supervision per hour, then the benefits weigh on the side of the intern.²⁰⁵ After all, benefits really are measured by dollars when it comes to business. Through the cost-benefit analysis, there is a more calculable manner to assess the factors pertaining to the benefactor of an internship.²⁰⁶

²⁰³ Burke & Carton, *supra* note 5, at 127.

²⁰⁴ Edwards & Fernandez *supra*. note 3, at 4.

²⁰⁵ *Id.*

²⁰⁶ *Id.* at 5.

However, the regulation amendments detailed above still perpetuate an issue that is a concern for those in opposition—increased regulation undoubtedly means decreased opportunities. For that reason, regulatory-based solutions would need to be considered in light of the potential harm it could do on the labor market for students pursuing internships. For the former amendment to the FLSA, the definition of an exemption might cause universities to feel restricted in what internships they allow for credit, consequentially limiting what programs in which a student is even able to participate. Furthermore if companies need to spend time and effort monitoring education-exempt employees or ensuring that every action by an intern weighs in the interns favor within a cost-benefit analysis, they may grow weary of providing internships in general.

Alternative Internship Program

It was once known as an apprenticeship. And while it has evolved into something new and potentially harmful, some companies are reverting back to the precursor of internships and providing apprenticeships. Two German companies with strong ties in the United States—Siemens and Volkswagen— offer programs for high school students that present a useful model for what internships could become.

In a plant in Charlotte, North Carolina young workers participate in apprenticeships.²⁰⁷ They work with the company during their training period and in turn they receive experience, an associates degree, and a full-time job upon completion. Siemens Energy CEO, Eric Spiegel,

²⁰⁷ Katherine Peralta. *Apprenticeships Could Be Gateway to Middle Class*, (Jan. 12, 2015), <http://www.usnews.com/news/articles/2015/01/12/apprenticeships-could-provide-a-pathway-to-the-middle-class>

explains that the program “align[s] the needs of the marketplace with the skills and the training, and therefore it’s much easier to connect . . . students with at least a start of their career.”²⁰⁸ This attitude, particularly providing trainees with a promise of a job, is a win-win for the company as well as the student. On one hand, the company is receiving the skilled workers in high demand, and the student receives fair compensation. It also solves the problem many unpaid interns are experiencing—a lack of full time offers upon completing their internships.²⁰⁹

Similarly, Volkswagen offers a program in Chattanooga, Tennessee.²¹⁰ Workers graduate the apprenticeship program with skills necessary to work in the industry, and the company mostly capitalizes on the investment by retaining quality labor. Since its inception, twenty-five workers have graduated, and only two are no longer with Volkswagen—one of which will be returning to a job offer after he completes classes elsewhere.²¹¹ This program, along with the offerings available at Siemens, provides interns with the compensation they deserve. Moreover it presents a model that could be useful in the realm of internships. Companies would invest in training, both by compensating interns as well as providing certified educational offerings.

This system works because it creates two distinct tracts for students involved in internships. The first tract of time is training; a learning experience that in no way benefits the company but provides students with valuable experiences. The second portion of the program does include the student completing productive work for the company, and in turn that student is compensated. If more companies considered this model, they would be less likely to exploit the intern or mistakenly require them to act as an employee, unless it was called for and thusly the

²⁰⁸ *Id.*

²⁰⁹ *Id.*

²¹⁰ Alexander Kaufman, *Volkswagen Might Have Found A Fix For America's Youth Unemployment Problem*, (Feb. 16, 2015), http://www.huffingtonpost.com/2015/02/13/volkswagen-apprenticeship_n_6679084.html

²¹¹ *Id.*

student was paid. This new system also solves the various issues associated with unpaid interns. Specifically, it relieves the financial burden that may deter low-income workers. In addition it increases future earnings, thus positively impacting the economy in the long run. The retention rates of employees alone would suffice to pay back the company in the long run—avoiding training costs in the future is beneficial today. For these reasons, the apprenticeship model would be the best manner to protect students from exploitative unpaid internships.

