

Washington State Board of Community and Technical Colleges

Internship Toolkit for Washington State Employers

Manual for employers to provide meaningful internships to
Community and Technical College students.

AWB Institute
6/30/2015

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1. A Description and Examples of Internships

Internship Description

The National Association of Colleges and Employers (NACE), position statement defines an internship as “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.”

<http://naceweb.org/advocacy/position-statements/united-states-internships.aspx>

Examples of Internships

For Credit Internship

Students must consult their school/academic department prior to the start of an internship if they wish to receive credit for an internship. It usually involves a partnership between the student, business and a college faculty member.

Full Time Internship

Full time internships tend to be paid. They are most common in the summer when students are able to be fully committed to their internship. Full time internships allow for the most extensive submersion for an intern in a particular company.

Summer Internship

Summer internships usually last eight to twelve weeks and can be either full or part time. They can also be completed for credit but must be cleared with the intern’s school first. Summer internships allow for an in depth experience of what it is like to work for a specific company.

Part Time Internship

Part time internships are usually given to students who are enrolled in school during the same time period. They can be unpaid and can vary in duration. They are a great way for a student to get a feel for a company and what life in said company entails.

Paid Internships

Paid internships should be the first choice for a company to consider. They tend to be full time positions and offer the most in depth experience of what working for a company entails. Many companies pay interns and treat them as regular employees in an evaluation period with the option to hire them after, fully trained.

Non-Paid Internships

Non-paid internships tend to be utilized by non-profit companies and startup companies that may not have sufficient funds to pay their interns. Although monetary incentives are not present, this type of internship still grants interns the necessary knowledge needed in their field of study and allows companies to have extra resources available. Please refer to the section on WA L&I Internship Regulations, Unpaid Internships 101, for specific guidelines.

Apprenticeships

<http://www.lni.wa.gov/TradesLicensing/Apprenticeship/default.asp>

Washington State Department of Labor & Industries describes an Apprenticeship as “a combination of on-the-job training (OJT) and related classroom instruction under the supervision of a journey-level craft person or trade professional in which workers learn the practical and theoretical aspects of a highly skilled occupation.

After completing an apprenticeship program, the worker's journey-level status provides an additional benefit of nationwide mobility at journey level scale.”

<http://www.lni.wa.gov/TradesLicensing/Apprenticeship/About/WhatIs/default.asp>

Regional L&I Apprentice Coordinators

<http://www.lni.wa.gov/TradesLicensing/Apprenticeship/About/AppCoordinators/Default.asp>

<http://www.lni.wa.gov/TradesLicensing/Apprenticeship/About/IntroProg/>

2. Benefits of Internships for Students and Businesses

Benefits for Businesses

Internship Benefits for Employers

- A cost effective opportunity to evaluate a potential future employee, a pipeline for candidates.
- Access to students with special skills and/or knowledge.
- A way to gain short term talent to assist current employees.
- Enthusiastic, innovative workers who can contribute new ideas based on their academic learning.
- The personal satisfaction of fulfilling a professional responsibility in helping students progress in their career path.
- Enhanced visibility for your organization on college campuses.

<http://www.bothell.washington.edu/careers/employers/internship-guidelines-for-employers>

How Hiring an Intern Benefits Your Company

Whether you're thinking about hiring your first intern or your hundredth, you want to make sure they're worth your time and energy. We couldn't agree more. In addition to increasing your team's productivity and reducing hiring costs, interns complete project work that may be on the backburner - and bring fresh, innovative perspectives to your organization. Want to know if there are students looking for internships in your area?

Hiring an intern allows you to:

- Remain competitive within your industry
- Gain short-term talent
- Increase diversity within your organization

- Offer management experience to employees working as intern supervisors
- Provide full-time employees more time to focus on important tasks
- Begin training potential full-time employees
(more than 50% of interns accept an employment offer from their host company!)
- Mentor and cultivate our future workforce leaders
- Provide a student with a rich learning experience
- Influence school curriculum
- Encourage students to stay in their local community
- Use social media to connect with target audiences
- Market your company via word of mouth

<https://indianaintern.net/employers>

Benefits for Students

Internship Benefits for Students:

- Provides a full and realistic view of the world-of-work.
- Integrates academic preparation with practical application and skill development in the workplace.
- Provides hands-on work experience.
- An opportunity to network with professionals in one's field of interest
- A chance to explore career options and develop transferable skills.

<http://www.bothell.washington.edu/careers/employers/internship-guidelines-for-employers>

Why Intern?

- Earn college credit
- Fulfill degree requirements
- Learn how to apply academic coursework to the professional world
- Examine and verify career interests
- Explore different organizational departments
- Uncover talents
- Discover ideal job aspects
- Develop responsibility and new, transferable skills
- Experience living in a new area
- Grow your professional network
- Gain possible full-time employment at internship site

<https://indianaintern.net/students>

Liability Information

L&I Internship Regulations

Unpaid Internships 101

“There are limited circumstances in which unpaid student internships are allowed and exempt from the Minimum Wage Act, Chapter 49.46 RCW and the Industrial Insurance laws, Chapter 51 RCW. The fact sheet describes the criteria and limitations for unpaid internships under the wage and hour as well as the industrial insurance (i.e., workers’ compensation) laws.”

<http://www.lni.wa.gov/WorkplaceRights/Wages/PayReg/Internships/>

Fact sheet: Document provides information as the state and federal restrictions for unpaid interns who are in an educational capacity in a workplace."

<http://www.lni.wa.gov/IPUB/700-173-000.pdf>

Federal Internship Compliance with Fair Labor Standards Act (FLSA), Test for Unpaid Interns

<http://www.dol.gov/whd/regs/compliance/whdfs71.pdf>

Relevant L&I Policies:

- Hours Worked
<http://www.lni.wa.gov/WorkplaceRights/files/policies/esc2.pdf>
- Minimum Hourly Wage
<http://www.lni.wa.gov/WorkplaceRights/files/policies/esa3.pdf>

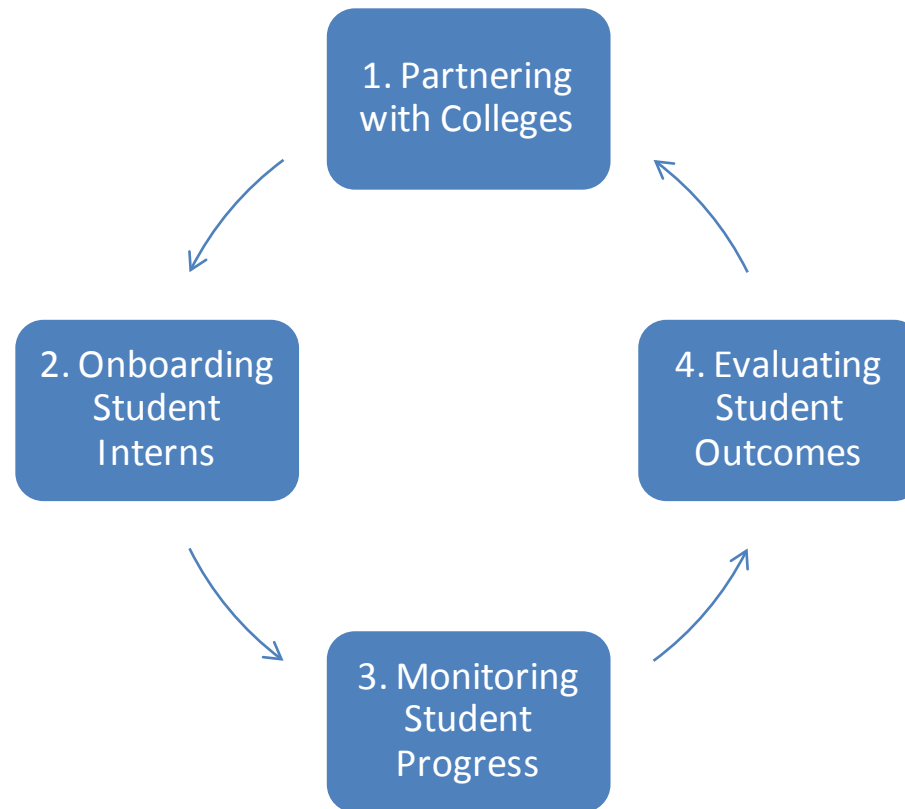
L& I Resources

- Workers’ compensation 1-800-547-8367
- Workplace safety and health 1-800-423-7233
- Wage and hour questions 1-800-219-7321 or esgeneral@lni.wa.gov
- Workplace Injury Claims 1-800-831-5227

