

Internships and
the
Architecture
Profession

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Abstract

According to the American Institute of Architects, interns are “students working at an architecture office while pursuing an architecture degree,” yet many early career positions are still referred to as “internships.” Most of those colloquially referred to as “interns” by the profession are actually defined by the AIA as emerging professionals on the path to licensure. Furthermore, the roles and responsibilities of the architectural intern are highly variable, and ambiguously defined by different institutions. This lack of clarity or consistent definition of the role of the intern, combined with the reinforcement of a culture of self-undervaluation, leaves room for potentially exploitative conditions, which can have an effect on the industry as a whole.

The paper examines historical and contemporary documents issued by federal and state governments, professional associations, licensing boards and institutions since 1920 in search of the definition of an internship. Our analysis of these documents attempts to locate a consensus, as well as identify the inconsistencies and contradictions across these entities as they work to define the position of the architectural intern.

The research finds several gaps in the understanding of what constitutes an internship versus an emerging professional position. Furthermore, it highlights the importance of better informing students, architectural offices, lawmakers and academe of the proper use of the term and its repercussions.

Several existing professional organizations that oversee the architectural field are well poised to clarify these inconsistencies, and have already taken steps towards doing so. Other actors, such as architecture firms and schools, can also contribute to creating a more clearly defined path towards professional accreditation. State and federal regulations have little ability to enforce industry specific terminology to mitigate exploitive conditions. Focusing on a bottom-up, industry-specific approach promises better results, which will have an overall net benefit on the profession.

Introduction

Between 2014 and 2016, the American Institute of Architects (AIA) and the National Council of Architectural Registration Boards (NCARB) endeavoured to update the terminology that described emerging professionals on the path to licensure as “interns.”

This process began In 2012, when the AIA and NCARB published the Practice Analysis of Architecture Report. Its goal was to reassess the path to professional licensure and better understand how the Intern Development Program (IDP), Architectural Registration Exams (ARE) and continuing-education initiatives were helping architects and aspiring professionals develop their skills. The findings of this report ultimately led to a an overhaul of the IDP, which culminated in 2016 with the establishment of the Architectural Experience Program (AXP).

The initiative was created to professionalize the terminology surrounding the path to licensure and better acknowledge the qualifications of architecture-school graduates. It sought to move away from the general perception of the “intern” as synonym of inexperience and unprofessionalism, while pointing out that “interns” are defined by federal law as students being educated in the workplace, rather than employees producing output. The change of the Architectural Experience Program from the IDP to the AXP is a starting point for this paper, and allows an understanding of the intern as an evolving role within the profession.

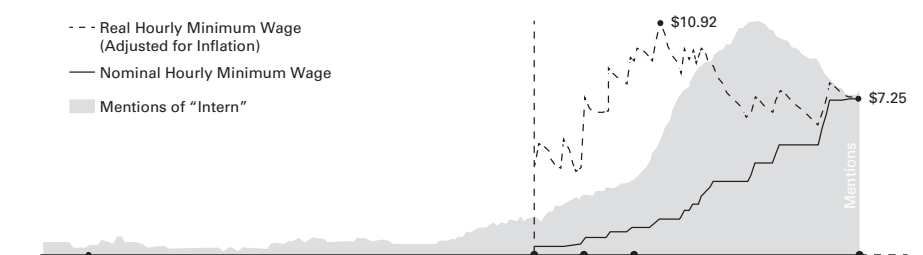
Architecture, like all industries, is regulated by federal, state and local laws. One element of these laws is that they give power to the profession to self-regulate with associations and licensing boards, therefore, defining standards that are mandatory for practitioners. Their codes and conducts are, thus, regulations for architects. The research summarized in this document shows how these governing bodies can contradict one another, creating misconceptions and ambiguities. It analyzes the regulations of the architecture profession and notes ambiguities and their implications by asking what is an internship in architecture, and what are its implications to the profession?

Context

1. United States. (1937). *National Apprenticeship Act*. Washington, D.C. U.S. Dept. of Labor, Wage & Hour Division.

The term “intern,” was first used in medical professions in the early twentieth century to label those who had graduated with a medical degree but did not yet have a professional license to practice medicine. The terminology evolved over time to define what had previously been called an “apprentice” by the National Apprenticeship Act of 1937¹, which sought to regulate on-the-job training. Apprenticeships have existed since the middle ages, but modern industry caused a shift away from craft labor to factory employment and eventually created a need for regulations to protect the health, safety, and general welfare of apprentices. As “internships” grew in popularity in the late 1960s, along with an increase in cooperative-education programs, so has the debate over their protections as defined by the Fair Labor Standards Act of 1937.

Mentions of the term “intern” over time, gathered by Google Books Ngram Viewer. Jean-Baptiste Michel, et al. Quantitative Analysis of Culture Using Millions of Digitized Books. Science (Published online ahead of print: 12/16/2010)



2. The 2017 report noted that “as economic conditions in the profession improve, income disparities [between CEO’s and Emerging Professionals] are beginning to creep back up”

Defining the “intern” in architecture is a complex task, because of the prevalence, importance, and implications of the term. The period of practical training that candidates must undergo before achieving licensure is critical in imparting professional knowledge to new architects, yet often comes at a reduction of output to the firms training them. Professional training is currently overseen by NCARB, and takes approximately two to three years of full-time work to complete. While NCARB only credits paid architectural experiences, federal law does not require payment for positions in which employees are specifically taken on as part of a training program. Furthermore, several registration boards require that a period of “internship,” besides the AXP, be completed as a condition of licensure. This creates a situation in which federal and state laws do not follow NCARB and AIA recommendations.

In 2016, The AIA commissioned the Compensation Report², which sought to better understand the working conditions of architects, interns and those working in the field of architecture. The report has resulted in significant changes in the code of ethics and the policy outlined by the AIA; most notably, significant changes were made in the IDP program, which was renamed AXP.

It is also worth noting that important changes to the AIA's Handbook of Professional Practice should be forthcoming, and that the next edition will likely cover the topic of the terminology change in depth. In the meantime, the latest AIA handbook, published in 2014, is technically not in keeping with the organization's current policies.

This analysis includes a history of the of the path to professional licensure in the U.S. architectural industry, as well as an overview of industry practices and regulating bodies regarding interns and emerging professionals.

Context

Architecture, like all industries and professions, is subject to federal, state, and local laws intended to create a framework to regulate conditions of employment. The Fair Labor Standards Act is the broadest and most encompassing of these laws. It has led to regulations defining appropriate wages and is used to define the role of the "intern" in the eyes of the law.

The FLSA was passed in 1938 in order to establish minimum wage, overtime pay, recordkeeping and child-labor laws in the United States. The purpose of the Act is to create safe labor conditions and ensure appropriate compensation for workers. The FLSA initially established a legal obligation for the fair compensation of all employees and created the Wage and Hour Division (WHD) of the United States Department of Labor in order to enforce the FLSA in the public and private sector for full-time and part-time employees³.

In order to establish the FLSA, Congress used its power to regulate commerce among states via the commerce clause. Commerce, both within states and with other countries, is a federal responsibility, whereas labor laws would normally fall to individual states. In order to establish a national law on labor, the federal government needed to focus the scope of the law on an area that it had the constitutional power to regulate.

(a) The Congress finds that the existence, in industries engaged in commerce or in the production of goods for commerce, of labor conditions detrimental to the maintenance of the minimum standard of living necessary for health, efficiency, and general well-being of workers.

1. Causes commerce and the channels and instrumentalities of commerce to be used to spread and perpetuate such labor conditions among the workers of the several States;
2. Burdens commerce and the free flow of goods in commerce;
3. Constitutes an unfair method of competition in commerce;
4. Leads to labor disputes burdening and obstructing commerce and the free flow of goods in commerce; and
5. Interferes with the orderly and fair marketing of goods in commerce. That Congress further finds that the employment of persons in domestic service in households affects commerce.⁴

This law defines an "employee" as anyone "employed" by an employer, which excludes those who volunteer their services or work for a family member. It states that any "employee engaged in commerce" (or anyone who manufactures or produces work or output) has the right to a minimum wage. The minimum wage began at \$0.25 per hour under the Franklin Delano Roosevelt administration when the Act was first passed, and has been raised every few years. Its most recent adjustment was to \$7.25 in 2009 under Barack Obama. The minimum wage has not been adjusted in the last 9 years, which is the longest the FLSA has ever gone without wage increases. While the nominal minimum wage has risen over the last 50 years, the "real minimum wage" (minimum wage adjusted for inflation which reflects purchasing power) was highest in 1969 and has declined approximately 30 percent since.

The FLSA requires overtime pay of 1.5 times the normal rate for most employees, but allows for certain exemptions. It defines workers as either "exempt" or "non-exempt" from overtime pay. Employees exempt from overtime pay must be salaried employees making at least \$455 per week (or \$23,705 per year) and working a role defined as executive, professional or administrative. Because those working in the field of architecture are considered professionals, most salaried employees in the field, even those who are not registered architects, are exempt from overtime pay. To be classified as exempt, a worker must be qualified as a "learned professional," "creative professional," or a "highly compensated employee."⁵ Although these distinctions can apply to many design-industry workers, exemptions are often inaccurately claimed for entry-level professionals paid hourly, simply because they are working within a "profession."

3. United States. (2016). *Handy Reference Guide to the Fair Labor Standards Act*. Washington, D.C.: U.S. Dept. of Labor, Wage and Hour Division.

Online [<https://www.dol.gov/whd/regs/compliance/hrq.htm>].

4. United States. (2011). *The Fair Labor Standards Act of 1938, as amended*. Washington, D.C.: U.S. Dept. of Labor, Wage and Hour Division.

5. United States. (2008). *Fact Sheet #17D: Exemptions for Professional Employees Under The Fair Labor Standards Act (FLSA)*. Washington, D.C.: U.S. Dept. of Labor, Wage and Hour Division.

Current situation

The FLSA is a baseline for labor laws nationwide. However, individual states have the power to pass laws that set standards that are more stringent than what federal law mandates.

Because the FLSA does not clearly define the term “intern,” employers defer to fact sheets published by the Department of Labor (DOL) to determine who is considered an employee, and which of these employees have a right to minimum wage and overtime pay under the FLSA.

