

Case 15: Is Rafa’s unpaid internship really a job?

Content note

This case explains general rules. It is not legal advice for your situation.

Overview

Students read a story in which a studio offers Rafa an unpaid summer internship running its inbox. The studio says college credit makes it legal. They read the listing, the studio’s reply and Gia’s questions, and they apply the seven factors in the Department of Labor’s Fact Sheet #71. They then write Rafa’s email asking the studio about the learning plan and supervision.

Before this case

Students should already be able to:

- apply a multi-factor test to one example
- write a memo for an office with its own rules
- turn advice into a short checklist

Objectives

Students will be able to:

- apply the seven factors to the studio’s listing and reply accurately
- flag displacement and explain what academic credit does not settle
- recommend questions a career center can ask employers, without legal rulings
- build a student checklist that includes opportunity cost

Materials

- This chapter, one copy per student
- Fact Sheet #71 from the U.S. Department of Labor
- NACE’s principle on complying with laws and its internship reports from 2016 and 2023
- The factor chart and memo planner on the task page

The task in this edition

Task: Write a memo to the campus career center about unpaid internship listings on its job board, using the studio’s listing as the example. Add a one-page checklist students can use before they accept an unpaid offer.

Students make: Memo, 300—400 words, plus a one-page checklist

Pacing

Opener (page 297): 5 min. Short on time: 4 min. Read What happened aloud.

Key terms (pages 298 and 299): 5 min. Short on time: 3 min. Read the key terms aloud; skip the first-guess box.

Look at the evidence (page 303): 8 min. Short on time: 8 min.

Look at the evidence (page 304): 5 min. Short on time: 4 min. Students fill in only the “What it shows” box.

Pacing, continued

Key idea (pages 305 and 306): 10 min. Short on time: 8 min. Skip the In the news section.

Sort the evidence (page 307): 8 min. Short on time: skip.

Practice (page 308): 6 min. Short on time: skip.

Your task (pages 309 and 310): 15 min. Short on time: 15 min.

Your draft (page 311): 30 min. Short on time: 25 min. Students draft the example and questions sections in class and finish at home.

Check your work (pages 312 and 313): 8 min. Short on time: 5 min. Students answer the check questions and skip the rubric.

Questions to discuss (pages 314 and 315): 10 min. Short on time: 3 min. Use question 3 as an exit ticket.

Talk about this case at home (page 316): at home.

Periods: full chapter 110 minutes; one period 75 minutes.

Case 15 plan, continued

Standards

Information Literacy VALUE Rubric AAC&U's rubric for finding, evaluating and using information for a purpose, ethically and legally. In this case: Students apply a federal fact sheet to one listing and cite it accurately (Use Information Effectively to Accomplish a Specific Purpose).

Written Communication VALUE Rubric AAC&U's rubric for writing that fits its context and purpose, develops its content and uses sources and evidence. In this case: Students write a memo for a campus office and a checklist for students (Context of and Purpose for Writing).

Ethical Reasoning VALUE Rubric AAC&U's rubric for recognizing ethical issues and applying and weighing different ethical perspectives. In this case: Students weigh the studio's claim about credit against the effect on students who cannot work for free (Ethical Issue Recognition).

Authority Is Constructed and Contextual A source's authority depends on its creator's expertise and on the question it is being used to answer. In this case: Students compare the studio's legal claim with the Department of Labor's own guidance.

Standards, continued

Information Has Value Information has value, including as a means to influence people, so credit, access and privacy matter. In this case: Students use NACE's reports on paid and unpaid internships to show what an unpaid role costs in time and paid hours.

Codes of ethics

- **NACE Principles for Ethical Professional Practice:** 4. Comply with laws
- **ABA Model Rules of Professional Conduct:** Rule 4.1 Truthfulness in Statements to Others
- **ABA Model Rules of Professional Conduct:** Rule 4.3 Dealing with Unrepresented Person

Heat map

- **Opener (page 297):** Low
- **Key terms (pages 298 and 299):** Low
- **Look at the evidence (page 303):** Low
- **Look at the evidence (page 304):** Low
- **Key idea (pages 305 and 306):** Low
- **Sort the evidence (page 307):** Low
- **Practice (page 308):** Low
- **Check your work (pages 312 and 313):** Low

Try it at your school

Ask what the work is before you accept it.