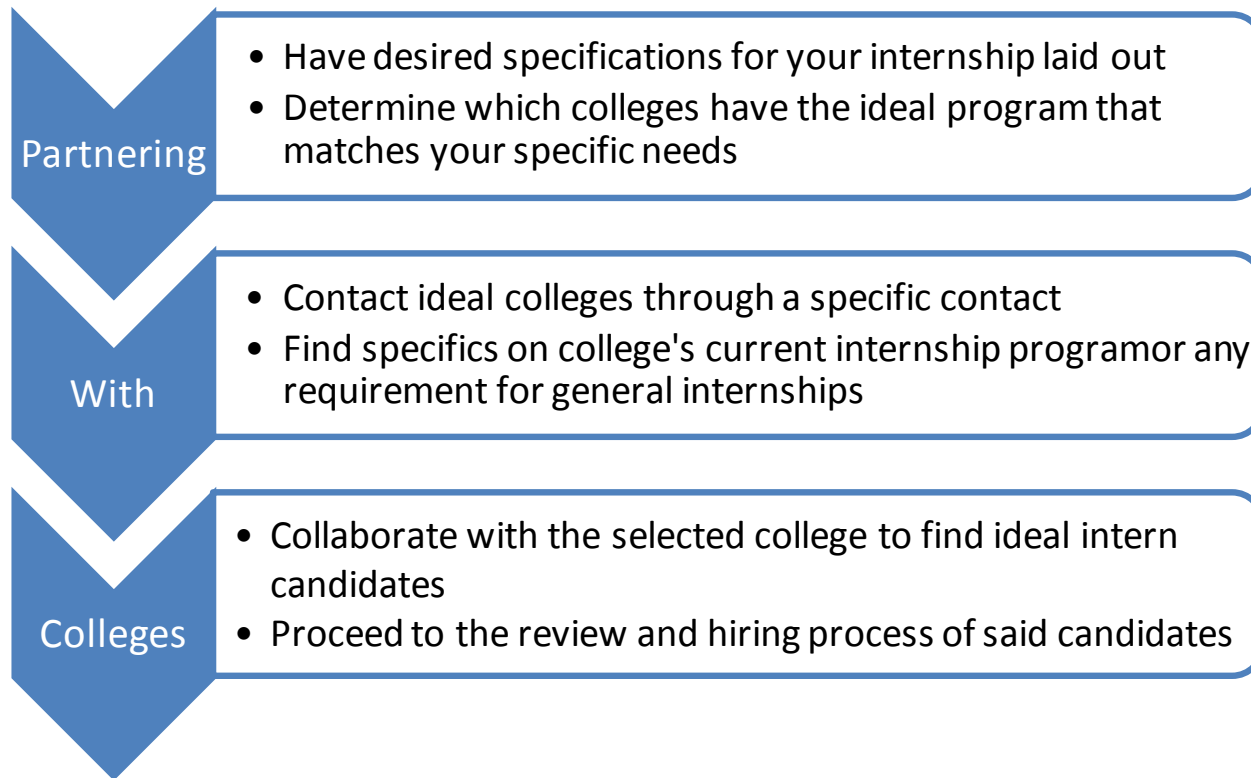
***See Appendix A for relevant government literature regarding liability information**

3. Process Models for Partnering with Colleges, Onboarding Student Interns, Monitoring Student Progress, and Evaluating Student Outcomes

