

DEPARTMENT OF RECORDING INDUSTRY INTERNSHIP PROGRAM

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ABOUT OUR INTERNSHIP PROGRAMS

Purpose: The purpose of the Recording Industry internship programs are to provide students with opportunities to learn from industry professionals and put their classroom knowledge to use in “real world” situations. Internships provide opportunities for students to gain experience & understanding, make contacts in the industry, and increase their professionalism. The programs are also designed to help students transition from their collegiate careers and become better prepared to work the professional industry.

Our internship program supports three primary instructional areas and courses

- Undergraduate Music Business (and Commercial Songwriting)
 - RIM 4000 Recording Industry Internship: Music Business
- Undergraduate Audio Production
 - RIM 4010 Recording Industry Internship: Technology
- Graduate Audio Production
 - MRAT 6360 Graduate Internship

We work in support of students and providers to help assure both parties have a fruitful and positive experience. Do not hesitate to contact us if you have questions or problems.

Benefits to internship providers: Providers have the opportunity to utilize the intern’s skills, knowledge, and talents while providing them with on-the-job training. Internship providers also have the opportunity to evaluate student performance while they intern, with the option of hiring them as regular employees.

Who can be an internship provider? Any legitimate for-profit company or non-profit organization can provide internship opportunities to Recording Industry students, provided the internships are germane to the student’s course of study in the program,. Independent contractors (producers, engineers, managers,) can also host interns if the work takes place in commercial facilities.

What can an intern do? An intern’s level of participation is determined by whether they are paid or not. The Federal Fair Labor Standards Act limits the participation of unpaid interns within for-profit businesses. Please review the materials below (also at this link: <http://www.dol.gov/whd/regs/compliance/whdfs71.htm>):

Fact Sheet #71: Internship Programs Under The Fair Labor Standards Act (from the U.S. Department of Labor, Wage and Hour Division website)

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).***

** 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.*

If you opt to hire the student as an employee, they will not be subject to the limitations of an unpaid intern, but can still enroll in the appropriate internship course to receive university credit.

IMPORTANT NOTE: Before you start working with unpaid interns, you are strongly advised to become familiar with the current local, state, & federal laws.

Internship Programs Under The Federal Fair Labor Standards Act:

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

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

The link below is to an article from the New York Times that addresses uncompensated workers and the law:

http://www.nytimes.com/2010/04/03/business/03intern.html?src=me&ref=homepage&_r=1&

The student's registration receipt showing enrollment in RIM 4000, RIM 4010, or MRAT 6360 provides the best proof that a student is registered in an internship course.

Intern Compensation: It is up to the internship provider to determine if the internship will be paid or unpaid. Wages, stipends, or other forms of payment, are not required as long as the student is officially enrolled in an internship course and the work conditions on Worksheet #71 are met. If you opt to hire the student as an employee or independent contractor, they can still register and receive credit, but all labor laws must be followed.

Most internships are not paid, however those that are, are in high demand. Providers may also opt to reimburse students for commuting or living expenses or provide a stipend to offset the cost of tuition. Due to the potential for conflicts of interests, the MTSU internship coordinators are will not become involved in discussions regarding student payment.

Students should be fairly compensated for the use of their private vehicle if asked to do so as part of their internship duties. In these cases, the provider assumes full responsibility and sole liability for any incidences.

How do I obtain an intern? To obtain an intern, we ask that you contact the appropriate internship coordinator depending on the internship(s) you have to offer:

MTSU Internship Coordinators: The internship program is coordinated by two Recording Industry professors:

Audio Production and
Graduate Internships

Dan Pfeifer, Professor
Phone: (615) 898-5944
Email: dan.pfeifer@mtsu.edu
FAX: (615) 494-7740
Website: <http://riminternships.mtsu.edu>

Music Business and
Commercial Songwriting:

Melissa Wald, Associate Professor
Phone: (615) 494-8736
Email: melissa.wald@mtsu.edu
FAX: (615) 494-7740
Website: <http://mtweb.mtsu.edu/rim>

We also ask that you visit our websites for information any time. We encourage you to register as an internship provider, and post one or more internship opportunities:

Audio: <http://riminternships.mtsu.edu/?page=IP06-22-11>

Music Business & Commercial Songwriting: <http://mtweb.mtsu.edu/rim>

Our students will use the databases to select potential internship opportunities and will contact you to request an interview. The more information you can provide about your organization and opportunities available, the better. If several departments are involved, please include individual supervisors and job descriptions when applicable.

We cannot guarantee that we will place an intern with your organization. The inception of an internship is based on mutual agreement between the student and your organization, pending the approval of the MTSU internship coordinator.

How do I attract the best interns: Simple... provide students with good opportunities to learn and gain meaningful experience. Students look for internships where they are given real responsibilities, exposure to operating procedures, and have the opportunity to learn. Of course, students also look for internships with compensation.

Intern Qualifications: Students applying for internships must meet certain academic requirements set by our department and gain approval of the appropriate internship coordinate here at MTSU. This includes senior standing and completion of the primary core courses in their major with minimum grades. Additional screening by the internship coordinators and faculty also takes place. Therefore, Recording Industry interns should be prepared to be an asset and knowledgeable participant within your organization.

