



INTERNSHIP PROGRAM DEVELOPMENT TOOLKIT

For Employers

TABLE OF CONTENTS

SUBJECT	PAGE
What Is An Internship	1
Paying Interns	2
Legal Considerations	3
Internship Benefits	4
How To Develop An Internship: First Steps	5
Recruiting & Hiring	7
For The Duration of the Internship	8
Concluding the Internship	9
Resources	10
Internship Definition and Characteristics Matrix	11
U.S. DOL Fact Sheet #71	13
SHRM Internship Evaluation Form	14
References	18

WHAT IS AN INTERNSHIP?

Definition of Internship

The University of California at Berkeley Career Center adheres to the definition of an internship provided by the National Association of Colleges and Employers (NACE): An internship is a form of experiential learning that integrates knowledge and theory learned in the classroom with practical application and skills development in a professional setting. Internships give students the opportunity to gain valuable applied experience and make connections in professional fields they are considering for career paths; and give employers the opportunity to guide and evaluate talent.

Program Models

Employers have complete autonomy in deciding how to construct their internship program and models vary widely. Consider some of the following elements:

Timing and Duration

Internships take place over a limited period of time. Employers must decide what time of year they will run their internship program and how long it will last. Summer internships are very common since they take advantage of a period of time when most students are not enrolled in classes. However, there are many companies that offer internships which take place during the academic year and students agree to balance the workload with their course load. The duration of an average internship extends anywhere from four to ten weeks. Micro internships can span as little as two weeks, in which case they are highly centered around the completion of a specific project.

In-person or Virtual

The COVID-19 Pandemic impacted internships just as it did everything else in the world of work. In order to adapt to quarantine, social distancing, and other considerations, virtual and hybrid internship program models emerged as viable options in addition to the traditional in-person format. Based on feedback from employers and students, it is expected that all three versions will be offered well into the future. Employers initiating their first internship program can now choose from various engagement modalities and technologies to generate an internship program that best suits the needs and preferences of all key stakeholders.

International

Internships that take place abroad, and domestic internships that hire international students, must be careful to meet all legal requirements. The Berkeley International Office offers guidance and support to international students regarding work authorization and can also be a good resource for employers.

PAYING INTERNS

UC Berkeley encourages all employers to compensate interns monetarily. It is both an equity issue and a legal issue, however, employers also reap benefits.

Equity

Unpaid internships have been proven to create serious inequities. One of many data sources cites that, "...results from NACE's Student Survey have consistently found that paid interns receive more job offers than unpaid interns and more than those who haven't engaged in an internship....[AND]... are more likely to secure a job prior to graduation than their counterparts." Moreover, "historically marginalized groups are underrepresented in paid internships, overrepresented in unpaid internships, and more likely to have not participated in any internship." Meanwhile, the larger portion of paid internships, "went to white students, male students, and non-first-generation college students." (NACE 2022). Understandably, some employers do not have budget dollars to compensate interns monetarily and there are alternatives such as offering academic credit.

Academic Credit-Bearing Internships

To ensure that they are on the right side of the law when offering unpaid internships, some employers require that students obtain academic credit in lieu of pay. In order to obtain academic credit for an internship at UC Berkeley, the student must be concurrently enrolled in an approved course designed for that purpose. Before choosing this option, employers should ensure that they are fully compliant with all relevant laws as well as the policies of the University of California.

Quality of Applicants and Experience

- Numerous studies and surveys verify that paid internships:
- Attract higher quality candidates.
- Improve commitment and performance levels of interns.
- Improve conversion rates from internship to permanent employment.
- Set students up for success (paid interns get more job offers and higher paid jobs).

LEGAL CONSIDERATIONS

The U.S. Federal Government issues and enforces legislation related to internships just as they do with regular employment. According to the Fair Labor Standards Act (FLSA), "...for-profit" employers [are required] to pay employees for their work. Interns and students, however, may not be "employees" under the FLSA—in which case the FLSA does not require compensation for their work....".

