

<b>ADMINISTRATIVE DIVISION</b> HR Division of Human Resources	<b>POLICY NUMBER</b> HR 1.86
<b>POLICY TITLE</b> Student Employment Policy	
<b>SCOPE OF POLICY</b> USC System	<b>DATE OF REVISION</b> July 21, 2020
<b>RESPONSIBLE OFFICER</b> Vice President for Human Resources	<b>ADMINISTRATIVE OFFICE</b> Division of Human Resources

---

**THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE FACULTY, STAFF, OR ADMINISTRATIVE EMPLOYEE AND THE UNIVERSITY OF SOUTH CAROLINA. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE UNIVERSITY OF SOUTH CAROLINA RESERVES THE RIGHT TO REVISE THE CONTENTS OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT. THE UNIVERSITY OF SOUTH CAROLINA DIVISION OF HUMAN RESOURCES HAS THE AUTHORITY TO INTERPRET THE UNIVERSITY'S HUMAN RESOURCES POLICIES.**

---

## **PURPOSE**

The Student Employment Policy outlines the terms of employment applicable to student workers.

## **DEFINITIONS**

**Affordable Care Act (ACA)** – federal law that provides eligibility standards for workers in regard to health insurance.

**Exempt Employee** - an employee who is exempt from both the minimum wage and overtime requirements of the Fair Labor Standards Act due to employment in a bona fide executive, administrative, professional, or outside sales capacity.

**Fair Labor Standards Act (FLSA)** – federal law that establishes minimum wage, overtime pay, recordkeeping, and child labor standards affecting full-time and part-time workers in the private sector and in federal, state, and local governments.

**FICA Exemption** – FICA (Federal Insurance Contributions Act, including Social Security and Medicare) taxes do not apply to service performed by a student employed by a university where the student is pursuing a program of study and satisfies the criteria detailed in Rev. Proc. 2005-11.

**Graduate Assistant (GA)** – A degree-seeking student enrolled in the Graduate School who assists, under faculty supervision, in the conduct of the university's total education program by providing teaching, research or other services.

**Graduate Assistantship** – The position held by a graduate assistant.

**Hiring Unit** – the academic or administrative unit processing employment.

**Nonexempt Employee** - an employee who is covered by the Fair Labor Standards Act and who is, therefore, subject to both the minimum wage and overtime requirements of the law.

**Student Employee** - an individual who is at least 16 years of age and who is:

- a. Enrolled at the university on a full-time or part-time basis,
- b. Appointed to a job designated as student employment and
- c. Associated with the university primarily in the pursuit of an academic degree.

**Temporary Employee** - a full-time or part-time employee who does not occupy an FTE position, whose employment is not to exceed one year, and who is not a covered employee.

## **POLICY STATEMENT**

The university offers students part-time temporary employment to help meet the needs of the university, provide university students with financial support in pursuit of their academic goals, and provide opportunities for academic or administrative job experience. The job duties and responsibilities of student workers vary greatly and are not necessarily related to their field of study.

The university maintains a distinction between student employment and regular employment. These distinctions include, but are not limited to, nature of work, hours worked, rate of pay and benefit eligibility.

## **Enrollment**

1. An undergraduate student enrolled at the university in at least six (6) credit hours is eligible for student employment.
2. Enrollment requirements applicable to graduate assistants are defined by University Policy ACAF 4.00 Graduate Assistantships.
3. Graduate students without graduate assistantships do not have a minimum enrollment requirement.
4. Student employment during the summer extends to:
  - a) students enrolled for the summer term,
  - b) students registered during the prior spring term who are planning to continue as students during the fall semester, and
  - c) new students who are accepted for the next fall term and have registered for fall classes.  
Students who qualify for summer employment on this basis will be eligible for hire no earlier than June 1.

Students who are not enrolled for the summer but desire to use federal work-study must get prior approval from the Office of Student Financial Aid and Scholarships before they can be hired as a non-enrolled student.

Graduate students who are not enrolled for the summer term are not eligible for Graduate Assistantships, but may be eligible for other forms of student employment if they meet the above criteria.

5. Students may not work as a student employee past their graduation date.

### **Recruitment and Selection**

1. Responsibility for hiring student employees is delegated to the campus, college, division or department level.
2. Students who meet federal work-study program eligibility requirements may be referred for employment opportunities from the Office of Student Financial Aid and Scholarships, which oversees the work-study program.
3. Employment eligibility and work authorization (Form I-9) must be verified for all new student employees. Student employees who have a break in student employment of more than a year are required to complete a new Form I-9.
4. Student employees may require a background screening, depending upon the job duties, and are subject to HR 1.90 Background Screenings and Professional References.