Try it at your school, continued

- Before accepting any internship, ask for duties, hours, supervision and pay in writing
- Take the offer to your school counselor or college career center
- Check your state labor department's page on minimum wage and youth work
- Compare the offer with your other commitments before deciding

Who to ask: School counselor, college career center, work-permit officer where your state uses them, state labor department

Safety: If you're under 18, federal and state rules limit hours and certain jobs. Involve a trusted adult before accepting any work arrangement.

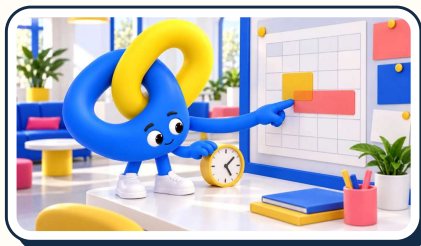
Sources

- U.S. Court of Appeals for the Second Circuit, via Justia, "Glatt v. Fox Searchlight Pictures," 2016
- U.S. Department of Labor, Wage and Hour Division, "Fact Sheet #71: Internship Programs Under the Fair Labor Standards Act," No date listed

Case 15: Is Rafa's unpaid internship really a job?

A studio offers Rafa an unpaid summer internship running its customer inbox and says college credit makes it legal.

On your own Read What happened and underline what Rafa would do all summer. About 5 minutes.



Nexo, one of the crew's companions, points to where a meeting and a work shift overlap on a calendar. Rafa's internship would take time from his shifts at the family shop.

Your role: You're the one who checks each factor of the test before Rafa says yes. **New skill:** Apply a legal test factor by factor.

What happened

Rafa, 18, is a first-year college student who commutes to class and helps at his family's shop. In April, a studio posted a listing on the campus job board for a "Summer Editing Intern." The internship is unpaid. The listing says the intern will run the customer inbox all summer. Rafa reads it twice, looking for the editing.

On Tuesday at 11:20 a.m., the studio answers Rafa's message. The email says college credit makes it "totally legal" not to pay him. It also asks him to start right after finals.

At lunch, Rafa talks it over with Gia, who fits café shifts around her classes. Gia asks whether the studio paid someone to run the inbox last year. Rafa says the studio's assistant ran it. Taking the internship would also cost Rafa paid shifts at the shop. He has not said yes yet.

Your question: Is the internship mainly training for Rafa or unpaid work for the studio, and what should he ask before he decides?

⌚ Pacing

Full chapter: 5 min.

✂ Short on time: 4 min. Read What happened aloud.

💬 Say this

"The job title says "Editing Intern." What would you expect to do all summer?" — Collect two or three answers, then read the listing.

👁 Watch for

Misconception: Students trust the job title. **Listen for:** "It says editing, so he'll learn editing." **Then:** Ask them to find "editing" in the list of duties. It appears only in the title.

📖 Support

- Read What happened aloud while students follow along.

🔥 Heat check

■□□ Low.

Key terms

On your own Read each key term and its example, then write your first guess in the box. About 5 minutes.

Primary beneficiary test The primary beneficiary test is how the U.S. Department of Labor decides whether an intern at a for-profit company is an employee.

En español: prueba del beneficiario principal

In this case: The studio gets its customer inbox answered all summer. Rafa asks what he would learn and who would train him.

Fair Labor Standards Act The Fair Labor Standards Act is a federal law that sets minimum wage and overtime rules for most workers.

En español: Ley de Normas Justas de Trabajo

In this case: If Rafa counts as an employee under this law, the studio must pay him at least the minimum wage.

Academic credit Academic credit is credit toward a degree that a school gives for approved work, such as an internship.

En español: créditos académicos

In this case: The studio says credit makes the unpaid role “totally legal.” Credit is one factor out of seven.

Who is involved



Rafa

Offered an unpaid summer internship

“The listing says ‘Summer Editing Intern.’ Then it says I’d run the customer inbox all summer. I read it twice looking for the editing.”



Gia

Talking the offer over with Rafa

“I almost said ‘take it, it’ll look good.’ Easy for me to say. I’m not the one giving up a summer.”

⌚ Pacing

Full chapter: 5 min.

✂ Short on time: 3 min. Read the key terms aloud; skip the first-guess box.

💬 Say this

“Write your first guess now. You will check it against the evidence later.” — First guesses stay private unless a student wants to share.

👁 Watch for

Misconception: Students think the test asks whether Rafa likes the job. **Listen for:** “He benefits if he enjoys it.” **Then:** Reread the term. The test asks who mainly benefits: the intern’s learning or the employer’s work.