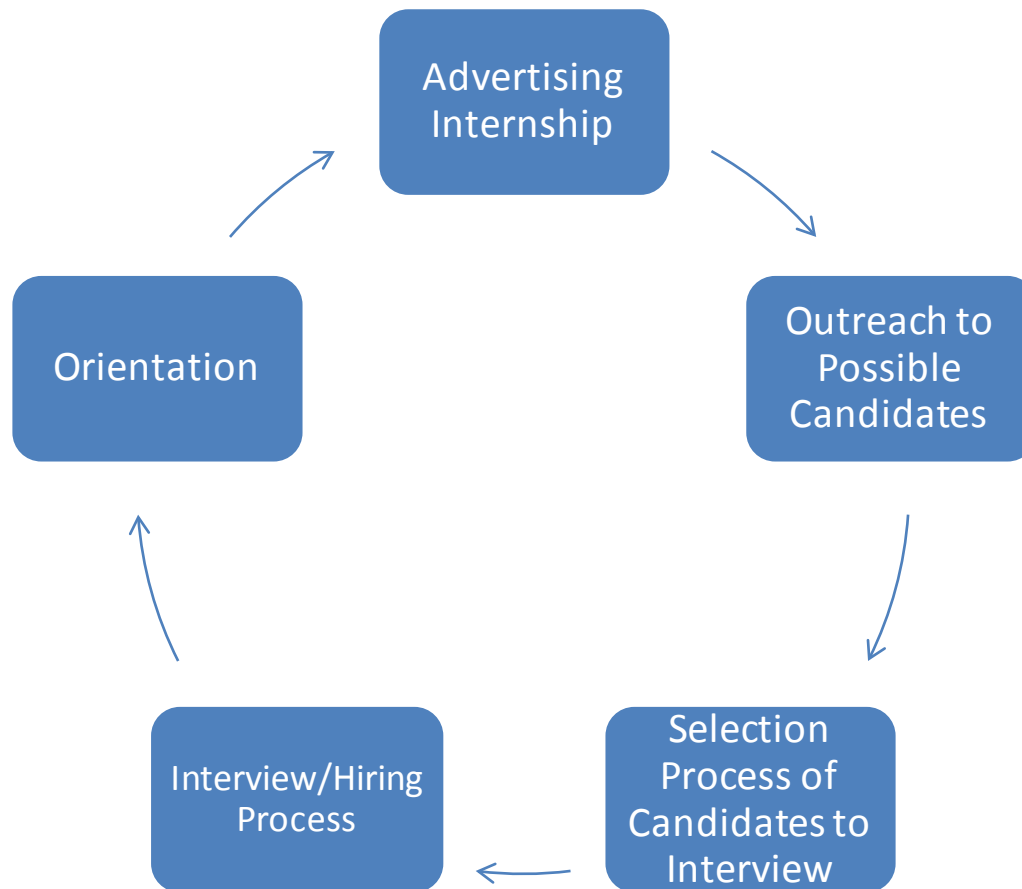
Internship Process



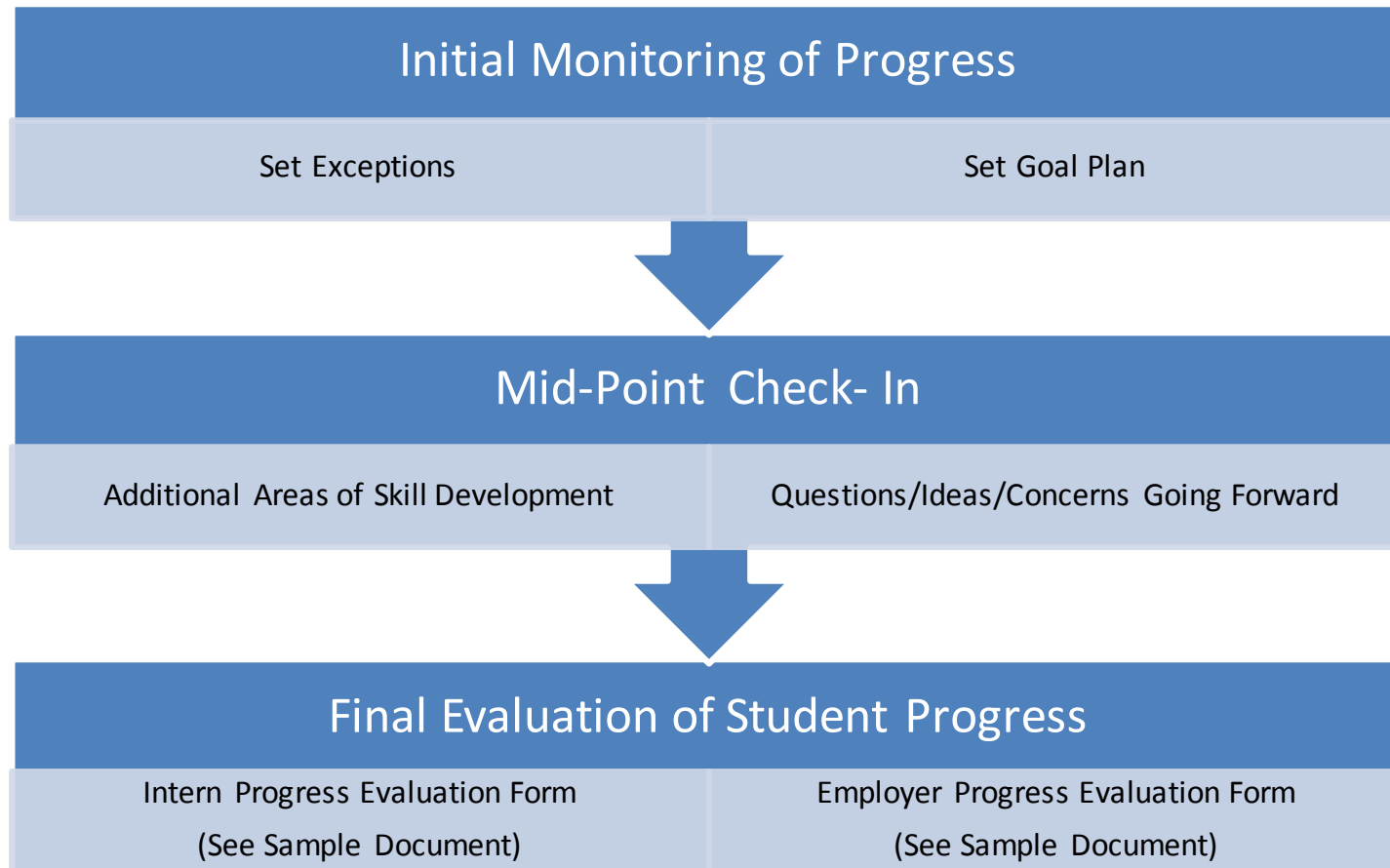
2. Partnering With Colleges



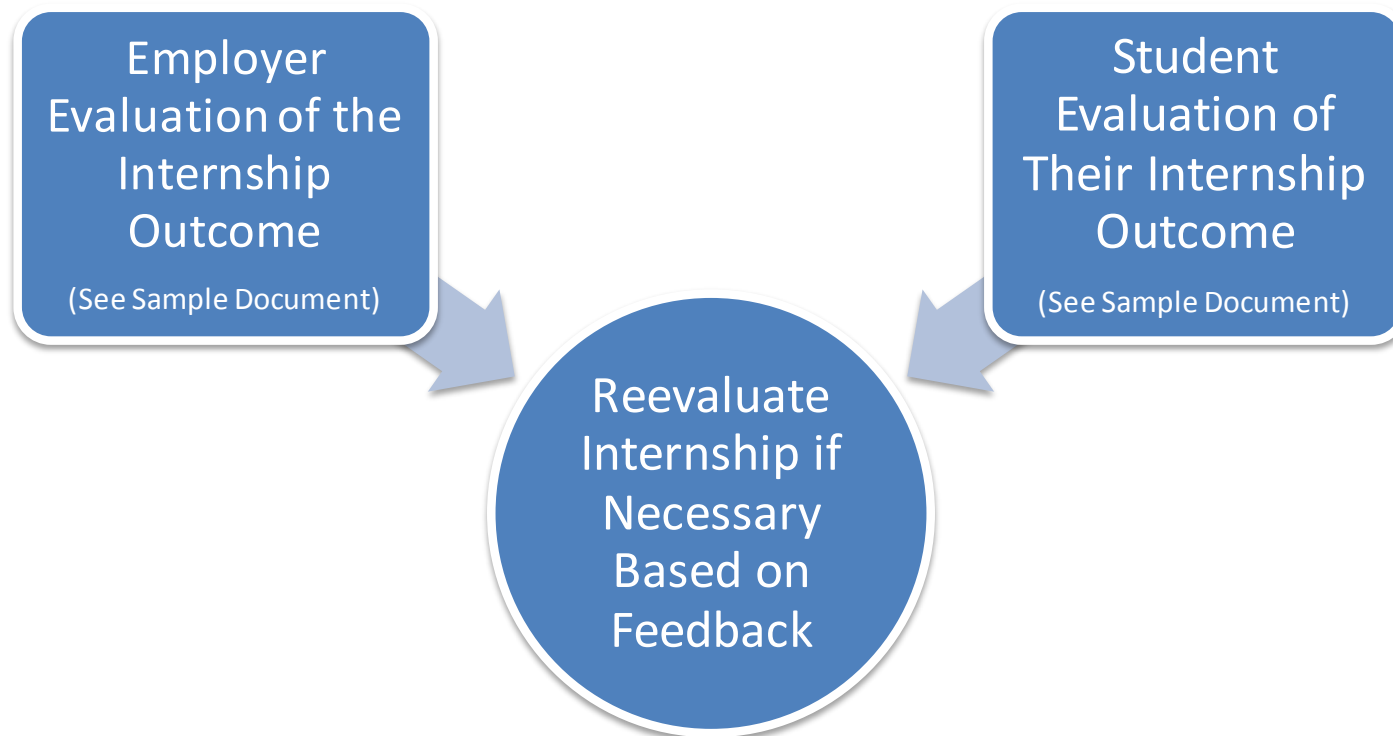
3. Onboarding Student Interns



3. Monitoring Student Progress



4. Evaluating Student Outcomes



4. Sample Documents

Student Agreement

Internship Agreement Between Student & Employer

Intern Name: _____

Title of Internship Position: _____

Duration of Internship: Start: _____ End: _____

Hours Per Week: _____

Pay Amount (If Applicable): _____

Employer/ Company Name: _____

Phone: _____

Company Website: _____

Phone: _____

Address: _____

Name of Supervisor: _____

Phone: _____

Email: _____

Duties to be performed:

Experience to be gained by the participating Intern:

_____ Supervisor Signature	_____ Intern Signature
_____ Date	_____ Date

Reporting Form

Internship Placement Reporting Form to the School

Student Information

Name: _____

School: _____

Field of Study: _____

Student I.D.: _____ Phone: _____

Email: _____

Student Internship Information

Internship Title: _____

Hourly Rate (If Applicable): _____

Primary Duties: _____

Academic Credit (Yes or No): _____

If Yes, Department and Course Number: _____

If Yes, How many credit hours? _____

How was Position Secured? _____

Semester/Quarter

Semester/Quarter: _____ Hours per Week: _____

Start Date: _____ End Date: _____

Employer (Internship Provider) Information

Employer: _____

Contact Name & Title: _____

Contact Email: _____

Contact Address: _____

Contact City, State, Zip: _____

Contact Phone: _____

Checklist

Intern Orientation Checklist

Review Organization and Department Missions
Explain Need to Know Items <ul style="list-style-type: none"><input type="checkbox"/> Parking<input type="checkbox"/> Workstation<input type="checkbox"/> Specific Work Dates/Times<input type="checkbox"/> Office Hours/ Breaks<input type="checkbox"/> Pay Period and Payment Information<input type="checkbox"/> Receive Contact Information From Intern<input type="checkbox"/> Computer Use Policy<input type="checkbox"/> Equipment Policy
Review the Internship <ul style="list-style-type: none"><input type="checkbox"/> Job Description<input type="checkbox"/> Expectations<input type="checkbox"/> How the Internship Relates to the Company<input type="checkbox"/> Action Plan
Review Company Standards <ul style="list-style-type: none"><input type="checkbox"/> Performance standards<input type="checkbox"/> Attendance and Punctuality<input type="checkbox"/> Conduct in Corporate Environment<input type="checkbox"/> General Appearance and Expected Attire
Explain the Work Process <ul style="list-style-type: none"><input type="checkbox"/> Job Authority and Responsibility<input type="checkbox"/> Resource Assistance<input type="checkbox"/> Weekly Meeting<input type="checkbox"/> Open Door Policy<input type="checkbox"/> End of Internship Evaluation
Orient the Intern to the Work Area <ul style="list-style-type: none"><input type="checkbox"/> Notify All Staff to the New Intern<input type="checkbox"/> Give a Tour<input type="checkbox"/> Introduce the Intern<input type="checkbox"/> Make Personal Introductions and Explain Work Relationships

Evaluation Guidelines

Internship Progress Evaluation by Intern

To be filled out by the intern reviewing their personal progress made during the internship

Intern Name: _____ Date: _____

Rating Scale

5 – Far exceeded all expected outcomes

4 – Exceeded expected outcomes

3 – Met expected outcome

2 – Met some expected outcomes

1 – Did not meet most expected outcomes

Work Performance Area	Rating
Instructions Comments:	
Quality Comments:	
Planning Comments:	
Communication Comments:	
Attendance Comments:	
Technical Skills Comments:	
Attitude Comments:	
Reliability Comments:	
Professional Appearance Comments:	

Intern Progress Evaluation by Employer

To be filled out by the Employer evaluating the progress made by the participating intern

Intern Name: _____ Date: _____

Rating Scale

5 – Far exceeded all expected outcomes

4 – Exceeded expected outcomes

3 – Met expected outcome

2 – Met some expected outcomes

1 – Did not meet most expected outcomes

Work Performance Area	Rating
Instructions Comments:	
Quality Comments:	
Planning Comments:	
Communication Comments:	
Attendance Comments:	
Technical Skills Comments:	
Attitude Comments:	
Reliability Comments:	
Professional Appearance Comments:	

Exit Survey of Internship Outcome

Name: _____

Email: _____

Phone: _____

Address: _____

Start Date: _____ End Date: _____

Did you find this internship successful? Yes ___ No ___

Was this internship a good learning experience? Yes ___ No ___

Were the details of this internship explained thoroughly? Yes ___ No ___

Did you receive enough training to perform the internship? Yes ___ No ___

Did the supervisor provide constructive feedback? Yes ___ No ___

Did this experience help you make a choice for your career goals? Yes ___ No ___

If no was answered for any of the questions above, please explain:

What did you like most about the internship?

What did you like least about the internship?

What actions did you enjoy the most?

What actions did you enjoy the least?

