

II. POLICIES

After reading the preceding section, you should now know the procedures on finding and employing students. The next several topics deal with the policies you should follow in the employment of students. Some are federal or state laws; others are federal or state regulations. In these two categories, the College runs the risk of lawsuit or audit problems if our supervisors do not comply. With the number of departments using student employees, it is vital that everyone supervising students become familiar with these policies.

STATEMENTS OF NONDISCRIMINATORY POLICIES

Consistent with the requirement of Title IX of the Education Amendments of 1972, as amended, and Part 86 of 45 C.F.R., the University does not discriminate on the basis of sex in the conduct or operation of its education programs or activities (including employment therein and admission thereto).

SUNY College at Fredonia admits students of any race, color, national and ethnic origin to all the rights, privileges, programs, and activities generally accorded or made available to students at the University. It does not discriminate on the basis of race, color, national and ethnic origin in administration of its educational policies, admission policies, scholarship and loan programs, and athletic and other University-administered programs.

Consistent with the requirements of Section 504 of the Rehabilitation Act of 1973, as amended, and Part 84 of 45 C.F.R., the University does not discriminate on the basis of handicap in admission or access to or employment in its programs and activities.

Section 503 of the Rehabilitation Act of 1973 requires affirmative action to employ and advance in employment qualified handicapped workers.

The University, in addition, desires to call attention to other laws and regulations that protect employees, students, and applicants. Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color, or national origin in programs or activities receiving federal financial assistance. Title VII of the Civil Rights Act of 1964, as amended, prohibits employment discrimination because of race, color, religion, sex or national origin.

Executive Order 11246, as amended, prohibits discrimination in employment because of race, color, religion, sex or national origin and requires affirmative action to ensure equality of opportunity in all aspects of employment.

The Equal Pay Act requires the same pay for men and women doing substantially equal work, requiring substantially equal work, skill, effort and responsibility under similar working conditions in the same establishment.

The Age Discrimination in Employment Act of 1967, as amended, prohibits discrimination based on age in all aspects of employment against persons 40 to 70 years old.

The Pregnancy Discrimination Act of 1978 amends Title VII of the CRA of 1964 to prohibit discrimination against women employees because of pregnancy, childbirth, or related medical conditions.

Section 402 of the Vietnam Era Veteran's Readjustment Assistant Act of 1974, as amended, prohibits job discrimination and requires affirmative action to employ and advance in employment (1) qualified Vietnam-era veterans during the first four years after their discharge and (2) qualified disabled veterans throughout their working life if they have a 30 percent or more disability.

Governor's Executive Order No. 28, issued 11/18/83, prohibits all state agencies from discriminating on the basis of sexual orientation in the provision of any services or benefits by a state agency and in any matter relating to employment by the State.

New York State Human Rights Law guarantees equal opportunity to obtain employment without discrimination because of age, race, creed, color, national origin, sex, or marital status. It also prohibits discrimination on the basis of ex-offender status.

BENEFITS (CWS, SAP)

Basically, as a part-time employment program, student employment provides for payment on an hourly basis. Under CWS and SAP, students are not eligible for fringe benefits such as paid sick leave, vacation pay and holiday pay. However, institutions should not deny payment of students for brief interruptions in their daily schedules such as rest or coffee breaks if it is the employer's policy and practice to permit those interruptions for its regular hourly employees.

BREAKS

The Fair Labor Standards Act Summary from the US Department of Labor states, "Rest periods of short duration, usually 20 minutes or less, are common in industry (and promote the efficiency of the employee) and are customarily paid for as working time. These short periods must be counted as hours worked. Bona fide meal periods (typically 30 minutes or more) generally need not be compensated as work time. The employee must be completely relieved from duty for the purpose of eating regular meals. The employee is not relieved if he/she is required to perform any duties, whether active or inactive, while eating."

The Manual for State Agencies, Section 20.1 indicates "Rest periods of reasonable duration may be granted, as appropriate, at the discretion of the appointing authority. More than two such periods per [eight hour] day, or periods of more than 15 minutes duration each would be considered excessive under normal working conditions."

According to NYS Labor Law an employee is required to take a one half-hour break for every span of six hours worked. "Students should be paid for brief interruptions in their

daily schedules if it is the employer's policy to permit those interruptions for regularly scheduled employees" (per CWS regulations).

