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Unpaid Interns and Volunteers: An Effective Way to Reduce Costs for Public Employers?

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HR News Magazine

Ashley Manfull, an attorney in the Akron office and a member of the labor and employment group, authored an article titled "Unpaid Interns and Volunteers: An Effective Way to Reduce Costs for Public Employers?" for The International Public Management Association for HR's *HR News Magazine*.

The article states:

"The DOL generally permits unpaid internships in the public sector, provided the intern volunteers his or her time without any expectation of compensation. The agency left the door open to clarify this exception, stating it was "reviewing the need for additional guidance on internships in the public and non-profit sectors." To date, however, no additional guidance or clarification has been issued.

The DOL's stated exception stems from the legal status of volunteers. Under federal law, a volunteer is defined as an individual who "performs hours of service for a public agency for civic, charitable, or humanitarian reasons, without promise, expectation or receipt of compensation for services rendered."

Performing such volunteer activities on behalf of a public agency is permitted as long as assigning volunteers work is not done in order to manipulate or abuse minimum wage and overtime requirements by coercing or unduly pressuring individuals to volunteer his or her time.

While the use of volunteers and unpaid interns is an effective tool to help public agencies temporarily work within restrictive budgets and operate efficiently, public employers are wise to closely scrutinize each internship and volunteer relationship to ensure that it conforms to the DOL's expectations. Initially, it is worth noting that the DOL offers no real guidance on what constitutes "civil, charitable, or humanitarian reasons" for performing volunteer work for a public agency, as opposed to, for

example, simply accepting an unpaid internship because it meets schooling requirements or looks good on a resume.

Accordingly, public agencies should at least consider whether an unpaid internship or volunteer position has a civic, charitable or humanitarian purpose. Further, public agencies must ensure that the unpaid intern or volunteer has agreed to perform all services freely and without feeling coercion or undue pressure from the agency. The intern must understand that his or her services are being performed without any promise, expectation or receipt of compensation.”

To read the entire article, visit the IPMA-HR [website](#). (Subscription may be required).