Employer Internship Outcome Evaluation Form

Supervisor: _____

Intern: _____ Intern's School: _____

Start Date: _____ End Date: _____

1. Is this current internship program viable for future internship opportunities?

2. Are there any areas of concern or areas that need to be changed in the current program?

3. Did the intern meet all expectations given? Should future expectations be changed?

4. What aspects, if any, need to be added to improve the next internship?

5. Resources and Contacts at the Community and Technical Colleges

1. Bates Technical College
 - a. <http://www.bates.ctc.edu/>
 - b. <http://www.bates.ctc.edu/JobServices>
 - c. Jamie Huey
 - i. (253) 680-7026
 - d. Shirley Miller
 - i. skmiller@bates.ctc.edu
 - ii. (253) 680-7240
2. Bellevue College
 - a. <http://www.bellevuecollege.edu/>
 - b. <http://depts.bellevuecollege.edu/careers/connect-career-management-system/>
 - c. careers@bellevuecollege.edu
 - d. (425) 564-2279
3. Bellingham Technical College
 - a. <http://www.btc.ctc.edu/>
 - b. <http://www.btc.ctc.edu/CurrentStudents/CareersJobs/JobListings.aspx>
 - c. careerctr@btc.ctc.edu
 - d. (360) 752-8450
4. Big Bend CC
 - a. <http://www.bigbend.edu/>
 - b. <http://www.bigbend.edu/information-center/resources-for-business/>
 - c. Bonnie Jeffrey: Career Services Coordinator
 - d. (509) 793-2069
 - e. bonniej@bigbend.edu
5. Cascadia College
 - a. <http://www.cascadia.edu/>
 - b. Becky Hatmaker
 - c. bhatmaker@cascadia.edu
 - d. (425) 352-8138
6. Centralia College
 - a. <http://www.centralia.edu/>
 - b. <http://www.centralia.edu/admissions/finaid/jobcenter.html>
 - c. Dean Durelle Sullivan
 - d. dsullivan@centralia.edu
 - e. (360)736-9391 Ext:378
7. Clark College
 - a. <http://www.clark.edu/>
 - b. Brianna Lisenbee
 - c. blisenbee@clark.edu
 - d. (360) 992-2964

8. Clover Park Technical College
 - a. <http://www.cptc.edu/>
 - b. <http://www.cptc.edu/work-study>
 - c. Tiffany Windmeyer: Development Coordinator
 - d. Tiffany.windmeyer@cptc.edu
 - e. (253) 583-8765
9. Columbia Basin College
 - a. <http://www.columbiabasin.edu/>
 - b. Kristen Billetdeaux: Executive Assistant to the VP for Instruction
 - c. kbilletdeaux@columbiabasin.edu
 - d. (509) 542-4648 or 2648 Ext: 2648
10. Edmonds CC
 - a. <http://www.edcc.edu/>
 - b. <http://www.edcc.edu/hr/Volunteer.html>
 - c. Charles Loomis: Internship Instructor
 - d. Charles.loomis@edcc.edu
 - e. (425) 640-1066 Ext: 1256
11. Everett CC
 - a. <http://www.everettcc.edu/>
 - b. <http://www.everettcc.edu/administration/admin-services/hr/internships>
 - c. Laura Baker
 - d. lbaker@everettcc.edu
 - e. (425) 267-0165
12. Grays Harbor College
 - a. <http://www.ghc.edu/>
 - b. Criminal Justice Only
 - c. Ron Bradbury: Criminal Justice Program
 - d. ron.bradbury@ghc.edu
 - e. (630) 538-4143
13. Green River College
 - a. <http://www.greenriver.edu/>
 - b. <http://www.greenriver.edu/academics/workforce-education.htm>
 - c. Julies 'Caesar' Robinson
 - d. jrobinson@greenriver.edu
 - e. (253) 833-9111, Ext. 6053
14. Highline College
 - a. <http://www.highline.edu/>
 - b. <https://connections.highline.edu/>
 - c. Ravinder S. Kang: CS/CIS Department Coordinator
 - d. RKANG@highline.edu
 - e. (206) 592- 3337

15. Lake Washington Institute of Technology
 - a. <http://www.lwtech.edu/>
 - b. [http://www.lwtech.edu/student life/employment resource center/default.aspx](http://www.lwtech.edu/student%20life/employment%20resource%20center/default.aspx)
 - c. Kate Conant: Coordinator, Employment Resource Center
 - d. (425) 739-8132
 - e. For department specific contact information: [Lake Washington Program Contact.pdf](#)
16. Lower Columbia College
 - a. <http://www.lowercolumbia.edu/>
 - b. <http://lowercolumbia.edu/careerservices/index.php>
 - c. Jenny Smith: Program Coordinator, Career Services
 - d. jsmith@lowercolumbia.edu
 - e. (360) 442-2330
17. North Seattle College
 - a. <https://northseattle.edu/>
 - b. <https://northseattle.edu/internships>
 - c. Carla Thompson: Instructor/Coordinator
 - d. northinternships@seattlecolleges.edu
 - e. (206) 934-3734
18. Olympic College
 - a. <http://www.olympic.edu/>
 - b. <http://www.olympic.edu/services/career-center/student-employment>
 - c. Teresa Mcdermott: Director, Occupation & Career Center
 - d. Tmcdermott@olympic.edu
 - e. (360) 475-7480
19. Peninsula College
 - a. <http://www.pencol.edu/>
 - b. Ron Bell
 - c. rbell@pencol.edu
 - d. (360) 417-6327
20. Pierce College: Fort Steilacoom
 - a. <http://www.pierce.ctc.edu/>
 - b. Diana Bake: Job & Career Connections, Worker Retraining Service Manager
 - c. dbaker@pierce.ctc.edu
 - d. (253) 912-3641
21. Pierce College: Puyallup
 - a. <http://www.pierce.ctc.edu/>
 - b. puycareer@pierce.ctc.edu

22. Renton Technical College
- a. <http://www.rtc.edu/>
 - b. <http://www.rtc.edu/page/workforce-education>
 - c. <http://www.rtc.edu/page/worksource>
 - d. Michelle Iko
 - e. miko@rtc.edu
 - f. (425) 235-2352 ext. 7785
23. Seattle Central College
- a. <http://www.seattlecentral.edu/>
 - b. http://www.seattlecentral.edu/coop/intern_stuinfo.php
 - c. Karen Kato: Manager
 - d. karen.kato@seattlecolleges.edu
 - e. (206) 934-6998
24. Shoreline CC
- a. <http://www.shoreline.edu/>
 - b. <http://www.shoreline.edu/workforce/>
 - c. Kim Cambern
 - d. kcambarn@shoreline.edu
 - e. (206) 546-6961 or -5882
25. Skagit Valley College
- a. <http://www.skagit.edu/default.asp>
 - b. Noemi Rodriguez: *Career Services Program Assistant*
 - i. Noemi.rodriguez@skagit.edu
 - ii. (360) 416-7938
 - c. Brock Veltri: *Cooperative Education and Learning Into Action Coordinator*
 - i. Brock.Veltri@skagit.edu
 - ii. (360) 416-7684
26. South Puget Sound CC
- a. <http://www.spscc.ctc.edu/>
 - b. Sally Murrow: Program Coordinator
 - c. (360) 596-5359
 - d. smurrow@spscc.edu
27. South Seattle College
- a. <http://www.southseattle.edu/>
 - b. <http://www.southseattle.edu/worksource/>
 - c. Deborah Park :Interim Director & Embedded Career Specialist
 - i. Deborah.Park@seattlecolleges.edu
 - ii. (206) 934-7935
 - d. Brooke Wagner: Program Coordinator
 - i. Brooke.Wagner@seattlecolleges.edu
 - ii. (206) 934-5304

28. Spokane CC
 - a. <http://spokanecc-csm.symplicity.com>
 - b. Norma Cantu
 - c. norma.cantu@scc.spokane.edu
 - d. (509) 533-8855
29. Spokane Falls CC
 - a. <http://www.spokanefalls.edu/>
 - b. <http://www.spokanefalls.edu/Resources/Careers/Home.aspx?Page=PV4>
 - c. Department Specific
30. Tacoma CC
 - a. <http://www.tacomacc.edu/>
 - b. Natalie Wilkerson: Coordinator
 - c. nwilkerson@tacomacc.edu
 - d. (253) 566-5191
31. Walla Walla CC
 - a. <http://www.wwcc.edu/>
 - b. Maria Montano: Workforce
 - c. mmontano@esd.wa.gov
 - d. (509) 527-1817
32. Wenatchee Valley College
 - a. <http://www.wvc.edu/>
 - b. <http://www.wvc.edu/programs/prof-tech/default.asp>
 - c. Randy Mitchell
 - d. rmitchell@wvc.edu
 - e. (509) 682-6858
33. Whatcom CC
 - a. <http://www.whatcom.ctc.edu/>
 - b. <http://www.whatcom.ctc.edu/about-the-college/employment-hr>
 - c. Jan Adams: Cooperative Education & Internships Coordinator
 - d. jadams@whatcom.ctc.edu
 - e. (360) 383-3080
34. Yakima Valley CC
 - a. <http://www.yvcc.edu/Pages/default.aspx>
 - b. <http://www.yvcc.edu/resources/CareerConnectionCenter/Pages/default.aspx>
 - c. Main Telephone (509) 574-4670
 - d. Does not currently have internship programs

Appendix A

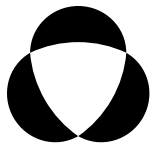
Unpaid Internships 101

Federal Internship Compliance with Fair Labor Standards Act (FLSA), Test for Unpaid Interns

L&I Hours Worked Policy

L&I Minimum Hourly Wage

Lake Washington Institute of Technology Department Contact List



Unpaid Internships 101

What is an internship?

