



HRA INTERNSHIP GUIDELINES

2022



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WHAT IS AN INTERNSHIP

An internship is a form of experiential learning that integrates knowledge and theory learned in the classroom with practical application and skills development in a professional setting. Internships give students the opportunity to gain valuable applied experience and make connections in professional fields they are considering for career paths; and give employers the opportunity to guide and evaluate talent. – Definition from NACE



INTERNSHIP CRITERIA

To ensure that an experience—whether it is a traditional internship or one conducted remotely or virtually—is educational, and thus eligible to be considered a legitimate internship by the NACE definition, all the following criteria must be met:

1. The experience must be an extension of the classroom: a learning experience that provides for applying the knowledge gained in the classroom. It must not be simply to advance the operations of the employer or be the work that a regular employee would routinely perform.
2. The skills or knowledge learned must be transferable to other employment settings.
3. The experience has a defined beginning and end, and a job description with desired qualifications.
4. There are clearly defined learning objectives/goals related to the professional goals of the student's academic coursework.
5. There is supervision by a professional with expertise and educational and/or professional background in the field of the experience.
6. There is routine feedback by the experienced supervisor.
7. There are resources, equipment, and facilities provided by the host employer that support learning objectives/goals.

INTERNSHIP LEGAL CONSIDERATIONS AND PROGRAM DESIGN

I. LEGAL CONSIDERATIONS

A. INTERN VS. EMPLOYEE

The U.S. Department of Labor (USDOL) provides guidance for determining whether an employer must pay an intern under the Fair Labor Standards Act. The “primary beneficiary” test is not a rigid set of requirements; instead, it is a non-exhaustive list of factors to determine who is the primary beneficiary of the internship. The test considers

(a) the extent to which the intern and the employer clearly understand that there is no expectation of compensation--any promise of compensation, express or implied, suggests that the intern is an employee, and vice versa;

(b) the extent to which the internship includes training similar to that provided in an educational environment, including clinical and other hands-on training offered by educational institutions;

(c) the extent to which the internship is tied to the intern’s formal education program by integrated coursework or the receipt of academic credit;

(d) the extent to which the internship accommodates the intern’s academic commitments by corresponding to the academic calendar;

(e) the extent to which the internship’s duration is limited to the period in which the internship provides the intern with beneficial learning;

(f) the extent to which the intern’s work complements, rather than displaces, the work of paid employees while providing significant educational benefits to the intern; and

(g) the extent to which the intern and the employer understand that the internship is conducted without entitlement to a paid job at the conclusion of the internship.[1]

[1] U.S. Department of Labor, Wage and Hour Division, “Fact Sheet #71: Internship Programs Under The Fair Labor Standards Act,” last modified January 2018, <https://www.dol.gov/agencies/whd/fact-sheets/71-flsa-internships>.

INTERNSHIP LEGAL CONSIDERATIONS AND PROGRAM DESIGN

I. LEGAL CONSIDERATIONS

A. INTERN VS. EMPLOYEE

The test is intended to offer flexibility for unpaid internships, but an employer should consider all factors related to a particular internship and ensure the intern will be the primary beneficiary of the relationship before deciding that it should be unpaid. The employer should determine whether the tangible and intangible benefits to the intern are greater than the intern's contribution to the employer's operation.[1]

The employer should also ensure that the intern has clear expectations regarding the internship, particularly if it is unpaid. A written acknowledgment of the structure of the internship may be advisable. Because the USDOL's test considers whether the intern clearly understood that there was no expectation of compensation during the program or entitlement to a paid job at its conclusion, the acknowledgment should contain a statement to that effect.[2]

Even if an internship satisfies the USDOL test for unpaid status, an employer may still choose to pay the intern. Offering paid internships can attract a more diverse internship pool, may result in more qualified candidates, and can generate good will in the community and labor market.[1]

The DOAS HRA Enterprise Talent Management Services team encourages state agencies to consider offering paid internships where possible and practical, to make our opportunities competitive with the private sector and to promote our goal to be an employer of choice.

