

Vocational Students are not Employees Under the FLSA's Child Labor Provisions

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A boarding school provided its students with “spiritual, academic and vocational training” by placing them in a nursing home where they worked in the kitchen and housekeeping departments and were able to participate in a certified nurse’s aide program. The students typically spent four hours per day in classroom training, and four hours learning practical skills. The students did not receive payment for the duties they performed. The U.S. Secretary of Labor sued the school alleging that the work performed by the students was compensable under the Fair Labor Standards Act (FLSA). The U.S. Court of Appeals for the Sixth Circuit held that the students were the primary beneficiaries of the work they performed because they received valuable vocational training. The court found that the students profited from their work experience, which taught them about responsibility, leadership, and practical work skills. The court further found that the students did not displace compensated workers. Rather, compensated instructors were required to devote their own time to student supervision. Accordingly, the work performed by the students did not violate the FLSA’s child labor provisions. This case illustrates that where students are performing work that is primarily for their own benefit, and the students do not displace compensated workers, they may be considered trainees under the FLSA. However, if a student-worker is performing work that is primarily for the benefit of the employer, he or she must be compensated for all hours worked.

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