

July 1, 2009

TO: Division Heads, Deans, Directors and Department Chairpersons

FROM: Dr. J. David Stearns, Associate Vice President for Enrollment Services

RE: **UPDATED** 2009 Personnel Policy for Student Employees of the University of South Alabama

The following is the updated 2009 Personnel Policy for Student Employees of the University of South Alabama:

I. Introduction

Student employment at the University of South Alabama is educational in nature and as such should afford students opportunities to use and further develop their skills, creativity, sense of awareness, and responsibilities while earning a portion of their educational costs. Student employees do not come under the umbrella of regular staff employees. Student employees are defined as those students who are employed as student assistants or employed in the Work-Study program. Nursing and Allied Health students employed by the University hospitals as part of their training, elected SGA student officials and graduate students who have university assistantships **are not** a part of this definition.

It is the responsibility of supervisors to give new student employees the proper orientation, counseling, and supervision that is needed to develop healthy attitudes toward their jobs. Students are to supplement rather than replace University staff. Any modification or deviation from these guidelines must be approved by the Associate Vice President for Enrollment Services.

II. The Meaning of "Hourly Employment"

Students are employed under "an hour's pay for an hour's work" arrangement. However, a department should not deny payments to students for brief interruptions in their daily schedules, such as rest periods or coffee breaks, if it is the department's policy and practice to permit such interruptions for its regular hourly employees. Students are not compensated under a salary, commission, or fee arrangement. In addition, fringe benefits such as paid sick leave, vacation pay, and holiday pay, which are provided benefits to eligible regular employees, do not apply to student employment. Student assistants are not covered by Social Security as long as they are enrolled at least half-time and regularly attending classes. Student employees are not covered by workmen's compensation or unemployment compensation. This should be explained to students when hired.

III. Hourly Wage Rates

Wages paid to students working under the student assistant program must be paid the minimum wage (**\$7.25 effective 7/24/09**), however, said hourly wage should not exceed \$2.15 per hour over minimum wage without permission from the Office of Enrollment Services. Students employed under the Work-Study program will be paid at least minimum wage as required under the federal guidelines to participate in the program. Employment under the Work-Study program is determined by the financial need of the family. The University of South Alabama is an equal opportunity employer and shall not discriminate on the basis of race, age, color, religion, national origin, disability, disabled veteran, Vietnam Era Veteran status, or sex.

IV. Mandatory Direct Deposit of Paychecks

All newly hired and current student assistants will be required by the University to be paid by direct deposit. Student assistants who are not already enrolled in direct deposit of paychecks will be required to do so through Payroll Accounting **no later than October 1, 2009**. If a student assistant is unable to secure an account at an eligible financial institution by this date, an account will be established on behalf of the employee at the USA Federal Credit Union. There will be a one-time \$25 share deposit required for opening the account. **STUDENTS SHOULD UNDERSTAND THIS REQUIREMENT BEFORE HIRING.**

The direct deposit enrollment form can be obtained at the following link:

www.southalabama.edu/financialaffairs/payrollaccounting/directdepositform.pdf

V. Appointments

Each department should have on file a job description for each student assistant position, including Work-Study. For student assistants, the rate of pay can be based on job requirements and skills needed, but should not normally exceed minimum wage by more than \$2.15 per hour. **ALL STUDENT PERSONNEL ACTION FORMS MUST REFLECT THE STUDENT I.D. NUMBER.**

At the time of appointment, the student assistant must be:

- enrolled at least half-time (**undergraduate 6 hours or graduate 3 hours**)
- be a degree seeking student
- and must be at least 18 years of age.

Work-Study students generally must be enrolled full-time. **Student assistants currently hired in a department may choose at their option not to enroll for one semester each academic year (Fall - Summer) during which time they may work up to a maximum of 40 hours per week.** This does not apply to international students during the fall and spring semesters.

Students admitted and registered to attend the University for the first time are not eligible to work as student assistants until one week prior to classes beginning.

Returning students and students who withdraw during a semester cannot begin working for the upcoming semester until after exams are over for the current semester **and** the student has registered for classes for the upcoming semester.

