

**Policy 1334
Student Employment**

**Date of Current Revision: June 2011
Primary Responsible Officer: Director, Financial Aid**

1. PURPOSE

The university employs qualified students for various positions in order to meet personnel needs. The objective of this policy is to define student employment and to outline the conditions of employment for student employees. Student employment is separate and distinct from financial aid given to students, and this policy also is designed to distinguish between the two types of payments made to students.

2. AUTHORITY

This policy complies with the Virginia Department of Human Resources Management pursuant to the authority provided in 2.2-2900 of the Code of Virginia. The Board of Visitors is authorized to set policy for all employment and student matters at the university. Where it has not exercised this authority, it is delegated to the president. The university reserves the right to revise, change, or eliminate this policy as necessary.

3. DEFINITIONS

At-Will Employment

An employee who is working at-will may resign from work or be terminated from work with or without cause, with or without severance or advance notice. All student employees are at-will employees.

Federal Work-Study

A federally funded financial aid program to provide payment for work performed by students on campus or in the community, based on the needs of the student and the availability of funding. The purpose of the Federal Work-Study program is to help the student support himself or herself by providing a part-time job for the student. Federal Work-Study positions are awarded by the Office of Financial Aid and Scholarships to eligible students, but selection for specific jobs is competitive, and placement is not guaranteed.

Fellow

A student serving in a Fellowship. A Fellow is not considered a student employee under this policy.

Fellowship

A grant given to a student for the purpose of support during a course of study, not for services rendered. A fellowship is not student employment for the purposes of this policy.

Graduate Assistant

A student serving in a graduate assistantship is covered by Policy [2103](#) - Graduate Assistants. A graduate assistant is not considered a student employee under this policy.

Grant

Funds given to a student for the specific purpose of financial aid, not for services rendered. Grants are not considered student employment under this policy.

Intern

A student serving in an internship. An intern is not considered a student employee under this policy.

Institutional Employment

The Institutional Employment Program is designed to assist students in securing on-campus employment regardless of their financial aid eligibility.

Lump Sum Payment

A payment for a job or piece of work performed (as opposed to payment for time worked), even if the lump sum payment is divided into parts payable at different times. Student employees may be paid via lump sum payments for a job or piece of work.

Scholarship

A grant of financial aid made to a student for the purposes of attending the university, not for services rendered. A scholarship is not considered student employment for the purposes of this policy.

Stipend

A fixed and regular payment of a grant of financial aid to a student, not for services rendered. A student employee is not paid via stipend.

Student Employee

A student hired by the university to perform regular employee duties. Student employees may be paid either under Federal Work-Study or institutional employment policies. A student employee is not serving in an internship, an assistantship, or a fellowship, and is not paid on a stipend, scholarship, grant, fellowship, or other award to obtain training or work experience necessary for the completion of a degree. See Section 9, Exclusions, and Policy [2103](#) - Graduate Assistants.

Student Employment:

Employment of a current student in a position within the university, either in a Federal Work-Study or an Institutional Employment position, generally to meet part-time, temporary or seasonal needs. Student employees are not covered by the Virginia Personnel Act (Title 2.1, Chapter 10, of the Code of Virginia) and serve at the pleasure of the university.

Student Employment Position

A position created by the university specifically for student workers. Students must be degree-seeking and enrolled on at least a half-time basis, either in an undergraduate or graduate program during the regular academic year (fall and/or spring semesters) to be eligible for student employment. Per the University Registrar's guideline, half-time basis equates to at least six credits taken each term for undergraduate students; and at least five credits taken each term for graduate students. Students who desire summer employment (institutional employment) must have intent to re-enroll for the upcoming fall semester in an undergraduate or graduate program at James Madison University to be eligible to work as a student employee.

Wages

Payments for time worked (as opposed to payment for a job or piece of work performed) on a per-hour, per day or per week basis. Student employees may be paid wages for services rendered.

Work Hour Limitations

Student employees shall be limited to working no more than 20 hours per week while enrolled in classes during the academic year. During periods of non-enrollment (holiday/winter break, spring break, summer, etc.), students are allowed to work over 20 hours per week and are subject to overtime if hours exceed 40 in a work week. Also, undergraduate students in the Adult Degree

Program and graduate students without assistantships are allowed to work over the 20 hour limit. Graduate students with assistantships are also exempted from this rule with the approval of their advisor.