📋 Support

- Give factor cards with an icon and one line each: training, credit, school calendar, length, paid work.
- **Cognates:** academic (académico), credit (crédito), employee (empleado), supervision (supervisión), beneficiary (beneficiario), factor (factor), minimum (mínimo), experience (experiencia).

🌡 Heat check

■□□ Low.

🔑 Answer key

Any first guess is fine. Students return to it on the My take page.

Your first guess

Before you look at the evidence, is Rafa's offer more like training or more like a job?

My first guess is ___, because ___.

➤ My first guess is a job, because running an inbox all summer sounds like regular work.

Notes

This image shows a single sheet of white paper with horizontal blue ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

This page continues page 298. The notes for both pages are on the sheet for page 298.

Reading passage

Unpaid internships and the primary beneficiary test

On your own Read the passage. At each Stop and think box, pause and answer the question in your head or with a partner. About 6 minutes.

Words to know

- **Primary beneficiary test:** The primary beneficiary test is how the U.S. Department of Labor decides whether an intern at a for-profit company is an employee.
- **Fair Labor Standards Act:** The Fair Labor Standards Act is a federal law that sets minimum wage and overtime rules for most workers.
- **Academic credit:** Academic credit is credit toward a degree that a school gives for approved work, such as an internship.
- **Compensation:** Compensation is all the pay and benefits a worker receives, including hourly rates, bonuses and overtime.

The story: A legal conclusion in a recruiting email

A studio posts a “Summer Editing Intern (unpaid)” listing on a campus job board. The advertised benefits are exposure to the industry and available college credit. The listed duties are running the customer inbox all summer and helping with client files. Rafa, 18, a first-year commuter who works at his family’s shop, reads it twice and cannot find the editing.

The studio’s reply to his inquiry contains a legal conclusion: because interns receive college credit, it is “totally legal” not to pay. The case invites students to treat that sentence the way a lawyer or a careful journalist would. It is a claim, offered by an interested party, about a test the studio does not name.

Rafa’s research on the train reveals that credit is one factor among seven. A conversation with Gia adds a decisive fact. The inbox was run last year by a paid assistant. Gia also models two useful disciplines. She counts the costs of the offer, lost shifts, commuting and a summer without income. And she declines to overstate. She cannot say the internship is illegal. She can say which questions remain unanswered.

Your role is to check each factor of the test before Rafa says yes.

Stop and think. Why is “this internship is illegal” as unsupported as “this internship is totally legal”?

⌚ Pacing

Reading: about 6 min (755 words). Short on time: read it aloud together, pausing at each Stop and think.

❓ Stop and think

1. **After “The story: A legal conclusion in a recruiting email”:** Why is “this internship is illegal” as unsupported as “this internship is totally legal”?
2. **After “Applying a flexible standard”:** How does a flexible, multi-factor test shift power between employers and interns compared with a bright-line rule?
3. **After “Litigation, inequity and professional ethics”:** NACE data link paid internships to more job offers. What does that suggest about who benefits from unpaid ones?

Applying a flexible standard

The **primary beneficiary test** is how the U.S. Department of Labor decides whether an intern at a for-profit company is an employee. It asks whether the intern or the employer is the primary beneficiary of the relationship. An intern who is an employee must be paid under the **Fair Labor Standards Act**, a federal law that sets minimum wage and overtime rules for most workers. The Department's seven factors include educational training and ties to coursework or **academic credit**. They also include accommodation of the academic calendar, a limited duration tied to learning and whether the work complements or displaces paid employees. Academic credit is credit toward a degree that a school gives for approved work, such as an internship.

The new skill is applying a multi-factor test one factor at a time. It extends Case 12's analogical reasoning from precedent and Case 11's discipline of comparing like with like. Applied here, the analysis separates evidence from gaps. On displacement, the assistant's paid role last year is strong evidence. On academic credit, availability is asserted but unconfirmed. On training and supervision, the record is silent. On duration and calendar, the start date is known, but hours are not. Because the test is holistic and no factor controls, the defensible conclusion is limited. The studio's claim that credit makes nonpayment "totally legal" is unsupported. Whether Rafa would be an employee cannot be decided without more facts. The framework applies to for-profit employers, and state rules may differ.

Case 11's concept of **compensation**, all the pay and benefits a worker receives, frames the economics. The offer's compensation is zero, and Rafa would give up paid shifts. His written request for facts, covering training, a typical week, weekly hours and whether he would be doing the assistant's former job, is both prudent and the only way to apply the test.

? Stop and think. How does a flexible, multi-factor test shift power between employers and interns compared with a bright-line rule?