An internship is a work-related learning experience for the benefit of individuals who wish to develop hands-on work experience in a certain occupational field.

What determines an employment relationship with trainees or interns?

As the state and federal definition of “employ” are basically the same, the Department of Labor & Industries (L&I) looks to the U. S. Department of Labor (USDOL) Fair Labor Standards Act for certain training conditions exempted from the wage and hour laws.

Under certain conditions, individuals may — without any expressed or implied compensation agreement — work for their own advantage on the premises of another and are not necessarily employees. Whether trainees are employees depends upon all of the circumstances surrounding their activities on the employer’s premises.

If all six of the following criteria are met, the trainees are not considered employees:

1. The training, even though it includes actual operation of the facilities of the employer, is similar to that which would be given in an educational environment or vocational school (see more details below).
2. The training is for the benefit of the trainee.
3. The trainees do not displace regular employees, but work under their close supervision (see more details below).
4. The business that provides the training derives no immediate advantage from the activities of the trainees, and may in fact be impeded.
5. The trainees are not necessarily entitled to a job at the conclusion of the training period (see more details below).

6. The trainees understand they are not entitled to wages for the time spent in the training. (See Fair Labor Standards Act Fact Sheet linked below and Hours Worked, Policy ES.C.2.)

▶ THE FOLLOWING QUESTIONS HELP CLARIFY ELEMENTS OF THE CRITERIA LISTED ABOVE:

What does it mean to be similar to an “educational environment”?*

In general, the more an internship program is structured around a classroom or academic experience as opposed to the employer’s actual operations, the more likely the internship will be viewed as an extension of the individual’s educational experience. For example, this often occurs when a college or university exercises oversight over the internship program and provides educational credit.

The more the internship provides the individual with skills that can be used in multiple employment settings, as opposed to skills particular to one employer’s operation, the more likely the intern would be viewed as receiving training.

Under these circumstances, the intern does not perform the routine work of the business on a regular and recurring basis, and the business is not dependent upon the work of the intern.

If the interns are engaged in the operations of the employer or are performing productive work that benefits the employer, for example, filing, performing other clerical work, or assisting customers, then they may be entitled to the benefits provided under the wage and hour laws, even if they also derive other benefits from this type of placement.

What are the displacement and supervision criteria?*

The following examples provide guidance for when the requirements of the Minimum Wage Act, Chapter 49.46 RCW, applies:

- If an employer uses interns as substitutes for regular workers or to augment its existing workforce during specific time periods; or
- If the employer would have hired additional employees or required existing staff to work additional hours had the interns not performed the work, then the interns will be viewed as employees and entitled to compensation.

Job shadowing opportunities that allow an intern to learn certain functions under the close and constant supervision of regular employees, but where the intern performs no or minimal work, are more likely to be viewed as a bona fide education experience.

What does the term job entitlement mean?*

The following are examples of conditions that determine an unpaid internship:

- The internship should be of a fixed duration, established prior to the outset of the internship.
- Unpaid internships should not be used by the employer as a trial period for individuals seeking employment at the conclusion of the internship period.

* The three questions above were adapted from the USDOL Fact Sheet on Unpaid Internships, online at www.dol.gov/whd/reg/compliance/whdfs71.htm.

HIGH SCHOOL STUDENTS IN WORK-BASED LEARNING PROGRAMS

What constitutes paid or unpaid work for high school students in a school-to-work program?

Students may be placed in a school-to-work program on a paid or unpaid basis. L&I will not require payment of minimum wage provided all of the following criteria are met. If all five requirements are not met, the business will not be relieved of its obligation to pay minimum wage, as required by the Minimum Wage Act:

1. The training program is a bona fide program certified and monitored by the school district or the Office of the Superintendent of Public Instruction; and
2. A training plan exists that establishes a link to the academic work, e.g., a detailed outline of the competencies to be demonstrated to achieve specific outcomes and gain specific skills. The worksite effectively becomes an extension of the classroom activity and credit is given to the student as part of the course; and
3. The school has a designated district person as an agent/instructor for the worksite activity and monitors the program; and

4. The worksite activity is observational, work shadowing, or demonstrational, with no substantive production or benefit to the business. The business has an investment in the program and actually incurs a burden for the training and supervision of the student that offsets any productive work performed by the student. Students may not displace regular workers or cause regular workers to work fewer hours as a result of any functions performed by the student, and
5. The student is not entitled to a job at the completion of the learning experience. The parent, student, and business all understand the student is not entitled to wages for the time spent in the learning experience.

If a minor student is placed in a **paid** position, all requirements of the Minimum Wage Act, the Industrial Welfare Act, and child labor regulations must be met.

WORKERS' COMPENSATION COVERAGE

When are volunteers allowed by an employer?

Volunteers are permitted for non-profit organizations and governmental, charitable or educational organizations.

Unless it is a bona fide internship meeting the criteria described above, for-profit employers are not permitted to have individuals perform unpaid work, or be designated as "volunteers."

What type of workers' compensation coverage is available or required for unpaid interns?

For Industrial Insurance purposes, unpaid interns are those who are enrolled in a course of study at an institution of higher learning, such as college, community college, or vocational school and are participating in a work-training program for a defined period of time, approved and authorized by the institution. Unpaid student interns are not considered workers or volunteers, and are **not** covered under Industrial Insurance. Industrial Insurance coverage is not an option for unpaid interns beyond Grade 12.

For high-school students who are in unpaid work-based learning placements, inexpensive coverage is available for medical benefits only and is described in the Fact Sheet publication *Student Volunteers and Workers' Compensation Coverage*:

www.Lni.wa.gov/IPUB/213-023-000.pdf.

Other formats for persons with disabilities are available on request. Call 1-800-547-8367. TDD users, call 360-902-5797. L&I is an equal opportunity employer.

Fact Sheet #71: Internship Programs Under The Fair Labor Standards Act

This fact sheet provides general information to help determine whether interns must be paid the minimum wage and overtime under the Fair Labor Standards Act for the services that they provide to “for-profit” private sector employers.

Background

The Fair Labor Standards Act (FLSA) defines the term “employ” very broadly as including to “suffer or permit to work.” Covered and non-exempt individuals who are “suffered or permitted” to work must be compensated under the law for the services they perform for an employer. Internships in the “for-profit” private sector will most often be viewed as employment, unless the test described below relating to trainees is met. Interns in the “for-profit” private sector who qualify as employees rather than trainees typically must be paid at least the minimum wage and overtime compensation for hours worked over forty in a workweek.*

The Test For Unpaid Interns

There are some circumstances under which individuals who participate in “for-profit” private sector internships or training programs may do so without compensation. The Supreme Court has held that the term “suffer or permit to work” cannot be interpreted so as to make a person whose work serves only his or her own interest an employee of another who provides aid or instruction. This may apply to interns who receive training for their own educational benefit if the training meets certain criteria. The determination of whether an internship or training program meets this exclusion depends upon all of the facts and circumstances of each such program.

The following six criteria must be applied when making this determination:

1. The internship, even though it includes actual operation of the facilities of the employer, is similar to training which would be given in an educational environment;
2. The internship experience is for the benefit of the intern;
3. The intern does not displace regular employees, but works under close supervision of existing staff;
4. The employer that provides the training derives no immediate advantage from the activities of the intern; and on occasion its operations may actually be impeded;
5. The intern is not necessarily entitled to a job at the conclusion of the internship; and
6. The employer and the intern understand that the intern is not entitled to wages for the time spent in the internship.

If all of the factors listed above are met, an employment relationship does not exist under the FLSA, and the Act’s minimum wage and overtime provisions do not apply to the intern. This exclusion from the definition of employment is necessarily quite narrow because the FLSA’s definition of “employ” is very broad. Some of the most commonly discussed factors for “for-profit” private sector internship programs are considered below.

Similar To An Education Environment And The Primary Beneficiary Of The Activity

In general, the more an internship program is structured around a classroom or academic experience as opposed to the employer's actual operations, the more likely the internship will be viewed as an extension of the individual's educational experience (this often occurs where a college or university exercises oversight over the internship program and provides educational credit). The more the internship provides the individual with skills that can be used in multiple employment settings, as opposed to skills particular to one employer's operation, the more likely the intern would be viewed as receiving training. Under these circumstances the intern does not perform the routine work of the business on a regular and recurring basis, and the business is not dependent upon the work of the intern. On the other hand, if the interns are engaged in the operations of the employer or are performing productive work (for example, filing, performing other clerical work, or assisting customers), then the fact that they may be receiving some benefits in the form of a new skill or improved work habits will not exclude them from the FLSA's minimum wage and overtime requirements because the employer benefits from the interns' work.

