

UNPAID INTERNS STRIKE AGAIN – CLASS OF 3000 EX-WARNER INTERNS APPROVED FOR WAGE AND HOUR CASE

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As we have covered in [posts beginning last July](#), there has been a rash of lawsuits filed on behalf of unpaid interns suing their former companies for unpaid minimum wages and overtime. This has resulted in a variety of conflicting opinions regarding whether these cases are appropriate for class certification or not. [Two of these cases](#) have been appealed to the 2nd Circuit Court of Appeals. The 2nd Circuit will decide the issue whether interns are “employees” under the federal Fair Labor Standards Act (FLSA) and under New York law. If they are found to be “employees,” they will be entitled to not only minimum wages but also overtime pay. The newest development in this ongoing saga is the certification of a class of approximately 3000 unpaid interns of Warner Music Group Corp. for unpaid wages. They performed the same work as other employees including radio promotions, product development and artists and repertoire yet they received no pay or academic credit. As these cases are becoming much more commonplace, Employers are advised to review the [DOL’s Fact Sheet](#) to determine if their intern program qualifies for unpaid status or if they are in fact “employees” within the meaning of the FLSA. Unpaid internships may become a thing of the past if these lawsuits persist.

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