Litigation, inequity and professional ethics

The Second Circuit's decision in *Glatt v. Fox Searchlight Pictures* anchors the modern test. Interns on the 2010 film *Black Swan* performed tasks the opinion lists, including answering phones, taking lunch orders, making coffee, photocopying and filing (U.S. Court of Appeals for the Second Circuit, 2016). The court's 2015 ruling adopted the primary beneficiary question (LAist, July 2, 2015), and the Department of Labor now uses that test (U.S. Department of Labor, Fact Sheet #71, updated January 2018). Legal scholars have analyzed the test in detail (Harvard Law Review, February 9, 2016).

The policy stakes include access. Nearly half of U.S. interns were unpaid in 2022 (PBS NewsHour, August 26, 2023). NACE reports persistent inequity in who receives paid internships (National Association of Colleges and Employers, August 8, 2023). Earlier NACE data found that paid interns received more job offers than unpaid classmates (National Association of Colleges and Employers, March 23, 2016).

This page continues page 300. The notes for both pages are on the sheet for page 300.

Litigation, inequity and professional ethics, continued

On Capitol Hill, most summer interns have gone unpaid, which limits who can pursue those careers (NPR, July 25, 2017).

Professional standards apply to the studio's email. NACE asks employers to comply with laws "associated with local, state, and federal entities" (NACE Principles for Ethical Professional Practice, 2025). The ABA's model rules bar lawyers from knowingly making a false statement of material fact or law to a third person (ABA Model Rules of Professional Conduct, 1983, as amended). A recruiting email is not legal advice, and Rafa is right to treat it as a claim.

? Stop and think. NACE data link paid internships to more job offers. What does that suggest about who benefits from unpaid ones?

Sources

Real source | U.S. Court of Appeals for the Second Circuit, via Justia | 2016

Glatt v. Fox Searchlight Pictures

Real source | LAist (AirTalk) | July 2, 2015

Appeals court reverses 'Black Swan' interns' victory over Fox

Real source | U.S. Department of Labor, Wage and Hour Division | January 2018

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

Real source | Harvard Law Review | February 9, 2016

Glatt v. Fox Searchlight Pictures, Inc.

Real source | PBS NewsHour (YouTube) | August 26, 2023

Why unpaid internships still exist despite hardships for young workers

Real source | National Association of Colleges and Employers | August 8, 2023

The Class of 2023: Inequity Continues to Underpin Internship Participation and Pay Status

Real source | National Association of Colleges and Employers | March 23, 2016

Paid Interns/Co-ops See Greater Offer Rates and Salary Offers Than Their Unpaid Classmates

Real source | NPR | July 25, 2017

On Capitol Hill, Most Summer Interns Still Go Unpaid

Real source | National Association of Colleges and Employers (NACE) | 2025

NACE Principles for Ethical Professional Practice

Real source | American Bar Association (ABA), Center for Professional Responsibility | No date listed

ABA Model Rules of Professional Conduct

This page continues page 300. The notes for both pages are on the sheet for page 300.

Look at the evidence

On your own Read each document, then fill in both boxes under it. About 8 minutes.

Evidence A | Job listing

Studio listing on the campus job board, April

"Summer Editing Intern (unpaid). Join our fast-paced studio! You'll run the customer inbox all summer, help with client files and get great exposure to the industry. College credit available."

Look closely: Which words describe learning? Which words describe work?

What it shows

➤ An "editing" title over a duty list led by the inbox, plus credit and "exposure."

What it leaves out

➤ Training, supervision, hours and what editing, if any, the intern would do.

Evidence B | Email

Studio reply to Rafa, Tuesday, 11:20 a.m.

"Thanks for your interest, Rafa! Since interns get college credit, it's totally legal for us not to pay. We'd love for you to start right after finals."

Look closely: Is credit one factor or the whole test? What does the email skip?

What it shows

➤ The studio treats one factor, credit, as if it settles the whole test.

What it leaves out

➤ The other factors, and whether Rafa's school would grant credit at all.

Case 15 | Look at the evidence | College educator edition

⌚ Pacing

Full chapter: 8 min.

✂ Short on time: 8 min.

💬 Say this

"Underline every task in the listing. Now circle the ones where Rafa learns." — Pause and ask what that tells them.

👁 Watch for

Misconception: Students call the studio's email a lie. **Listen for:** "They're lying to him." **Then:** The email makes a claim. Ask which document could test it. Nobody knows what the studio believes.