Due to the difficulty in distinguishing between employment and an internship, the Department of Labor (DOL) established a set of test criteria to assess and determine the engagement opportunity type (full document reprinted below). According to the Society of Human Resources Management, "The DOL's Wage and Hour Division appears to equate the training component of an unpaid internship with the training that an intern would receive in an educational environment... As such, the unpaid internship should include an educational component, which can be best-established where it is coordinated with or approved by a school for academic credit."... Merely being associated with a school or providing college credit, however, doesn't make an unpaid internship legally sound. "A program that would fail the test on all other factors will not be permissible just because it provides course credit," (SHRM) *Refer to Internship Definition and Characteristics Matrix below.

Employers often require interns to sign legal forms for liability reasons and other considerations. The Career Center does not have the authority to sign legal forms from employers, nor do we have a formal process for employers to become an official UC Berkeley 'approved' internship site. The UC Berkeley Office of Contracts and Brand Protection can address inquiries related to legal documents such as affiliation agreements, liability waivers, certification of academic credit, etc.

INTERNSHIP BENEFITS

For Employers

- Attract top talent to build pipeline. Interns who give positive feedback about their experience will promote your brand.
- Function as a trial run before extending a job offer.
- Fresh viewpoints, top talent (knowledge transfer from award winning professors)
- Get acquainted with the future workforce (new generation), their values, expectations, norms, latest trends, etc.
- Increase your brand visibility on campus and build rapport with campus stakeholders.
- Increased capacity, productivity.
- Management & leadership opportunity for existing staff.
- Support community.

For Students

- The opportunity to acquire, strengthen, and apply professional skills.
- Constructive, honest feedback and mentoring.
- Augmentation of their resume and increased competitiveness in the marketplace
- Exposure to a professional workplace where they can gain industry insight.
- Experience their desired profession on a trial basis whereby they can test, clarify, and confirm their interest and career direction.
- Access to professionals with whom they can build their network.
- The possibility of getting a full-time job offer from the employer.
- Developing the Nace Career Readiness: Competencies For A Career-Ready Workforce (updated 2021)

HOW TO DEVELOP AN INTERNSHIP PROGRAM

FIRST STEPS

1. First, establish your company as an approved employer for the University of California at Berkeley in Handshake. The request should be submitted several months prior to the time you intend to post your internship opening to students.
2. Select a staff member to act as the Internship Coordinator.
3. Articulate specific program goals. Conduct an organizational assessment to identify:
 - Needs, opportunities, and benefits of having an internship program.
 - Conduct a workforce needs analysis.
 - Confirm that there are sufficient budget dollars available to support the program.
 - Determine that there is available and appropriate work space and equipment, software licenses, and other necessary resources.
 - Determine what you can offer that will attract interns.
 - Determine how it aligns with your organization's culture, mission, vision, and values.
4. Dedicate a staff member to act as supervisor/mentor for the intern.
 - Ensure that they are properly trained and resourced to fulfill this duty.
 - The supervisor should be someone who works in the same department/group/team as the intern and who fully understands the work the intern will be doing.
5. Work with your HR team to:
 - Establish structure including elements such as work hours (full or part-time), duration of the internship, time of year, and rate of pay. Account for a degree of flexibility. Remember that interns are students who have to prioritize their coursework and they are still learning how to manage their time. Refer to UC Berkeley's academic calendar to determine the best time of year for students to intern. Some organizations also provide health benefits such as vacation leave or group health insurance. Employers located outside the Bay Area often provide transportation and relocation assistance.
 - Review all relevant legislation and ensure that the program complies with it.
 - Identify and/or create necessary policies, agreements that cover all other requisite HR considerations such as dress code, code of conduct, privacy, information security, equipment, etc.
 - Factor in diversity, equity, inclusion, and accessibility. This is the bedrock of UBC institutional values.