In April 2010, the U.S. Dept. of Labor Wage and Hour Division published “Fact Sheet #71: Internship Programs Under the Fair Labor Standards Act” to provide information that would “help determine whether interns must be paid the minimum wage,” particularly by private sector for-profit employers. This fact sheet established a Test for Unpaid Interns which defined six elements that would preclude an intern from being considered an employee under the FLSA if they are all met.

These criteria were:

1. The internship, even though it includes actual operation of the facilities of the employer, is similar to training which would be given in an educational environment;
2. The internship experience is for the benefit of the intern;
3. The intern does not displace regular employees, but works under close supervision of existing staff;
4. The employer that provides the training derives no immediate advantage from the activities of the intern; and on occasion its operations may actually be impeded;
5. The intern is not necessarily entitled to a job at the conclusion of the internship; and
6. The employer and the intern understand that the intern is not entitled to wages for the time spent in the internship.⁶

Under this set of standards, criterion No. 4, which states that employers cannot benefit at all from unpaid interns, made unpaid internships nearly impossible and was the basis for a series of class-action and collective lawsuits beginning in 2013, which often found that employees producing output could not be considered “interns.” However, the DOL’s six-factor test eventually proved too rigid for several courts. In 2015 the United States Court of Appeals for the

2nd Circuit rejected the DOL test due to its inflexibility, in *Glatt vs. Fox Searchlight Pictures, Inc.* The court found that the test was too rigid to enforce in all scenarios and endorsed a “primary beneficiary” test to determine who benefits more from the employee/employer relationship. The court proposed its own list of 7 factors including:

1. The extent to which the intern and the employer clearly understand that there is no expectation of compensation. Any promise of compensation, express or implied, suggests that the intern is an employee—and vice versa.
2. The extent to which the internship provides training that would be similar to that which would be given in an educational environment, including the clinical and other hands-on training provided by educational institutions.
3. The extent to which the internship is tied to the intern’s formal education program by integrated coursework or the receipt of academic credit.
4. The extent to which the internship accommodates the intern’s academic commitments by corresponding to the academic calendar.
5. The extent to which the internship’s duration is limited to the period in which the internship provides the intern with beneficial learning.
6. The extent to which the intern’s work complements, rather than displaces, the work of paid employees while providing significant educational benefits to the intern.
7. The extent to which the intern and the employer understand that the internship is conducted without entitlement to a paid job at the conclusion of the internship.⁷

In the ensuing years several court cases, such as *Schumann v. Collier Anesthesia, P.A. and Benjamin v. B&H Education*, produced new judgements on the factors for determining exemption from the FLSA were too rigid in some cases and thereby forced the Department of Labor to update its fact sheet to reflect their decisions. In January 2018 the DOL released a new fact sheet that uses the seven-factor test but notes that the primary beneficiary test is flexible. The Secretary of Labor does provide certificates for “learners, apprentices, and messengers” at lower wages, but is fairly stringent about what constitutes these positions in order to prevent curtailment of employment opportunities in retail and service industries.⁸ Firms

7. United States. (2018). *Fact Sheet #71: Internship Programs Under the Fair Labor Standards Act (FLSA)*. Washington, D.C.: U.S. Dept. of Labor, Wage and Hour Division.

6. United States. (2010). *Fact Sheet #71: Internship Programs Under the Fair Labor Standards Act (FLSA)*. Washington, D.C.: U.S. Dept. of Labor, Wage and Hour Division.

8. United States. (2011). *The Fair Labor Standards Act of 1938, as amended. Sec. 214(b)(2)*. Washington, D.C.: U.S. Dept. of Labor, Wage and Hour Division.

9. United States. (2018). *Available Occupations*. Washington, D.C.: U.S. Dept. of Labor, Wage and Hour Division. Online [<https://doleta.gov/OA/occupations.cfm>]

10. United States. (2017). *Understanding Employee vs. Contractor Designation*. Washington, D.C.: U.S. Internal Revenue Service. Online [<https://doleta.gov/OA/occupations.cfm>]<https://www.irs.gov/newsroom/understanding-employee-vs-contractor-designation>]

proposing educational internships in which the primary beneficiary is the intern must apply for a certificate from the office of the Secretary of Labor. Although these certificates may be relevant for many industries and jobs, the Department of Labor does not issue them for any architectural position.⁹

Since architecture firms cannot hire their inexperienced employees as “interns,” some in the architecture profession have begun to hire them as consultants or freelancers, defined by the IRS as independent contractors. However, the IRS states that “an individual is an independent contractor if the payer has the right to control or direct only the result of the work, not what will be done and how it will be done. Small businesses should consider all evidence of the degree of control and independence in the employer/worker relationship.”¹⁰ These independent contractors are either consultants who have incorporated businesses or they pay unincorporated business taxes. AXP candidates, however, can be neither because they must “work under the direct supervision of an architect.” Hence, the use of freelancers or consultants also flouts federal law.

The Department of Labor determines employees exemptions from the rights of the Fair Labor Standards Act, and provides certificates for internships consistent with the law. At the beginning of 2018, those determinations became more relaxed, by removing the criteria that employers must “derive no immediate advantage” from the intern, and instead uses the seven factor “primary beneficiary” test. Under this new fact sheet, courts are more lenient towards employers, and those who could be considered interns are not necessarily entitled to pay. In order for firms to create educational internships, they must apply for a DOL certificate. However, Carl Saper, the legal counsel for NCARB wrote in regards to the FLSA in 1994 that:

“Apprentices are defined as workers ‘employed to learn a skilled trade.’ Professional and semi professional

11. Fisher, Thomas. (1994). *The Intern Trap - How the Profession Exploits its Young*. In *Progressive Architect*. Washington, D.C.

occupations, which include architecture, are expressly defined as not being ‘skilled trades.’” and that “an employer can not obtain a certificate to employ an intern as a ‘learner’ because federal regulations dictate that all applications for the employment of learners in office occupations must be denied. Finally, an employer cannot obtain a certificate to employ an intern as a ‘student learner’ because student learners are persons employed on a part-time basis pursuant to a vocational training program authorized by a recognized educational body.”¹¹

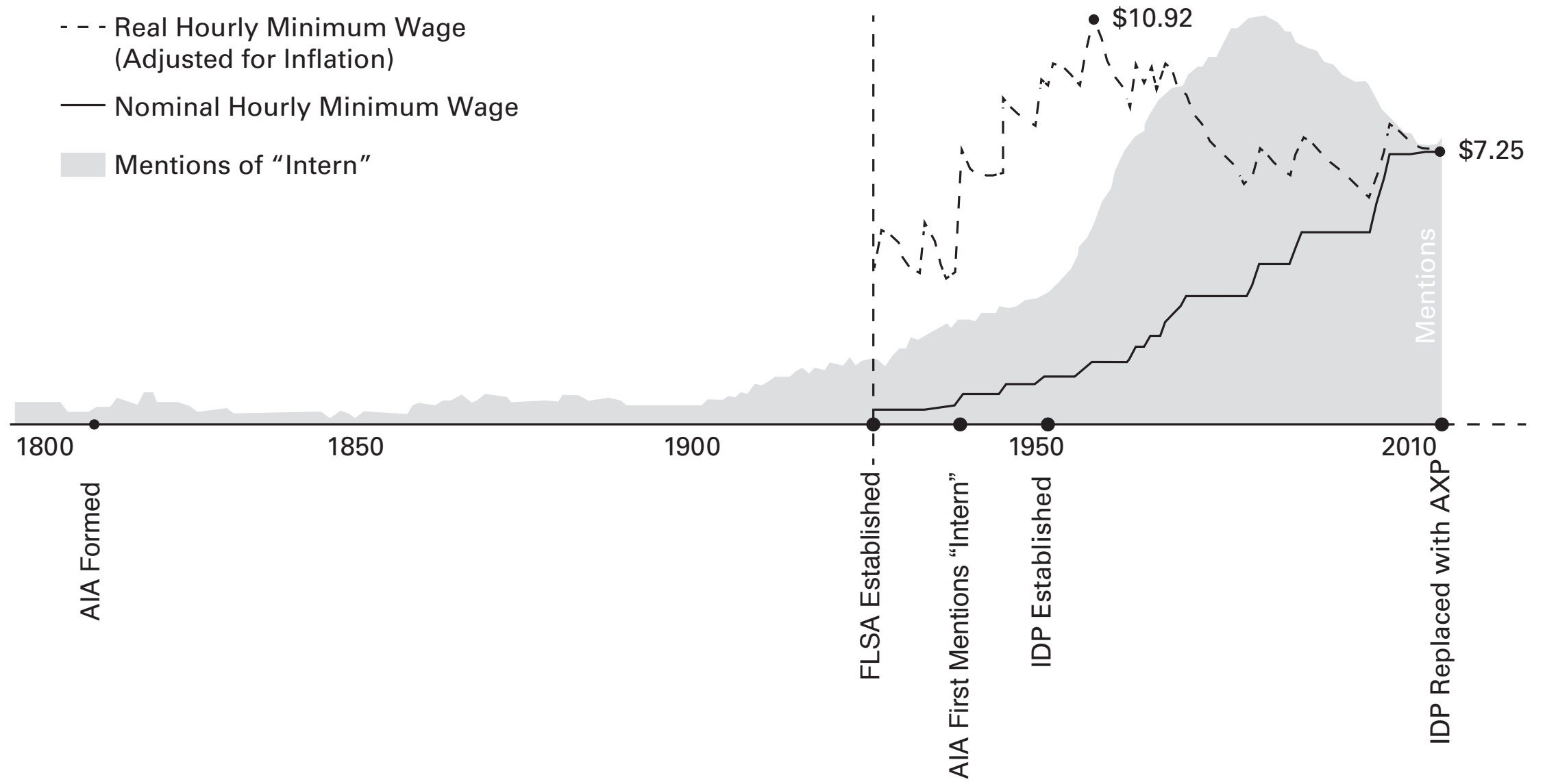
The law is clear about what an internship without pay is, and allows for unpaid educational internships to be carried out only in order to benefit students. If architectural employers wish to exempt their young employees from the FLSA, they can only legally do this by creating positions that provide clear educational benefit, correspond with academic calendars, are limited in duration and do not displace the work of other employees.

