

UWM POLICY ON STUDENT HOURLY EMPLOYMENT

History

Original: September 1992
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Revised: June 2009

Authority: UW System Financial Administration Policy (G18) Employment of Student Help

Initiator: UW – Milwaukee Student Hourly Employee Policy Working Group, Financial Aid Executive Director, Provost and Vice Chancellor for Academic Affairs

Responsible Party: Keyimani Alford, Assistant Director of Student Employment and Customer Service Center of the Department of Financial Aid, Student Employment and Military Education Benefits

I. Purpose

This Policy establishes guidelines for employment of student hourly employees at the University of Wisconsin – Milwaukee (“UWM” or “University”).

II. Policy

The purpose of student hourly employment is to help students meet their cost of attendance, build an employment record and, when possible complement their field of study. Through student employment, the University can assist students financially, while benefitting from the services they provide. Student hourly employment is incidental to a student’s education, and hours of work should not be excessive.

III. Definition

Student hourly employees are comprised of students who provide part-time and/or temporary administrative, clerical, laborer, technical, or other general support to UW – Milwaukee faculty and staff, and meet the eligibility requirements below.

IV. Eligibility

Student employment at the University of Wisconsin – Milwaukee is primarily designed for UWM students to have access to and benefit from on or off-campus employment opportunities. To be eligible for employment as a student employee at UWM, an individual must meet the following requirements:

A. The position is incidental to the individual’s purpose or presence at the institution as a student. In other words, the individual’s presence on campus is primarily to be a student, not an employee. It is not permissible to

hire a person as a student employee if they are taking credits merely to be eligible for student employment. This is a judgment that needs to be made by the employing unit. Factors to consider when making this decision include whether they are taking courses for credit, whether they are working toward a degree, and whether they have a pattern of taking less than a half-time load.

B. The individual must be enrolled for academic credit at an educational institution. An educational institution is defined as:

1. an accredited institution of higher learning granting associate degrees or higher;
2. a technical college;
3. a vocational or trade school; or
4. a high school.

The employing unit is responsible for verifying an individual's eligibility. Suitable methods of verification include: PAWS (for UWM students); a letter from their home institution; a copy of current registration and course schedule; current tuition payment receipt; and a hard copy of on-line verification. The Payroll Office will be responsible for maintaining documentation of the verification of eligibility, therefore, a **copy of the verification must be sent to the Payroll Office each semester, along with the UWM Student Verification form.**

Importance of note regarding F-1 and J-1 international students: special consideration needs to be paid to F-1 and J-1 international students when verifying eligibility. Federal visa regulations specify that F-1 international students are eligible for on-campus employment automatically, but **only** at the school listed in item #2 on the I-20 where the student is currently enrolled. In this case, the F-1 student does not need any special authorization to be employed 20 hours per week when school is in session and/or up to full-time during breaks. When processing I-9s, departments will need to verify that the student's I-20 is indeed issued by UWM. If it is not, an I-20 alone does not provide sufficient proof of eligibility. J-1 international students may be eligible for on-campus employment, but **only** with a letter of permission from the J-1 program sponsor listed in item #2 on the DS-2019. Student employees should obtain a letter from International Student and Scholar Services (ISSS) office.

C. The individual must be at least 16 years of age.

Employers are advised that under Wisconsin law, student employees under the age of 18 have certain restrictions. There are significant limitations as to the number of hours they may work and the time of day during which they may work. More information is available from the Equal Rights Division of the Wisconsin Department of Workforce Development.

- D. Part-time and/or temporary employment** is defined as less than 40 hours per week (Sunday through Saturday). When classes are in session, it is recommended that student employees work no more than 20 hours per week to adequately meet their classroom requirements and to avoid unemployment and FICA exemption implications.

If the student and supervisor wish that the student work 30 hours or more per week, the student and supervisor should have the written approval of the Department Chair or Division Head before working thirty (30) hours or more per week. Such additional work should be for a limited time only. Students may work up to 40 hours per week during breaks between academic terms and during the summer.

