

Student Worker Policy

Purpose:

The purpose of this policy is to outline Daemen University's provisions specific to student employment and to provide guidance to departments in complying with the Patient Protection and Affordable Care Act of 2010 (ACA) as those requirements relate to student workers. The ACA was enacted in 2010 with phased-in requirements. Two of the primary requirements effective in 2015 are the Employer Shared Responsibility Mandate (the "Employer Mandate") and Sections 6055 and 6056 reporting. The ACA requires large employers (50 or more full-time and full-time equivalent employees) to offer affordable minimum essential health coverage to enough (i.e., to at least 95%) of employees working full time (30 or more hours per week) in order to avoid penalties under the Employer Mandate, and to report on the offerings and results. Section 6055 requires employers providing Minimum Essential Coverage to report to the IRS about the coverage provided and to whom it is provided. Section 6056 requires reporting about the type of coverage provided (or not provided) by applicable large employers. ACA reporting requirements were effective starting January 1, 2015

Definitions Specific to this Policy:

Student Worker is an individual who is currently enrolled and actively taking classes at the University while simultaneously working part time at the University. Student workers are undergraduates or graduate students engaged in research, teaching, work-study or another related or comparable position at the institution. Student status is their primary role and responsibility and the working relationship with the University is secondary as the position was obtained in conjunction with their studies. Student workers are [exempt from FICA](#) (Social Security and Medicare taxes) taxes and are not eligible for [FUTA](#).

Federal Insurance Contributions Act (FICA) is a payroll tax deducted from each paycheck. FICA helps fund both Social Security and Medicare programs which benefit retirees, the disabled and children. Social Security is taxed at the rate of 6.2% and Medicare 1.45% of gross annual wages. Employers match these percentages at 15.3%.

Benefit Eligible means that an employee is eligible for the Daemen University Employee Benefit Package. This only applies to employees who are regular full-time or employees who have been grandfathered as limited full-time.

Non-benefit eligible is an employee of Daemen University that is not eligible for the Daemen Benefit Package through employment.

Federal Work Study (FWS) is the federally funded, need-based program in which the federal government and employer share the cost of employing a student to assist students with the cost of post-secondary education. Students must be matriculating at Daemen University, be capable of maintaining a good academic standing and be a U.S. citizen or permanent resident in order to be eligible. Students are given a budgeted amount of aid which allows for a certain number of hours to be worked throughout the

academic year. Eligibility for the program is determined by Daemen University Financial Aid Office based on each student's FAFSA. Aid does not transfer over from previous academic years.

Daemen Work Program (DWP) is Daemen University funded aid, a need-based program in which the University determines if a student is eligible for the work-based aid during the academic year. DWP is only for as needed exceptions and must be requested by the student's supervisor. Once requested the position must be approved by the Student Employment Coordinator, the department Cabinet member, and Financial Aid Director. DWP is never requested by the student and is not guaranteed. Aid does not transfer over from previous academic years and the approval process must be requested yearly.

- **Summer Daemen Work Program** is not aid based, but funded by Daemen to provide specific approved offices the opportunity to have students work over the summer semester. Students must be enrolled in courses during the upcoming Fall semester and currently a Daemen student. The summer DWP is not eligible for incoming freshman or transfer students. Recently graduated students are also not eligible to continue working in the summer without approval. DWP is only for as needed exceptions and must be requested by the student's supervisor. Once requested the position must be approved by the Student Employment Coordinator. DWP is never requested by the student and is not guaranteed.

Student Assistant (SA) is a student worker position where the hiring department is fully responsible for funding the student's work. This is not an aid funded position. The hiring department sets the weekly allotted hours. Hours worked will not be allowed to exceed 19 total/week between all jobs on campus.

Graduate Assistants (GA) are to be treated as student assistants. Typically, this position will be paid out via a contract set up by the hiring department or through stipends.

Hours of Service includes the hours worked, and hours for which an employee is paid but does not work, such as vacation, holiday illness or disability, jury duty, military duty, or paid leave of absence. For purposes of student worker employment, hours of service do not include hours credited due to participation in a Federal Work Study Program.

Initial Measurement Period means the 12-month period used to determine full-time employment status for purposes of the ACA, which commences on the date of hire.

Standard Measurement Period means the designated period is set by the Annual Benefit Enrollment Period (June 1st-May 31st). The Standard Measurement Period is used in calculating work hours used to determine benefits eligibility.

Policy:

Student employment is intended to help meet the needs of the University, provide 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 may or may not be related to their field of study.