The FLSA is loosely defined to regulate a range of different industries, and therefore allows professional associations such as the AIA and NCARB to specify an ethical standard of practice for their profession.

Rarely do positions in the architectural field qualify as “internships” as the law defines them. Given the nature of work in an architectural office, any output produced by an employee labeled as an intern will substitute for the work of other employees, and raises the question: who is the primary beneficiary of the employee/ employer relationship?

Conclusion

Evolution of Wages and Frequency of term “intern” over time



Correlation between nominal and actual hourly minimum wage compared to frequency of use of term intern.

Mentions of the term “intern” over time, gathered by Google Books Ngram Viewer. Jean-Baptiste Michel, et al. Quantitative Analysis of Culture Using Millions of Digitized Books. Science (Published online ahead of print: 12/16/2010)

United States. (2009). *History of Federal Minimum Wage Rates Under the Fair Labor Standards Act, 1938-2009*. Washington, D.C.: U.S. Dept. of Labor, Wage and Hour Division. Online [https://www.dol.gov/whd/minwage/chart.htm]

Context

In the U.S., individual states are responsible for the laws governing the practice of architecture, including the licensing of architects. In general, there are three requirements for licensure: education, experience and completion of an examination. Since experience is a legal requirement for professional licensure, working in positions that firms want to label as an internship is an inevitable step towards the practice of architecture.

NCARB has set up requirements (the AXP and ARE) that help to fulfill its mission of developing national standards for licensure and credentialing of architects. These requirements certify a prospective architect's experience and examination qualifications, which transfers the burden of verifying a licensure candidate's credentials from state registration boards to a centralized organization of professionals.

All U.S. states and territories (the U.S. Virgin Islands, Guam, Puerto Rico, and the District of Columbia) defer to NCARB's Architectural Experience Program (AXP) and Architect Registration Examination (ARE) to determine eligibility for licensure. However, some states have requirements that go beyond NCARB's.

As of 2018, the AXP guidelines and new terminology were still not recognized by 33 states.¹² These states still use language such as "IDP" or "intern" when describing state experience requirements for licensure.

The 17 states that do not use terms such as "IDP" or "intern" fall into two categories. The first category includes states that defer entirely to NCARB or have a general licensure law that covers all professions and their professional associations.¹³ These 14 states make up most of the jurisdictions that do not use the terms "intern" or "IDP." The State of Iowa, for example, mandates that:

"The board shall adopt rules governing practical training and education and may adopt as its rules criteria published by a national certification body recognized by the board. The board may accept the accreditation decisions of a national accreditation body recognized by the board."¹⁴

In this example, the state does not specify an experience requirement necessary for licensure; it only mandates that a candidate receive approval from a "national certification body" that the board recognizes. This shifts the onus of verifying a candidate's eligibility from the State's registration board to NCARB, which matches NCARB's objective of promoting national rather than regional standards of professional competence.

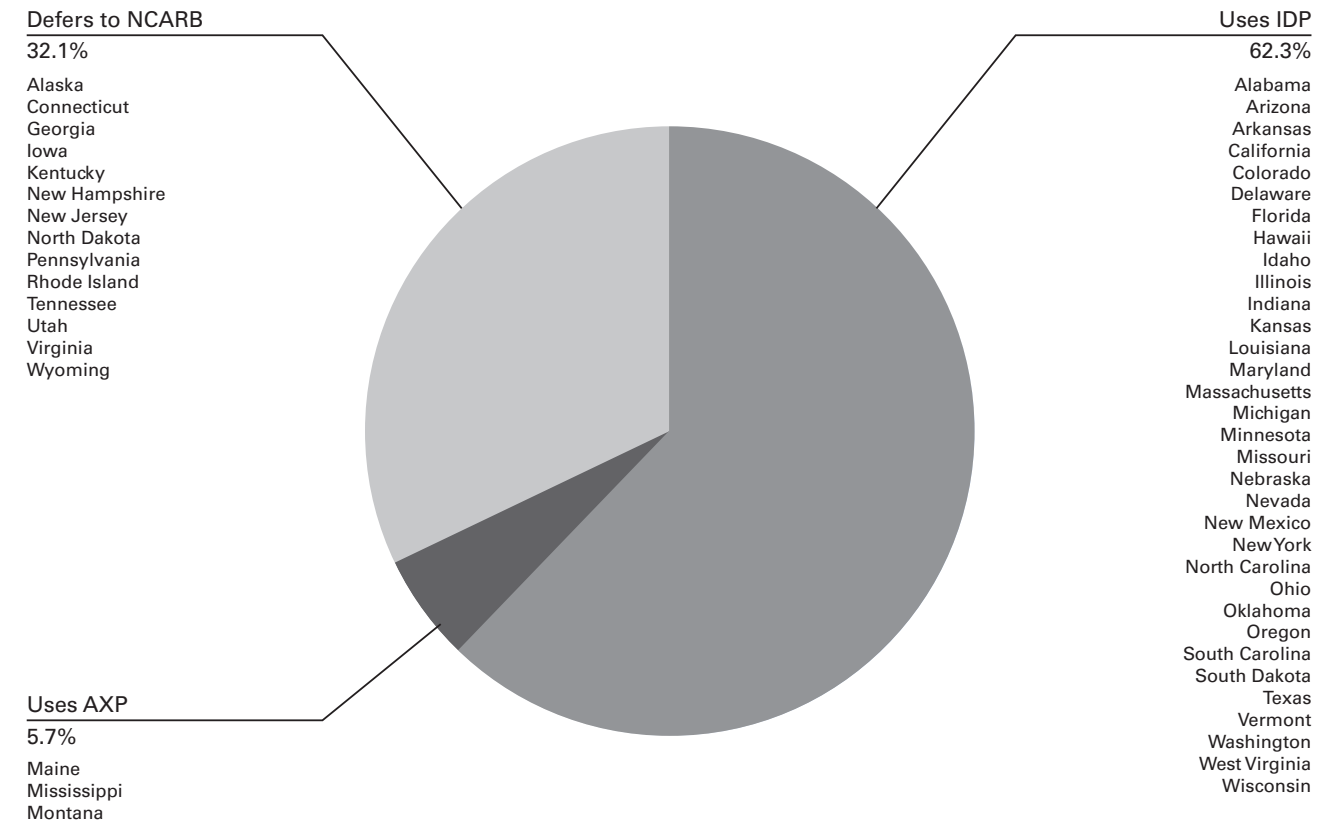
The second category consists of the three states that specifically reflect NCARB's updated terminology in their laws and regulations, referring to the Architectural Experience Program rather than the Intern Development Program. However, these three states are the exception, most states do not reflect the new term in their laws because the change from IDP to AXP is so recent.

The 33 states that refer to prospective architects as "interns" or mandate an "internship" period as a requirement for licensure

Terminology

13. Alaska, Connecticut, Georgia, Iowa, Kentucky, New Hampshire, New Jersey, North Dakota, Pennsylvania, Rhode Island, Tennessee, Utah, Virginia, Wyoming.

14. *State of Iowa. Iowa Statutes*. Title XIII, Chapter 544A, Rule 8.2. Iowa State Legislature. Des Moines, IA.



Conclusion

15. New York State Office of the Professions. (2009). *Titles. Practice Guideline B, Section 4*. Albany, NY. Online [http://www.op.nysed.gov/prof/arch/archguide-b4.htm].

the AIA and NCARB) and state laws. In other words, most states have not kept pace with changes coming from within the industry.

In New York, for example, professional and state guidelines are in direct opposition. New York State still uses language from NCARB's 2002 guidelines, because state law prevents an unregistered architect from using the terms "architectural associate" or "design professional"

"Similarly, unlicensed persons might also be prohibited from using derivatives of the word "architect" or "architecture" in conjunction with unrestricted titles as this may be viewed as misleading to the public when it is implied that professional services are being offered, e.g., "architectural designer," "interior architecture," etc."¹⁵

In a 2017 publication called "Update" on Intern Title Discussion," NCARB acknowledged this inconsistency, and cautioned its members to follow their state registration board's guidelines on acceptable titles for professional use.

Many jurisdictions have ruled that using any form of the word, including "architecture" or "architectural," sets an individual apart as a licensed practitioner. Similarly, many jurisdictions have ruled that use of the word "professional" with an occupational title—for example, design professional—implies licensure. Using these terms without holding a license in your state could lead to consumer confusion at best, and dangerous safety oversights that risk public health at worst.¹⁶

The AIA and NCARB's efforts to retire the term "intern" are hindered by a lack of unified terminology for what they call emerging professionals on the path to licensure. Many states still require completion of an "internship," a term no longer acknowledged by the profession. This creates confusion between aspiring architects and employers.

16. National Council of Architectural Registration Boards. (2017). *Update on Intern Title Discussion*. Washington D.C. Online [https://www.ncarb.org/blog/update-the-intern-title-discussion].

17. New York State Education Department, Architecture. (2009) *Consumer Information*. Albany, NY. Online [http://www.op.nysed.gov/prof/arch/archbroch.htm].

In New York State, for example, the Office of the Professions¹⁷ has a mission to protect the public, and to prohibit unlicensed persons from using titles that may lead the public to believe that they are architects. This is why the State prohibits the use of titles such as "architectural designer." Therefore, many emerging professionals are incorrectly called "interns" and perceived as such. They occupy positions whose title does not reflect their experience level and capability.

On the other hand, the state has a responsibility to issue new licenses to candidates who successfully complete the education, experience and examination requirements, as set out and administered by NCARB. The incompatibility between state laws and NCARB's rules and policies creates a confusing situation for licensure candidates.

In this context of potential confusion, the states that make no mention of either the out-of-date IDP or the current AXP in their laws, and that simply defer to NCARB's regulations in order to determine licensure criteria, actually provide the clearest guidance for prospective architects seeking licensure. They also provide a model of how NCARB and the individual states could work together to provide that guidance.