- E. Semester Eligibility** – A student may not be employed prior to the first payroll calendar day of the student's first semester of enrollment. Summer eligibility is the only exception (see below). Students who graduate or complete an academic semester and will not be enrolling in the following semester may continue to be employed as a student employee only through the last payroll calendar day of the completed semester. Students who terminate enrollment, graduate, transfer, or withdraw from school during a semester are no longer eligible for student employment. The last day of enrollment must also be the last day of employment.
- F. Summer Eligibility** – Any student who has been accepted for fall enrollment, or is continuing in the fall semester after completion of the spring semester, or is enrolled during the summer is eligible for summer student employment.

Division may have stricter eligibility requirements – More specific provision (e.g., requiring a greater credit enrollment, or enrollment at UWM) may be established by a specific college, school, department, or other UWM unit.

V. Conditions of Employment – Work Rules

All student hourly positions are at-will positions and may be terminated at any time provided the reason is not prohibited by law.

It is the University's position that the University of Wisconsin System Classified Employees Work Rules apply to student employees in the same manner as they apply to permanent classified staff.

VI. Compensation

- A. Student hourly employees are subject to the overtime provisions** of the Fair Labor Standards Act (FLSA). Therefore, student hourly employees who are employed for more than 40 hours in a week within the University System

will receive premium pay for the hours worked beyond 40 hours at the rate of one and one-half times the regular hourly rate.

B. All student employees are placed in one of three position classifications to assist in determining the appropriate rate of pay: Basic, Intermediate, and Advanced. The following are descriptions of the general types of work to be included in each level. The examples are not all-inclusive, but rather are general indications of the types of jobs included in each level. These general descriptions provide a framework for classifying jobs not represented below.

Level I (Beginning)

General Characteristics

1. Minimum or no skills
2. Close supervision with assistance readily available
3. Procedures well established
4. Limited independent decision making
5. Duties are performed independently after training
6. Responsibilities limited to job task performance

Examples of this type of work:

1. Data entry
2. Food service
3. General clerical
4. Library aide

Level II (Intermediate)

General Characteristics

1. Relevant job related
2. Some independent judgment and initiative within limits
3. Supervisory responsibilities for limited activities
4. Work of moderate difficulty and complexity requiring the exercise of discretion
5. Less procedural in nature of the total operation and application of specialized knowledge

Examples of this type of work:

1. Accounting trainee
2. Laboratory animal caretaker
3. Supervision of recreational activities
4. Secretary

Level III (Advanced)

General Characteristics:

1. Advanced level of skills, training and/or job related experience
2. Receives only general supervision
3. Involves supervisory responsibility for large size or complex activities

4. Usually involves a number of concurrent activities
5. Considerable problem-solving and decision-making
6. Significant consequence for error
7. Responsible for specialized activity or whole operation
8. May develop or recommend operating policy procedure

Examples of this type of work:

1. Advanced secretary
2. Advanced supervision of recreational activities requiring special qualification
3. Class reader and grader or teacher's aide
4. Laboratory technician

Above Maximum Rates

General Characteristics

1. Performance of extremely specialized or complex duties not normally associated with regular student employment
2. Employers should consult with their Unit Business Representative when seeking to hire a student employee at above maximum pay rates.

C. Employing units have the discretion to establish the starting hourly rate at any point within the range of the level (Basic, Intermediate, or Advanced). All salary rates above the maximum of the advanced level must have prior approval of their divisional Personnel Representative or Unit Business Representative. In accordance with Regent policy, the wage structure levels will:

1. Reflect local student employee job market conditions;
2. Comply with applicable state and federal statutes, and policies of the Board of Regents of the University of Wisconsin – System; and
3. Not exceed the minimum of the salary range for classified employees with similar duties, and shall provide compatibility between regular student rates and work-study rates as governed by federal regulations promulgated by the U.S. Department of Education; exceptions may be granted by the Academic Personnel Office.

D. The UWM Student Hourly Wage Plan will be reviewed periodically by the UWM Student Employment Committee. Effective June 2009, the following student employment wage plan, proposed by the UWM Student Employment Committee, will be in place.

