

The Office of Career Services at Boston College Law School provides a venue for organizations to post opportunities and does not screen postings for compliance with federal and state wage and hour laws .

The Fair Labor Standards Act provides minimum wage and overtime protection to those employed within the meaning of the Act. The Supreme Court in *Walling v. Portland Terminal Co.*, 330 U.S. 148, 152 (1947), observed that this definition "was obviously not intended to stamp all persons as employees who, without any express or implied compensation agreement, might work for their own advantage on the premises of another."

Based on *Portland Terminal*, the Department of Labor Wage and Hour Division has developed six factors to evaluate whether a trainee, intern, extern, apprentice, graduate assistant, or similar individual is to be considered an employee. If all of the following six factors are met, then an employment relationship does not exist:

1. The training is similar to what would be given in a vocational school or academic educational instruction;
2. The training is for the benefit of the trainees or students;
3. The trainees or students do not displace regular employees, but work under their close observation;
4. The employer that provides the training derives no immediate advantage from the activities of the trainees or students, and on occasion the employer's operations may actually be impeded;
5. The trainees or students are not necessarily entitled to a job at the conclusion of the training period; and
6. The employer and the trainees or students understand that the trainees or students are not entitled to wages for the time spent in training.

See Field Operations Handbook § 10b11  
(<http://www.dol.gov/esa/WHD/FOH/index.htm>).

Questions concerning compliance with wage and hour laws may be directed to the United States Department of Labor, Wage and Hour Division: 1-866-4-USWAGE.