Context

18. The American Institute of Architects. (2018). *History of the AIA*. Washington D.C. Online [https://www.aia.org/history]

The American Institute of Architects (AIA) is a non-governmental organization (NGO) that was founded in Washington D.C. in 1857 in order to “promote architects and architecture.”¹⁸ The goal of the new group was to formalize the the title of “architect” as well as the practice of architecture. Prior to the formation of the AIA, the practice of architecture relied largely on tradition, convention, and consensus rather than any explicit codes.

Today the AIA has 90,000 registered members nationally. It acts as an advocacy group for the profession and works to clarify, regulate, and advise on the practice of architecture. Among other things, the AIA issues standardized contracts, advises state and national policy makers and sets ethical standards regarding practice. Membership in the AIA is only available to registered architects (associate memberships are also available to non-licensed emerging professionals). Because of its large membership, the AIA is an effective lobbying group, and architects who opt to become members earn the privilege of using the “AIA” designation professionally.

Holding the AIA credential, although not a requirement for practicing architecture, is meant to indicate professional competence, integrity, and belonging to an organization with selective membership. The AIA expects its members to adhere to an internal Code of Ethics, which holds architects to a standard of practice in several areas that is more stringent than legal requirements. This means that the AIA has significant influence over industry practices, as it has the power to admonish, censure, suspend or terminate membership from architects who deviate from its codes of conduct.

The AIA disseminates information through conferences, commissioned studies, its code of ethics, and *The Architect’s Handbook of Professional Practice*. There have been 15 editions of the Handbook, published in the years 1920, 1923, 1928, 1943, 1949, 1951, 1953, 1958, 1963, 1971, 1988, 1994, 2001, 2008 and 2014. There is another forthcoming edition of the handbook, which is expected to address issues related to the update of the term “internship.” Each handbook coincides with changes in the profession which often relate to economic circumstances, technological advances, or political changes which have triggered updates to the ethics and standards of practice.

Understanding the AIA’s position on architectural internships over time is a way to understand the situation faced by

current emerging professionals, because the organization acts as both a barometer for the profession, and as a lobby that pushes for change. In other words, just as the AIA’s policies and positions help direct the course of the profession, so the profession also influences the AIA. The AIA has addressed the training and development of aspiring architects in several editions of its Handbook. Reviewing these documents helps one to understand how the industry has arrived at its current juncture, where the very notion of an “internship” is being brought into question.

The appellation of “intern” and direct reference to an “internship” only came about in the 10th edition of the *The Architect’s Handbook of Professional Practice*, published in 1970:

“He will need three or four years of such experience - internship or apprenticeship- before he is registered for examinations. During these years it is the objective of his employer to expose him to every situation of practice.”¹⁹

Note that while the AIA updated its texts to remove terminology like “office boy,” it still referred to all architects with masculine pronouns. The first female architect, Louise Blanchard Bethune, joined the AIA in 1888, and was awarded FAIA the following year.²⁰

Despite no direct reference being made to an “internship” before the 1970s, tracing back the content of these professional practice guidelines reveals the use of a variety of other terms that refer to a similar position, such as “draughtsman,” “junior,” “office boy” or “beginner.” The mentorship dynamic therefore precedes the use of the term “intern.”

If the AIA’s policy documents on professional practice are indicators of the prevalent attitudes towards the profession of architecture, three general phases can be identified by reviewing the timeline of how this terminology evolved.

The first is informal consensus, where the mentorship relationship appears obvious to the extent that it is not directly

Evolution of Terminology

19. The American Institute of Architects. (1971). *Architect’s Handbook of Professional Practice*. 10th ed. Washington, DC. AIA.

20. Sarah Allaback. (2008). *The First American Women Architects*. United States.

referred to in the practice handbooks. Although it probably began earlier, we see evidence of it within the first handbook, from 1920.

This trend lasts until the 1970s, when the 10th and subsequent editions of the handbook make more direct references to “internships” as important steps in the development of professional architects. It is worth noting that the Intern Development Program was first introduced in 1976. The 10th edition of the handbook is noteworthy because it marks the first instance in which the AIA defines an internship as a standardized position along the path to licensure. Although previous editions of the Handbook informally addressed this necessary period of professional growth, the 10th edition does so explicitly.

Recently, the AIA has been calling into question the existing structure of internships, which indicates a shifting standard. In addition to the name change from Internship Development Program to Architectural Experience Program, the AIA and NCARB are attempting to reform some of the practices of emerging professional positions. For example, in its 2012 report *Practice Analysis of Architecture*, NCARB noted that the level of performance of several tasks by candidates having completed the IDP was insufficient, highlighting the fact that the experience gained in an “internship” was not acceptable for practice.²¹

Early editions of the AIA’s member handbook make several mentions of junior positions that are comparable to present-day emerging professional positions, without explicitly using the term “intern.” As previously noted, the term “intern” did not rise in popularity until the 1950s. In the early 1900s it seems that practical learning under the tutelage of a professional is an expected yet unregulated component of access to the architecture profession.

In the first edition of the handbook, published in 1920, the term “draftsmen” is usually used to describe the period of time necessary to gain experience before becoming an architect. In this edition, the idea that one must work under an established practitioner is an implicitly understood tradition but is not explicitly described. It is also understood that the draftsman position does not necessarily lead to becoming an architect.²²

In the 2nd Edition of *The Architect’s Handbook of Professional Practice* (1923), emerging professionals are addressed

more specifically with regard to the stance of the architect towards them:

17. On Duties to students and draftsmen.

The architect should advise and assist those who intend making architecture their career. If the beginner must get his training solely in the office of an architect, the latter should assist him to the best of his ability by instruction and advice. An architect should urge his draughtsmen to avail themselves of educational opportunities.

The rhetoric in this handbook acknowledges the reality of an emerging professional on the path towards becoming a licensed architect. However, it does not make a distinction between aspiring architects and those who will continue to work as craftspeople, draftspeople, builders or other office employees.

In the 6th Edition of *The Handbook of Professional Practice*, the first explicit mention of mentorship is recorded, and suggested as a solution to increased guidance toward licensure as an architect. By 1951, the AIA identified a lack of practical experience being gained by emerging professionals, and described the role of mentors, stating:

A further service of the National Council is its sponsorship of the mentor system. The state boards have been impressed by the fact that many candidates have failed to secure real practical experience during the years following graduation.

In order to remedy this defect it has seemed best to call on the older members of the profession to volunteer for service to those young men.²³

21. National Council of Architectural Registration Boards. (2012) *Practice Analysis of Architecture 2012* Report. Washington D.C.

Informal Consensus

22. The American Institute of Architects. (1920). *Architect’s Handbook of Professional Practice*. 1st ed. Washington, DC. AIA.

23. The American Institute of Architects. (1923). *Architect’s Handbook of Professional Practice*. 2nd ed. Circular Advice Appendix B, Sec. 17. Washington, DC. AIA.

0 The American Institute of Architects (AIA) is founded in Washington D.C. in 1857 in order to “promote architects and architecture.”

1 The American Institute of Architects (AIA) is formalized as a Non-Governmental Organization.

See Chapter 3 AIA

2 The first AIA Handbook of Professional Practice is published in 1909. It defines the profession’s standards of practice. However it does not include regulation for licensure or accredited education. The first edition regards draughtsmen as the entry-level position in the firm hierarchy.

See Chapter 3 AIA

3 The National Council of Architectural Registration Boards (NCARB) is founded during the May 1919 AIA convention in Nashville, Tenn. NCARB’s role has evolved to focus on licensure and eligibility to practice architecture professionally.

See Chapter 4 NCARB

4 The FLSA is passed in order to establish minimum wage, overtime pay, recordkeeping and child-labor laws in the United States. The purpose of the Act is to create safe labor conditions and ensure appropriate compensation for workers.

See Chapter 1 FLSA

5 The 5th AIA Handbook of Professional Practice is published in 1949. It is the first to recognize “junior architect” as a position on the path towards licensure.

6 NCARB establishes the first National Licensure examination in 1965. It has since evolved into the Architect Registration Exam and is now used to test licensure candidate’s knowledge of design, practice and project management, and construction documentation and administration.

See Chapter 4 NCARB

7 In 1969, minimum wage reaches its highest purchasing power, also known as the “Real Minimum Wage.” This refers to the value of money adjusted for inflation.

See Chapter 1 FLSA

8 The 10th AIA Handbook of Professional Practice is published in 1971. It is the first to use the term “intern” interchangeably with: pre-registration trainee and apprentice.

9 NCARB establishes the Intern Development Program (IDP) in 1976, which delineates a path for licensure.

See Chapter 4 NCARB

10 NCARB updates IDP in 1996 to gain points through tasks completed, not percentage of time spent in each practice area.

See Chapter 4 NCARB

11 NCARB publishes the first Practice of Architecture Report, The largest survey of the profession, based on outreach and response.

12 The 14th AIA Handbook of Professional Practice is published in 2008. It is the first to recognise the need for an appointed IDP Advisor. Emerging professionals are called “interns.”