Displacement And Supervision Issues

If an employer uses interns as substitutes for regular workers or to augment its existing workforce during specific time periods, these interns should be paid at least the minimum wage and overtime compensation for hours worked over forty in a workweek. If the employer would have hired additional employees or required existing staff to work additional hours had the interns not performed the work, then the interns will be viewed as employees and entitled compensation under the FLSA. Conversely, if the employer is providing job shadowing opportunities that allow an intern to learn certain functions under the close and constant supervision of regular employees, but the intern performs no or minimal work, the activity is more likely to be viewed as a bona fide education experience. On the other hand, if the intern receives the same level of supervision as the employer's regular workforce, this would suggest an employment relationship, rather than training.

Job Entitlement

The internship should be of a fixed duration, established prior to the outset of the internship. Further, unpaid internships generally should not be used by the employer as a trial period for individuals seeking employment at the conclusion of the internship period. If an intern is placed with the employer for a trial period with the expectation that he or she will then be hired on a permanent basis, that individual generally would be considered an employee under the FLSA.

Where to Obtain Additional Information

This publication is for general information and is not to be considered in the same light as official statements of position contained in the regulations.

For additional information, visit our Wage and Hour Division Website: <http://www.wagehour.dol.gov> and/or call our toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4USWAGE (1-866-487-9243).

U.S. Department of Labor
Frances Perkins Building
200 Constitution Avenue, NW
Washington, DC 20210

1-866-4-USWAGE
TTY: 1-866-487-9243
[Contact Us](#)

* The FLSA makes a special exception under certain circumstances for individuals who volunteer to perform services for a state or local government agency and for individuals who volunteer for humanitarian purposes for private non-profit food banks. WHD also recognizes an exception for individuals who volunteer their time, freely and without anticipation of compensation for religious, charitable, civic, or humanitarian purposes to non-profit organizations. Unpaid internships in the public sector and for non-profit charitable organizations, where the intern volunteers without expectation of compensation, are generally permissible. WHD is reviewing the need for additional guidance on internships in the public and non-profit sectors.



ADMINISTRATIVE POLICY

STATE OF WASHINGTON DEPARTMENT OF LABOR AND INDUSTRIES EMPLOYMENT STANDARDS

TITLE:	HOURS WORKED	NUMBER:	ES.C.2
CHAPTER:	RCW 49.12 WAC 296-126	REPLACES:	ES-016
		ISSUED:	1/2/2002
		REVISED:	6/24/2005
		REVISED:	11/28/2007
		REVISED:	9/2/2008

ADMINISTRATIVE POLICY DISCLAIMER

This policy is designed to provide general information in regard to the current opinions of the Department of Labor & Industries on the subject matter covered. This policy is intended as a guide in the interpretation and application of the relevant statutes, regulations, and policies, and may not be applicable to all situations. This policy does not replace applicable RCW or WAC standards. If additional clarification is required, the Program Manager for Employment Standards should be consulted.

This document is effective as of the date of print and supersedes all previous interpretations and guidelines. Changes may occur after the date of print due to subsequent legislation, administrative rule, or judicial proceedings. The user is encouraged to notify the Program Manager to provide or receive updated information. This document will remain in effect until rescinded, modified, or withdrawn by the Director or his or her designee.

1. The department has the authority to investigate and regulate “hours worked” under the Industrial Welfare Act.

“**Hours worked**,” means all hours during which the employee is authorized or required, known or reasonably believed by the employer to be on duty on the employer’s premises or at a prescribed work place. An analysis of “hours worked” must be determined on a case-by-case basis, depending on the facts. See [WAC 296-126-002\(8\)](#). See [Administrative Policy ES.C.1](#).

The department’s interpretation of “hours worked” means all work requested, suffered, permitted or allowed and includes travel time, training and meeting time, wait time, on-call time, preparatory and concluding time, and may include meal periods. “Hours worked” includes all time worked regardless of whether it is a full hour or less. “Hours worked” includes, for example, a situation where an employee may voluntarily continue to work at the end of the shift. The employee may desire to finish an assigned task or may wish to correct errors, prepare time reports or other records. The reason or pay basis is immaterial. If the employer knows or has reason to believe that the employee is continuing to work, such time is working time.

An employer may not avoid or negate payment of regular or overtime wages by issuing a rule or policy that such time will not be paid or must be approved in advance. If the work is performed, it must be paid. It is the employer’s responsibility to ensure that employees do not perform work that the employer does not want performed.

The following definitions and interpretations of “hours worked” apply to all employers bound by the Industrial Welfare Act, even those not subject to the Minimum Wage Act. There is no similar

definition of “hours worked” in [RCW 49.46](#), the Minimum Wage Act, or in [WAC 296-128](#), Minimum Wage rules. Therefore, these definitions and interpretations apply to all employers subject to [RCW 49.12](#), regardless of whether they may be exempt from or excluded from the Minimum Wage Act.

2. What is travel time and when it is considered hours worked?

Introductory statement to the policy:

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The purpose of this policy statement is to update section two of Labor and Industries’ administrative policy ES.C.2 (section 2) pertaining to hours worked. Following the *Stevens v. Brink’s Home Security* decision, Labor and Industries committed to updating this section of the policy to reflect the Supreme Court decision in the *Brink’s* case and address ambiguity created by that case. [*Stevens v. Brink’s Home Security*, 162 Wn.2d 42, 169 P.3d 473 (2007)]. This policy is not intended to address or cover all employee travel time issues. Instead, it is limited to the particular issues raised in the *Brink’s* case regarding whether time spent driving a company-provided vehicle between home and the first or last job site of the day constitutes compensable “hours worked.”

Whether time spent driving in a company-provided vehicle constitutes paid work time depends on whether the drive time is considered “hours worked.”

Whether travel or commute time is compensable depends on the specific facts and circumstances of each individual employee, employer, and work week. If the travel or commute time is considered “hours worked” under RCW 49.46.020 and WAC 296-126-002(8), then it is compensable and the employee must be paid for this time. These statutory and regulatory requirements cannot be waived through a collective bargaining agreement or other agreement.

“Hours worked” means all hours when an employee is authorized or required by the employer to be on duty on the employer’s premises or at a prescribed workplace. WAC 296-126-002(8).

There are three elements to the definition of hours worked:

- 1- An employee is authorized or required by the employer,
- 2- to be on duty,
- 3- On the employer’s premises or at a prescribed workplace.

If any of the three elements is not satisfied, then the time spent driving in a company-provided vehicle is not considered “hours worked.” The specific factors used to establish the “authorized

or required” element are not listed in this policy. However, the element must be met for “hours worked” under the law.

Time spent driving a company-provided vehicle during an employee's ordinary travel, when the employee is not on duty and performs no work while driving between home and the first or last job site of the day, is not considered hours worked.

Time spent driving a company-provided vehicle from the employer's place of business to the job site is considered hours worked. Time spent riding in a company-provided vehicle from the employer's place of business to the job site is not considered hours worked when an employee voluntarily reports to the employer's location merely to obtain a ride as a passenger for the employee's convenience, is not on duty, and performs no work. Time spent driving or riding as a passenger from job site to job site is considered hours worked.

Factors to consider in determining IF AN EMPLOYEE IS “on duty” when driving a company-provided vehicle between home and work.

To determine if the employee is on duty, you must evaluate the extent to which the employer restricts the employee's personal activities and controls the employee's time. This includes an analysis of the frequency and extent of such restrictions and control. Following is a non-exclusive list of factors to consider when making a determination if an employee is “on duty.” There may be additional relevant factors that the Supreme Court or L&I have not considered. All factors must be considered and weighed in combination with each other. The mere presence or absence of any single factor is not determinative.

1. The extent to which the employee is free to make personal stops and engage in personal activities during the drive time between home and the first or last job site of the day, or whether the vehicle may only be used for company business.
2. The extent to which the employee is required to respond to work related calls or to be redirected while enroute.
3. Whether the employee is required to maintain contact with the employer.
4. The extent to which the employee receives assignments at home and must spend time writing down the assignments and mapping the route to reach the first job site before beginning the drive.

Factors to consider in determining if an employee is “on the employer's premises or at a prescribed work place” when driving a company-provided vehicle between home and work.

To determine if a company-provided vehicle constitutes a “prescribed work place,” you must evaluate whether driving the particular vehicle is an integral part of the work performed by the employee. Following is a non-exclusive list of factors to consider when making a determination if an employee is “on the employer's premises or at a prescribed work place.” There may be additional relevant factors that the Supreme Court or L&I have not considered. All factors must

be considered and weighed in combination with each other. The mere presence or absence of any single factor is not determinative.

1. Whether the nature of the business requires the employee to drive a particular vehicle provided by the employer to carry necessary nonpersonal tools and equipment to the work site.
2. The extent to which the company-provided vehicle serves as a location where the employer authorizes or requires the employee to complete business required paperwork or load materials or equipment.
3. The extent to which the employer requires the employee to ensure that the vehicle is kept clean, organized, safe, and serviced.