📁 Support

- Read the listing aloud and offer it on its own half-page.
- Reduce the factors to three: training, credit and paid work.
- **Cognates:** academic (académico), credit (crédito), employee (empleado), supervision (supervisión), beneficiary (beneficiario), factor (factor), minimum (mínimo), experience (experiencia).

🔗 Stretch

- Ask which factors the studio's email addresses and which it skips.

🔥 Heat check

■□□ Low.

Look at the evidence, continued

Evidence C | Chat

Gia and Rafa, Tuesday lunch

Gia: Didn't they pay someone to do the inbox last year?

Rafa: Yeah, their assistant.

Gia: And it's your summer, not theirs. What about your shifts at the shop?

Look closely: Who ran the customer inbox last year? Was that person paid?

What it shows

➤ The intern would do work a paid assistant did last year: the displacement factor.

What it leaves out

➤ The size of Rafa's cost: how many paid shop shifts he would lose.

What is still missing from the evidence?

➤ What training and supervision the studio actually provides, how many hours a week the role takes, whether Rafa's school will grant credit, and how many paid shifts at the family shop Rafa would give up.

Notes

⌚ Pacing

Full chapter: 5 min.

✂ Short on time: 4 min. Students fill in only the "What it shows" box.

💬 Say this

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Misconception: Students call the studio's email a lie. **Listen for:** "They're lying to him." **Then:** The email makes a claim. Ask which document could test it. Nobody knows what the studio believes.

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🔗 Stretch

- Ask which factors the studio's email addresses and which it skips.

🔥 Heat check

■□□ Low.

Key idea: the primary beneficiary test

On your own Read the key idea and the code of ethics, then answer the question in the box. About 10 minutes.

A job title does not show how the work is arranged. The **primary beneficiary test** is how the U.S. Department of Labor decides whether an intern at a for-profit company is an employee. It asks whether the intern or the employer mainly benefits from an unpaid internship. An intern who counts as an employee must be paid under the **Fair Labor Standards Act**. The Fair Labor Standards Act is a federal law that sets minimum wage and overtime rules for most workers.

The Department of Labor's Fact Sheet #71 lists seven factors. They include training, links to coursework or **academic credit**, the school calendar and how long the learning lasts. Academic credit is credit toward a degree that a school gives for approved work, such as an internship. Another factor is whether the intern's work adds to paid employees' work or replaces it. The test is flexible, and no single factor decides it.

So the studio's email does not settle the question. Calling a job an internship does not decide it. Neither does college credit, or an intern agreeing to work for no pay. The test also has limits. It applies to for-profit employers, and state rules may differ. To apply the test, you need facts about the duties, training, supervision and hours.

Professional standards

Real source | National Association of Colleges and Employers (NACE)

NACE Principles for Ethical Professional Practice: 4. Comply with laws

"Comply with laws ... associated with local, state, and federal entities"

In plain words: Career offices and employer recruiters who belong to NACE agree to follow federal, state and local laws.

Question: The campus job board lists the internship. What should the career office ask the studio about the seven DOL factors?

Your answer

Before posting, the career office should ask ____, because ____.

➞ Before posting, the career office should ask how the role meets each factor, because the listing names credit but no training or supervision.

⌚ Pacing

Full chapter: 10 min.

✂ Short on time: 8 min. Skip the In the news section.

💬 Say this

"The studio says one factor settles the test. What does the key idea say about a single factor?" — Wait for "no single factor decides it."

"The NACE principle asks career offices to follow the law. What should the office ask the studio?" — List answers on the board.

👁 Watch for

Misconception: Students think the NACE principles bind the studio. **Listen for:** "The studio broke the NACE code." **Then:** Say: "NACE's principles guide its members, career offices and employer recruiters. A code of ethics is not a law."

📖 Support

- Read the code quotation aloud. Point out the label: it is a real source, quoted word for word, with a gap marked "...".

🔗 Stretch

- Try the ABA Rule 4.1 question: what does Fact Sheet #71 say about whether one factor, credit, decides the test?

🔥 Heat check

■□□ Low.

 Real source | PBS NewsHour (YouTube) | August 26, 2023
Why unpaid internships still exist despite hardships for young workers
Reports that nearly half of U.S. interns were unpaid in 2022 and who can afford to take those jobs.



Reports that nearly half of U.S. interns were unpaid in 2022 and who can afford to take those jobs.



Explains when an unpaid internship can break wage law, using the 'Black Swan' intern lawsuit.

This image shows a single sheet of white paper with horizontal blue ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

Sort the evidence

On your own Match each piece of evidence to the claim it supports or challenges, and mark what is still unknown. About 8 minutes.