13 The Department of Labor (DOL) produces Fact Sheet #71: Internship Programs Under the Fair Labor Standards Act.

See Chapter 1 FLSA

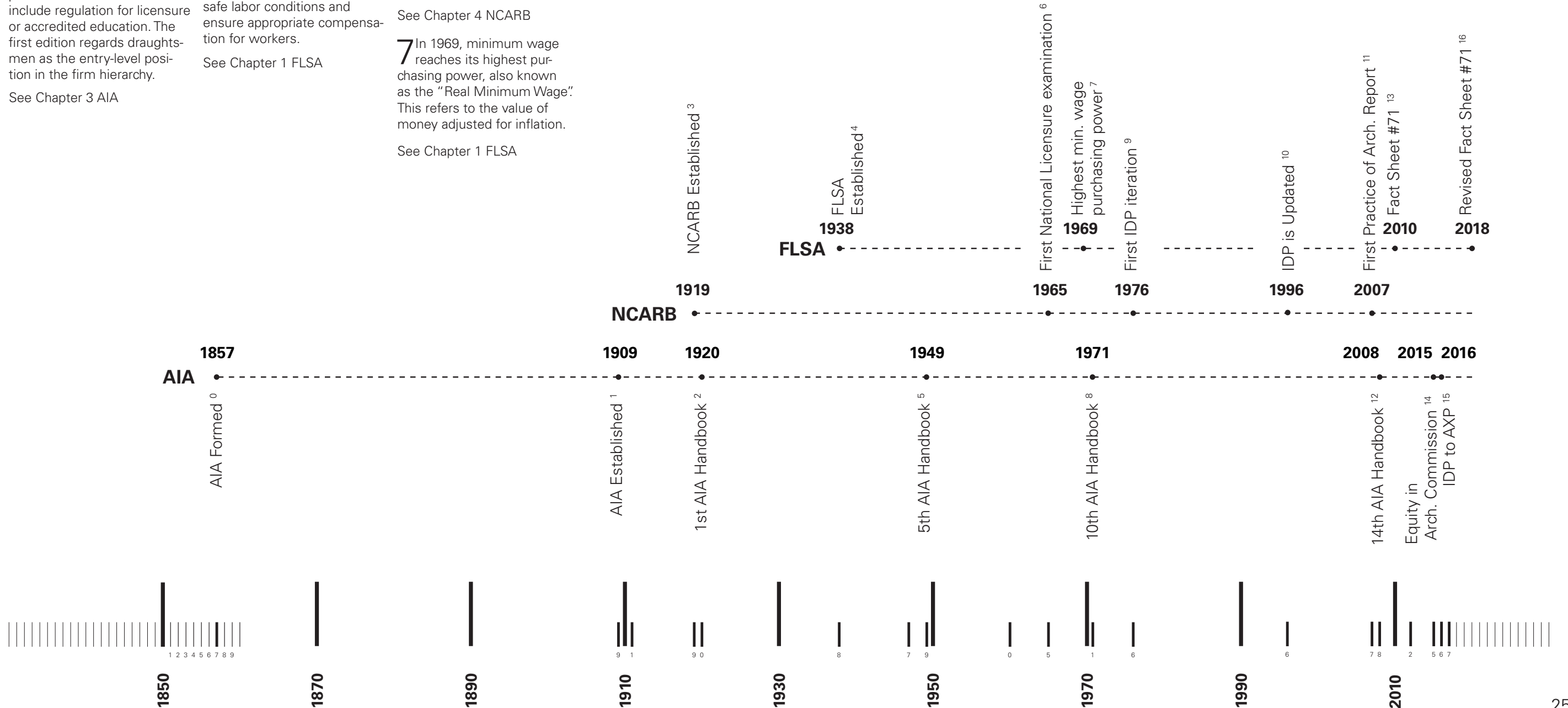
14 The AIA founds the Equity in Architecture commission, which investigates diversity & inclusion in the profession.

15 NCARB introduces the Architectural Experience Program (AXP) to replace the previous IDP.

See Chapter 4 NCARB

16 The DOL revises Fact Sheet #71: Internship Programs Under the Fair Labor Standards Act. It uses the seven-factor test but notes that the primary beneficiary test is flexible.

See Chapter 1 FLSA



Formal Concensus

Before the 1970's, apprenticeship and mentorship were always understood as a natural part of the career trajectory of an architect, although they were historically unstructured, and implemented at the discretion of each office. While the AIA had long stressed that mentorship is integral to the transition of students and emerging professionals to licensed architects, the industry lacked a formal structure for this component of the education of an architect.

In 1976, the AIA and NCARB jointly introduced the Intern Development Program (IDP), based on surveys and studies related to the training of aspiring architects. This program was meant to formalize the training period for emerging professionals on the path to licensure, which they called "interns." Additionally, the industry sought to normalize standards of practice across state lines.

24. The American Institute of Architects. (1971). *Architect's Handbook of Professional Practice*. 10th ed. Washington, DC. AIA. p. 11.

Historically the training (or internship) period was relatively unstructured and loosely monitored when compared with professions such as teaching and medicine. Recent efforts to guide training more carefully and to provide a framework to be followed by both interns and their employers have resulted in the Intern-Architect Development Program (IDP), initiated by the AIA and NCARB.²⁴

The AIA's justification for the IDP program was that apprenticeship has always been an integral part of the profession, and that architectural education alone did not constitute adequate preparation for practice.

The AIA's first definition of an "internship" was described in the 1978 *Personnel Practices Handbook* as:

25. The American Institute of Architects. (1978). *Architect's Personnel Practice Handbook*. Washington, DC.

A time to develop professional judgment. To absorb the flavor of the profession, to apply formal education to work experience, and to refine individual career objectives. Perhaps most important, internship is a time to develop a good habit of lifelong learning.

Internship is a crucial period in every architect's career. In many cases it is a first exposure to the architectural facts-of-life, and sets up patterns of dealing with practical situations that may shape the intern's efforts for a lifetime.²⁵

The original structure of the Intern Development Program centered around four concepts: advice; definition of key areas and skills; recording, measuring and assessing ability; and greater access to learning abilities. The AIA recommended that each intern have two advisors, one inside the practice and one outside it to help monitor and guide interns to ensure they were gaining experience in the appropriate areas within practice.

In the 1994 edition, the AIA justifies its recommendations for the structure of the IDP by describing the larger context of the evolving nature of the economy and resulting office structures, by emphasizing the investment potential of retaining mentees. The tone the AIA uses in this handbook which differs from past editions, emphasizes the mutually beneficial relationship between the established office and the mentee.

The 1994 edition is the first in which the path to licensure is explicitly defined rather than framed as good-practice suggestions, stating:

26. The American Institute of Architects. (1994). *Architect's Handbook of Professional Practice*. 12th ed. Washington, DC. AIA.

The internship period normally consists of three years of diverse experience under a registered architect's direct supervision. Completing the internship qualifies the intern to take the architect registration examination, a four day examination developed by the national council of architectural registration boards.²⁶

This structure marks a departure from the language of previous editions of the handbook, which strongly suggested completing an internship without directly mandating it. The AIA also points out benefits that firms can achieve through these programs, casting them as mutually beneficial situations, rather than only as training for the intern.

One of the most important things to note from the AIA's stance from 1971 onwards is the organization's attempt to define the role that the internship should take on the path between education and licensure, using legally mandated accreditation associated with NCARB's. This is indicated by clear language about what an intern is, should be doing, and for how long. This period marks the most concrete definition of the intern by the AIA, which contrasts with today's definition.

Shifting Standards

The most recent editions of *The Architect's Handbook of Professional Practice*, published in 2001, 2008 and 2014, show that the AIA's understanding of the internship is evolving. These describe the internship process in detail, while also highlighting several of its shortcomings. This points to the AIA's growing awareness and acknowledgement of issues surrounding work conditions for emerging professionals.

Reinforcing the status quo that is explained above, the 13th edition of the handbook, from 2001, explicitly points out the "traditional" quality of the internship, and mentions that it is modeled on earlier working relationships.

The IDP provides an opportunity for graduates to gain a range of experience, as it formalizes a mentor-like relationship with a more senior architect that is reminiscent of the early days of the profession.²⁷

The 2008 edition specifically points to generational shifts in workplace attitudes. Although the IDP is still the de facto model of acquiring experience in preparation for professional registration, the AIA recognizes that it has been used inappropriately by firms to hire employees willing to work unreasonable hours for inadequate compensation.

In years past it was relatively easy for a firm to find new, young staff members who would work extraordinary hours for pay that was among the lowest of any of the professions. Employees today have higher expectations, are better educated, and are a more diverse group than ever before. Members of this new generation of workers have never been faced with a recession, and their talents are in demand in more than one profession, so their expectations are affecting what firms offer to prospective candidates. They have much to offer the profession.²⁸

In addition to highlighting these shifting expectations of employees, the AIA also stresses the importance of IDP. The same handbook mentions that architecture itself is really learned in a professional setting, with the implication that school alone cannot prepare an architect for practice.

27. The American Institute of Architects. (2001). *Architect's Handbook of Professional Practice*. 13th ed. Washington, DC. AIA.

28. The American Institute of Architects. (2008). *Architect's Handbook of Professional Practice*. 14th ed. Washington, DC. AIA.

29. The American Institute of Architects. (2008). *Architect's Handbook of Professional Practice*. 14th ed. Washington, DC. AIA.

30. The American Institute of Architects. (2014). *Architect's Handbook of Professional Practice*. 15th ed. Washington, DC. AIA. p. 18.

31. The American Institute of Architects. (2017). *Code of Ethics and Professional Conduct*. Washington, D.C. AIA. Online [https://www.aia.org/pages/3296-code-of-ethics-and-professional-conduct]

When a group of 50 practicing architects were recently asked how much of what they do was learned on the job, they answered 85 to 95 %. Practicing architecture in the real world in a way that actually results in profitable buildable and claims-free projects is not learned in school.²⁹

The second statement, in a way, helps to explain the first. If the experience in practice is truly the only way for an emerging professional to acquire the skills necessary for a successful career, it follows that employers have the upper hand in determining employment conditions for emerging professionals, who have less agency, yet higher stakes, in their own career paths. This acts in concert with a variety of factors (competition for projects, budget restrictions, high costs, etc.) which place economic stress on architecture firms. The ample availability of young professionals seeking entry level positions, along with firms' needs to minimize personnel costs, explains why emerging professionals might receive remuneration lower than their qualifications would justify. Offering "internships" to emerging professionals is often the method used.

The most recent edition of the *Handbook of Professional Practice* (2014) continues in this vein, and further stresses the problematic aspects of architectural internships.

Most practitioners do support interns' IDP efforts because it has become an expected part of being an architect in the United States, part of the "social contract" that an older generation has to the younger generation of professionals.³⁰

In order to further this informal "social contract," the AIA National Ethics Council, a board within the AIA that oversees ethics for the profession, adopted a rule in 2012 that makes supporting the practical education of emerging professionals an ethical obligation of AIA members.

Members should recognize and fulfill their obligation to nurture fellow professionals as they progress through all stages of their career, beginning with professional education in the academy, progressing through internship and continuing throughout their career.³¹

This decision indicates not only that the AIA's reliance on an implicit set of standards is not enough to encourage practitioners to adopt equitable labor practices for emerging professionals, but that the AIA is conscious of its responsibility to hold members to account for their actions. In other words, the AIA demonstrates a willingness to improve labor standards for emerging professionals.

