As an unpaid externship, it is important that the position meet all of the following Department of Labor standards under the Fair Labor Standards Act. These standards were created to help determine whether workers are to be considered "trainees" or "employees" under the FLSA.

1. The training, even though it includes actual operation of the facilities of the employer, is similar to that which would be given in a vocational school.

2. The training is for the benefit of the trainee.

3. The trainees do not displace regular employees, but work under close observation.

4. The employer that provides the training derives no immediate advantage from the activities of the trainees and on occasion the employer's operations may actually be impeded.

5. The trainees are not necessarily entitled to a job at the completion of the training period.

6. The employer and the trainee understand that the trainees are not entitled to wages for the time spent in training.