

# 8 FAST FACTS

## Fair Labor Standards Act and Non-Paid Work-Based Learning

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The Fair Labor Standards Act sets core labor standards including minimum wage, overtime pay requirements, child labor restrictions, and record-keeping requirements for employers.

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While the FLSA requires payment for work, the Department of Labor (DOL) makes exceptions for certain work experiences when strict criteria are met and primarily benefit the student's learning.

3

Any students participating in non-paid work experiences must voluntarily choose to participate and understand that they will not receive payment or be entitled to employment upon completion of the work experience.

4

The length of time students can spend in each job experience is limited to 5 hours in vocational exploration, 90 hours in vocational assessment, and 120 hours in vocational training.

5

Every non-paid learning experience must be formally documented in a student's Individualized Education Program (IEP), or if they are participating in a community-based rehabilitation program, their Individualized Plan for Employment (IPE).

6

Employers offering non-paid work-based learning experiences cannot use students to handle labor shortages, take over jobs that would normally be paid positions, or reduce the workload of their regular staff members.

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Schools and rehabilitation organizations are required to maintain direct oversight of non-paid work experiences, rather than letting business employees supervise students directly and continuously.

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Guidance for non-paid employment may be obtained at <https://www.dol.gov/agencies/whd/field-operations-handbook/Chapter-64#b64c08>

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