Despite its honorable intentions and its acknowledgment of problems within the industry, the current Handbook of Professional Practice makes a conservative recommendation to architect members:

Practitioners should also avoid exploitive employment practices and be aware of the guidelines set by the AIA, state and federal governments with relation to paid vs. unpaid internships, and correct procedures for hourly and overtime pay.³²

As mentioned above, the AIA has yet to issue an up-to-date edition of the Handbook, which will provide detailed explanations of the new Architectural Experience Program, introduced by NCARB to replace the Intern Development Program. Hopefully this forthcoming document will clarify many aspects of this issue, including suggested language to replace the term “intern,” which has been the prevalent moniker in handbooks since the 1970s.

Conclusion

Ultimately, the AIA attempts to hold its members to a higher moral standard, but often defaults to encouraging them to simply follow the law, which is in fact the lowest standard one can expect from a professional.

While this is a given for any architect wishing to practice within the limits of legality, it is not an aspirational standard for the AIA to set for its members. As mentioned previously, the AIA could leverage its influence within the industry to give members the incentive to adopt better practices and more actively encourage emerging professionals.

Currently, the AIA's recommendation to “recognize and fulfill their obligation to nurture fellow professionals” is designated an Ethical Standard in the handbook, which is an unenforceable

guideline. By making this a proper rule, expanding its definition to include adequate compensation for emerging professionals, and enforcing its application, the AIA could hold its members to a higher standard of morality, which is one of the organization's objectives anyway. This would, of course, be an immediate benefit to emerging professionals. However, its positive ramifications would also extend to the rest of the industry.

The necessity to accept unpaid or underpaid opportunities, especially when coupled with the cost of student debt, adds to a list of factors that bar many emerging professionals from critical entry level positions. This can reinforce a culture of exclusivity in the profession. Removing the barrier to entry for the first step towards licensure would diversify the field of professionals entering the workforce, which is another one of the AIA's objectives. As the latest Handbook cautions:

Historically, the architecture profession has engendered a great deal of respect from the general public. In large part, this is due to the role of architects as creative thinkers and thought leaders. However, the profession's lack of ability to develop a workforce that is reflective of the general population in the United States has the potential to create a significant drag on the image of the profession and its ability to lead in the twenty-first century.³³

A positive observation to be drawn from the AIA's positions on workplace ethics is that there has been a trend towards acknowledging issues within the field, as well as toward recognizing societal changes that ought to be reflected within the industry.

32. The American Institute of Architects. (2014). Architect's Handbook of Professional Practice. 15th ed. Washington, DC. AIA. p. 224.

33. The American Institute of Architects. (2014). Architect's Handbook of Professional Practice. 15th ed. Washington, DC. AIA. p. 27.

Context and Relevance

34. National Council of Architectural Registration Boards. (2018) History of NCARB. Washington D.C. Online [https://www.ncarb.org/about/history-ncarb]

The National Council of Architectural Registration Boards (NCARB) was founded during the May 1919 AIA convention in Nashville, Tenn. It included only 15 architects from 13 states. Over time, NCARB's role has evolved to focus on licensure and eligibility to practice architecture professionally.³⁴ As such, it has a critical role to play in defining the roles of emerging professionals.

In 1965, NCARB produced the first national examination for architectural licensure. This examination has since evolved into the Architect Registration Exam and is now used to test licensure candidates' knowledge of design, practice and project management, and construction documentation and administration.

NCARB is a national nonprofit organization whose membership includes the professional registration board of every state and U.S. territory. The organization's stated mission is to "protect the public health, safety, and welfare by leading the regulation of the practice of architecture through the development and application of standards for licensure and credentialing of architects."³⁵

As a national organization, NCARB's goal is to promote standards for the registration of architects throughout the U.S.. NCARB endeavors to harmonize the requirements for licensure between different jurisdictions by recognizing educational achievements (accredited by the NAAB³⁶), appropriate levels of professional experience (through the AXP) and administering examinations for licensure (the ARE).

In its internal rules of conduct, published in 2014, NCARB mentions the architect's moral requirement to assist aspiring architects in their development. However, it also states that failure to fulfill this obligation cannot be grounds for disciplinary action.

The Committee believes that it is an obligation of all registered architects to assist interns in their development. But the Committee could not conceive of making the failure to perform that obligation the basis for revocation of registration, suspension of registration, or reprimand.³⁷

In May 2018, NCARB proposed removing this statement from its rules of conduct at its annual business meeting, stating that "The rules, which will serve as the basis for the regulating and disciplining of architects, should be mandatory rules and should not

35. National Council of Architectural Registration Boards. (2018) NCARB's Role. Washington D.C. Online [https://www.ncarb.org/about/ncarbs-role]

36. National Architectural Accrediting Board (NAAB), an organization that evaluates architecture schools' curricula.

37. National Council of Architectural Registration Boards. (2014-2015). NCARB Rules of Conduct. Washington D.C.

38. National Council of Architectural Registration Boards. (2018). Exhibit A: Proposed Changes to the NCARB Rules of Conduct. Washington D.C.

39. National Council of Architectural Registration Boards. (2018-2019). NCARB Rules of Conduct. Washington D.C.

include aspirational rules that often comprise the codes of professional associations" and that "the rules should have as their objective the protection of the public and not the advancement of the interests of the profession of architecture."³⁸ The new rules state:

Architects who act as Architectural Experience Program (AXP) Supervisors of candidates for licensure play a critical role in the protection of the public and a central role in the training of future license holders. NCARB and the jurisdictional licensing boards rely on AXP Supervisors to both confirm that the expected experience has been gained and to serve as the primary "quality assurance" guarantor regarding the efficacy of the candidate's experience.³⁹

This policy change no doubt comes from the fact that NCARB's members are jurisdictional licensing boards. However, the main service that NCARB provides, certifying registration requirements, is paid for by emerging professionals.

Every jurisdiction mandates that licensure candidates earn a certain amount of practical experience, in addition to the educational requirement of graduating from an NAAB accredited degree program, and passing an examination that demonstrates professional competence. NCARB oversees this requirement with its Architectural Experience Program.

This structure is used to promote a national set of standards for emerging professionals, as well as relieve states of the burden of verifying a licensure candidate's completion of requirements. Although states still issue practice licenses, and are free to set more stringent experience requirements, they can and do use NCARB's program as a baseline for establishing a licensure candidate's eligibility.

In 1976, the NCARB and the AIA jointly introduced the Intern Development Program. Before the IDP, each state evaluated a prospective architect's professional experience independently. Mississippi was the first state to require completion of the IDP for licensure in 1978. In 2016, following the AIA's lead, NCARB renamed the Intern Development Program the Architectural Experience Program.⁴⁰ Today, every registration board that forms NCARB's membership requires completion of the AXP, but as mentioned before, some boards have not updated to the new terminology.

40. While NCARB and the AIA has removed the terminology "internship" from its publications, its Canadian counterpart, the Canadian Architectural Licensing Authorities (CALA) which represents the eleven provincial and territorial regulatory bodies maintains its "Internship in Architecture Program" (IAP). They state that "the Intern Architect has graduated with a professional degree/diploma in architecture and is continuing on the path to becoming an architect."

41. National Council of Architectural Registration Boards (2017). Architectural Experience Program Guidelines. Washington D.C. Online [https://www.ncarb.org/sites/default/files/AXP-Guidelines.pdf]

Under the new AXP, licensure candidates must complete 3,740 hours of professional experience, over half of which must be completed under the direct supervision of a licensed architect.⁴¹ NCARB has defined six “practice areas” in which experience must be accrued that range from practice management to construction and evaluation. The goal of this breakdown is to ensure that candidates who complete the program have experience in every phase of a project, and have a basic understanding of how to manage an architecture firm.

Conclusion

42. National Council of Architectural Registration Boards. (2017). Update on Intern Title Discussion. Washington D.C. Online [https://www.ncarb.org/blog/update-the-intern-title-discussion].

NCARB’s recent policy shift can be understood in two ways. On the one hand, NCARB’s discontinuation of the term “intern” can be seen as a way to encourage the profession to place more value on emerging professionals that are following the path to licensure. On the other hand, the policy shift is consistent with NCARB’s mission of promoting national standards for registration, and helping states keep pace with the industry. However, NCARB has also stated that the policy change acknowledges that titling should be left to the discretion of individual state’s registration boards.⁴² This decision is contrary to NCARB’s mission, as it creates a situation where individual states can use different terms and apply different rules to prospective architects, as opposed to creating a unified licensure process nationally.

NCARB could play a more active role in defining what constitutes an appropriate internship versus a position for an emerging professional, precisely because states look to it for determining which licensure candidates have appropriate work experience. NCARB could help clarify the differences between an internship and a position for an emerging professional. This clarification could include differences in allowable duration, educational requirements, and compensation in accordance with the FLSA. For example, although NCARB already refuses to count unpaid work towards AXP hours, they could apply the same standard to underpaid work. The widespread practice of paying employees a given salary, but expecting them to work a disproportionate amount of hours per week amounts to underpaying employees.

There is precedent for doing this. The State of New York, for example, places specific requirements for architectural work experience that go beyond NCARB’s baseline. One way of ensuring the high quality of design experience a candidate has acquired is to require that it not only be completed under the supervision of a licensed architect, but that the entity under which the experience is completed be a “permissible corporate entity,”⁴³ such as a Design Professional Service Corporation (DPC) or a Limited Liability Partnership (LLP). In general, New York State gives its Board of Professions the discretionary authority to approve work experience that

43. New York State Office of the Professions, Architecture. (2015). Licensure Requirements: Experience Requirements. Albany, NY. Online [http://www.op.nysed.gov/prof/arch/archlic.htm#expe]

is submitted to it or not. The Board of Professions adds the requirement that “any experience gained must be lawful,” which means that work must comply with the FLSA.

Similarly to the AIA, NCARB can use its position within the industry to enact change, rather than rely on legislation. Individual states, that ultimately grant architectural licenses, have a clear benefit from accepting this approach. Shifting the responsibility of verifying eligibility to a national organization like NCARB would ensure consistency within the profession, as well as a national standard of quality and preparation leading up to licensure. Entrusting this task to a professional organization rather than a governmental entity also lightens a state’s administrative burden. Lastly, a policy change would also benefit the emerging professionals who pay for NCARB’s services, by providing standards for appropriate work conditions nationally.