6. Establish clearly defined learning outcomes and evaluate them with standard metrics.
 - Consider having a students sign a learning agreement.
 - Remember that this is a professional development opportunity. The interns need to learn and acquire marketable skills.
 - Is the internship aligned with a specific degree program or degree family? (This is relative to whether or not you want to require that students receive academic credit for the program.)
 - Does it support NACE career competencies?
 - Career & self development
 - Communication
 - Critical thinking
 - Equity & Inclusion
 - Leadership
 - Professionalism
 - Teamwork
 - Technology
7. Create job descriptions and develop a rubric for performance analysis.
 - Define the scope of work for the role(s).
 - Provide meaningful, substantive work assignments, projects, tasks, etc. that create a robust work experience and develop marketable skills. Interns should have clearly defined deliverables and timelines. Ensure that the level of complexity and difficulty is appropriate for students who are at the pre-professional stage.
 - Factor in that students need job training and mentorship.
 - Work that is interesting, engaging, and rewarding.
 - Enumerate the required qualifications, skills, ect. Bear in mind that students may have little to no formal work experience or training. It is advisable to allow related coursework and student org work to substitute for professional experience.
8. Inform all relevant stakeholders about the internship program and obtain buy-in. It is essential that everyone who will be impacted by the internship program is aware of it and supports the students in this experiential learning process.

RECRUITING & HIRING

9. Highly competitive industries and employers recruit in the Fall for summer internships that start the following summer. Begin the recruiting process at least several months in advance.
10. In keeping with the University of California Regent's Policy on Diversity Statement, and UC Berkeley's, Principles of Community, we encourage you to conduct all aspects of your process with Diversity, Equity, Inclusion, and Belonging top of mind. Some tactics we recommend include:
 - a. Rewrite your job descriptions in formats that are accessible and with language that speaks to your commitment to DEI, and with roles & qualification requirements that are inherently inclusive.
 - b. Post your jobs on diversity job boards and conduct your recruitment efforts in areas where diverse populations exist.
 - c. Promote an organizational culture that supports and embraces DEI.
 - d. Ensure diverse representation on the hiring committee.
11. Develop selection criteria, interview questions, and recruitment strategy. Consider students from non-traditional majors. As long as they meet your qualifications, they can do the job! And, according to our First Destinations Survey Data, they are just as likely to convert to regular employees post graduation!
12. Appoint a selection committee.
13. Create an application process & post the position on Handshake.
14. Conduct interviews and follow a standardized process. Communicate clearly and consistently with students to set expectations regarding every phase of the internship process.

FOR THE DURATION OF THE INTERNSHIP

- 15.** Provide a thorough and conscientious onboarding experience based on DEIB best practices. Intern orientation should be designed to set expectations, clarify roles, set up tech accounts, etc. Include a facility walkthrough and introductions to colleagues so they know how to navigate and who to connect with. Cover the basics, such as parking, rest rooms, break rooms, printers, etc. Give them the big picture such as the organization's mission, important projects, and goals. Make sure they are aware of policies they must uphold like safety, security, and timekeeping. If possible, produce a handbook with important information, action items, maps, contacts, etc. for interns to refer to.
- 16.** Provide interns with thorough training to empower them to be successful in their role. A good training plan includes a progression of assignments reflecting students' developing competencies. Their supervisor should monitor this on a weekly basis to gauge their progress and needs.
- 17.** Provide context for the work, how it aligns with their major, how it relates to specific job titles, how their work relates to other aspects of the company, what skills they are learning and why they are valuable, how it contributes to the organization's mission and success, etc.
- 18.** Provide students with a reflection journal that guides them on how to iteratively reflect upon, evaluate, and document key aspects and learnings of their internship through experience.
- 19.** Monitor the intern's performance and overall well-being. Provide timely, constructive feedback. Are assignments being completed? Do quality of work and Professionalism meet expectations? Are they developing/strengthening competencies?
- 20.** Ensure that organizational culture fosters the sense of feeling valued, supported, and informed.
- 21.** Provide mentorship that promotes professionalism and confidence.
- 22.** Provide formal and informal opportunities for them to meet and interact with colleagues at various stages of their careers by allowing them to participate in things such as meetings, networking events, lunch-n-learns, coffee breaks.

