



Fair Labor Standards Act (FLSA)

Updated \ \ October 17, 2024

Status of Student Hourlies, Post Degree Training and Student Assistants Under the FLSA

Empl Class	Description	Job Code	Job Title	Status Under FLSA	Reason for FLSA Status
SH	Student Hourly	SH001	Student Help	If the individual's duties are NOT part of an overall educational program, employee for the purposes of the FLSA.	See DOL Guidance for Higher Ed Institutions and DOL FOH 10b24(b)
SH	Student Hourly	SH004	Student Help Residence Hall	Non-employee for the purposes of the FLSA if the individual's duties are part of an overall educational program.	See DOL Guidance for Higher Ed Institutions
ET4	Post Degree Training	PD001	Graduate Intern/Trainee	Primary beneficiary of the work performed is the individual, non-employee for the purposes of the FLSA.	See Fact Sheet #71: Internship Programs Under the Fair Labor Standards Act
ET3	Post Degree Training	PD002	Intern (Non-Physician)	Primary beneficiary of the work performed is the institution. Employee for the purposes of the FLSA – exempt if salary is over the minimum salary threshold; nonexempt if salary is under the threshold.	See Fact Sheet #71: Internship Programs Under the Fair Labor Standards Act



Empl Class	Description	Job Code	Job Title	Status Under FLSA	Reason for FLSA Status
ET2	Post Degree Training	PD003	Postdoctoral Fellow	Non-employee for the purposes of the FLSA	A fellowship does not create an employment relationship.
ET2	Post Degree Training	PD004	Postdoctoral Trainee	Primary beneficiary of the work performed is the individual, non-employee for the purposes of the FLSA	A traineeship does not create an employment relationship unless the employer is the primary beneficiary of the work performed.
ET3	Post Degree Training	PD005 - PD011	Postgraduate Trainee 1-7	Employee for the purposes of the FLSA – exempt if the employee qualifies for the physician (or veterinarian) exemption; otherwise exempt if salary is over the minimum salary threshold, nonexempt if salary is under the threshold.	See DOL Guidance for Higher Ed Institutions
ET1	Post Degree Training	PD012	Research Associate	Employee for the purposes of the FLSA – exempt if salary is over the minimum salary threshold; nonexempt if salary is under the threshold.	See DOL Guidance for Higher Ed Institutions
ET3	Post Degree Training	PD013	Research Intern	Primary beneficiary of the work performed is the institution. Employee for the purposes of the FLSA – exempt if salary is over the minimum salary threshold; nonexempt if salary is under the threshold.	See DOL Guidance for Higher Ed Institutions
SA1	Student Assistants	SA001	Advanced Opportunity Fellow	Non-employee for the purposes of the FLSA	A fellowship does not create an employment relationship.



Empl Class	Description	Job Code	Job Title	Status Under FLSA	Reason for FLSA Status
SA1	Student Assistants	SA002	Fellow	Non-employee for the purposes of the FLSA	A fellowship does not create an employment relationship.
SA3	Student Assistants	SA003	Housefellow/ Resident Assistant	Non-employee for the purposes of the FLSA.	See DOL Guidance for Higher Ed Institutions
SA4	Student Assistants	SA004	Lecturer	FLSA exempt employee under the special provisions for employees who have teaching as their primary duty.	See DOL Guidance for Higher Ed Institutions
SA5	Student Assistants	SA005	Program Assistant	Employee for the purposes of the FLSA, exempt if salary is over the minimum salary threshold or meets a threshold exemption reason; nonexempt if salary is under the threshold.	See DOL Guidance for Higher Ed Institutions
SA5	Student Assistants	SA006	Project Assistant	Employee for the purposes of the FLSA, exempt if salary is over the minimum salary threshold or meets a threshold exemption reason; nonexempt if salary is under the threshold.	See DOL Guidance for Higher Ed Institutions
SA2	Student Assistants	SA009	Research Assistant	Primary beneficiary of the work performed is the individual, non-employee for the purposes of the FLSA.	See DOL Guidance for Higher Ed Institutions
SA1	Student Assistants	SA010	Scholar	Non-employee for the purposes of the FLSA	Receiving a scholarship does not create an employment relationship.