Test the studio’s claim against the factor list. Which evidence points toward training, which toward a job, and what is still unknown?

Evidence	Claim 1 College credit makes the unpaid internship legal.	Claim 2 The role looks more like a job than training.
1 DOL: credit is one of seven factors, and no single factor decides	Challenges	Neither
2 The listing: Rafa runs the customer inbox all summer	Neither	Supports
3 A paid assistant ran the inbox last year	Neither	Supports
4 The role is openly unpaid and offers credit (factors 1 and 3)	Neither	Challenges

Still open

- Is there a learning plan, and who supervises?

Whose perspective is missing?

Whose view is missing from these documents? What would you ask them?

The view that is missing is _____. I would ask _____.

Ch Rafa’s school. I would ask whether it would grant credit for this role, since the studio’s whole argument rests on credit.

Pacing

Full chapter: 8 min.

Short on time: skip this page.

Say this

“Some evidence points toward a job and some toward training. Find one of each.” — Model the first row with the listing.

Watch for

Misconception: Students ignore the evidence that points toward an internship. **Listen for:** “Every single fact says it’s a job.” **Then:** Point to the unpaid label and the credit offer. A fair analysis counts evidence on both sides.

Support

- Let students write S, C or ? in each box before they write sentences.

Heat check

Low.

Practice: choose a response

On your own Choose what Rafa should do next and explain why, then fix the two marked lines. About 6 minutes.

The studio's unpaid internship has Rafa running its customer inbox all summer, the job a paid assistant did last year. The studio says college credit makes it legal. What should Rafa do next?

- ☐ A Accept the studio's answer, since college credit settles the question.
- ☒ B Ask for the learning plan, supervision, schedule and how the role relates to paid employees' work.
- ☐ C Tell the studio that unpaid internships are against the law.

Why I chose it

➤ B. A lets one factor decide a flexible test, and C claims a rule the test does not contain. B asks for the facts each factor needs.

Improve a draft

A student's first draft

Hi, thanks so much for the offer! I'm really excited about this opportunity and I know it will look great on my résumé. I just wanted to ask **1** if this is legal since it's unpaid? My friend said unpaid internships aren't allowed. Also how many hours is it? **2** I can start whenever you need me. I really want to get into editing and this seems like a good way in. Let me know! Thank you again for thinking of me, Rafa

Rewrite each marked phrase so it says only what the evidence supports.

Rewrite phrase 1

➤ Is there a written learning plan, and how much of a normal week is the customer inbox?

Rewrite phrase 2

➤ I'll confirm a start date once I know the hours, the weeks and the supervision.

⌚ Pacing

Full chapter: 6 min.

✂ Short on time: skip this page.

💬 Say this

"Rafa has the studio's email open. What should he do next?" — Hold a vote before any discussion.

👁 Watch for

Misconception: Students choose to tell the studio the internship is illegal. **Listen for:** "Unpaid internships are against the law." **Then:** Ask where the evidence says that. The test depends on facts, so ask what facts Rafa needs first.

📖 Support

- Read the three options aloud before students choose.

🔥 Heat check

■□□ Low.

➤ Answer key

A revised version: Hi, thank you for the offer. Before I decide, could you help me understand the arrangement? What would a normal week look like, and how much of it is the customer inbox? Who would supervise and give feedback, and is there a written learning plan? How many hours per week, and for how many weeks? Does the role cover work a paid staff member did before? You mentioned college credit; I'm checking with my school about that. I also work at my family's shop, so I need to know the schedule before committing. Thanks, Rafa

Other notes on the draft:

- "I know it will look great on my résumé" Repeats the listing's pitch. What do you want to learn?

College

Your task

On your own Read the steps and fill in the planner boxes before you start your draft. About 15 minutes.

Write a memo to the campus career center about unpaid internship listings on its job board, using the studio's listing as the example. Add a one-page checklist students can use before they accept an unpaid offer.

Use: Case documents: the studio listing and reply, Gia and Rafa's conversation and Rafa's statement. Real sources: the Department of Labor's Fact Sheet #71, NACE's principle on complying with laws and NACE's internship reports (2016 and 2023).

You'll make: Memo, 300—400 words, plus a one-page checklist

Time: 75 minutes

- 1 Fill in the factor chart: a question for the employer and what the listing says.
- 2 Mark the displacement evidence: a paid assistant ran the inbox last year.
- 3 Write the questions the career center can ask employers before posting a listing.
- 4 Draft the example and questions sections of your memo on the Your draft page.
- 5 Finish a memo of 300 to 400 words on lined paper or in the online workspace.
- 6 Add a one-page checklist students can use before they accept an unpaid offer.