JOB LEVEL	MINIMUM	MAXIMUM
Level I: B – Beginning	\$7.25	\$10.60
Level II: I – Intermediate	\$9.50	\$12.70
Level III: A – Advanced	\$11.60	\$14.50

The wage scales were developed in efforts to maintain competitiveness among other universities across the State of Wisconsin. Federal and state minimum wages are also taken into consideration. You may view current federal and state minimum wage rates by visiting the following link:

<http://www.laborlawcenter.com/t-State-Minimum-Wage-Rates.aspx?gclid=CKSTwtaYu5YCFRg6awodPIIMLA>.

As the federal minimum wage limits increase, UWM's minimum and maximum wage scale will adjust using the following established percentages:

	Minimum Wage % Increase	Maximum Wage % Increase
Level I: Beginning	Current Minimum Wage	140% of Minimum Wage
Level II: Intermediate	130% of Minimum Wage	175% of Minimum Wage
Level 3: Advanced	160% of Minimum Wage	200% of Minimum Wage

Example of the equation is: (Level 1) Current Minimum Wage x 140% = Maximum Wage for level. $6.55 \times 140\% = \$9.20$.

As the federal minimum wage increases, UWM's student employment wage scale will automatically update with the federal changes. The formula/equation above determines the increase for each level.

E. In rare circumstances, a student employee may be paid on a lump-sum basis rather than on an hourly basis. This may occur only when it is not possible for the employee to keep a time sheet of hours worked due to the nature of the position. All students must be paid through the hourly process unless the job responsibilities fall within the University of Wisconsin System policy criteria for being paid through a lump-sum process.

There is no direct relationship between the effort and hours worked and the position requirements of the student employee to perform in a Semi or Paraprofessional role.

Lump-sum payment arrangements require advance approval by the Payroll Office.

VII. FICA (Social Security) Withholding

To be eligible for an exemption for FICA withholding, a student hourly employee **must be taking a minimum of a half-time course load and attending classes** at any UW System institution. During the academic year, a half-time load at UW – Milwaukee equals six (6) credits for undergraduate students and four (4) credits for graduate students. During the summer, a half-time load equals three (3) credits for both undergraduate and graduate students.

All other student hourly employees must have FICA taxes withheld from their paychecks. This includes:

1. UW students (at any UW System institution) taking less than a half-time course load. (Verification of enrollment status must be provided to the Payroll Office each semester.)
2. Students in other universities, community colleges, and technical colleges, regardless of their course load; and
3. High school students.

Summer Breaks – Students who work during the summer break and who are not enrolled and attending classes during the summer session are not exempt from FICA. However, the FICA exemption will continue to apply as long as the break is five (5) weeks or less and provided that the student qualified for the exemption on the last day of classes preceding the break and is eligible to enroll in classes for the academic term that follows the break.

Employees with an open appointment type of one of the following: LTE, Classified Permanent, Classified Project, Academic Staff, Faculty, Limited, Employees-In-Training, or Other Special Use titles concurrent with a Student Help appointment are considered Career/Professional employees and will **not** be eligible for the FICA exemption, since such services cannot generally be considered to be incidental to and for the purpose of pursuing a course of study.

An employee that works 40 hours or more per week in at least three (3) biweekly payroll periods (excluding periods when classes are not in session) is considered to be a “full-time employee.” Full-time employees are ineligible for the safe harbor rule normally associated with student status and are ineligible for the FICA exemption.

VIII. Direct Deposit

Direct Deposit is required for all Student Hourly Employees. Exceptions may be granted by the Payroll Office for employees that demonstrate that Direct Deposit would result in a hardship for them.

References

See the following for additional information:

UW System Policy G18 (Employment of Student Help):

www.uwsa.edu/fadmin/gapp/gapp18.htm

UW System Policy G18A (Student FICA Exemption):

www.uwsa.edu/fadmin/gapp/gapp18a.htm

UW System Policy G32 (Payment Methods and Timing for Payroll):

www.uwsa.edu/fadmingapp/gapp32.htm

Human Resources: www4.uwm.edu/hr

Payroll Office: www.bfs.uwm.edu/payroll.htm

Department of Financial Aid, Student Employment, and Military Education Benefits:
www4.uwm.edu/financialaid

Career Development Center: <http://www.uwm.edu/Dept/CDC/>