The following are two examples of how this policy may be used to determine whether or not drive time between home and the first or last job site of the day in a company-provided vehicle is compensable. These examples are illustrative and are not intended to create additional factors or address other scenarios where the facts differ from those below.

COMPENSABLE EXAMPLE:

1. In this example, the facts establish that the drive time between home and the first or last job site of the day in a company-provided vehicle is compensable. For purposes of this example, all of the following facts are present. The employee drives between home and the first or last job site of the day in a company-provided vehicle:

- As a matter of accepted company practice, the employee is prohibited from any personal use of the vehicle, which must be used exclusively for business purposes; and
- The employer regularly requires the employee to perform services for the employer during the drive time including being redirected to a different location; and
- The employee regularly transports necessary nonpersonal tools and equipment in the vehicle between home and the first or last job site of the day; and
- The employee receives his/her daily job site assignments at home in a manner that requires the employee to spend more than a de minimis amount of time writing down the assignments and mapping travel routes for driving to the locations.

NON COMPENSABLE EXAMPLE:

2. In this example, the facts establish that the drive time between home and the first or last job site of the day in a company-provided vehicle is not compensable. For purposes of this example, all of the following facts are present. The employee drives between home and the first or last job site of the day in a company-provided vehicle:

- The employer does not strictly control the employee's ability to use the vehicle for personal purposes. E.g., the employee, as a matter of accepted company practice, is

able to use the vehicle for personal stops or errands while driving between home and the job site; and

- The employee is not required to perform any services for the employer during the drive including responding to work related calls or redirection; and
- The employee does not perform any services for the employer during the drive including work related calls or redirection.

3. What constitutes training and meeting time and when is it considered “hours worked”?

Training and meeting time is generally interpreted to mean all time spent by employees attending lectures, meetings, employee trial periods and similar activities required by the employer, or required by state regulations, and shall be considered hours worked.

Time spent by employees in these activities need *not* be counted as hours worked if all of the following tests are met:

3.1 Attendance is voluntary; and

3.2 The employee performs no productive work during the meeting or lecture; and

3.3 The meeting takes place outside of regular working hours; and

3.4 The meeting or lecture is not directly related to the employee's current work, as distinguished from teaching the employee another job or a new, or additional, skill outside of skills necessary to perform job.

If the employee is given to understand, or led to believe, that the present working conditions or the continuance of the employee's employment, would be adversely affected by non-attendance, time spent shall be considered hours worked.

Time spent in training programs mandated by state or federal regulation, but *not* by the employer, need not be paid if the first three provisions are met; that is, if attendance is voluntary, the employee performs no productive work during the training time, and the training takes place outside of normal working hours.

A state regulation may require that certain positions successfully complete a course in Cardio-Pulmonary Resuscitation (CPR). The rules may require that in order to be employed in such a position the person must be registered with the state or have successfully completed a written examination, approved by the state, and further fulfilled certain continuous education requirements. However, should the employer require all employees to attend training, all employees attending the training must be paid for the hours spent in the training course.

Although the training course may be directly related to the employee's job, the training is of a type that would be offered by independent institutions in the sense that the courses provide generally applicable instruction which enables an individual to gain or continue employment with any employer which would require the employee to have such training, then this training would be regarded as primarily for the benefit of the employee and not the employer. In training of this type, where the employee is the primary beneficiary, the employee need not be paid for attending.

Where an employer (or someone acting on the employer's behalf), either directly or indirectly, requires an employee to undergo training, the time spent is clearly compensable. The employer in such circumstances has controlled the employee's time and must pay for it. However, where

the state has required the training, as in the example stated above, a different situation arises. When such state-required training is of a general applicability, and not tailored to meet the particular needs of individual employers, the time spent in such training would not be compensable.

When state or federal regulations require a certificate or license of the employee for the position held, time spent in training to obtain the certificate or license, or certain continuous education requirements, will not be considered hours worked. The cost of maintaining the certificate or license may be borne by the employee.

4. What determines an employment relationship with trainees or interns?

As the state and federal definition of “employ” are identical, the department looks to the federal Fair Labor Standards Act for certain training conditions exempted from that act. Under certain conditions, persons who without any expressed or implied compensation agreement may work for their own advantage on the premises of another and are not necessarily employees. Whether trainees are employees depends upon all of the circumstances surrounding their activities on the premises of the employer. If all six of the following criteria are met, the trainees are not considered employees:

- 4.1** The training, even though it includes actual operation of the facilities of the employer, is similar to that which would be given in a vocational school; and
- 4.2** The training is for the benefit of the trainee; and
- 4.3** The trainees do not displace regular employees, but work under their close observation; and
- 4.4** The business that provides the training derives no immediate advantage from the activities of the trainees, and may in fact be impeded; and
- 4.5** The trainees are not necessarily entitled to a job at the conclusion of the training period; and
- 4.6** The trainees understand they are not entitled to wages for the time spent in the training.

5. What constitutes paid or unpaid work for students in a school-to-work program?

Students may be placed in a school-to-work program on a paid or unpaid basis. The department will not require payment of minimum wage provided all of the following criteria are met. If all five requirements are not met, the business will not be relieved of its obligation to pay minimum wage, as required by the Minimum Wage Act.

- 5.1** The training program is a bona fide program certified and monitored by the school district or the Office of the Superintendent of Public Instruction; and
- 5.2** A training plan exists that establishes a link to the academic work, e.g., a detailed outline of the competencies to be demonstrated to achieve specific outcomes and gain specific skills. The worksite effectively becomes an extension of the classroom activity and credit is given to the student as part of the course; and
- 5.3** The school has a designated district person as an agent/instructor for the worksite activity and monitors the program; and
- 5.4** The worksite activity is observational, work shadowing, or demonstrational,

with no substantive production or benefit to the business. The business has an investment in the program and actually incurs a burden for the training and supervision of the student that offsets any productive work performed by the student. Students may not displace regular workers or cause regular workers to work fewer hours as a result of any functions performed by the student, and

5.5 The student is not entitled to a job at the completion of the learning experience. The parent, student, and business all understand the student is not entitled to wages for the time spent in the learning experience.

If a minor student is placed in a paid position, all requirements of the Minimum Wage Act, the Industrial Welfare Act, and minor work regulations must be met. Minor students placed in a paid position with public agencies are subject to the Industrial Welfare Act.

Public agencies are not subject to the state minor work regulations, but they are subject to payment of the applicable state minimum wage. Note: Public agencies employing persons under age 18 are subject to the federal Child Labor Regulations and should contact the United States Department of Labor for specific information on hours and prohibited occupations.

6. What constitutes “waiting time” and when is it considered “hours worked”?

In certain circumstances employees report for work but due to lack of customers or production, the employer may require them to wait on the premises until there is sufficient work to be performed. “Waiting time” is all time that employees are required or authorized to report at a designated time and to remain on the premises or at a designated work site until they may begin their shift. During this time, the employees are considered to be engaged to wait, and all hours will be considered hours worked.

When a shutdown or other work stoppage occurs due to technical problems, such time spent waiting to return to work will be considered hours worked *unless* the employees are completely relieved from duty and can use the time effectively for their own purposes. For example, if employees are told in advance they may leave the job and do not have to commence work until a certain specified time, such time will not be considered hours worked. If the employees are told they must “stand by” until work commences, such time must be paid.

7. Is there a requirement for “show up” pay?

An employer is not required by law to give advance notice to change an employee’s shift or to shorten it or lengthen it, thus there is no legal requirement for show-up pay. That is, when employees report to work for their regularly scheduled shift but the employer has no work to be performed, and the employees are released to leave the employer’s premises or designated work site, the employer is not required to pay wages if no work has been performed.

8. What constitutes “on-call” time and when is it considered “hours worked”?

Whether or not employees are "working" during on-call depends upon whether they are required to remain on or so close to the employer's premises that they cannot use the time effectively for their own purposes.

Employees who are not required to remain on the employer's premises but are merely required to leave word with company officials or at their homes as to where they may be reached are not working while on-call. If the employer places restrictions on where and when the employee may travel while “on call” this may change the character of that “on call” status to being engaged in the performance of active duty. The particular facts must be evaluated on a case-by-case basis.

9. What constitutes preparatory and concluding activities and when is this time considered “hours worked”?

Preparatory and concluding activities are those activities that are considered integral or necessary to the performance of the job. Those duties performed in readiness and/or completion of the job shall be considered hours worked. When an employee does not have control over when and where such activities can be made, such activities shall be considered as hours worked.

Examples may include the following:

9.1 Employees in a chemical plant who cannot perform their principle activities without putting on certain clothes, or changing clothes, on the employer's premises at the beginning and end of the workday. Changing clothes would be an integral part of the employee's principle activity.

9.2 Counting money in the till (cash register) before and after the shift, and other related paperwork.

9.3 Preparation of equipment for the day's operation, i.e., greasing, fueling, warming up vehicles; cleaning vehicles or equipment; loading, and similar activities.

