

Volunteer and Intern FAQ

Federal and State wage and hour laws allow non-profit employers to offer positions to volunteers and unpaid interns in certain limited circumstances where individuals can engage in activities without pay. This FAQ is designed to provide some guidance about when and under what circumstances volunteers and unpaid interns may be provided opportunities at the university. Any questions about whether a person or opportunity falls within what is legally permissible should be directed to the Office of General Counsel.

1. What is a volunteer?

Volunteers generally provide services to non-profit organizations for charitable or public purposes. An individual must offer their services freely without contemplation or receipt of compensation or any other benefit. Volunteers generally work on a part-time basis and may not displace regular employees or perform work that would otherwise be performed by regular employees. Under no circumstances may employees volunteer to provide their services without pay.

2. What is an intern?

Internships are education or training programs designed to provide a practical training or an educational experience to the intern where the intern is the primary beneficiary of his or her activities. The goal of an internship is not the performance of valuable work for the employer, but rather the education and training of the intern.

Generally, an intern who receives academic credit may be an unpaid intern. Other internships may also be unpaid if the training program is similar to programs provided in an educational environment and all duties assigned to the intern are for the intern's educational benefit. Unpaid interns may not displace regular employees, and they should work under close supervision of staff. Unpaid interns should clearly understand that there is no expectation of compensation and that they are not entitled to a job at the conclusion of the internship. Unpaid internships tend to accommodate the intern's academic commitments and align with the academic calendar.

Paid interns are generally considered employees subject to state and federal wage and hour laws.

3. How do I engage a volunteer or unpaid intern?

Departments intending to use volunteer service or interns, paid or unpaid, should complete the template letter applicable to their position. The letter should be provided to the individual for review and signature. Departments should retain copies of signed letters in accordance with the Policy on Retention and Disposition of University Records.

Whether an individual is properly categorized as a volunteer, paid intern, or unpaid intern can be a complex fact-specific inquiry. Below are helpful resources available online and if there are any questions about a whether a volunteer or internship position can be offered you should contact the [Office of the General Counsel](#).

<https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/whdfs14a.pdf>

<https://www.dol.gov/whd/regs/compliance/whdfs71.htm>

<http://webapps.dol.gov/elaws/whd/flsa/docs/volunteers.asp>

<https://webapps.dol.gov/elaws/whd/flsa/docs/trainees.asp>
<https://www.mass.gov/service-details/volunteers-and-interns>