CONCLUDING THE INTERNSHIP

- 23.** Showcase the intern's work so they can gain recognition and appreciation.
- 24.** Conduct a performance evaluation of the intern using a standardized, predetermined rubric that is based on the job description.
- 25.** Conduct an exit interview where you can provide intern(s) with constructive feedback and praise for what they did well and also solicit their input and suggestions based on their reflection journal so that you can better understand their experience and improve things for the next internship cycle.
- 26.** Enable the interns to provide an employer evaluation, anonymous, if possible. Their insights can provide concrete intel for program, and broader organizational, improvements.
- 27.** Celebrate the successful completion of the internship program. Offer a formal sendoff and goodwill.

INTERNSHIP RESOURCES

Internship Definition and Characteristics Matrix

**reprinted with permission from CSUAE*

Characteristics of the Experience	Internship Paid	Internship Paid for Academic Credit	Internship Unpaid for Academic Credit
Similar to training in an educational environment	Recommended	Recommended	Required- refer to the Fair Labor Standards Act
For the benefit of the student	Required	Required	Required- refer to the Fair Labor Standards Act
Student does not displace a regular employee at the organization	Required- refer to the Fair Labor Standards Act	Required- refer to the Fair Labor Standards Act	Required- refer to the Fair Labor Standards Act
Student works under close supervision of existing staff	Recommended	Required	Required- refer to the Fair Labor Standards Act
Supervisor is a full time salaried professional in the students intended career field	Recommended	Recommended	Recommended
The employer that provides the training derives no immediate advantage from the activities of the student	Recommended	Required	Required- refer to the Fair Labor Standards Act
<i>*On occasion the operations of the employer may be impacted</i>	Recommended	Required	Required- refer to the Fair Labor Standards Act
Student is not entitled to a job upon completion	Not Applicable	Not Applicable	Required- refer to the Fair Labor Standards Act
The employer and the student understand that the student is not entitled to wages for the time spent in the internship	Not Applicable	Not Applicable	Required- refer to the Fair Labor Standards Act
Employer provides the student with transferable skills that can be used in multiple employment settings (See examples below)	Required	Required	Required
Employer is not dependent on the work of the student for the organization to run	Required	Required	Required

Continued: Internship Definition and Characteristics Matrix
**reprinted with permission from CSUAE*

Characteristics of the Experience	Internship Paid	Internship Paid for Academic Credit	Internship Unpaid for Academic Credit
The internship has a clear start and end date agreed on prior to the start date	Recommended	Required	Required
Employer provides student with clear position description	Required	Required	Required
Student is provided with specific learning outcomes	Recommended	Required	Required
Employer provides students with opportunity to make professional connections	Recommended	Recommended	Recommended
Full time (12+ units) students should work 10-15 hours per week and it is recommended not to exceed 20 hours per week as an intern	Recommended	Recommended	Recommended
One unit of academic credit is equal to 35 hours	Recommended	Recommended	Recommended

Fact Sheet #71: Internship Programs Under The Fair Labor Standards Act

This fact sheet provides general information to help determine whether interns and students working for “for-profit” employers are entitled to minimum wages and overtime pay under the Fair Labor Standards Act (FLSA).¹

Background

The FLSA requires “for-profit” employers to pay employees for their work. Interns and students, however, may not be “employees” under the FLSA—in which case the FLSA does not require compensation for their work.

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.

¹ The FLSA exempts certain people who volunteer to perform services for a state or local government agency or who volunteer for humanitarian purposes for 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 for public sector and non-profit charitable organizations, where the intern volunteers without expectation of compensation, are generally permissible.