Empl Class	Description	Job Code	Job Title	Status Under FLSA	Reason for FLSA Status
SA5	Student Assistants	SA011	Teaching Assistant-Standard	FLSA exempt employee under the special provisions for employees who have teaching as their primary duty	See DOL Guidance for Higher Ed Institutions
SA5	Student Assistants	SA012	Teaching Assistant-Senior	FLSA exempt employee under the special provisions for employees who have teaching as their primary duty	See DOL Guidance for Higher Ed Institutions
SA1	Student Assistants	SA013	Trainee	Primary beneficiary of the work performed is the individual. Non-employee for the purposes of the FLSA.	A traineeship does not create an employment relationship unless the employer is the primary beneficiary of the work performed.
SA4	Student Assistants	SA014	Undergraduate Assistant	FLSA exempt employee if primary duty is teaching, nonexempt employee if the individual does not qualify for an exemption.	See DOL Guidance for Higher Ed Institutions
SA6	Student Assistants	SA015	Undergraduate Intern	Employee for the purposes of the FLSA, exempt if salary is over the minimum salary threshold or meets a threshold exemption reason; nonexempt if salary is under the threshold.	See DOL Guidance for Higher Ed Institutions
SA5	Student Assistants	SA023	Graduate Assistant	FLSA exempt employee if primary duty is teaching, nonexempt employee if duties are not part of an overall education program.	See DOL Guidance for Higher Ed Institutions
	Volunteer			Non-employee for the purposes of the FLSA	See DOL website



Some relevant passages for the above:

1. In its [Fact Sheet #17S: Higher Education Institutions and Overtime Pay Under the Fair Labor Standards Act](#) DOL states: "Student residential assistants enrolled in bona fide educational programs who receive reduced room or board charges or tuition credits from the university are not generally considered employees under the FLSA, and therefore are not subject to the FLSA's wage and hour requirements."
2. The [DOL Field Operations Handbook \(FOH\) 10b03\(e\)](#) provides:

"As part of their overall educational program, public or private schools and institutions of higher learning may permit or require students to engage in activities in connection with dramatics, student publications, glee clubs, bands, choirs, debating teams, radio stations, intramural and interscholastic athletics and other similar endeavors. Activities of students in such programs, conducted primarily for the benefit of the participants as a part of the educational opportunities provided to the students by the school or institution, are not work of the kind contemplated by section 3(g) of the Act and do not result in an employer-employee relationship between the student and the school or institution. Also, the fact that a student may receive a minimal payment for participation in such activities would not necessarily create an employment relationship."
3. The [DOL Field Operations Handbook \(FOH\) 10b24\(b\)](#) provides:

"[A]n employment relationship will generally exist with regard to students whose duties are not part of an overall educational program and who receive some compensation. Thus, students who work at food service counters or sell programs or usher at athletic events, or who wait on tables or wash dishes in dormitories in anticipation of some compensation (money, meals, etc.) are generally considered employees under the Act."



4. In its [Fact Sheet #17S: Higher Education Institutions and Overtime Pay Under the Fair Labor Standards Act](#) DOL states: "Postdoctoral fellows [such as UW System employees-in-training with titles as a Research Associate, Postdoctoral Trainee, Research Intern, Postgraduate Trainee, or Intern (Non-Physician)] are employees who conduct research at a higher education institution after the completion of their doctoral studies. Postdoctoral fellows are not considered students because they are not working towards a degree."
5. In its [Fact Sheet #17S: Higher Education Institutions and Overtime Pay Under the Fair Labor Standards Act](#) DOL states: "Generally, the Department views graduate and undergraduate students who are engaged in research under a faculty member's supervision in the course of obtaining a degree as being in an educational relationship with the school. As such, the Department would not assert an employment relationship with either the school or any grantor funding the research."

Note: The determination of the status of individuals under the FLSA requires a case-by-case analysis. A reliance on general guidelines is no substitute for that evaluation.