Prefer typing? Scan to open the online workspace.

Training: question for the employer

Who trains and supervises the intern? The listing does not say.

Credit: what the listing says

"College credit available." The reply treats credit as the whole test.

Case 15 | Your task | College educator edition

Pacing

Full chapter: 15 min.

Short on time: 15 min.

Say this

"The career center posted this listing. What could it have asked the studio first?" — List questions on the board and match each to a factor.

Watch for

Misconception: Memos ask the career center to judge legality. **Listen for:** "The career center should ban illegal internships." **Then:** Point to the challenge: ask employers questions without deciding legal questions.

Support

- Chart: each of the seven factors, a question for the employer and what the studio's listing says
- Memo template: purpose, example, recommendation, limits
- Opportunity-cost worksheet: the hours of paid work an internship would replace
- Checklist stem: "Before you say yes, ask ___."

Stretch

- Note that Fact Sheet #71 describes a test for for-profit employers in which no single factor decides. Explain what the career center can ask employers without deciding legal questions itself.

Your task, continued

Displacement: what the case shows

☛ A paid assistant ran the inbox last year; the intern would run it now.

Opportunity cost: checklist line

➤ How many paid hours or shifts would this internship replace?

Notes

This image shows a single sheet of white paper with horizontal blue lines, resembling notebook paper. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

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Standards

AAC&U VALUE rubric: Information Literacy VALUE Rubric; Written Communication VALUE Rubric; Ethical Reasoning VALUE Rubric.

ACRL Framework: Authority Is Constructed and Contextual; Information Has Value.

The Case plan sheet gives each code in plain words.

○ Answer key

A strong response:

- Applies the seven factors to the studio's listing and reply accurately
- Flags displacement: a paid assistant ran the inbox last year
- Explains that academic credit is one factor, not proof that an internship may be unpaid
- Recommends questions the career center can ask employers, not legal rulings
- The checklist includes opportunity cost, such as lost shifts at a paid job

Your draft

On your own Write your first draft in the boxes, using your planner from the page before. About 30 minutes.

First draft: the studio's listing as an example

🔗 The studio's "Summer Editing Intern" listing shows why unpaid postings need review. The role is unpaid and offers college credit, which points toward an internship. Its main duty, though, is running the customer inbox all summer. A paid assistant ran that inbox last year, which points toward displacement. When a student asked, the studio replied that credit makes it "totally legal" not to pay. Fact Sheet #71 lists credit as one factor, and no single factor decides.

First draft: questions the career center can ask

🔗 The career center can ask employers these questions before it posts an unpaid listing. Who will train and supervise the intern? How many hours a week, and for how many weeks? Does the role cover work a paid employee did before? How is the role tied to coursework? These questions do not decide whether a role must be paid. They give students the facts the test uses, which fits NACE's principle on complying with laws.

⌚ Pacing

Full chapter: 30 min.

✂ Short on time: 25 min. Students draft the example and questions sections in class and finish at home.

💬 Say this

"Your reader works at the career center. What can they ask employers without making a legal ruling?" — Ask for questions an office could send this week.

👁 Watch for

Misconception: Checklists skip the cost to the student.

Listen for: "The checklist is only about the employer."

Then: Ask what Rafa would give up. Add a line on lost paid hours.

🔗 Answer key

What to notice in the sample:

1. Flags displacement with evidence from the case.
2. Explains what academic credit does not settle.
3. Keeps the career center out of legal rulings.

Check your work

On your own Answer the Check your work questions, mark your level in each rubric row and write one change you made. About 8 minutes.

Does your memo apply the factors to the listing and reply accurately?	☒ Yes ☐ No
Does it flag the displacement evidence?	☒ Yes ☐ No
Does it recommend questions, not legal rulings?	☒ Yes ☐ No
Does your checklist include opportunity cost?	☒ Yes ☐ No

How your work is scored

Mark one box in each row.

Skill	Beginning	Developing	Proficient	Advanced
Evidence	☐ Relies on rumor.	☐ Mentions pay only.	☐ Asks about several factors.	☐ Asks about factors and notes what the credit claim doesn't settle.
Reasoning	☐ Declares legal or illegal.	☐ Asks for a verdict.	☐ Gathers facts before deciding.	☐ Connects each question to a reason it matters.
Audience & purpose	☐ Gives away leverage or accuses.	☐ Polite but vague.	☐ Specific, respectful questions.	☐ Specific questions plus Rafa's own constraints.
Revision	☐ No change.	☐ Tone only.	☐ Replaces rumor with factor-based questions.	☐ Explains how each question helps Rafa decide.

