

## **FLSA-113**

April 21, 1975

This is in reply to your various letters in which you inquire whether there is an employment relationship between \*\*\* University and certain Physician Associate Interns. We regret that the volume of correspondence received in connection with the 1974 Amendments to the Fair Labor Standards Act did not permit us to respond sooner.

As we understand the facts, the internship program is in the Department \*\*\* hospital, and it is expected that upon completion of the program these interns will be employed by physicians, and that their duties may include performance of routine surgical procedures and assisting the surgeon in complex procedures. The training program is for the benefit of the interns, they do not displace regular employees of the University or of the Hospital, and are assigned to and are under the guidance of a number of the Senior House Staff. They are not entitled to employment by the University or the Hospital at the conclusion of the Internship.

We further understand that economic considerations made it necessary that these interns receive financial support so they could participate in the program, and that the support granted to each is \$8,000 a year.

Whether a student training for certain paramedical occupations is viewed as an employee of a hospital within the meaning of the Act will depend upon all the circumstances of the student's activities on the premises of the establishment. Pending interpretation of the courts, the Wage and Hour Division will not assert that a student in training for a paramedical position, such as that of Physician Associate, where on-the-job training is combined with classroom lectures and laboratory instruction to comprise an extensive program of education generally leading to a degree or to licensing, registration or certification by an appropriate board or society is an employee of the hospital where so engaged. The mere payment of a scholarship, stipend or allowance (as long as it does not exceed a reasonable approximation of the expenses incurred by the trainee taking the course or where it serves as an allowance for subsistence) will not be considered to establish an employment relationship.

Sincerely,

Warren D. Landis  
Acting Administrator  
Wage and Hour Division