

**University of Delaware  
Fair Labor Standards Act (FLSA) – Relationship**

In order for the FLSA to apply there must be an employee-employer relationship. This requires an “employer” and “employee” and the act or condition of employment.

As part of their overall educational program, 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 part of the educational opportunities provided to the students by the school or institution, are not “work” and do not result in an employee-employer relationship between the student and the school. The fact that a student may receive a minimal payment for the participation in such activities would not necessarily create an employment relationship.

University or college students who participate in activities generally recognized as extracurricular are generally not considered to be employees within the meaning of the Act. In addition students serving as residence hall assistants, who are participants in a bona fide educational program, and who receive remuneration in the form of reduced room or board charges, tuition and the like, are not employees under the Act.

If you are requesting an evaluation of the employer-employee relationship, please provide the following:

<b>Role Title:</b>	<b>Student’s Name:</b>
	<b>UD ID:</b>
<b>Start Date:</b>	<b>Department:</b>
<b>Payment:</b>	<b>Supervisor:</b>
<b>Program Dates:</b>	<b>Date Completed:</b>
<b>Proposed Weekly Hours:</b>	<b>Completed By:</b>
<b>Comments:</b>	
<b>Brief description of the program to include: selection process, benefits to the student, personal development, recognition and non-cash remuneration, if applicable.</b>	

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**Signature (College Business Officer/Unit HR Manager)**

**Date**

Please submit the completed form to HR-Compensation, Human Resources, 413 Academy Street (first floor), Newark, DE 19716 or HR-Class@udel.edu. Call 302-831-2171 with any questions. Compensation will respond to the applicable College Business Officer/Unit HR Manager with a determination of the relationship.

**For Human Resources Use Only**

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Determination:

Employee (FLSA applicable)     No Employee-Employer Relationship

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HR-Compensation

Date

cc:        CBO or HR Manager  
            HR Systems