[1] U.S. Department of Labor, Wage and Hour Division, "Fact Sheet #71: Internship Programs Under The Fair Labor Standards Act," last modified January 2018, <https://www.dol.gov/agencies/whd/fact-sheets/71-flsa-internships>.

INTERNSHIP LEGAL CONSIDERATIONS AND PROGRAM DESIGN

B. NON-CITIZENS

An F-1 student visa allows the holder to pursue employment related to their field of study. These opportunities fall into the categories discussed below. Students generally work with the international student adviser at their school to obtain F-1 employment authorization.

Under Curricular Practical Training (CPT), an F-1 student works for a specific off-campus employer for a defined time period. To qualify as CPT, the work must be an integral part of the established curriculum in the student's course of study. CPT can be either a part-time (20 hours or less per week) or full-time (cooperative) arrangement.[1] The program must be offered by sponsoring employers through cooperative agreements with schools.[2]

Optional Practical Training (OPT) allows the student to work for any employer in a job related to the student's degree program. Most students in F-1 status are eligible for a total of 12 months of OPT, which can be used during the degree program, while school is session or during breaks, or after graduation.[3]

Before and during either CPT or OPT, an employer should work closely with the intern's school and ensure that all federal immigration requirements are met.

[1] Mark B. Rhoads, "Legal Issues: International Students And Unpaid Internships," December 2015, <https://www.coe.edu/student-life/student-life-resources/international-student-affairs/employment-volunteering/legal-issues-international-students-and-unpaid-internships>.

[2] Society for Human Resource Management, "Understanding and Obtaining U.S. Employment Visas."

[3] Rhoads, "Legal Issues: International Students And Unpaid Internships."

INTERNSHIP LEGAL CONSIDERATIONS AND PROGRAM DESIGN

II. PROGRAM DESIGN

The National Association of Colleges and Employers (NACE) views experiential learning as a crucial component of a college education.[1] Internships provide an opportunity to put theory into practice, narrow the skills gap, network with professionals, and learn about possible career paths. When an internship lacks structure, these benefits cannot be fully realized.[2] Moreover, an unstructured internship may be less likely to meet the USDOL's "primary beneficiary" test, discussed above.

NACE has set forth the following definition of internship:

An internship is a form of experiential learning that integrates knowledge and theory learned in the classroom with practical application and skills development in a professional setting. Internships give students the opportunity to gain valuable applied experience and make connections in professional fields they are considering for career paths; and give employers the opportunity to guide and evaluate talent.[3]

To meet this standard, an internship should be structured with the elements outlined below.

(a) The experience provides an opportunity to apply knowledge gained in the classroom; it should not simply advance the operations of the employer or consist of work that a regular employee would routinely perform.

(b) The skills or knowledge learned are transferable to other employment settings.

(c) The experience has a defined beginning and end, as well as a job description with desired qualifications.

(d) The internship has clearly defined learning objectives related to the professional goals of the student's academic coursework.

[1] National Association of Colleges and Employers, "Position Statement: U.S. Internships," August 2018, <https://www.nacweb.org/about-us/advocacy/position-statements/position-statement-us-internships/>.

[1] Study International, "Priceless or worthless? The problem with modern internships," October 15, 2019, <https://www.studyinternational.com/news/common-problems-internships/>.

[1] National Association of Colleges and Employers, "Position Statement: U.S. Internships."

INTERNSHIP LEGAL CONSIDERATIONS AND PROGRAM DESIGN

II. PROGRAM DESIGN

(e) Supervision is provided by a professional with expertise in the field of the internship program.

(f) The experienced supervisor gives routine feedback.

