Application of the Fair Labor Standards Act (FLSA) to School-Related Programs Checklist

Do students have to be paid? Do FLSA child labor laws apply?

With respect to following criter		al stud	dent's placement at a business establishment, do all of the
YES	NO	1. Т	The training, even though it includes
125	110	1. 1	actual operation of the facilities of the
			employer, is similar to that which would
			be given in a vocational school (i.e., a
			curriculum is followed and the student is under contin-
			ued and direct supervision either by representatives of
VEC	NO	2	the school or by employees of the business).
YES	NO	2.	The training is for the benefit of the
			trainee or student; such placement is <i>not</i>
			made to meet the labor needs of the
MEC	NO	2	business.
YES	NO	3.	The trainee or student does not displace a
			regular employee, does not fill a vacant
			position, does not relieve an employee of
			assigned duties, and does not perform
			services that, although not ordinarily
			performed by employees, clearly are of
*****			benefit to the business.
YES	NO	4.	The employer providing the training
			derives no advantage from the activities
			of the trainee or student and, on occasion,
			the employer's operations may actually be
			impeded.
YES	NO	5.	The trainee or student is not necessarily
			entitled to a job at the conclusion of the
			training period.
YES	NO	6.	The employer and the trainee or student
			understand that the trainee or student is
			not entitled to wages for the time spent in
			training.
YES to all six criteria			NO to any six criteria

The individual student is NOT an employee within the meaning of the FLSA. Wages are not required.

Either the business or the school system must compensate the student worker; both parties are jointly responsible for compliance with labor laws.