Internship Provider Responsibilities: We ask the following of the all internship providers:

- 1) Please conduct a personal or telephone interview prior to accepting a student for an internship. This gives everyone involved the opportunity to get to know one another, define the opportunity and expectations, make sure appropriate duties and responsibilities are available, verify the student has the adequate skills for the position, and to address other issues important to both the student and internship provider.
- 2) The student needs to be involved in meaningful activities. One of the goals of the internship program is to provide a growth experience for the students. While interns might be expected to perform some basic tasks like answering the phones, taking out the trash, and so on, we ask that they are also involved in more substantial activities as well. Asking “What will they learn from this?” is a good means of measuring the value of the duties. We understand that the student activities will vary greatly from organization to organization, from semester to semester, and from student to student.
- 3) We require that someone within the organization be identified as the intern’s workplace supervisor. While the student may work with others, it is important that there is one person to whom the student should report, who will fill out the required paperwork, and be the contact for the MTSU internship coordinator.
- 4) We ask that the provider assesses the intern’s work and provides meaningful evaluation to the student and MTSU. The feedback is vital to student development, but it does not need to be overly formal. The feedback to MTSU is done via periodic phone calls to the supervisor and a single page evaluation form to be completed at the end of the term.
- 5) We require that all internship activities be within the official scope of the business for which they are interning. With the understanding that they are students, we ask that the students be treated with the same respect as any another employee.
- 6) We require that all internships be conducted within accordance of all federal, state, and local laws. So that all parties are aware of guidelines concerning unpaid workers please review the federal regulations as they pertain to student interns (Fair Labor Standards Act).

Other Restrictions:

- 1) Interns must work in commercial facilities. MTSU strictly prohibits students from working in private residences or homes.
- 2) Interns may work with independent professionals (engineers, producers, artist managers, etc.) provided that all work is performed in commercial facilities.
- 3) We do not guarantee we can place an intern with your organization.

- 4) MTSU and/or student facilities and/or equipment may not be used as part of the internship.
- 5) MTSU and the internship coordinators are not liable for the actions of student interns. Providers work with interns at their own risk.

Interns must work the following hours on-the-job to receive college credit:

1 hour of credit = 75 hours on-the-job	4 hours of credit = 300 hours on-the-job
2 hours of credit = 150 hours on-the-job	5 hours of credit = 375 hours on-the-job
3 hours of credit = 225 hours on-the-job	6 hours of credit = 450 hours on-the-job

The provider's ability to provide number of hours needed should be discussed at the time of the interview. Please do not accept an intern if you can't keep them busy.

Interns are not required to work a set number of hours per week as long as the total number of hours is completed by the end of the term. For example, a student taking a 3-hour internship would need to average a little over 17 hours per week, but could work 40 hours on week and none the next as long as the can log a minimum of 225 hours by the end of the term.

Interns will be required to keep a monthly log of their activities and have it signed by their supervisor at the end of each month.

Procedures: The following is a step-by-step procedure for working with an intern.

- 1) Register yourself or your company as an internship provider at the appropriate website.
- 2) Post one or more internship opportunities at the appropriate website.
- 3) Interview potential student intern(s).
- 4) Completion of the Confirmation of Internship form with the accepted student(s). The student will have this form and we ask the supervisor to complete it with them. The more detail regarding the intern's duties and responsibilities, the better. However, we are aware that the student's activities will not necessarily be restricted to this description.
- 5) The student will keep a Monthly Log of Internship Activities. We ask that the supervisor reviews this for accuracy and signs off once a month. The student will return it to MTSU. Graduate students will also keep a journal that's turned in at the end of the term.
- 6) The MTSU coordinator will call periodically to keep track on the student's progress.

- 7) At the end of the term, the MTSU coordinator will send a Confidential Internship Evaluation Form directly to the internship provider. We ask that this is carefully considered, filled out, and returned directly to the MTSU internship coordinator. While we suggest that this form is reviewed with the student, we ask that it not be given to the student to return to MTSU. This form is vital in regard to assigning student grades.

Please keep in mind that this is a Pass/Fail class and A, B, C, or D grades will not be assigned. The provider may request that this form remains confidential and kept private from the student. This is typically necessary only in extreme circumstances.

Conclusion: We hope that you will find that working with interns from the Department of Recording Industry to be a rewarding and mutually beneficial experience for all involved. We want our students to learn from being assets to your organization. We find that when the above procedures are followed, the chances of success are greatly enhanced.

Thank you for your time and consideration. Please contact us if we can answer any questions!

Links:

Audio Production Internship Website: <http://riminternships.mtsu.edu>

Music Business and Commercial Songwriting Internship Website: <http://mtweb.mtsu.edu/rim>

Department of Recording Industry: <http://recordingindustry.mtsu.edu>

Master of Fine Arts: <http://recordingindustry.mtsu.edu/mfa.html>

College of Mass Communication: <http://www.mtsu.edu/masscomm>

MTSU: <http://www.mtsu.edu>