Daemen adheres to all applicable federal and state laws and regulations regarding student employment. Student workers are subject to Daemen workplace and employment policies and procedures as listed in the Staff Handbook. All student hourly positions are at-will employment positions and may be

terminated at any time provided the reason is not prohibited by law. In addition, student employment is typically excluded from unemployment benefits.

The ACA requires Daemen to offer health insurance to all employees, including temporary and student workers who are “full-time employees” to avoid penalties under the Employer Mandate. Under the ACA, a full-time employee works an average of 30 or more hours per week or 130 hours per month. The University uses a standard measurement look-back period of 12 months to determine eligibility for benefits.

In addition, any persons employed by Daemen may become eligible to receive a 403(b) TIAA employer contribution if they have worked 1,000 within a calendar year.

All student workers shall be paid on an hourly basis and hours of service shall be tracked accordingly. Time will be recorded to the nearest quarter hour (15 minutes). If a student misses any time due to holiday, mandated school closure, or any other reason (excluding the covered absences in the NYS Sick Time Benefit), the student is not paid or given credit for the time missed. In addition, the student is not paid for any breaks taken during a shift. According to New York State Labor Law, an employee is **required to take a one-half hour break for every span of six (6) hours worked**. Students must properly document their time on the appropriate timesheet to punch in and out for each shift. Failure to submit your timesheet by the due date can result in a delay of payment. **All students are paid minimum wage for NYS.**

To maintain compliance with ACA regulations and Daemen College Policy, students will **NOT BE ALLOWED to work more than 19 hours in any given week throughout the academic year**. This is to ensure that they stay under the regulatory threshold and within the part-time parameters of the University (This is in effect across all jobs on campus, and if the student holds multiple positions the total hours worked in a week cannot exceed 19). Further, because student worker positions are not intended to be benefit-eligible for neither healthcare nor TIAA contributions, student workers may work up to a **maximum of 19 hours per week during the Academic year**.

- A max of 35 hours per week will be allowed for summer work program only during that season, and a maximum 90-day period as to not trigger benefit eligibility. This will be covered by the Student Assistant budget, not **summer DWP which will max out at 19 hours per week for summer** (as this is Daemen funds which must be used in reservation).

Hours credited due to a Federal Work Study program do not count toward the calculation of hours of service earned for purposes of the ACA weekly hour maximum threshold. Students may not continue work once their FWS award has been earned. A student’s employment will be terminated once the budgeted amount has been earned. Students nearing their award limit will be notified by the Employee Engagement and Financial Aid Offices, while the supervisors will be notified by the Student Employment Coordinator. Any hours over the aid will be subject to be charged back to the department or office budget the student worker was employed by.

Student worker hours are aggregated among all positions for purposes of the Employer Mandate and IRS reporting under the ACA. A student worker’s hours will be combined for all positions at the University, and if a student worker holds more than one position, those hours of service will be combined.

The University is responsible for monitoring all student worker hours to ensure that they do not exceed an average of 19 hours per week (excluding hours of service credited under a Federal Work Study program) for all employment positions held by a particular student worker over the academic calendar year. Students who work over the summer break may work up to 35 hours per week for up to 12 weeks.

New York State Sick Time Benefit:

Daemen provides paid sick leave in accordance with the NYS Paid Sick Leave Law effective 1/1/2021.

Student employees accrue 1.35 hours of sick leave every biweekly pay period to a maximum of 35 hours of paid sick leave each year. Accrual starts on an employee's first day of employment and is awarded at the end of each pay period. Employees may take leave in one-hour increments. Employees may carry over accrued, unused sick leave to the next calendar year to a maximum of 56 hours.

The following reasons qualify for use of paid sick leave as defined by the NYS Paid Sick Leave law:

- An employee's or employee's family member's mental or physical illness, injury, or health condition (whether diagnosed or not)
- The diagnosis, care or treatment of a mental or physical illness, injury or health condition, or need for medical diagnosis of, or preventative care for an employee or employee's family member.
- An absence from work when the employee or employee's family member has been the victim of domestic violence, a family offense, sexual offense, stalking or human trafficking.
- Student workers may not use paid sick leave hours to add time over and above their regular scheduled work week. Paid sick leave cannot be used to increase hours in a work week over the allowable threshold in accordance with their financial aid award. If you need to use sick time, you are required to notify your supervisor in advance and indicate the hours used on your timecard, as well as complete the NYS Student Sick Time Benefit Request Form.

<https://my.daemen.edu/offices-mydaemen/studentemployment/limitation.php>