Thus, brief breaks taken with other employees are paid; lunch breaks or breaks not granted to regular employees are not paid. There should be one half-hour unpaid break after six hours of work.

WORK SCHEDULES

Overtime is not paid to student employees. Students may not work more than 40 hours in one week, or should not work more than eight hours in one day. If a student has other jobs on campus, please coordinate schedules with other supervisor(s) to ensure compliance with this provision.

It is also advisable for each student to submit a copy of the semester's class schedule to the supervisor. This will prevent inadvertently scheduling work hours during scheduled class time.

Students working on Temp-Service/SAP or CWS may normally not work more than 20 hours per week while classes are in session. However, there are some exceptions permissible:

All student employees may work more than 20 hours per week during the first full week of a semester, and during finals week. This recognizes the fact that many offices have peak workload in the first or last week, full student staffs are not available, and available students may have minimal academic commitments. No special permission or endorsement is necessary.

During the remainder of each semester, only students with the permission of the supervisor, budget and the appropriate V.P. would be permitted to work more than 20 hours per week. Permission would only be granted to students who are in good academic standing who have the permission of the supervisor (in the form of a memo from the supervisor). Permission must be renewed each semester.

A student who consistently works more than 20 hours per week must pay Social Security. Once a student and supervisor have elected for permission to work more than 20 hours per week, Social Security will be deducted, even if the student works fewer than 20 hours in a particular week.

Students may not, under any circumstances, work more than 40 hours in a week. Students may work up to 40 hours during periods when classes are not in session.

SOCIAL SECURITY/FICA

Students who are employed at the University at which they are enrolled and regularly attend classes are excluded from Social Security coverage. The IRS has suggested the following guideline to determine if a student must pay Social Security taxes while

enrolled. If a student is enrolled for 6 or more credit hours and working less than 20 hours per week he/she is considered primarily a student and is exempt from Social Security withholding. If he/she is enrolled for less than 6 credit hours, he/she is considered an employee and Social Security is withheld.

All student employees have Social Security withheld if employed during the summer, unless enrolled in summer session for more than 6 credit hours.

DUAL OR CONCURRENT APPOINTMENTS

Students are allowed to work on more than one payroll concurrently. Thus, a student may have a CWS and a SAP job or two or more Student Assistant jobs. Students may not have more than a single CWS job at a time. Ask your student employees if they have more than one concurrent job. If they do, please coordinate with other supervisors to ensure students are scheduled within the hour limitations described above.

EMPLOYMENT OF INTERNATIONAL STUDENTS

By far the most common classification for students, an F-1, is accorded to an alien who is admitted to the United States temporarily for the sole purpose of pursuing a full course of study at an educational institution approved by the Immigration and Naturalization Service for attendance by nonimmigrant students. The F-1 is for students pursuing an "academic course" or "language training program" as opposed to a vocational program.

To obtain the F-1 initially, the student must establish that sufficient funds will be available to him/her to finance the entire period of his/her stay and study in the United States without having to engage in off-campus employment.

On-campus employment is open to the F-1 Student for no more than 20 hours per week while school is in session as long as the student is taking a full course of study and is not displacing a United States student. The student can work full-time when school is not in session or during vacation periods provided the student intends to resume full-time study at the end of the period. INS approval is not required in these instances. On-campus employment as part of a scholarship or assistantship is considered to be part of a student's program of study therefore, SUNY Fredonia must be the sponsor. International students admitted on a J-1 or F-1 visa are not eligible for CWS (eligibility is restricted to Permanent Resident Aliens and US citizens).

INFORMATION SECURITY PROGRAM

As a regulated activity by the FTC, and adopted by the President's Cabinet on June 2, 2004, the Information Security Program was established to:

- Ensure the security and confidentiality of customer records and information.
- Protect against anticipated threats to the security and/or integrity of such customer records and information.
- Guard against unauthorized access to or use of customer records of information that could result in substantial harm or inconvenience to any customer.
- Comply with the Gramm-Leach-Bliley Act and the rules promulgate thereunder by the Federal Trade Commission.

As outlined in Part II of the Information Security Program, Work Study and Temporary Service Student Employees may have access to customer information in order to perform their job duties and must agree to safeguard the confidentiality of such information prior to employment. A Student Employee Security Responsibility and Confidentiality Agreement must be signed each year by students who are employed by SUNY Fredonia. Students who do not comply with the agreement and/or breaches of confidentiality will be addressed as outlined in the Information Security Program.