

**Volunteers and Trainees/Interns within your Practice©**  
**Minimizing the Risks to your Practice**

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Summer is upon us and usually this is the time of year that you get those requests from individuals who want to volunteer at your Practice. But before you say yes to the requests as you are thinking “Great, how can I use all of this ‘free’ help”, you need to know and understand the guidelines that the Fair Labor Standards Act (“FLSA”) presents, defining volunteers and trainees/interns. And if you are within those guidelines to engage a volunteer or trainee/intern, what do you need to do to protect the Practice?

First, understanding the definitions of employee vs. volunteer will clarify what can or cannot be done within your Practice. Under FLSA regulations:

- An individual cannot volunteer services to a private, for-profit company. Employees must be paid at least minimum wage and receive overtime for any hours over 40 in the workweek unless otherwise exempt under federal law.
- A volunteer donates his/her time and energy without receiving financial or material gain. The individual would need to work toward public service, religious, or humanitarian objectives; not expect or receive compensation for services; and not displace any genuine employees.
- A trainee/intern must benefit from the training; the individual cannot replace regular employees; and lastly, the intern or trainee cannot be guaranteed employment following the trainee/internship program and there must be an understanding between the trainee/intern and the employer that no wages will be received for the time spent in this learning role. It is best that the college or vocational training school has a formalized trainee/internship program in place which is a requirement for the individual to complete in order to receive his/her college degree or certification diploma.

With the above definitions in mind, here are guidelines on how to proceed with your interviewing process for full-time/part-time employees and hiring process for other classifications:

- **Shadowing Interviews** are done after you have interviewed your top candidates and wish to pursue how they might embrace your Practice’s culture. An unpaid shadowing interview is a one-time 6-8 hours observation/asks questions opportunity for those candidates whom you wish to pursue for the position. This gives the candidate and the staff a chance to interact to determine the candidate’s skills/behavioral competencies and if the team culture supports a continuous, learning environment for the candidate. This individual will need to sign a release and waiver of legal liability agreement, confidentiality agreement and submit proof of health insurance. The individual shadowing is not to have

any contact with animals or any Practice supplies including medical equipment and is not to be left alone. They are not to help clean, stock or do anything that could be perceived as work. If the person violates this policy they will be asked to leave immediately before the session is over.

- **Working Interviews** are done after you have interviewed your top candidates and wish to pursue how they might embrace your Practice's culture. A paid working interview is a one-time 6-8 hours work/learn session for those candidates whom you wish to pursue for the position. This gives the candidate and the staff a chance to interact to determine the candidate's skill level/behavioral competencies and if the team culture supports a continuous, learning environment for the candidate. This individual will need to sign a release and waiver of legal liability agreement, confidentiality agreement, submit proof of health insurance and complete the necessary paperwork in order to be paid for the hours worked. The individual, while under the 'hands-on' direction of a supervisor, will demonstrate technical skills commensurate with his/her experience level, having contact with patients and any Practice's supplies including medical equipment. This individual is not to be left alone but they can help clean, stock or do anything that could be perceived as work for the session.
- **Temporary Employees and Independent Contractors** are employed for a specific period of time (such as summer, school vacations, per diem, holidays, project assignments, etc.) which is acknowledged at the beginning of the assignment and for a specific purpose (such as to replace a regular employee who is temporarily absent, work on a designated project, etc.). These types of paid assignments require the individuals to be guided by the same standards of conduct that is appropriate for the Practice. A temporary employee or independent contractor is not eligible for benefits and once the assignment is completed, the employment relationship will be terminated. A temporary employee should complete an application, an I-9 Form with supporting documentation, a W-4 form, a confidentiality agreement and any paper work necessary for payroll processing. An independent contractor should complete a W-9, a consulting agreement with the Practice, a confidentiality agreement, show proof of worker's compensation insurance and submit an invoice for payment of services.
- **Volunteers** are individuals who observe the Practice's operations for a specific purpose (e.g., school project, research report, future veterinarian, etc) and a specified, short period of time. A volunteer is not to have any contact with animals or any Practice supplies including medical equipment. A volunteer is not an employee, assumes no responsibility and receives no compensation or benefits whatsoever. Volunteers are required to sign a volunteer release and waiver of legal liability agreement, confidentiality agreement and submit proof of health insurance. Volunteers must be at least 16 years of age.
- **Trainees/Interns** are students who must fulfill certain school requirements (credits) in order to complete their certification diploma or college degree. The trainee/internship program allows the students to practice the skills that they have learned in class while getting exposure to the reality of a work environment.

There is no expectation on the part of the student to receive any compensation (this is not a cooperative program) or other consideration from the Practice. The college or vocational school program, which will usually have a contractual agreement between the school/student and the Practice, requirements are for the:

- Student - will have a school advisor assigned to review the student's progress to include hours worked and an outline/training plan of the essential learning experiences needed for completion of his/her educational objectives.
- Practice – will have an employee assigned as the mentor to the student who coaches the student, meets with the student's school advisor and completes the student's weekly timesheets and evaluation form at the end of the trainee/internship program.

The college or vocational school usually provides the participating Practice with full professional liability and accident insurance at no cost. Even so, the student should sign a release and waiver of legal liability agreement, confidentiality agreement and submit proof of health insurance.

Keep in mind that besides addressing employee hiring issues, you need to protect the Practice when it comes to hiring other classifications besides full time and part time employees. That is why a release and waiver of legal liability agreement as well as a confidentiality agreement should be signed for volunteers and trainees/interns along with proof of insurance. Since these classifications are not employees, there is no expectation of compensation or other consideration from the Practice, the individual acknowledges making an informed decision knowing that there are risks associated with his/her presence/participation in activities at the Practice, accepts legal and financial responsibility for his/her actions in connection with the assignment and waives all rights and claims against the Practice.

If you delineate the non-employee classifications as suggested above, you will be minimizing the 'hiring'/liability risks to your Practice, but don't forget to check out individual state employment regulations which may be more prohibitive. So before you say yes to that eager volunteer or student, do your homework and consider how you will use that person's services within your Practice.