Example 1: Student withdraws during spring semester and has to cease working immediately. Student registers for classes for summer semester, but cannot begin working until after spring exams are over.

Example 2: Student has not been enrolled for several semesters and has applied for readmission and registered for classes for summer semester. The student cannot begin working until after exams are over for spring semester.

The maximum number of hours a student assistant is allowed to work is 20 hours per week or no more than 300 hours per semester when classes are meeting. If a student holds more than one student assistant job, the total maximum hours to work between the jobs is 30 hours per week. The student assistant may be allowed more hours between semesters. Exceptions to this policy must be approved by the Associate Vice President for Enrollment Services.

International students cannot work more than 20 hours a week during fall and spring semesters due to immigration rules. Students are not allowed to work more than 40 hours per week under any circumstance. **Students are not allowed to work overtime hours.** Fifteen hours per week is the maximum allowed for Work-Study students. Work-Study students generally are not allowed to work between semesters or other periods of non-enrollment.

Students are not allowed to work at home. All work must be conducted under departmental supervision.

Student assistants, if they desire, may work during official University holidays if the office in which they are hired remains open during the holidays. Students cannot be required to work during official University holidays.

Students holding both a part-time staff position and a student position may work no more than 20 hours in their student appointment with the combined total hours worked not to exceed 40 hours per week.

Students who completely withdraw during a semester should cease working immediately.

Immigration rules (Immigration Reform Control ACT - IRCA '86) for international students working "on-campus" specifically state that a maximum of 20 hours per week is allowed ". . . while school is in session. Such employment may be full-time during vacation periods for students who are eligible and intend to register for the subsequent academic term. There is no exclusion from the overall 20 hours per week ceiling for work undertaken pursuant to a scholarship, fellowship, assistantship or postdoctoral appointment." Normal on-campus employment (academic department, bookstore, cafeteria, etc.) must not exceed 20 hours per week maximum.

The international student employee must meet Department of Labor and Immigration regulations regarding citizenship or alien status. Documentation proving satisfaction of regulations must be provided to the Payroll Office. Documentation includes I-94 card, passport with expiration date, visa and the form I-20. Illegal aliens will not be employed.

Each department must submit a new Student Personnel Action appointment form once a year (valid August 15 through August 14) for employment. **A separate student personnel action form is not needed for summer employment if a student is in an active working status for the current fiscal year!** See Section VI for instructions on the new mandatory I-9 policy. In addition, Payroll must be notified (for FICA withholding purposes) when a student employee is not enrolled. The original or a copy of the social security card must be presented to the Payroll Office for social security number and name verification.

Changes to a current student assistant's PA (i.e. current student assistant hired at pay rate of \$7.25 per hour and you wish to increase the rate of pay to \$9.00 per hour) should be made effective with the beginning of a pay period. A link to USA's biweekly payroll calendar is on the website at www.southalabama.edu/financialaffairs/payrollaccounting/calendar.html.

Departments and divisions should observe University policy and state laws regarding nepotism. Students that have relatives working at the University cannot work in the same department as their relatives but they can work within the same division. Refer to Section 3.1.3 of the Staff Employee Handbook for more information.

VI. Mandatory I-9 Policy

All new employees are required by the provisions of the Immigration and Reform and Control Act of 1982, to complete a government form I-9. Complete information including the I-9 New Hire Notification form is located at:

www.southalabama.edu/financialaffairs/payrollaccounting/i9.html

1. **Prior to the first date of employment**, the hiring manager completes the I-9 New Hire Notification form (www.southalabama.edu/financialaffairs/payrollaccounting/i9newhire.html) in order to inform Payroll of the established date of hire for the new employee.