Pacing

Full chapter: 8 min.

 Short on time: 5 min. Students answer the check questions and skip the rubric.

Say this

“Mark your level in each row. Then change one question so it asks for a fact.” — Circulate and ask which factor each question connects to.

Watch for

Misconception: Students soften the tone but keep the legal question. **Listen for:** “I made it more polite.” **Then:** Point to the Revision row. Tone alone is level 2; replace the legal question with factor questions.

Heat check

 Low.

Answer key

How to assess: Score with the case rubric. Add checks that each factor is applied accurately and that the memo makes no legal ruling.

Proficient looks like:

- **Evidence:** Asks about several factors.
- **Reasoning:** Gathers facts before deciding.
- **Audience & purpose:** Specific, respectful questions.
- **Revision:** Replaces rumor with factor-based questions.

[illegible]

Questions to discuss

On your own Write a short answer to each question, then complete each sentence frame. About 10 minutes.

- 1 What would count as evidence that the promised training is happening?

➤ A learning plan tied to coursework, a supervisor's name and a weekly schedule that shows learning time beside inbox work.

- 2 Unpaid summers are easier for people who do not need a paycheck. Who might an unpaid internship leave out?

➤ People who need income, work for family or pay to commute. PBS NewsHour reported that nearly half of U.S. interns were unpaid in 2022.

- 3 If Rafa's school grants credit, does that settle whether the studio should pay him? Why or why not?

➤ No. The test is flexible, and credit is one factor among seven. The displacement evidence still weighs toward a job, and the training is unknown.

My take

My claim: ____.

➤ Rafa should hold off on a start date until the studio answers questions tied to the factors.

The best evidence is ____, because ____.

➤ The listing, because its main duty is the inbox a paid assistant ran last year.

⌚ Pacing

Full chapter: 10 min.

✂ Short on time: 3 min. Use question 3 as an exit ticket.

💬 Say this

"Answer with a detail from the evidence, not a story about a job you or your family had." — Post the question numbers and collect one answer per question.

➡ Stretch

- Compare what the offer costs Rafa with what it would cost a student who does not need summer pay.
- Going further: Read Fact Sheet #71 from the Department of Labor. For each of the seven factors, mark whether Rafa's offer points toward training, toward a job or is still unknown.
- Going further: Suppose the studio answers, "We'll give college credit." What problem does that solve for the studio? What problem does it leave for Rafa?
- Going further: Make a two-column worksheet that compares what the listing promises with a normal week of duties. Ask a classmate to fill it in, and see which gaps they find.
- Going further: Before you accept any internship, ask for the duties, hours, supervision and pay in writing. Take the offer to your school counselor or college career center. If you are under 18, involve a trusted adult before you agree to any work.
- Look up whether your state has its own internship or minimum-wage rules
- Compare the for-profit test with guidance for volunteering at nonprofits

My take, continued

Someone who disagrees might say ____.

- An unpaid role could still open doors that a paid job would not.

The limit of the evidence is ____.

⦿ No document shows the training, the hours or whether the school grants credit.

I would change my mind if ____.

- The studio shared a learning plan tied to his coursework and a named supervisor.

Notes

This image shows a single sheet of white paper with horizontal blue ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

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Heat check

■ ■ □ **Question 2: Medium.** Students may bring up their own family's money or compare classmates' situations.

Cool-down: Keep answers about groups and about Rafa.
Say: “Nobody needs to share their own family’s situation.”

Talk about this case at home

Case 15: Is Rafa's unpaid internship really a job?

In this case, a college student is offered an unpaid summer internship, and the studio says college credit makes that legal. Your student compared the offer with a federal test and wrote questions to ask before saying yes.

Questions to talk about

- 1 What questions would you ask before accepting an unpaid internship?
- 2 How can someone tell whether a role is mostly learning or mostly work?
- 3 Who can help a student check a job or internship offer?

Nobody needs to share personal stories or private information to talk about this case.



See the case online.

Case 15 | Talk about this case at home | College educator edition

🕒 Pacing

At home: this page takes no class time.

💬 Say this

“Share this page at home, or read it with an adult you trust.”
— Nobody needs to share a personal story to complete it.