As mentioned above, a legal “internship” according to the Fair Labor Standards Act and the Department of Labor must satisfy strict criteria which are often in direct contradiction to those of NCARB’s AXP. For example, the 3,740 hours currently required to complete the AXP are directly incompatible with several of the DOL’s tests of an internship. It provides experience that is significantly different from that provided in an educational setting, and it does not harmonise to any academic calendar. This is one of the reasons NCARB has removed the term “intern” from its policies, but in reality many in architecture offices still believe emerging professionals are interns.

Furthermore, NCARB now suggests terminology that indicates that recent graduates seeking licensure are not interns. This marks a departure from a prior condition, in which prospective licensure candidates were usually called “interns,” with all the legal repercussions of the term under the FLSA.

Although the term “internship” began to be phased out by the AIA between 2014 and 2016, it is important to consider what exactly an internship is in the eyes of the law. There are discrepancies between the Department of Labor’s definition of the term and the way it is commonly used within the architectural industry.

Employee Handbooks

Many architectural offices produce an employee handbook that describes employee rights and responsibilities, office protocols and resources, and professional roles in the workplace. Each office is different, and these documents provide a nuanced look at how each firm breaks down positions and responsibilities as they conform to evolving legal requirements, market and industry changes and technological advancements.

Forty employee handbooks from various offices, written between 1901 and 2014, were examined to help understand how emerging professionals were managed by various practitioners. These manuals were sourced from the Storefront for Art and Architecture Archive collected for the *Manuals Edition of the Office US Book Series*.⁴⁴

These handbooks indicate evolving terminology for emerging professionals. The list of terms for emerging professionals found in this research were: office boy, apprentice, draftsman (as they implied an apprentice-style career track), probationary period employee, intern, and student employee.

Other terminology that was collected applied more ambiguously to similar entry level positions, and did not emphasize the path to licensure. These terms were: part-time employee, temporary employee, and exempt employee.

The earliest mention of an emerging professional position, in the handbooks analyzed, was in the 1926 office manual of Office*, which described the role of the office boy in *The Rules for the Drafting Room*:

1. Apply to file clerk or office boys for any drawings, blueprint sticks, catalogues, books, letters or data required.
2. Return each evening to file clerk or office boys the material used during the day, such as drawings, blueprint sticks, catalogues, books, letters or date.⁴⁵

Mentions of “office boys” and “apprentices” continue to appear in employee handbooks up until 1960. Then, in the 1970’s, the language transitions to refer to emerging professionals as “students” or “trainees.”

Of the 17 manuals that included emerging professional terminology, only six of them use the term “intern.” All of these were

issued after the term’s first official mention in the AIA Handbook of Professional Practice published in 1976, which also introduced IDP for the first time. The Office* Employee Handbook, from 1980, uses the term “intern” specifically:

The intern learns by doing the work and develops an atmosphere where he can ask for directions without feeling unsure of who to ask, therefore making a more productive and useful staff meeting while getting adequate experience to an office environment.⁴⁶

Firms of different sizes and scopes have different intentions when it comes to their employee handbook. In general, larger firms issue more detailed, thorough, and specific handbooks. These companies also tend to use more specific language as it pertains to emerging professionals. For example, Office*, an architecture firm with 20 national and international offices, includes a personal growth and development section in their 2014 manual:

Building your career at Office*:
Office* is committed to nurturing talent across the firm -- from the design studios to firm-wide services to office administration. We believe you have come to Office* to grow professionally, and we want to provide you with a welcoming and encouraging environment in which you may advance your career. We have defined a career path from student to executive vice president to fit the various levels of professional development of our employees.⁴⁷

This policy from Office* stands in contrast to the policies of smaller firms of the same time period, that tend to be less specific, and more casual in tone. Most smaller firms do not provide specificity on office positions in their employee handbooks. Their manuals tend to make fewer mentions of the emerging professional positions, except when referencing legal standards specified under the Fair Labor Standards Act. In this example from a 2014 employee manual

44. Storefront for Art and Architecture. (2017). OfficeUS: Manual. Ed. Eva Franch, Ana Miljacki, Carlos Minguez Carrasco, Jacob Reidel, Ashley Schafer. Lars Müller Publishers, Zurich.

46. Office*. (1980). Employee Handbook. From Storefront for Art and Architecture Manuals, OfficeUS Archive.

47. Office* (2014). Employee Manual. From Storefront for Art and Architecture Manuals, OfficeUS Archive.

45. Office* (1926). Employee Manual. From Storefront for Art and Architecture Manuals, OfficeUS Archive.

48. Office* (2014). Employee Manual. From Storefront for Art and Architecture Manuals, OfficeUS Archive.

by Office* the manual incorrectly references “exemption.”

General Conditions. These policies apply to regular, Full-Time Employees. The following classifications apply:

- Regular Full-time Employee: An individual who works 30 or more hours per week for an indefinite period of time.
- Part-time Employee: An individual who works less than 30 hours per week on a sustained schedule.
- Temporary Employee: an individual who is exempt from state and federal wage and hour laws.⁴⁸

In a 2008 employee manual from the office of Office* the Fair Labor Standards act is directly mentioned:

Professional employees hired on a salary basis are exempt from the Fair Labor Standards Act. Overtime pay and minimum wage do not apply since employees are paid weekly salaries in full. Salary base employees are expected to spend the time as required to meet project goals and schedule.⁴⁹

49. Office* (2014). Employee Manual. From Storefront for Art and Architecture Manuals, OfficeUS Archive.

In both cases, the offices suggest that some employees are “exempt” from the FLSA. Not only is this incorrect and potentially illegal, it diminishes the rights of emerging professionals. Employees cannot be exempt from state and federal wage and hour laws. As previously discussed, employees may be “exempt” from overtime pay, but not the law. While this may seem like a minute point, it is a common misconception, which voids the rights of emerging professionals, and perpetuates a culture of ambiguity in the workplace.

Of the 40 employee handbooks studied, only 17 included a portion about emerging professionals. Even the manuals that do mention emerging professionals, typically only do so to determine employee status, benefits, and overtime. The manuals rarely mention the specific role of an emerging professional, the educational benefits to expect, or the path to licensure. None of these documents acknowledge the difference between an intern and an emerging professional.

The handbooks also indicate an increase in part-time, free-

lance, and independent contract work, as well as positions exempt from overtime pay. These positions can undervalue the skills of emerging professionals and obfuscate the path to licensure. Furthermore, there are inconsistencies between the ways in which offices, professional boards, and the law define positions for emerging professionals.

The AIA and NCARB place the responsibility of educating emerging professionals on architecture offices. Many offices have to balance their financial goals with professional responsibilities, which disincentivizes quality mentorship. Additionally, NCARB has no recourse to enforce the proper mentorship of emerging professionals, other than to penalize the licensure candidate.

Despite the AIA’s literature that suggests the necessity for mentorship within the office, most offices do not acknowledge that benefit in their employee handbooks. Unfortunately, some view educating emerging professionals as inconsistent with running a successful business, especially when new employees might be temporary or transient.

Conclusion

* Some firms provided their office manuals to Storefront for Art and Architecture under the condition that their name not be used in subsequent publications. To uphold the wishes of the firms that wish to remain anonymous, all names have been replaced with “Office”, followed by the year in which their manual was created.

American Institute of Architecture Students

The American Institute of Architecture Students (AIAS) is an independent non-profit run by architecture students. Since its founding in 1956 it has provided a student voice in discussions with the AIA, the NCARB, the NAAB, and the ACSA. In July 1993 the (AIAS) Board of Directors adopted a Public Policy on Uncompensated Interns, which stated that “The AIAS maintains that employers must properly compensate all employees. Compensation must be in compliance with the regulations for the jurisdiction in which they are working.”

In 2010 the AIAS in conjunction with the Association of Collegiate Schools of Architecture (ACSA) and the AIA released a public statement in order to “recognize that architects are bound by law and ethics to pay interns, and strongly advocate for the appropriate compensation of architectural students and interns.” While this statement does not abandon the language of “intern” it does set forth a policy on compensation for interns. The policy states that:

“The Association of Collegiate Schools of Architecture, the American Institute of Architects, and the American Institute of Architecture Students recognize that architects are bound by law and ethics to pay interns, and strongly advocate for the appropriate compensation of architectural students and interns. Because of current economic transformations, some architects have both solicited and accepted the services and labor of interns without pay. We strongly urge architectural firms and other for-profit employers to respect the law and comply with the ethical standards of our profession, and we strongly encourage interns to refuse to accept employment without pay, and to notify the Department of Labor in cases where employers propose such an arrangement.”⁵⁰

While this policy from the AIAS is one of the clearest mentions of appropriate compensation for emerging professionals, it also reveals the AIAS’s lack of enforcement capacity.

The National Architectural Accrediting Board (NAAB) has also failed to recognize shifts in terminology. As of 2016 the NAAB Annual Report described one of its core values, preparing graduates

51. National Architectural Accrediting Board (2017). Report on Accreditation in Architecture. Washington D.C. Online [https://www.naab.org/wp-content/uploads/2017-NAAB-Annual-Report_Part-I.pdf]

University Internship Policies

for practice, by stating that “graduates are prepared for architectural internship, set on the pathway to examination and licensure, and to engage in related fields.”⁵¹

Both of these policies fail to use updated terminology for emerging professional positions, but do attempt to provide emerging professionals with necessary education and compensation. Unfortunately, neither organization has the ability to enforce its policies in the profession.

Many academic institutions produce internship policies that set criteria for positions offered to students during their architecture education. As noted previously, most of the work performed by these interns can be inconsistent with FLSA guidelines for appropriate internships. University internship policies, however, do outline the complementary educational benefits an internship position should offer and help to protect student interests. Many of these policies are used to evaluate positions and determine if they can be posted on the university’s internship bulletin board.

Internship policies not only help students understand what to expect from an educational internship, but also help employers shape a position at a firm that is beneficial to the student. The policies have the ability to define the role of an internship within the educational curriculum as well as in the profession of architecture at large.

