

SEAS Guidelines

RE: [Approval Procedure for Unpaid Individuals in Labs and Departments](#)

Effective immediately, all faculty and staff within the School of Engineering and Applied Sciences (SEAS) must obtain approval from SEAS Human Resources (HR) in order to host an unpaid individual in their lab or department. SEAS Business Offices will not issue a Penn ID form to unpaid individuals without prior Human Resources approval.

Requirements

In accordance with applicable law and University policy, the only individuals who may qualify for unpaid status in a SEAS lab or department are actively enrolled undergraduate/graduate students or high school students (age 16 or older) who will receive high school recognized academic credit.

Any faculty, researcher or staff member in a lab or department that will have direct contact with a high school student under the age of 18 (paid or unpaid) must complete the required criminal and child abuse background clearances *before* the high student may work or participate in lab or department activities. Contact SEAS HR for information on completing the background clearances.

Eligibility

Eligible students will be approved for unpaid status only if they satisfy the following six factors that the Department of Labor has identified for use in making this determination:

- There is actual training involved, similar to what an intern would get at a vocational school. There is often a detailed training plan including goals and objectives for the trainee.
 - The training is mainly for the benefit of the trainee and not for the University.
 - Trainees do not displace regular employees.
 - The University derives no immediate advantage from the activities of the trainees and on occasion the employer's operations may actually be impeded.
 - There is no agreement or requirement that trainees will receive a job after completion of the training period.
 - The organization and the trainee understand that the trainees are not entitled to wages for the time spent in training.
- Undergraduate, graduate and high students receiving school credit must provide a formal letter from their university or high school indicating that the student will receive academic credit. The receipt of academic credit will be considered relative to the first two factors identified above.
 - If all six of these criteria are not met, the individual must be a paid employee (temp or student worker for Penn students) and paid at least the minimum wage under the Fair Labor Standards Act.

Unpaid Students

Students who complete unpaid positions or who receive school credit may be hired into paid positions at a later time, if such a position is available and the individual possesses valid employment authorization. The student cannot return to an unpaid position in the same lab at a later date.

Unpaid individuals are not considered employees for any purpose and should have no expectation of benefit or remuneration from the University or the School. Unpaid individuals are not eligible for University Benefits or Workers' Compensation.

Foreign National Students

An individual who satisfies the DOL criteria as listed above and who is a foreign national student, should consult his/her university's foreign student advisor prior to accepting an unpaid position at SEAS.

Unpaid status may not be used as a way to avoid or defer compliance with the employment eligibility certification requirements of the Immigration Reform and Control Act of 1986 (Form-I-9). Students who do not possess valid employment authorization may not be unpaid on a temporary basis pending their receipt of employment authorization.

Contact SEAS Human Resources

Faculty or Office Managers must notify SEAS HR of their intent to host an unpaid individual in the lab or department. HR will determine based on the DOL guidance and a detailed description of the project, if the position satisfies the above listed DOL criteria and in the case of high school students in consultation with the Office of Research and Academic Services (RAS).

Once a determination is made, all students must complete SEAS Business Office paperwork before their first day in the lab or department. Additionally, paid high school students must obtain from their school district their required working papers.

Penn ID

A Penn ID will not be issued without completed HR and Business Office paperwork. All unpaid individuals must return their Penn issued ID to the assigned Business Office at the conclusion of their time at SEAS.