This overview addresses frequently asked questions about the University’s use of volunteers and unpaid interns and provides a decision-making framework for use in determining whether an individual is an employee, a volunteer or an unpaid intern. Both volunteers and interns are not considered employees under applicable wage and hour laws and because of that they are not covered by minimum wage, overtime pay or other regulatory requirements typically associated with employment. However, in order to best serve both the University and the individual considering the opportunity, it is important to be able to distinguish between the two designations and to engage people appropriately.

**Volunteers**

1. What is a volunteer?

Volunteers are individuals who donate their time and services, usually on a part-time basis, to a non-profit or public entity without reasonable expectation or receipt of compensation. Volunteers are not considered employees.

2. How can I distinguish between a volunteer and an employee?

Several factors are considered in assessing whether an individual is considered to be a volunteer. Factors include:

- **What is a volunteer’s time commitment and overall responsibility?**
  Volunteers are typically part-time arrangements with minimal responsibility. Volunteers are generally subject to minimal oversight and control and are free from employment-like obligations (e.g. maintaining regular office hours, meeting performance standards).

- **Have regular employees been displaced to accommodate the volunteer?**
  Volunteers must not be used to displace existing employees nor should they be performing the same or substantially similar work to current or former employees.

- **Are the services offered freely and without pressure or coercion?**
  Volunteers must freely offer to provide their time and services without compensation or other material benefit.

- **Does the individual receive (or reasonably expect) any benefit from the entity to which it is providing services?**
  Volunteers should not reasonably expect to receive any financial or material benefit, now or in the future, from their volunteer activity.

- **Are the services performed typically associated with volunteer work?**
  Volunteers typically perform unpaid service for the University for civic, charitable or humanitarian reasons, or to gain practical experience.

3. Can volunteers receive payment?

While volunteers are not compensated for their time and services, they may be reimbursed for reasonable expenses incurred in connection with their volunteerism, such as travel or meal costs. They may also receive a nominal monetary amount, which should not exceed twenty percent (20%) of what it would cost to hire an individual to perform the
services provided by the volunteer. Nominal payments may be paid as stipends. Please note that payment over $600 must be reported on a Form 1099.

Scenario One:

A high school senior is interested in supporting a lecture series at Northeastern by serving as a greeter and usher for the three lectures in the series. The University does not hire greeters or ushers for events. The student understands that he will not be paid for this work, but wishes to do so in order to hear the lectures and network with individuals who may be in attendance. The student requests to be reimbursed for parking.

The student is freely offering to perform services for the University without compensation, and is not displacing regular employees of the University. Other than providing these limited services to the University, the student will have no other obligations. Therefore, the student can be engaged using a volunteer agreement. The student may be reimbursed for parking, as well. In the event the volunteering student is under 18 years of age, contact OGC to discuss additional considerations involved with minors serving as volunteers.

Scenario Two:

A Northeastern student is interested in the research being conducted in a professor’s lab. The student wants to volunteer to work with the professor in the lab on and off throughout the student’s academic career in order to learn about the professor’s area of expertise, network with individuals in the field and gain hands-on experience.

Northeastern students who participate in the academic and cultural activities of the University do so in their capacity as students. They are not required to complete additional volunteer forms to engage in this activity. However, the professor may want to consider putting in place documentation to address safety, confidentiality and intellectual property matters. Please contact the Office of General Counsel to discuss appropriate documentation for that purpose.

Unpaid Interns

This section addresses only unpaid interns; paid interns are considered employees for wage and hour purposes.

1. What is an intern?

Interns are not considered employees. Interns are individuals who provide their time and services to a non-profit or public entity primarily for the individual’s own academic or educational benefit, without expectation or receipt of compensation. Internships are considered training experiences and should be primarily focused on the educational outcomes for the intern. The goal of an internship is not the performance of valuable work, but rather the education and training of the intern.

2. How can I distinguish between an intern and an employee?

The U.S. Department of Labor has stated that six factors must be met in order for an individual to be considered an intern. The six factors are:

- The training, even though it includes actual operation of the facilities of the entity, is similar to what would be given in a vocational school or academic educational instruction;
- The training is for the benefit of the interns;
- The interns do not displace regular employees, but work under their close observation;
- The entity that provides the internship derives no immediate advantage from the activities of the interns, and on occasion the entity’s operations may actually be impeded;
- The interns are not necessarily entitled to a job at the conclusion of the internship; and
- The employer and the interns understand that the interns are not entitled to wages for the internship.
3. Can interns receive payment?

While interns are not compensated for their time and service during the internship, they may be reimbursed for reasonable expenses incurred in connection with their volunteerism, such as travel or meal costs. They may also receive a nominal monetary amount, which should not exceed twenty percent (20%) of what it would cost to hire an individual to perform the services provided by the intern. Nominal payments may be paid as stipends. Please note that payment over $600 must be reported on a Form 1099.

**Scenario Three:**

A Northeastern student will perform a semester-long co-op in a lab at the University. The co-op will be a full time, unpaid position. The student will have free access to educational seminars and lectures throughout the co-op, and will have ample opportunity to shadow professionals in the lab. The co-op will be supervised by and work closely with employees of the lab. As part of their supervision, lab employees will provide feedback to the student on the quality of the student’s work product, and suggestions for professional development.

The unpaid intern forms should be used to engage this student for this co-op.

**Conclusion**

The above information is intended for reference only. Whether an individual is an intern or an employee is a complex, fact-based analysis that must proceed in accordance with Department of Labor regulations, and applicable wage and hour laws. Please direct questions about an individual’s status as volunteer, intern or employee to the Office of General Counsel before proceeding.

Please note that template volunteer agreements do not extend beyond one term. (A term means either Fall term or Spring term, or summer 1 and/or summer 2.) Volunteer arrangements that exceed one term are subject to review by the Office of General Counsel. Please contact the Office of General Counsel to obtain review of a proposed longer-term volunteer arrangement.

**For more information on Interns and Volunteers**

https://www.dol.gov/whd/regs/compliance/whdfs71.htm
http://webapps.dol.gov/elaws/whd/flsa/docs/volunteers.asp