

HIRING OUR HEROES

U.S. CHAMBER OF COMMERCE FOUNDATION

Military Spouse Fellowship Programs Legal FAQs

The following is for general guidance. Please consult a legal professional and your company's appropriate channels for formal advice.

1. Is it legal to have an unpaid intern?

The fellowship is not unpaid. Thanks to generous sponsors, our fellows are paid \$18 an hour, up to 32 hours a week, for their time with host companies Mondays – Thursdays. This is done through a third-party staffing agency that partners with Hiring Our Heroes. Therefore, they are treated like a temporary employee, not as an employee of Hiring Our Heroes or your organization. Through our third party, fellows are W-2 employees who are paid weekly by direct deposit in accordance with the number of hours they have reported via an electronic reporting system. HOH program managers verify the number of hours worked before approving payment for the week. Your company does not pay anything during the fellowship period in exchange for fellow placement.

2. Should we use the fellowship stipend as a guide for salary expectations post fellowship?

Please note that the stipend paid during the fellowship should not be used in determining the salary offer following the fellowship. Salary offers should be commensurate with the role, experience, and fellow's educational background. While fellows are paid \$18 an hour during the fellowship, fellows are advised that this amount is not indicative of what they would be offered for a full-time role afterward and they should expect salaries to be in alignment with typical salaries for that role in the specific locale. Discussing the potential salary range during interviews with candidates is essential to ensure that the expectations of both employer and fellows are aligned before the fellowship begins.

3. Does the staffing agency provide additional coverage such as worker's compensation?

The third-party staffing agency covers all the typical liability items incurred by employees. This includes unemployment insurance and worker's compensation.

4. Can I require our fellow(s) to sign additional documents such as an NDA?

Yes, please treat the fellow as any other employee in terms of an agreement to company policy, NDAs, computer use agreements, background checks, etc.

5. Can I terminate the fellowship early if needed?

Your company reserves the right to terminate the fellowship early in the rare event the fellow is not performing or has seriously broken with policy or procedure. This would be similar to considering terminating a full-time employee in terms of what circumstances would necessitate that. We ask if something like this occurs, you work with your fellow's assigned program manager and notify them about the situation as soon as possible.

6. How do I go about hiring out of the program before the end of the fellowship?

We understand that you may love your fellow and would like to add them to your team sooner so that there is no chance of them accepting a job offer somewhere else. At any point in the fellowship process, from resume release to the end of the twelve weeks, you may start your company's procedures for offering full-time employment. This can involve a series of interviews, asking the fellow to apply for the position formally, or any other processes you have in place. If an offer is made, the fellow may start their full-time role at any agreed-upon time, before or after the fellowship period is complete. Please inform the fellow's local program manager of your intentions to offer full-time employment if the fellow will not be completing their twelve-week fellowship term so that they can adjust accordingly

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7. What if I do not have a job offer at the end of the fellowship?

While our mission is military spouse employment, we understand that this sometimes occurs for a variety of reasons. If your company began the fellowship with the intent to hire, but due to unforeseen circumstances, cannot do so after twelve weeks, we ask that you do the following:

- Ensure that the fellow gains valuable experience during the rest of their time with you that can easily align with their next career steps.
- Be transparent with the fellow as soon as possible so that they may weigh their next steps with as much information as you can offer.
- Offer assistance in other ways such as warm introductions to others in your network, offering to remain connected in a mentorship role, or recommending other roles and companies to apply for.