

# Legally Sound Internships on Your Farm

## Clearing the air about interns

When it comes to the law, job titles don't matter as much as the nature of the work a person performs. To illustrate this let's look at Intern A and Intern B, both working at the same for-profit vegetable farm.

### Intern A:

- Harvests leeks alongside field crew
- Assists with washing and packaging of vegetables
- Works slowly and needs direction

### Intern B:

- Comes to the farm between classes to shadow the field crew
- Tries her hand at harvesting a leek or two
- Interviews the farm manager for her school project and leaves

Both of these people have the job title of "Intern," but they are actually performing very different roles on the farm. Intern B's time at the farm is entirely for her own educational benefit and her presence does not help the farm operate in any way. Intern A, on the other hand, is helping the farm by assisting with harvest and packaging— even if she is slow at it. In this case, Intern A is, very likely, an employee legally speaking. All employment laws apply to her, including minimum wage and overtime obligations.

## There is a legal definition of an "Intern"

With respect to federal law and the many states that adopt it, there are seven criteria that must be met for an intern to be seen as such under the law. You can see all seven requirements in our resource, *Farmer's Legal Guide to Intern and Volunteer Programs*. Below are three that tend to be the most problematic for farm and ranch businesses.

- The intern should be involved in a formal educational program
- The intern receives significant, broadly applicable educational benefit from the internship
- The intern should not displace employees— meaning, if the intern was not present the operation of the farm would not be hindered.

## In Summary

- If you were planning on paying your interns and following employment laws, you can go ahead and call them interns.
- If you were hoping to have unpaid interns, you need to accommodate the seven criteria of an internship (which come down to: you can't benefit from having an intern).
- If you operate a **non-profit business**, things are different. Nonprofits can have volunteers, unlike for-profit businesses. Interns can be volunteers and thus, employment laws won't apply.