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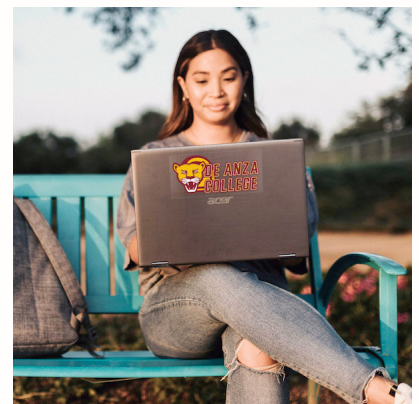
DE ANZA COLLEGE CAREER  
TECHNICAL EDUCATION  
(CTE) AND WORKFORCE  
DEVELOPMENT

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EMPLOYER  
HANDBOOK FOR  
INTERNSHIPS

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## WHAT IS AN INTERNSHIP?

At De Anza College, internships offer unique learning for every student. Like classroom work, internships are an integral part of a student's educational preparation. An internship allows the student an opportunity to enhance their academic learning through hands-on application while learning about the workplace and their chosen field of study.

Internship courses generally take place after the student has completed at least two quarters of classroom learning, so they have skills needed for the workplace. Work schedules vary depending upon the needs of the business and the student's schedule.

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## **Definition:**

“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.”

## **Standards for an experience to be defined an internship:**

To ensure that an experience—whether it is a traditional internship or one conducted remotely or virtually—is educational, and thus eligible to be considered a legitimate internship, all the following criteria must be met:

- The experience must be an extension of the classroom: a learning experience that provides for applying the knowledge gained in the classroom.
- It must not be simply to advance the operations of the employer or be the work that a regular employee would routinely perform.
- The skills or knowledge learned must be transferable to other employment settings.
- The experience has a defined beginning and end, and a job description with desired qualifications.
- There is supervision by a professional with expertise and educational and/or professional background in the field of the experience. There is routine feedback provided by the experienced supervisor.
- There are resources, equipment, and facilities provided by the host employer that support learning objectives/goals.



## **2) Benefits:**

### **Employer Site:**

- Opportunity to try out trained, potential employees who have demonstrated dedication and interest in an occupation
- Assists in recruitment, selection, and retention of employees
- Establishes relationship with the college and workforce of the future
- Gives the opportunity to share input to college about the quality and relevance of De Anza College's curriculum to fit your workforce needs
- Enhances employee motivation and can reduce hiring and training costs
- Gain a fresh perspective and learn from interns

### **Students:**

- Integrate classroom theory with workplace practice
- Learn new skills, use industry-specific equipment and technology
- Clarify academic and career goals and learn more about local business and industry
- Gain confidence, knowing applicability of skills and knowledge
- Explore the workplace and learn more about career opportunities
- Opportunity to get a foot in the door and network with potential employers
- Receive references or referrals to other potential employers
- May lead to job, letter of reference or recommendation to an employer



## College & Community:

- Demonstrated relevance of education to real world increases student motivation, retention, and future employment potential
- Helps fulfill the college's mission of preparing our students for the workforce
- Provides college and faculty with information on skill demands and employment trends
- Establishes partnerships between business, industry, organizations and academia
- Helps meet the training needs of the community while providing a larger range of learning opportunities for students

## **3) ROLES AND RESPONSIBILITIES:**

### **Employer (before internship begins):**

- Verify the ability of the business to provide meaningful mentoring and opportunities for intern learning and skill practice
- Provide adequate working space, training, supplies, and equipment for student training and learning
- Discuss internship process, learning components, and legal issues including wage, compensation, and worker's compensation with the De Anza Internship Coordinator
- In unpaid internships, verify that the internship will meet the Department of Labor Fair Standards Act criteria (see Legal Guidelines)
- Complete an internship listing that includes an overview of daily and project tasks, minimum skills and qualifications, and application procedures
- Enter internship positions onto HANDSHAKE or provide the De Anza Internship Coordinator with internship positions to promote visibility