Part 6

CONCLUSION

As this article has demonstrated, there is considerable confusion in both the court and the Department of Labor's treatment of unpaid internships. The varying outcomes create a climate around the country that make it necessary for unions, government agencies, and others to take a side. But at the core, the protection of students in unpaid internships translates to the protection of education, the economy, and labor rights in general. For that reason, changes must occur. Yet educational institutions are not adequately suited for supervising companies. Furthermore regulatory changes could deprive students of experiential learning opportunities that have become vital nowadays. Instead, the most viable solution would be to alter the current model for an internship program. Reverting back to an apprenticeship-focused model would be more effective than increasing the responsibility of colleges and universities, and changing the regulatory framework because it would create a cultural standard for mutually beneficial experiential learning programs.

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EDUCATION

Pennsylvania State University

Bachelor of Science in Finance

Minors in Legal Environment of Business and Labor Studies and Employment Relations

Schreyer Honors College - Pursuing a thesis in Business Law

- Dean's List: Fall 2011-Spring 2014

University Park, PA

2011- 2015

(Intended)

EMPLOYMENT

Siemens Energy

Global Generator Project Controlling Intern

- Researched and presented plant capacity planning systems necessary to continue production
- Uncovered \$10,000-\$40,000 savings per generator unit stemming from supplier-split errors
- Gained experience in invoicing, reconciliation, cost modeling, tendering, manufacturing and shipping processes, Microsoft Project, and SAP systems

Charlotte, NC

Summer, 2014

North American Region Controlling and Planning Intern

- Compiled data regarding commission contracts in cooperation with the legal team
- Analyzed S&P credit ratings of 3000 energy customers to assess credit limits
- Created process to assess new hire costs that identified \$2,000 savings per new hire

Orlando, FL

Summer, 2013

The Walt Disney Company

On-Campus Recruiter

- Designed marketing events to reach 40,000 students through emails, newsletters, etc.
- Achieved "top rep" status in Spring 2013 – Spring 2014
- Prepared 100+ accepted students for their future College Program Experience

University Park, PA

Spring 2013-Spring 2014

Attractions Intern; Agent P's Adventure; The Disney College Program

- Earned credits in finance classes to gain experience in Pro Forma and business planning
- Assisted in the management of park security by opening and closing the park of up to 80,000 guests
- Initiated professional development opportunities with members of Disney's corporate team

Orlando, FL

Fall, 2012-Summer,
2014

Merrill Lynch Wealth Management

Financial Planning Intern

- Provided recommendations on sustainment of annuity funds based on analysis of death and survivor benefit productivity
- Produced presentations on investment allocation strategies utilized at conferences of 1000+ advisors
- Interacted with clients and wholesalers during financial advising sessions

Beaver, PA

Summer, 2012

LEADERSHIP/ SERVICE ACTIVITIES

UPUA Student Conduct Advisors

2013/2014 and 2014/2015 Executive Director, Spring 2013 Secretary, Spring 2012 PR Director

- Advise students during conduct violation processes by providing extensive knowledge base
- Build and administer training programs to new members
- Supervise an executive board and 20 students

University Park, PA

Fall 2011-Present

Penn State Dance Marathon

Finance Captain, Gift Entry

- Supervise a committee of 30 students to process all donations made via check
- Protected the integrity of millions of dollars of donations to the largest student-run philanthropy in the world
- Cooperate with other Captains to run a 46-hour event for over 15,000 student volunteers

University Park, PA

Fall 2013-Present

Finance Captain, Honorary Giving and Receipting

- Maintained database system of all honorary giving in order to communicate with donors
- Organized all receipt requests for cash or fundraiser donations
- Communicated with bereaved families sensitively and eloquently through letters

Penn State Smeal College of Business Management Department

Research Assistant

- Collaborated with researchers to review literature on Business-NGO collaborations and business reporting on sustainability
- Organized data on sustainability reporting techniques of 200 companies' annual reports to identify a relationship between social and environmental signaling and firm reputation
- Established administrative systems to classify previous relevant research

University Park, PA

Spring 2013-Summer
2014

OTHER AWARDS AND ACTIVITIES: Program Evan Pugh Academic Excellence Award Winner, Bayard D. Kunkle Scholarship Recipient, Delta Sigma Pi Business Fraternity, Pink Zone Breast Cancer Awareness Association, Sapphire Leadership