### **Terms of Employment**

#### **A. Federal and State Provisions**

1. The university adheres to all applicable federal and state laws and regulations regarding student employment.
2. Student workers are temporary employees who are employed at-will, who may be terminated at any time with or without cause, and who are not entitled to any compensation beyond the date of termination.
3. Student employees do not have grievance rights afforded to state employees covered by the State Employee Grievance Procedures Act or to faculty of the university.
4. Student employees are not eligible for unemployment insurance benefits.
5. Student employees are covered by Workers' Compensation and subject to HR 1.66 Workers' Compensation.
6. Student employees who meet specific criteria may be exempt from FICA taxation. The Payroll Office is responsible for determining this exemption.
7. Student employees are generally not eligible for the State health insurance. However, an offer of employer coverage will be extended to student employees who qualify based on the ACA and university guidelines. The Benefits Office is responsible for this determination.

8. Under the stipulations of the Fair Labor Standards Act (FLSA), student employees will be categorized as exempt or nonexempt. In addition, some students may perform duties that are not considered as part of an employee-employer relationship and will not be covered by the FLSA.
9. Nonexempt student employees are paid an hourly rate for the work performed, are subject to the minimum wage and overtime provisions specified by law and are required to enter time worked in the university's timekeeping system.
10. If a nonexempt student employee works more than 40 hours in a work week, the overtime rate of 1.5 times the regular hourly rate must be applied to the excess hours.
11. Exempt student employees are paid a salary for the work performed and are not subject to the minimum wage and overtime provisions specified by law.
12. Employment of international students is subject to federal regulations and special restrictions may apply. The Office of International Students is responsible for oversight of international students. The Payroll Office is responsible for determination of tax situations as it relates to international students.

## **B. University Provisions**

1. Student employees are paid on the 15<sup>th</sup> and last day of each month via direct deposit.
2. Student employees are paid on a lag. Earnings for the first half of the month will be paid at the end of the month and earnings for the second half of the month will be paid the following month on the 15<sup>th</sup> day.
3. Undergraduate student employees may hold multiple appointments/jobs. The appointments should be the same FLSA status (e.g. exempt or nonexempt).
4. Graduate assistants are subject to the terms of their appointments, policies and eligibility guidelines administered and monitored by the Graduate School. Refer to policy ACAF 4.00 Graduate Assistantships.
5. Student employees should not be hired to work more than 20 hours per week during academic terms in which they are enrolled and 37.5/40 hours per week during their off academic term and official school breaks.
6. International students may only work up to 20 hours per week except during official school breaks.
7. A student position cannot be changed to a regular ongoing position without following the applicable procedures for the creation of and hiring for a regular position.

## **C. Time Off**

1. Student employees do not accrue paid vacation or sick leave. In the event of illness, a student employee must notify her or his supervisor as soon as possible each day of absence.
2. Student employees are not eligible for holiday pay. In university offices where services are maintained on holidays and students are scheduled to work, the rate of pay is at the regular hourly rate.
3. Jury duty time used by a student employee, in the performance of jury duty or when summoned as a witness, must be treated as an excused absence without pay.
4. A student employee who is a member of any reserve component of the United States Armed Forces, who is voluntarily or involuntarily ordered to extended U.S. military service, must be granted time off without pay.

#### **D. Resolution of Disputes**

1. Student employees involved in a dispute should seek resolution at the unit level.
  - a) Students must bring concerns about their employment to the attention of their supervisor as soon as possible.
  - b) Supervisors are expected to make good faith efforts at fair and equitable resolution which includes informing the student of their decision.
2. Appeals
  - a) The appeal process for graduate assistants is described in ACAF 4.00 and the Graduate Bulletin.
  - b) For all other student employees, decisions at the unit level are final and there is no appeal process.

#### **E. Terminations**

A student employee who resigns or is terminated must receive wages due for services rendered.

#### **PROCEDURES**

1. Student employees will receive the ACA Notice and Acknowledgement of Receipt in the same manner as other types of employees.
2. International student employees must complete a Foreign National Tax Information Form at hire. The Payroll Office is responsible for this information.
3. In order to be paid in a timely manner, nonexempt student employees must complete the timesheet by the deadlines published by the university for each pay period throughout the year.
4. Arrangements for time off without pay are negotiated and approved within the hiring unit, including time off during academic break periods. Academic break periods are a function of the academic calendar and do not relate to student employee work assignments.

5. Students who are injured on the job should immediately contact their supervisor. The accident reporting procedures are the same as for regular staff.

**RELATED UNIVERSITY, STATE AND FEDERAL POLICIES**

Affordable Care Act (ACA)  
Fair Labor Standards Act (FLSA)  
Federal Insurance Contributions Act (FICA)  
ACAF 4.00 Graduate Assistantships  
HR 1.33 Labor  
HR 1.66 Workers' Compensation  
HR 1.90 Background Screenings and Professional References

**HISTORY OF REVISIONS**

<b>DATE OF REVISION</b>	<b>REASON FOR REVISION</b>
	New Policy