### **3) ROLES AND RESPONSIBILITIES (CONTINUED):**

- Review resumes, interview prospective interns and inform candidates, and De Anza Internship Coordinator of hiring decisions
- Sign off on Internship Agreement; verify that it has been received by the college before the student starts their internship
- Assure that the students will be accepted and given assignments without regard to age, handicap, national origin, race, marital status, parental status, religion, or sexual orientation

#### **Employer (During the Internship):**

- Train and orient student to all health and safety practices and organizational policies and procedures applicable to the internship
- Establish a regular meeting time. Meet with the intern at least weekly to provide direction and feedback
- Assess student intern by completing and returning a Mid and Final Evaluation noting interns' progress toward accomplishment of learning objectives

#### **Employer (After the Internship):**

- Complete an Internship Provider Program Evaluation via email or Handshake



## De Anza Internship Coordinator:

- Sign off on De Anza Internship Agreement form.
- Meet with interns either separately or in groups to go over Internship Agreement Form.
- Monitor and provide feedback during the student's internship experience through activity logs, journals, discussions, and monthly timesheets, either in person or via an online course.
- Meet with the student, in person, at least two times during the term.
- Contact the internship site supervisor at least twice during the term to discuss progress with the student and internship providers.
- Discuss opportunities for learning and relevance of job description to major, degree area, and intern's career goals with potential internship sites.
- Review guidelines regarding compensation, employment status, worker's compensation, and other employment laws with prospective internship sites.
- Maintain internship listings, database and provide assistance to help students locate internship sites with quality learning opportunities.
- Orient students on the internship process, development of application materials, and how to research potential internship providers.





#### **4) Employer of Record (EOR):**

The EOR handles employment administration, such as payroll and regulatory compliance, while the client business maintains managerial control of its employees (interns) and their work assignments. This arrangement allows employers to expand their operations without being overburdened by the administrative and risk management tasks that may arise.

#### **What does an employer of record do?**

An employer of record may assume responsibility for any of the following tasks:

- Running payroll and paying employees
- Filing and paying employment-related taxes
- Administering benefits
- Managing workers' compensation claims
- Managing unemployment claims
- Supporting regulatory compliance

Transferring these responsibilities to an EOR does not mean an employer has no say in employee affairs – quite the contrary. Employers are still in charge of day-to-day operations, work assignments, and employee performance and development.

At De Anza College, we offer EOR services that can help alleviate an employer's administrative burdens (payroll, filing taxes, etc.) and also minimize risks associated with compliance and local regulations. You can contact our Internship Coordinator at the [De Anza Career Technical Education \(CTE\)](#) webpage for more information if you are interested in our EOR services.



## 5) LEGAL ISSUES:

### **Compensation:**

- Internships can be paid or unpaid. The need for compensation is dependent upon the nature of the student's position and whether or not it meets the criteria noted below under the Fair Labor Standards Act. As students pay tuition for internships as academic courses, we endorse compensation for our students. Compensation can help students make a significant contribution to their education and may lessen a student's burden toward meeting financial obligations, enabling them to concentrate on their education and career goals.
- Generally, activities occurring at a business that involve the performance of productive work would be considered employment, although some limited exceptions exist for student learners and trainees. Whether students are employees of an employer under the Fair Labor Standards Act will depend upon all of the circumstances surrounding their activities on the premises of the employer. Unless an internship meets the Fair Labor Standards Act criteria listed below for a trainee, employment law requires employers to pay at least the minimum wage to employees. In a paid internship, interns are considered employees of the business and are subject to the provisions of California employment law.



**According to the Department of Labor Fair Labor Standards Act, if any of the following criteria on the checklist is absent, the work performed by the student will likely constitute employment subject to the provisions of the FLSA.**

**Further, it is recommended that all information and transactions related to a work-based activity be documented, including a written agreement of the terms and conditions of the activity such as a job description.**



## Employee or Trainee – Work-Based Learning Checklist

This checklist, provided by the National Association of Colleges and Employers (NACE), notes some considerations to review to help you determine if your interns meet the criteria set forth by the Fair Labor Standards Act. If you can affirm that your intern meets these criteria, your intern is likely a trainee.

The work is an integral part of the student's course of study.