(g) The host employer supplies resources, equipment, and facilities to support the learning objectives of the internship.[1]

The Society for Human Resource Management recommends developing an internship plan, a short (one- or two-page) document that outlines the learning objectives of the internship. Working with an educational institution can be particularly beneficial because the school will likely have a list of internship content criteria and skills that interns should master during the program. A well-designed internship program can benefit both employer and intern. The employer has an opportunity to evaluate new talent, and the intern gains marketable skills and professional connections.

[1] Ibid.

[1] Nagele-Piazza, Lisa, "6 Tips to Create a Compliant Unpaid Internship Program."

INTERNSHIP PROGRAM BEST PRACTICES

1	Advertise internship opportunities appropriately
2	Conduct interviews and background checks
3	Hold an internship orientation
4	Provide real work assignments/projects
5	Utilize internship program coordinator/manager
6	Offer competitive pay
7	Carefully select intern supervisors
8	Incorporate development activities

INTERNSHIP PROGRAM BEST PRACTICES

9	Provide consistent feedback
10	Solicit feedback from interns

INTERNSHIP PROGRAM BEST PRACTICES CONT.

NUMBER ONE

ADVERTISE INTERNSHIP OPPORTUNITIES APPROPRIATELY!

- Utilize the internship page on Team Georgia Careers. If your agency is not listed, let the HRA team know.
- Post internship on Handshake. This free product provides access to students across Georgia.
- Partner with career services at state universities and technical colleges to promote the internship.

NUMBER TWO

CONDUCT INTERVIEWS AND BACKGROUND CHECKS

- Whether unpaid or paid, agencies should conduct the same interview and background check process used for any other hires.

NUMBER THREE

HOLD AN INTERNSHIP ORIENTATION

- This does not necessarily need to be separate from general new hire orientation, however, it should focus on the information that will apply to the intern such as agency overviews, dress codes, policies and procedures, tours and any training that needs to be completed. Be sure interns are welcomed the same as other new hires.

INTERNSHIP PROGRAM BEST PRACTICES

NUMBER FOUR

PROVIDE REAL WORK ASSIGNMENTS/PROJECTS

- Consider the type of work that can be done by the intern while keeping in mind they are not replacing a regular employee. Some questions to ask to determine appropriate work to assign an intern include:

What projects are currently on the "back burner?"

i.e., work you want to do but do not have the bandwidth to tackle

What is the current workload of the team? Which tasks can the intern assist with?

i.e., routine project that could use additional support

What specific skills can the intern bring to the team?

i.e., building out a website or social media presence

- An additional consideration if you are offering credit for the internship is to align the project and timing of the internship with the coursework of the intern.
- Finally, remember, the intern will be there for a semester at a time (18 – 20 weeks) so the work/project should be able to be completed during that timeframe.

NUMBER FIVE

IDENTIFY AN INTERNSHIP PROGRAM COORDINATOR/MANAGER

- This should be an employee that serves as a great example of the type of employee your agency is looking for. They should be knowledgeable, approachable, and organized.
- This person will be responsible for monitoring the internship program and the interns and will ensure that they are getting the experience and management they need to be successful.

INTERNSHIP PROGRAM BEST PRACTICES

NUMBER SIX

OFFER COMPETITIVE COMPENSATION

- Establish a competitive pay rate for interns. Remember, these students are not volunteers and should therefore be paid.
- If your agency cannot pay an intern, consider offering school credit for the internship.

NUMBER SEVEN

PICK SUPERVISORS AND MENTORS FOR INTERNS CAREFULLY

- Interns need a designated supervisor for the length of the internship. Intern supervisors use all the skills necessary in any elective supervisory relationship: leadership, motivation, delegation, communication, development, training, and evaluation.
- Each intern should be assigned a separate mentor. Ideally, the mentor will be senior-level or tenured employee who is knowledgeable about the agency and the work the intern will perform. The mentor should meet with the intern on the first day, check-in often, and provide guidance as appropriate.

