

To: Commissioners Court
From: Bill Bilyeu, County Administrator
Date: February 2, 2015
Re: Intern Program

Collin County currently operates unpaid intern programs without any budget impact:

District Courts

Judge Becker receives intern requests from both undergrad and law school students. Applicants either contact Judge Becker directly or through the Collin County Young Lawyers Association. The interns typically shadow the district judges for a 6-8 week period. The intern hours are set by the intern and are not specifically set. The law school students may be asked to do some legal research.

District Attorney

The District Attorney utilizes up to 60 unpaid interns throughout the year. Internships can last from 6 weeks to 3 months. The DA requires formal applications from both law and undergrad students. The interns are managed by the chief prosecutors of each court and are utilized to assist with many prosecutorial functions. The undergrad students are eligible to receive school credit for their internship.

Teen Court

Teen Court participants are eligible to apply for a short summer intern program. 1-2 interns are selected each summer and perform work under the direction of the Teen Court coordinator. The interns work as they are available and assist with updating the Teen Court webpage, cleaning up files and researching best practices from other Teen Courts in the area. In the past, Teen Court interns have rotated through various county departments (Human Resources, District Clerk, etc.) to assist with clerical duties.

Previous paid intern program

County GIS

The County GIS department previously operated a paid intern program for almost 20 years. The interns were under the direction of a GIS staffer and the salary ranged from \$10-12 per hour for 6 month periods or no more than 1,000 hours per year. The interns performed a variety of GIS project duties under the direction of permanent staff. The GIS intern program was discontinued in FY15 and replaced with a regular part time position. It takes time to train interns in GIS processes and their 1,000 hour work limit resulted in turnover just as the interns were becoming productive.

Benefits of an intern program

- Low or no cost labor
- Build relationships with higher education programs
- "Test drive" future job applicants without financial risk
- Tasks or job assignments that cannot be efficiently completed by existing staff
- Gives real world experience to students
- Give back to the community
- Recruits for future government employment

Questions

- Day to day management of interns (including project oversight, access to supporting data, goal setting, performance reviews, payroll (if applicable), attendance, class credit analysis)
- Building access (setting security and hours)
- Network access (public wifi, email account, Odyssey)
- Computer equipment (supply their own or county provided)

Work space (assigned cubicle, empty desk or conference room)
Application and selection process

Hours (required schedule, as needed)
Pay (volunteer, hourly amount, budget, and benefits)

Legal issues

There have been multiple intern pay lawsuits in the last few years. These have been generally limited to interns working in the entertainment business for little or no pay and with day to day job responsibilities.

Per an employment litigation firm's website:

According to the U.S. Department of Labor, an unpaid internship is only lawful in the context of an educational training program, when the interns do not perform productive work and the employer derives no benefit. "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 to compensation under the FLSA."

The U.S. Department of Labor's test is not new. It is based on the United States Supreme Court's 1947 opinion in Walling v. Portland Terminal Co., 330 U.S. 148, 152-53 (1947), which held that the FLSA's definition of "employee" does not include participants in an educational or vocational training program that provides no immediate benefit to the employer and that serves only the trainees' interests.

Benefits Issues

Per the Affordable Care Act, persons with 1,000 paid work hours or less in a 12 month period are not required to have employer sponsored health insurance.

Temporary employees do not participate in TCDRS benefits.

Collin County is responsible for all other standard employer costs (FICA, unemployment, etc.) related to a temporary employee's compensation.