

When Is Your Intern Really An Intern?

The Department of Labor decided that the courts have it right when it comes to defining an internship. The “primary beneficiary” test will now be used by the DOL under the FLSA.

Read how the new test is laid out by the courts and get practical guidance for internship agreements below:

Glatt v. Fox Searchlight Pictures, Inc., 811 F.3d 528 (amended version)

Recent Legal News For The DOL Intern Test

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From Six To Seven Factors

“The Department of Labor today clarified that going forward, the department will conform to these appellate court rulings by using the same ‘primary beneficiary’ test that these courts use to determine whether interns are employees under the FLSA,” the DOL said in a statement. “The Wage and Hour Division will update its enforcement policies to align with recent case law, eliminate unnecessary confusion among the regulated community, and provide the division’s investigators with increased flexibility to holistically analyze internships on a case-by-case basis.” [*DOL Scraps Intern Test In Move To Court-Favored Approach, Law360, January 5, 2018.*](#)