² E.g., *Benjamin v. B & H Educ., Inc.*, --- F.3d ---, 2017 WL 6460087, at *4-5 (9th Cir. Dec. 19, 2017); *Glatt v. Fox Searchlight Pictures, Inc.*, 811 F.3d 528, 536-37 (2d Cir. 2016); *Schumann v. Collier Anesthesia, P.A.*, 803 F.3d 1199, 1211-12 (11th Cir. 2015); see also *Walling v. Portland Terminal Co.*, 330 U.S. 148, 152-53 (1947); *Solis v. Laurelbrook Sanitarium & Sch., Inc.*, 642 F.3d 518, 529 (6th Cir. 2011).



Student Name _____

Employer Name _____

Internship Dates _____

(EMPLOYER EVALUATION - To be filled out by supervisor.)

The evaluating supervisor will complete this portion of the evaluation. We encourage each evaluating supervisor to review the student's performance together with him/her. Please be candid. This joint evaluation is important to the student's professional and personal development. The evaluation will be a guide for counseling the student. Additional space is provided for your comments. Please comment on any evaluation marked marginal or unsatisfactory.

Characteristics	Excellent	Very Good	Average	Marginal	Unsatisfactory
Desire and willingness to take on new assignments					
Potential for further development					
Concern for needs of fellow employees					
Willingness to work through an assignment to completion					

Ability to communicate					
Ability to learn					
Quality of work					
Dependability					
Attitude (application to work)					
Attendance					
Tardiness					
Judgment					
Imaginativeness and resourcefulness					
Cooperation - willingness to get along with others					

Description of Assignment:



Narrative Appraisal of Performance.

Additional Comments:

I understand that the student will have access to the information in this evaluation.

Signature of Evaluator



Title and Department

Telephone Number

Address

Date

REFERENCES

- Department of Labor
 - <https://www.dol.gov/agencies/whd/fact-sheets/71-flsa-internships>
- SHRM
 - <https://www.shrm.org/hr-today/news/hr-magazine/spring2020/pages/benefits-of-creating-an-internship-program.aspx>
- Center for Research of College Workforce Transitions
 - <https://ccwt.wisc.edu/?s=internship+equity&submit=Search>
- Internships.com
 - <https://www.internships.com/career-advice/basics/what-is-an-internship>
- LINKEDIN.com
 - Unpaid internships: An 'equity issue'
- INDEED.com
 - https://www.indeed.com/hire/c/info/creating-an-internship-program-guide?gclid=CjoKCKQjwhLKUBhDiARIsAMaTLnFnUcjzRUg-Auk5jRKf2b-eaPOprU7-tu4CZpMR6mfXICxsgb-6EnYaAuGfEALw_wcB&hl=en&aceid=&co=US
- U.S. Chamber of Commerce
 - <https://www.uschamber.com/co/run/human-resources/how-to-create-an-internship-program>
- NACE
 - 15 Best Practices for Internship Programs:
<https://www.naceweb.org/talent-acquisition/internships/15-best-practices-for-internship-programs/>
 - PAID INTERNSHIPS: MOVING TOWARD GREATER EQUITY, SETTING PAY:
<https://www.naceweb.org/talent-acquisition/internships/paid-internships-moving-toward-greater-equity-setting-pay/>
- FORBES
 - How To Build A Summer Internship Program That Attracts Full-Time Talent:
<https://www.forbes.com/sites/forbescommunicationscouncil/2021/07/22/how-to-build-a-summer-internship-program-that-attracts-full-time-talent/?sh=2f1124672ba1>
 - It's Time To Ban Unpaid Internships:
<https://www.forbes.com/sites/brandonbusteed/2021/05/20/its-time-to-ban-unpaid-internships/?sh=368edc8cec8b>
- Business News Daily
 - <https://www.businessnewsdaily.com/8394-create-internship-program.html>
- CSU Entertainment Alliance
 - <https://www.calstate.edu/CSUEA/Documents/CSUEA%20Employer%20Toolkit.pdf>