2. The hiring manager or designee is to advise the new employee to report to the Payroll Office before or on the first day of work prior to reporting to his/her work location. Student nurses/workers located at the hospitals may go to their respective Human Resources Office.
3. The Payroll Office will follow-up with the hiring department if the employee does not arrive for their appointment time as indicated on the I-9 New Hire Notification form.
4. Upon completion of Section I (or Sections I and II) the new employee will be given an I-9 completion receipt (see attached) to take to the hiring department. **The employee is not allowed to begin work until they provide the hiring department with this receipt.**
5. Those who do not provide acceptable documentation as required for Section II of the I-9 form on the first day of employment, are required to return to the Payroll Office in person by the third business day with acceptable documentation.
6. The Payroll Office will notify hiring managers/designees of any new employees who fail to comply within three business days and advise the department that the new employee is to be terminated immediately. The employee cannot report to work for a fourth working day without adherence to the federal act.

VII. On-the-Job Injury

If a student is injured while performing duties as a student employee, said student should be seen by USA Student Health Services. Serious injuries should be sent to the emergency room of the University of South Alabama Medical Center.

1. An Accident/Incident Report must be completed by the student employee's supervisor within 72 hours of an on-the-job injury. For this reason, an on-the-job injury must be reported immediately to the student's supervisor. The supervisor will forward the completed form to USA's Risk Management Office, CSAB 216 and a copy of the form to the Office of Enrollment Services, Meisler Hall, Suite 2400. The Employee Accident/Incident Report Form is located on the website at www.southalabama.edu/hr/applicationforms.html.
2. All claims for property damage and/or medical expenses not paid by the University or the student's insurance, may be filed by the student with the State Board of Adjustment. Approval by the State Board of Adjustment is based upon an investigation of the accident by University officials and a determination by the State Board that the accident occurred while on the job.

A letter explaining the State Board's claim filing procedures and requirements along with the appropriate claim forms can be obtained by the student employee at USA's Office of Risk Management, CSAB 216.

Students who suffer an injury in the scope of their student employment may receive prompt treatment in the emergency room of USA Medical Center and may, if justified, be eligible for up to three days of leave without pay, normally not to exceed 12 hours. Additional unpaid leave may be taken if approved by the Division Head and reported to the Associate Vice President for Enrollment Services.

VIII. Full-time Employment

The IRS has announced, through a private letter ruling, that student employees who are enrolled less than half-time (less than three hours graduate or six hours undergraduate) are subject to FICA taxes. To comply with this ruling, student employees' enrollment status will be verified each payroll period.

IX. Graduation

A student who is currently employed as a student assistant at the time of graduation from the University may continue to work for one semester immediately following graduation in the current student assistant job. Exceptions to this policy must be approved by the Associate Vice President for Enrollment Services.

X. Voluntary Services

The Fair Labor Standards Act of 1938, as amended, prohibits a covered employer (including educational institutions) from accepting voluntary services from any paid employee. Therefore, students **must not** be allowed to work more hours than their maximum limitations as established at the time of appointment and must be paid for all hours worked. Students must be paid for all work performed. Voluntary services should not be permitted.

XI. Pay Policy and Procedure

Student employees must be paid through normal student personnel/payroll procedures initiated by completing the appropriate student personnel action papers.

Students should not be paid by a requisition. Exceptions to this policy must be approved by the Associate Vice President for Enrollment Services.

Students are paid every two weeks. Payroll authorization (time sheets) must be signed by the student and supervisor (except for off-campus work-study STAY students) and received by the Payroll Office before 9:00 a.m. on Monday before payday. Changes to the timesheet deadline will be posted on the Payroll website www.southalabama.edu/financialaffairs/payrollaccounting/calendar.html. Checks will be available on Friday until September 30, 2009. After October 1, 2009 student assistants must have direct deposit and check stubs will be mailed to the department.

See Section IV for the mandatory direct deposit for paychecks requirement. www.southalabama.edu/financialaffairs/payrollaccounting/directdepositform.pdf.

Students unable to work because of a natural disaster or other causes beyond their control **will not** be paid for lost work. The students may be allowed to make up the lost work during the semester at the discretion of the supervisor.

XII. Supervision

The employing department must provide sufficient staff to adequately supervise the work performed by student employees, set work schedules including starting and ending time, arrange for absences when necessary, see that pay procedures are followed, and in general ensure that a reasonable work relationship is developed and maintained between the student employee and the department.

