

Minimum Wage Opinion Letter **11-19-01 - Students Employed in Cooperative Education Program**

November 19, 2001

I am writing in response to your request for a written opinion regarding the applicability of M.G.L. c. 151, the Massachusetts Minimum Fair Wage Law, to Northeastern University students employed at your establishment. [\[1\]](#)

As I understand it, *** is a private company that provides physical therapy services. *** employs students through Northeastern University's Cooperative Education Program ("NU Co-op Program"). Under the supervision of *** staff, the students perform skilled treatments and modalities on patients. It is ***'s position that these employees are professionals and, as such, they are exempt from coverage under the law. [\[2\]](#)

The Massachusetts Minimum Fair Wage Law applies to persons employed in an "occupation" as defined in M.G.L. c. 151, §2. Section 2 defines an "occupation" to be "an industry trade or business or branch thereof or class of work therein . . . but shall not include . . . work by persons being . . . trained under . . . training programs in charitable, educational or religious institutions" (emphasis added). This Office considers students who are employed through the NU Co-op Program to fall within this exclusion. The Northeastern University Co-operative Education Program Employer Guidelines state that the NU Co-op Program "is an integral part of the student's bachelor's degree program." Co-op employers are required to complete an evaluation process which "is a determining factor in noting successful completion of the cooperative work period on the student's official University transcript." *Id.* Employment through the NU Co-op Program is work under a training program in an educational institution; therefore, it is not an "occupation" covered by the Massachusetts Minimum Fair Wage Law. As these co-op students are exempt from coverage under state law on this basis, we need not consider whether their work at *** constitutes a "professional service." As stated earlier, any questions about the applicability of the federal Fair Labor Standards Act should be addressed to the U.S. Department of Labor.

I hope this information has been helpful. If you have any further questions, please feel free to contact me.

Sincerely,
Lisa C. Price
Legal Counsel

[\[1\]](#) Your letter references the federal Fair Labor Standards Act. This law is enforced by the U.S. Department of Labor and all questions regarding its applicability should be addressed to that agency. The Division of Occupational Safety (DOS) interprets M.G.L. c. 151, the Massachusetts Minimum Fair Wage Law, and our comments are limited to its application in this matter.

[\[2\]](#) Like federal law, state law includes specific exemptions for "professionals." Persons employed in a "professional service" are not in an "occupation" covered by the Massachusetts Minimum Fair Wage Law. M.G.L. c. 151, §2. Furthermore, M.G.L. c. 151, §1A(3)) exempts workers employed "as a bona fide executive, or administrative or professional person or qualified trainee for such position earning more than eighty dollars per week" from overtime requirements.