As of 2018, the NAAB listed 126 accredited architecture programs in the United States. New York State has the most accredited programs, with ten that offer M.Arch and B.Arch degrees. Out of these ten, only four have an internship policy. The four vary in the specificity of their minimum standards, however they place high priority on formalizing an internship program that helps students navigate their role within the profession.

In addition, the policies clearly refer to the Fair Labor Standards Act to define requirements for paid and unpaid positions. Many policies specifically point out *Fact Sheet #71: Internship Programs Under The Fair Labor Standards Act*⁵² as a starting point for further defining the roles of internships within the institutions curriculum. None of the internship policies studied for this paper specify a required minimum wage. However, they delineate specific criteria that the internship position will have to adhere to, in order to be unpaid. These criteria are complementary to a student’s education trajectory and therefore teach new skills that cannot be learned in the academic environment.

52. See Chapter one: Fair Labor Standards Act, Current Situation.

50. American Institute of Architecture Students. (2017). Policy on Compensation for Interns. American Institute of Architecture Students, www.aias.org/wp-content/uploads/2017/02/InternPolicy.pdf.

53. Starting and Maintaining a Quality Internship Program, Michael True, Seventh Edition

Some accredited programs, such as the one at Cooper Union, have developed handbooks for emerging professionals. Cooper Union's *Starting and Maintaining a Quality Internship Program* is a guide for employers to understand the role of internships within the school's pedagogy.⁵³ It explains protocols for establishing an internship and advises employers on the necessary resources needed to support a student intern. The guide includes requirements for minimum pay, a mentor, workspace, computers and software. Most importantly, the handbook provides a list of student expectations for how an internship should fit into their educational development and career. The handbook explains the students perspective, and acts as a bridge between future employers and students. It eases doubts and attempts to mitigate misunderstandings regarding the definition of an internship.

Conclusions

Ultimately, raising the standard of compensation for emerging professionals on the path to licensure is a goal that the industry, lawmakers, academics and architects should share. While firms ought to respect existing wage and hour laws, enforcement of a higher ethical standard, specific to architecture, falls on the profession. The AIA and NCARB has the power to enforce rules against unethical behavior. Academic institutions also play a key role in the education of emerging professionals, and can use their position to advocate for students, which in turn is beneficial to the profession.

Conclusions

The role of the emerging professional has changed significantly in the last one hundred years, and is continuing to evolve. Learning the practice of architecture with the guidance of an established professional is an important component of becoming a competent and responsible architect. This study attempts to establish a common understanding of the emerging professional position based on the various institutions involved in legislating and defining it. But the study finds several contradictions and inconsistencies in policies relevant to an emerging professional's path to licensure.

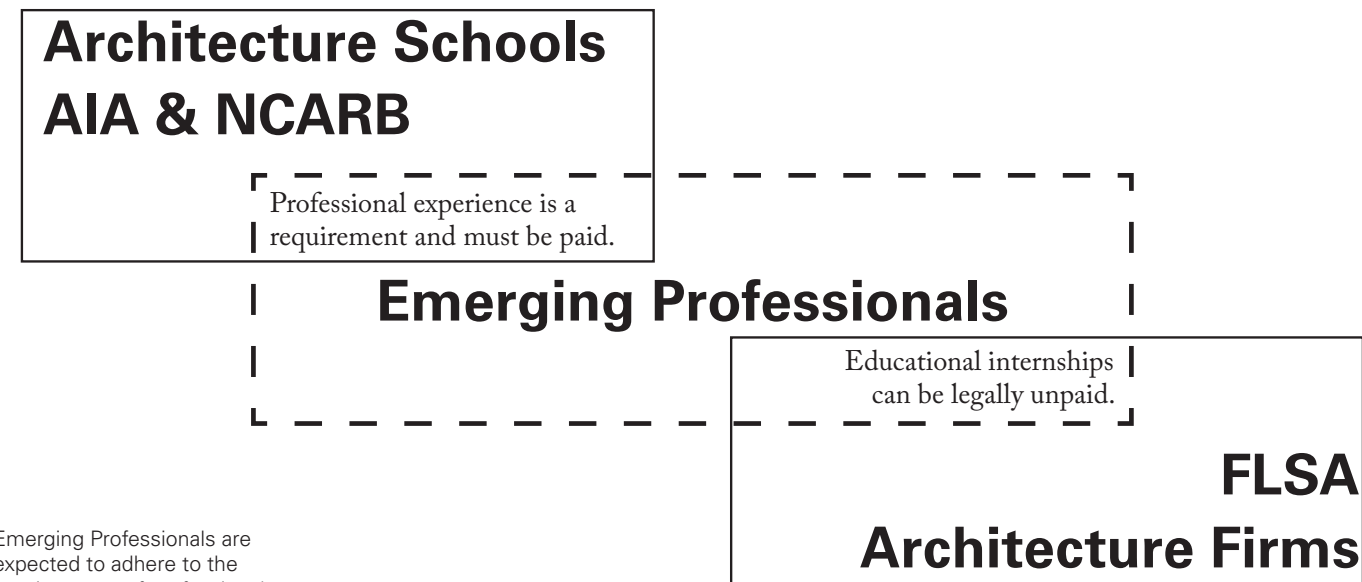
The first contradiction is the fact that federal law, as defined by the Fair Labor Standards Act, allows educational internships to be unpaid, while licensing boards demand that up to three years of educational experience be acquired as a condition of licensure. This is further complicated by the fact that professional and student organizations such as the AIA, AIAS, and NCARB require that educational experience be acquired through paid positions. The gap between the law and the profession results in potential conflicts between employers and emerging professionals. The former seek to abide by the law and run a successful business, while the latter are attempting to fulfill their professional requirements.

Additionally, overtime exemptions can be confusing to the architecture industry, because of the industry's classification as a profession. Professionals are one of the few types of employees that are eligible to be classified as "exempt" (from overtime pay) by the FLSA. However, not all professionals are exempt from the FLSA and its minimum wages, because to be exempt professionals have to be both salaried and making over \$455 per week. This distinction is important because it leaves the door open for professionals to be affected by the provisions of the FLSA. Architecture offices are often confused about how this regulation works and believe that emerging professionals can be considered "exempt" from the FLSA. Not only is this incorrect, illegal, and unethical, it devalues the idea of a "profession" as a learned body that passes knowledge from one generation to the next.

The tendency to employ emerging professionals on the path to licensure as independent contractors is also in direct contradiction to the way in which workers are defined by the IRS. If the emerging professional is an AXP candidate, he or she is supposed to be working under the direct supervision of a licensed architect. Independent contractors, on the other hand, must decide independently of the employer how and what they are producing.

Another contradiction arises from the fact that states grant licenses and set laws on title usage. In fact, several states still require three years of "internships," and most states' titling laws are in direct contradiction to other jurisdictions and professional board guidelines. At a time when professionals are increasingly mobile, the trend should be towards unifying standards. Additionally, while individual states require three years of "internship," the Department of Labor defines what an "internship" is, and allows educational internships to be unpaid.

In addition to these contradictions, many accredited degree programs offer little help to their students in determining which positions are acceptable and which are not. Academic institutions are in a unique position to help students and employers set parameters for emerging professional positions that will benefit the student, the employer, and the profession. This responsibility for schools can be seen as a duty to educate their students on what initial work experiences should offer, and the differences between internships and emerging professional positions.



Emerging Professionals are expected to adhere to the requirements of professional associations, institutions, and the law, which do not always agree.

The consequences of these inconsistencies affect emerging professionals, but also impact the profession in ways that ought to be addressed.

Unfair compensation for emerging professional positions makes access more difficult for people who can't afford an underpaid position. This has the effect of reducing the diversity of professionals entering the field, which has long-term consequences on the industry in general. Given the importance of early career positions for the development of a successful career, this inequity has particularly strong repercussions.

Firms that take on unpaid or underpaid graduates gain an unfair economic advantage relative to firms that compensate their staff fairly. The firms that abide by the law are at an economic disadvantage to those that do not. This economic pressure to spend less on staffing, creates a culture of undercompensation by competitive firms. Of course, undercompensation decreases quality of life for emerging professionals, but more importantly, it devalues the firms they work for, and therefore the profession. Additionally, architects that worked without pay at the start of their careers are more likely to undercompensate emerging professionals, rather than advocate for fair labor policies. The cyclical undercompensation of emerging professionals fulfilling "internships" is systemic.

Undervaluing emerging professionals can also lead to other forms of unfair work relationships, which might range from longer hours, unfair distributions of responsibilities, or other forms of abuse.

These issues have numerous and varied solutions. Reforming labor practices in the architectural industry is a complex task, and it requires similarly complex remedies.

Rather than relying on the Labor Department to enact change within the architecture profession, organizations like the AIA and NCARB could continue to use their position to help steer change. The AIA revokes membership from architects who are convicted of certain crimes, including tax evasion. The profession could easily extend this practice to firms that skirt Labor Department guidelines on apprenticeships, or violate the FLSA. Currently, NCARB's Rules of Conduct says:

It is an obligation of all registered architects to assist interns in their development. But the Committee

could not conceive of making the failure to perform that obligation the basis for revocation of registration, suspension of registration, or reprimand.⁵⁴

While it is understandable that failing to educate young professionals cannot be a punishable offense, it is reasonable to sanction firms and architects that claim to fulfill this responsibility, while engaging in practices that do not follow the FLSA.

Currently, the AIA does not take action against firms that have unlawful hiring and compensation practices. This attitude is reminiscent of the AIA's reference to a "social contract" that it relies on for the training of aspiring architects. If the current practice of trusting architects to train the next generation of professionals leads to abusive dynamics, then it is the AIA's responsibility to ensure that its members are held accountable for educating and compensating emerging professionals fairly.

Academic institutions are in a unique position to help their students by defining clear criteria for emerging professional positions that will be beneficial to their professional development. At the very least, schools could require that students not accept unpaid, and therefore illegal, emerging professional positions before graduation. Alternatively, schools could set criteria for temporary internships that have a clear educational benefit. Setting these criteria would have a short-term benefit for students but would also set the stage for what to expect from the workplace after graduation. Additionally, these standards could have a lasting impact on the profession.

54. National Council of Architectural Registration Boards. (2014-2015). NCARB Rules of Conduct. Washington D.C.

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