10. When are meal periods considered “hours worked”?

Meal periods are considered hours worked if the employee is required to remain on the employer's premises at the employer's direction subject to call to perform work in the interest of the employer. In such cases, the meal period time counts toward total number of hours worked and is compensable. See [Administrative Policy ES.C.6](#).

ADMINISTRATIVE POLICY



STATE OF WASHINGTON DEPARTMENT OF LABOR AND INDUSTRIES EMPLOYMENT STANDARDS

TITLE:	MINIMUM HOURLY WAGE	NUMBER:	ES.A.3
CHAPTER:	RCW 49.46.020 WAC 296-126 WAC 296-125 WAC 296-131	REPLACES:	ES-008
		ISSUED:	1/2/2002
		ISSUED:	7/15/2014

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Minimum Wage Adjustments

The Minimum Wage Act provides that on September 30, 2000 and on each following year on September 30th, the Department of Labor and Industries shall calculate an adjusted minimum wage rate to maintain employee purchasing power by increasing the current year's minimum wage rate by the rate of inflation. The adjusted minimum wage rate will be calculated to the nearest cent using the consumer price index for urban wage earners and clerical workers, CPI-W, or a successor index, for the twelve months prior to each September 1st as calculated by the United States Department of Labor. Each adjusted minimum wage rate takes effect on the following 1st of January.

Each minimum wage adjustment will be published in the Washington State Register.

Minimum Hourly Wage—Adults

Employers must pay each employee who is age 18 or older at least the minimum hourly wage established under [RCW 49.46.020](#). This includes agricultural workers, except as provided in [RCW 49.46.010\(3\)\(a\)](#).

Minimum Hourly Wage—Minors

The department has the authority to set the minimum wage rate for minors by regulation, and did so in [WAC 296-125-043](#), [WAC 296-126-020](#), and [WAC 296-131-117](#), which state that the minimum wage for minors 16- and 17-years of age is equal to that of adults, and the minimum wage for minors under 16 years of age is 85 percent of the applicable adult minimum wage.

Minimum Hourly Wage—Agricultural Labor

Agricultural workers, including minors, are covered under the state minimum wage provisions, except the minimum wage requirement doesn't apply to hand harvest laborers paid piece rate, *and* who commute daily from their permanent residence to the farm *and* who are employed fewer than thirteen weeks in agriculture in the preceding calendar year. See [RCW 49.46.010\(3\)\(a\)](#).

An example of workers within this group might include berry pickers who reside permanently in the area and work only in the berry crop.

The employer has the burden of proving that workers fall within the above exemption.

Determining whether an employee has been paid the minimum wage

In order to determine whether an employee has been paid the statutory minimum hourly wage when the employee is compensated on other than an hourly basis, the following standards should be used:

- If the pay period is weekly, the employee's total weekly earnings are divided by the total weekly hours worked (including hours over 40). Earnings must equal minimum wage for each hour worked. If such earnings do not equal minimum wage, the employer must pay the difference.
- If the regular pay period is not weekly, the employee's total earnings in the pay period are divided by the total number of hours worked in that pay period. The result is the employee's hourly rate of pay. Earnings must equal minimum wage for each hour worked. If such earnings do not equal minimum wage, the employer must pay the difference.
- For employees paid on commission or piecework basis, wholly or in part, other than those employed in bona fide outside sales positions, the commission or piecework earnings earned in each workweek are credited toward the total wage for the pay period. The total wage for that period is determined by dividing the total earnings by the total hours worked; the result must be at least the applicable minimum wage for each hour worked. See [WAC 296-126-021](#).

- Meal periods are considered hours worked if the employee is required to remain on duty or on the employer's premises at the employer's direction subject to call. In such cases, the meal period counts toward total number of hours worked and must be included in the minimum wage determination.
- "Total earnings" is meant to include all compensation received for hours worked in the pay period, as well as any additional payments, i.e., split-shift bonus or stand-by pay.
- See [ES.A.8.1](#) and [ES.A.8.2](#) for overtime calculations for payment of other than a single hourly rate.

Payments not Included in minimum wage determination:

- Vacation pay or holiday pay is not considered when computing the minimum wage.
- Gratuities, tips, or service fees are not considered when computing the minimum wage and may not be credited as part the minimum wage. See [WAC 296-126-022](#).

Lake Washington Institute of Technology Department Contact List

Department	Coordinator	Phone
Accounting	Newton, Anthony	(206) 592-3376
ACHIEVE	Sandler, Jennifer	(206) 592-3474
Adult Basic Education	Knighton, Christie	(206) 592-4050
American Sign Language	Garcia, Arline	(206) 592-3520
Anthropology	Somer, Lonnie	(206) 592-3516
Arabic	Garcia, Arline	(206) 592-3520
Art	Hilton, Tamara	(206) 592-3976
Art & Design	Hilton, Tamara	(206) 592-3976
Astronomy	Pfeffer, John	(206) 592-3507
Biology	Gan, Chris	(206) 592-3695
Business	Copeland, Raegan	(206) 592-3026
Business Intelligence	Copeland, Raegan	(206) 592-3026
Business Technology	Alkhalili, Oussama	(206) 592-4317
Career Studies	Lau, Allison	(206) 592-3353
Chemistry	Pfeffer, John	(206) 592-3507
Chinese	Garcia, Arline	(206) 592-3520
College Studies	Washburn, Stephen	(206) 592-3627
Communication Studies	Bremen, Ellen	(206) 592-3698
Computer Information Systems	Kang, Ravinder	(206) 592-3337
Computer Science	Kang, Ravinder	(206) 592-3337
Continuing Education	Kitterman, Crystal	(206) 592-3341
Counseling	Lau, Allison	(206) 592-3353
Criminal Justice	Lettic, Stephen	(206) 592-3422
Diversity & Globalism	Matsumoto-Maxfield, Tarisa	(206) 592-4405
Drafting	Hilton, Tamara	(206) 592-3976
Drama	Thomas, Benjamin	(206) 592-4294
Early Childhood Education	White, Jodi	(206) 592-4085
Economics	Stanley, Kevin	(206) 592-4605
Education	White, Jodi	(206) 592-4085
Engineering	Bankhead, Richard	(206) 592-4315
English	Schwisow, Matt	(206) 592-3699
English as a Second Language	Shen, Lijun	(206) 592-3121
Environmental Science	Gan, Chris	(206) 592-3695
Film Studies	Avantaggio, Glen	(206) 592-3425
French	Garcia, Arline	(206) 592-3520
General Science	Gan, Chris	(206) 592-3695
Geography	Stanley, Kevin	(206) 592-4605
Geology	Pfeffer, John	(206) 592-3507
Healthcare Professions	Cerna, Babs	(206) 592-3493
High School Completion	Washburn, Stephen	(206) 592-3627

Lake Washington Institute of Technology Department Contact List

Department	Coordinator	Phone
History	Somer, Lonnie	(206) 592-3516
Honors	Clinton, Jacque	(206) 592-3277
Hospitality and Tourism Management	Copeland, Raegan	(206) 592-3026
Human Services	Drischel, Dan	(206) 592-3665
Humanities	Avantaggio, Glen	(206) 592-3425
Integrated Basic Education and Skills Training	Madsen, Alice	(206) 592-3301
Interior Design	Hilton, Tamara	(206) 592-3976
Japanese	Garcia, Arline	(206) 592-3520
Journalism/Mass Media	Sell, T.M.	(206) 592-3150
Library & Information Services	Brook, Hara	(206) 592-3248
Life, Ocean, & General Sciences	Gan, Chris	(206) 592-3695
Mathematics	Lee, Diana	(206) 592-3479
Multimedia Design	Hilton, Tamara	(206) 592-3976
Music	Thomas, Benjamin	(206) 592-4294
Nursing	Trillo, Teresa	(206) 592-3646
Nursing Assistant	Trillo, Teresa	(206) 592-3646
Nutrition	Smith, Darin	(206) 592-3308
Oceanography	Gan, Chris	(206) 592-3695
Optician Licensed Dispensing	Hilton, Tamara	(206) 592-3976
Paralegal	Wheeler, Bobby	(206) 592-3910
Personal Fitness Trainer	Vagen, Timothy	(206) 592-4610
Philosophy	Avantaggio, Glen	(206) 592-3425
Physical Education	Smith, Darin	(206) 592-3308
Physical Sciences	Pfeffer, John	(206) 592-3507
Physics	Pfeffer, John	(206) 592-3507
Political Science	Stanley, Kevin	(206) 592-4605
Polysomnography	Bly, Nicki	(206) 592-3677
Psychology	Manber, Michele	(206) 592-3407
Reading	Shen, Lijun	(206) 592-3121
Respiratory Care	Bonner, Bob	(206) 592-3469
Sociology	Somer, Lonnie	(206) 592-3516
Spanish	Garcia, Arline	(206) 592-3520
Sustainability	Copeland, Raegan	(206) 592-3026
Visual Communications	Hilton, Tamara	(206) 592-3976
World Languages	Garcia, Arline	(206) 592-3520