4. APPLICABILITY

This policy applies to all student employees and, where applicable, to their supervisors.

5. POLICY

Student employees shall be hired strictly on a part-time, at-will basis. Student employees serve at the will and pleasure of the university.

Student employment is intended to provide additional workers for part-time, seasonal or temporarily excessive workloads, interim replacements, short-term projects, or jobs that do not necessitate full-time classified employees. Student employment does not encompass internships, fellowships, assistantships, or other situations where the purpose of the work performed by the student is primarily training for the completion of a degree. See Section 9, Exclusions, and Policy [2103](#) - Graduate Assistants.

Student employees are not covered by the provisions of the Virginia Personnel Act.

6. PROCEDURES

6.1 Determination of Employment vs. Award of Aid

A department wishing to use a student to perform work must fill out the [questionnaire](#), to determine whether the work to be performed by the student qualifies as employment or as an award of a fellowship, internship, assistantship, or other financial aid. If the Financial Aid office makes the determination that the work to be performed by the student qualifies as employment, a Personnel Action Request (PAR) will be submitted to the Student Work Experience Center (SWEC) by the department hiring the student. SWEC will process the paperwork to put the student on the payroll. If the financial aid office makes the determination that the work to be performed by the student qualifies as an award of aid, the award is subject to awarding policies of the financial aid office, and is not employment covered under this policy.

6.2 Compensation

Student wage employees shall be paid only for actual hours worked, and shall be required to keep detailed time sheets. Students paid by the job may be paid in a lump sum, either in a single payment or in increments over a specified period of time.

Applicants normally should be hired at the minimum of the pay band. Applicants with experience related to the position may be hired at a rate higher than the pay band minimum with prior approval from the Student Work Experience Center.

Student wage employees are covered under the Fair Labor Standards Act and must be paid overtime at the one and one-half time rate for hours worked over 40 in a workweek in accordance with university Policy [1303](#). Therefore, records of hours worked must be kept for all student wage employees regardless of their status.

Direct deposit of pay is a condition of employment for all student employees.

6.3 Benefits

Student employees are covered under the Commonwealth's Worker's Compensation Act. When eligibility is established, compensation is provided by the university.

Student employees cannot accrue paid leave and shall be paid only for holidays on which they actually perform work.

Student employees cannot accrue compensatory time or overtime leave credits.

Student employees are not eligible to participate in the state's health insurance, life insurance, retirement, or other benefit programs. However, there are some limited benefits (such as military leave, Family Medical Leave, etc.) available to certain student employees. See the Office of Human Resources for details.

6.4 FICA Student Exemption

Students employed in student employment positions are eligible for the Federal Insurance Contributions Act (FICA) tax exemption as long as they are enrolled at least half time (6 hours for undergraduates; 5 hours for graduate students). The exemption will remain in effect during semester breaks of five weeks or less.

Student employees are no longer eligible for the FICA student exemption when any of the following occur: a. the student is enrolled less than half time; or b. the break between semesters is greater than 5 weeks; or c. the student obtains a non-student employment position with the university. In this case, the student employee will lose the FICA student exemption in all employment types. The FICA exception policy can be found at <http://www.jmu.edu/payroll/studentfica.shtml>.

7. RESPONSIBILITIES

Division heads, academic deans, and department heads are responsible for the consistent application of this policy. Vice presidents, academic deans and department heads are responsible for ensuring hours worked are consistent with this policy. The monitoring of hours of student employees is the responsibility of the individual supervisor.

The Student Work Experience Center will notify hiring supervisors of student employees when particular student employees violate the 20 hours per week policy. Continuing to allow a student to violate the 20-hour policy may subject the department to sanctions.

8. SANCTIONS

Student employees and supervisors of student employees who violate this policy are subject to discipline commensurate with the severity and/or frequency of the offense and may include termination of employment.

9. EXCLUSIONS

This policy does not apply to full-time classified employees or members of the instructional or administrative & professional faculty. It does not apply to students who are paid an award, stipend, or other payment in an internship, assistantship, or fellowship position where the purpose of the internship, assistantship or fellowship is to train the student for the completion of a degree, the payment is received regardless of the quality or quantity of the work, and there is no guarantee of a job with the university following the internship, assistantship or fellowship.

10. INTERPRETATION

The authority to interpret this policy rests with the president, and is generally delegated to the director of financial aid and scholarships.

Previous version: October 2009

Approved by the president: February 2008