Students are not allowed to work at home. All work must be conducted under departmental supervision.

XIII. Grievances

Student employees may use the grievance procedure to seek redress of grievances arising out of terms or conditions of student employment. A student employee having a complaint or grievance should first discuss the matter orally with the immediate supervisor within ten working days after the incident. The supervisor should consider the grievant's request and render an oral decision within five working days of the discussion. Failing satisfactory adjustment from the supervisor, the aggrieved student employee shall, within five working days following receipt of the supervisor's decision, reduce the grievance to writing stating (1) the facts of the case, (2) the

nature of the complaint, and (3) the adjustment desired. The written grievance shall be presented to the department head who shall give a written response to the grievant within five working days. (NOTE: if the department head is the immediate supervisor, initial grievance may be oral, followed by a written grievance to the dean or director).

Failing satisfactory adjustment from the department head, the aggrieved employee shall, within five working days after receipt of the department head's response, present the written grievance to the appropriate dean or director who shall render a written statement to the grievant within five working days. If satisfactory adjustment is not forthcoming from the dean or director, the grievant shall, within five working days after receiving the dean's or director's response, submit the grievance to the Vice President for Student Affairs. The Vice President for Student Affairs shall thoroughly investigate the case and render a written answer within ten working days.

Work-Study students should follow the same grievance procedure as student assistants. Rather than submit the grievance to the Vice President for Student Affairs, the grievance should first be presented to the coordinator of the Work-Study program. The case shall be investigated thoroughly and presented to the chief student personnel officer. A written answer shall be rendered to the aggrieved employee within ten working days.

XIV. Terminations

Student employees are considered to serve at the pleasure of the University and are "at will" employees. In the event that need arises to terminate a student employee, the supervisor should discuss with the student the on-the-job problem and corrective action necessary to maintain job and appropriate time-line to correct problems before termination. Proper documentation supporting any or all disciplinary actions should be maintained by the department. Their employment must not violate Affirmative Action/Equal Employment Opportunity laws and regulations. The filing and resolution of grievances shall be done in accordance with the terms of Section XIII of this policy.

In cases involving student misconduct, the matter will be referred to the University Disciplinary Committee for adjudication as outlined in the Student Handbook. The University reserves the right to suspend the student employee job related activity without pay pending the outcome of the University Disciplinary Committee hearing process.

In terminations involving students on the Work-Study program, the supervisor will complete the evaluation sheet to be returned with the termination papers.

XV. Summary

The basic guidelines for student employees are:

- 1. As hourly employees, student assistants must be paid only for hours actually worked.**
- 2. The hourly pay rate should not normally exceed the current minimum wage by more than \$2.15 per hour.**
- 3. Student assistants are limited to a 20 hour week or up to 300 hours per semester when classes are meeting. If a student holds more than one student assistant job, the total maximum hours to work between the jobs is 30 hours per week. International students cannot work more than 20 hours a week during fall and spring semesters.**
- 4. Student assistants must be enrolled at least half-time, be a degree seeking student and must be at least 18 years of age.**
- 5. Student assistants must meet Department of Labor and Immigration regulations.**
- 6. University policy and state laws regarding nepotism must be followed.**

- 7. Any modification or deviation from these guidelines must be approved by the Associate Vice President for Enrollment Services.**
- 8. This policy must be reviewed with the student at the time of employment.**
- 9. Student assistants may work (maximum 40 hours/week) and not be enrolled for one semester each academic year (Fall-Summer). This does not apply to international students during the fall and spring semesters.**
- 10. Student assistants who are working and not enrolled at the University are not eligible to utilize the Student Health Services and are not exempt from FICA.**
- 11. Students enrolled less than half-time are subject to FICA taxes.**
- 12. All new employees are required by the provisions of the Immigration and Reform and Control Act of 1982, to complete a government form I-9. Complete information including the I-9 New Hire Notification form is located at:**

www.southalabama.edu/financialaffairs/payrollaccounting/i9.html