The student will receive credit for the work or the work is required for graduation.

The student must prepare a report of his or her experience and submit it to the De Anza Internship Coordinator.

The employer has received a letter or some other form of written documentation from the school stating that it sponsors or approves the internship and that the internship is educationally relevant.

Learning objectives are clearly identified.

The student does not perform work that other employees perform.

The student is in a shadowing or learning mode.

The employer provides an opportunity for the student to learn a skill, process, or other business function, or to learn how to operate equipment.

There is educational value to the work performed, i.e. it is related to the courses the student is taking in school.

The student is supervised by a staff member.

The student does not provide benefit to the employer more than 50 percent of the time.

The employer did not guarantee a job to the student upon completion of the training or completion of schooling.



## Worker's Compensation:

**Paid Internship:** Interns are considered employees of the business or organization and the employer must cover the intern under their worker's compensation policy.

**Unpaid:** Unpaid interns are not considered employees and therefore cannot be eligible for workers' compensation benefits. It is important for employers in California who wish to hire unpaid interns to understand what constitutes an intern according to labor laws so that they can avoid costly fines and penalties associated with misclassification violations.

## Independent Contractor or Employee

Students are not self-employed consultants and therefore, not considered independent contractors under Internal Revenue Service 1099. An individual is an independent contractor if the person for whom the work is performed has the right to control or direct only the result of the work and not the means and methods of accomplishing the tasks.

## College Regulations and Policy

To promote an atmosphere that protects students' rights and is responsive to students' needs, all students are expected to maintain acceptable standards of behavior on or off campus at any college-sponsored event. College regulations on Students' Rights and Responsibilities, including Code of Conduct, Academic Integrity, and a Sexual Harassment Policy along with a Right of Appeals and Grievances are outlined on the [Student Rights and Responsibilities webpage](#).



## **Other Employment Laws**

In general, interns are deemed to be employees and that means they are protected by the same laws and regulations that protect other employees in the State of California.

## **Additional links to information on legal aspects of internships:**

[Department of Labor Fact Sheet # 71](#)

[National Association of Colleges and Employers Position Statement.](#)

[ADP Employer of Record \(EOR\)](#)

You may also contact the Internship Coordinator for hard copies of these documents.

For legal advice, please consult with an attorney.



## **6) BEST PRACTICE RECOMMENDATIONS:**

**DOCUMENT...DOCUMENT...DOCUMENT...** that you are following the guidelines for a learning experience vs. an employee to reduce risk of liability:

- 1) Provide a clear description of the internship** – indicate the internship will include elements offering learning opportunities such as applying classroom knowledge into a real-world setting.
- 2) Assign an Internship Mentor or Supervisor** for each student, and set up periodic, at least weekly, times to discuss relevant learning per duties, tasks, and projects assigned.
- 3) Require interns to attend an orientation** that will cover your company's policies and procedures including sexual harassment, confidentiality, safety, and appropriate workplace behavior. Be sure to let them know who to go to in case of an issue and your complaint or grievance procedures.
- 4) Control, track, and record the number of hours worked:**
  - a) Keep your records or copies to verify internship hours completed.
  - b) Do not allow the student to work hours above the number of internship hours recorded on the Internship Agreement unless you receive written approval from the college.



### **5) Keep in contact with the Internship Coordinator:**

- a) Report any excessive or unexplained absences, dereliction of duties, or performance issues immediately to the Internship Coordinator.
- b) Insist on having an in-person site visit from faculty to monitor and evaluate the student's learning.

### **6) Do not promise or imply that the intern will be hired after the internship.**

### **7. Encourage the student to return to their program of study to complete their certificate and/or degree after the completion of the internship.**

### **6) WRAPPING UP:**

#### **Provide Feedback**

The student will be providing you with a Student Performance Evaluation for you to complete. Please discuss this with the student and provide constructive feedback for improvement.

- You will be surveyed by the internship coordinator after the quarter ends to learn about your experience. Please complete and return as soon as possible.
- Opportunity to provide curriculum feedback to the college regarding the needs of your workplace so we can continually improve and align our programs to the needs of the workforce.