

CONFIRMATION OF AUDIO INTERNSHIP

RIM 4010

Department of Recording Industry

Middle Tennessee State University, Box 21, Murfreesboro, TN 37132

STUDENT: This form must be completed in ink, signed, and returned by the last day to drop without a grade for the current semester. NOTE: If the internship is not confirmed by the last day to drop a class without a grade, you need to drop the class. Due dates are posted online.

Student Name: _____ M#: _____

MTSU E-mail Address: _____

Other E-mail Address: _____

Cell: (____) _____ Fall ____ Spring ____ Summer ____ Year _____

Credit Hours (circle one): 1 2 3 4 5 6 (75 intern hours per credit hour, 3 credits = 225 intern hours)

INTERNSHIP PROVIDER: Please review the following excerpt from Fact Sheet 71 of the Wage & Hour Division of the U.S. Department of Labor: <http://www.dol.gov/whd/regs/compliance/whdfs71.htm>

The Test for Unpaid Interns and Students:

Courts have used the "primary beneficiary test" to determine whether an intern or student is, in fact, an employee under the FLSA.² In short, this test allows courts to examine the "economic reality" of the intern-employer relationship to determine which party is the "primary beneficiary" of the relationship. Courts have identified the following seven factors as part of the test:

1. 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.
2. The extent to which the internship provides training that would be similar to that which would be given in an educational environment, including the clinical and other hands-on training provided by educational institutions.
3. The extent to which the internship is tied to the intern's formal education program by integrated coursework or the receipt of academic credit.
4. The extent to which the internship accommodates the intern's academic commitments by corresponding to the academic calendar.
5. The extent to which the internship's duration is limited to the period in which the internship provides the intern with beneficial learning.
6. 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.
7. 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.

Courts have described the "primary beneficiary test" as a flexible test, and no single factor is determinative. Accordingly, whether an intern or student is an employee under the FLSA necessarily depends on the unique circumstances of each case. If analysis of these circumstances reveals that an intern or student is actually an employee, then he or she is entitled to both minimum wage and overtime pay under the FLSA. On the other hand, if the analysis confirms that the intern or student is not an employee, then he or she is not entitled to either minimum wage or overtime pay under the FLSA.

Internship Provider: _____ Department: _____

Supervisor: _____ Title: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: (____) _____ Ext. _____ Cell: (____) _____

E-mail Address: _____

INTERN ACTIVITIES & TRAINING: _____

CONFIRMATION: Student Signature: _____ Date: _____

Supervisor Signature: _____ Date: _____

For additional information please contact: Dan Pfeifer, Audio Internship Coordinator

Phone (615) 898-5944 - FAX (615) 494-7740 – Email: dan.pfeifer@mtsu.edu

<http://recordingindustry.mtsu.edu> or <http://riminternships.mtsu.edu>

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