NUMBER EIGHT

INCORPORATE DEVELOPMENT INTO THE PROGRAM

- Panel Discussions
- Coffee/Lunch with executive leaders
- Soft Skills Workshops
- Volunteer and other community engagement activities
- Incorporate end of internship presentations

INTERNSHIP PROGRAM BEST PRACTICES

NUMBER NINE

PROVIDE CONSISTENT FEEDBACK

- Mid Internship
- Final Evaluation

NUMBER TEN

SOLICIT FEEDBACK FROM INTERNS

- Ask the intern for their feedback using the Internship Feedback Form
- Use feedback to enhance the internship program

SOG INTERNSHIP PROGRAM FAQ 'S

Still have questions about starting an internship program or enhancing your current program? Below are common questions we have received from agencies regarding internships in the state of Georgia.

1. DOES DOAS HRA ETMS MANAGE INTERNSHIP PROGRAMS?

No, agencies manage their own internship program

2. ARE STATE AGENCIES REQUIRED TO HAVE AN INTERNSHIP PROGRAM?

No, agencies are encouraged to but are not required to have an internship program

3. ARE STATE AGENCIES REQUIRED TO PAY INTERNS?

No, agencies are encouraged to but are not required to pay interns. However, unpaid internships must follow the Primary Beneficiary guidelines.

4. WHAT HOURLY RATE SHOULD STATE AGENCIES PAY INTERNS?

Hourly rates should be competitive based on the undergraduate level, skills and experience the intern will bring to the agency

5. HOW MANY HOURS CAN AN INTERN WORK?

In general, interns should be considered temporary, non-benefit eligible employees who work 29 hours or less per week. For any interns working on a full-time basis please note that the Affordable Care Act (ACA) defines a full-time employee as one who is expected to, or does work 30 hours or more per week). Agencies should be sure to comply with coverage guidelines under the ACA.

SOG INTERNSHIP PROGRAM FAQ'S

Still have questions about starting an internship program or enhancing your current program? Below are common questions we have received from agencies regarding internships in the state of Georgia.

6. WHEN SHOULD INTERNSHIP PROGRAMS BE OFFERED?

This will vary by agency need but should ideally line up to the university semester or quarter system. This will make it easier for recruiting, hiring and offering credit.

7. HOW LONG SHOULD INTERNSHIP PROGRAMS LAST?

Internships should last at least a semester or quarter.

8. SHOULD WE OFFER CREDIT FOR OUR INTERNSHIP PROGRAM?

This will depend on each agency. If your agency does not offer a paid internships then it is highly recommended that credit is offered for participation.

9. WHAT TYPE OF WORK SHOULD AN INTERN BE ASSIGNED?

Interns should be assigned meaningful work and projects that align with their school curriculum and that meets the agency needs. This could be project work that your agency would like to complete but current staff does not have the time to devote to it. It could also be work that the current staff does not have the skill set for.

Remember, however, that the intern is not a replacement for a regular, full-time employee and should not be assigned work that a regular, full-time employee would be responsible for.

SOG INTERNSHIP PROGRAM FAQ'S

Still have questions about starting an internship program or enhancing your current program? Below are common questions we have received from agencies regarding internships in the state of Georgia.

10. CAN WE POST INTERNSHIP OPPORTUNITIES ON TEAM GEORGIA CAREERS?

Yes. Using the internship job codes will allow the opportunities to show up on the website.

11. WHEN SHOULD WE POST INTERNSHIP OPPORTUNITIES TO TEAM GEORGIA CAREERS?

As early as possible based on the projected start date. For example, if the internship is to start in August, then ideally the internship will be posted in February or March to give time to promote it and for students to apply to it before the semester ends.

12. WHAT OTHER AVENUES SHOULD WE USE TO SOURCE INTERNSHIP CANDIDATES?

Consider posting the internship to Handshake and engaging university career services directly to help promote the opportunity. Also, use agency social media accounts to promote the internship. Lastly, consider having employees promote it to their networks, reaching out to student organizations, and alumni associations.

CONTACT US

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