



Student Assistant Appointment Procedures

Summary

Student Assistant positions are established for the purpose of giving financial support to students while at the same time accomplishing necessary work for the campus. This procedure sets forth guidelines on the use of Student Assistant positions at SUNY Buffalo State University. Adherence to policies related to student employment will ensure consistency in the application of personnel practice to Student Assistants and will comply with Federal and State laws and regulations.

Student Assistant positions are designated as on-campus positions. Hiring decisions are made solely at the discretion of the hiring department and departments are subject to budgetary availability for the position.

Appointment Criteria

Student Assistants are part-time positions in the non-competitive class of Civil Service with non-statutory salary rates and are not assigned to a bargaining unit. All appointments of this type are made to the title of Student Assistant. No fringe benefits are provided to individuals in these positions, unless specifically noted in the procedure. Their work status is temporary and no long-term commitments are possible. Student Assistants are paid at an hourly rate only for hours actually worked.

Student Assistants must be paid at least the federal minimum wage. The maximum rates are communicated via email to the campuses and posted on the [Office of University-wide Human Resources website](#).

Individuals assigned to these positions during the academic year must be regularly enrolled students of SUNY Buffalo State University.

A student holding a Graduate Assistantship is not eligible for appointment as a Student Assistant.

Individuals assigned to these positions over the summer must be enrolled at SUNY Buffalo State University for summer classes or for the upcoming fall semester.

Student Assistant positions are divided into various levels of difficulty with appropriate pay ranges established, such as:

1. Minimum level of specialized skills or previous work under the immediate supervision of an experienced employee. Only minimum training normally required.
2. Previous related experience required. Duties usually require considerable skill. Skills normally obtainable in previous work assignments, educational classes, or hobbies.
3. Para professional assignments. Expertise required, often as a result of student college training. Usually related to the student's instructional program.

Student Assistants must communicate any changes in their academic status or enrollment status to their supervisor. If a student withdraws, graduates, is academically dismissed, or is separated by any other method, they must immediately notify their supervisor and stop working.

Work Eligibility

Student Assistant employment at all times, including semester breaks and during the summer is limited to a maximum of 29 hours per week combined.

Departments may limit Student Assistant hours of employment to 20 hours per week while classes are in session based on campus policy. Students who are in good academic standing may be allowed to work more than 20 hours (but not more than 29 hours) a week based on campus policy. Students who are struggling academically should continue to be limited to 20 hours per week.

International students are limited per [USCIS regulations](#) to working no more than 20 hours per week while classes are in session. This maximum for International students is strictly enforced, as it is the term and condition of their Visa status.

Student Assistants may work more than one job on the student assistant payroll on campus. However, the maximum number of hours per week (29) cannot be exceeded for the combined hours in the jobs.

Regularly enrolled and graduating Student Assistants may work through December 31 for the fall semester and May 31 for the spring semester. If a student is enrolled for the spring semester then they may work over the winter break and if a student is enrolled for the fall then they may work over the summer break.

Appointment Forms

A Student Assistant Appointment Form is required for all appointments. All forms plus additional documents are available on the Payroll website (hr.buffalostate.edu/payroll) when appointing a Student Assistant for the first time. The Payroll Office will audit the paperwork and immediately notify the supervisor if additional paperwork is needed. The forms include:

- Direct Deposit Form
- Federal and State tax forms for the current tax year
- HRMS-2 (Personal Data Collection Form)
- I-9 Form (employer section must be completed within three (3) calendar days of the start date, preferably prior at the time of the accepted position)
- NYS Retirement Election Form

All completed paperwork is due to the Payroll Office as early as possibly but at least three days prior to the start of the appointment.

Reappointment of a Student Assistant

Department hiring managers may reappoint Student Assistants that return in subsequent semesters. Prior to reappointing a student who has previously lost eligibility, verification is needed by Human Resource Management by emailing hr@buffalostate.edu. For reappointing a Student Assistant who has had no change in academic status and maintains enrollment, a Student Assistant Appointment Form is needed. If the break is more than one month then a Direct Deposit Reactivation form is also needed.

Benefits

Retirement:

Student Assistants do not qualify for health insurance but are eligible to enroll in the New York State Employees' Retirement System. Enrollment currently requires a 3% contribution to the Retirement System for students. The equivalent of ten years of full-time service is needed to become eligible for pension benefits.

Jury Duty:

A 1991 amendment to the [State Judiciary Law, Section 519](#) gives New York State employees ineligible for paid leave, (hourly employees, student employees, etc.) who would normally receive no wages for time spent on jury duty, entitlement to certain payments. Specifically, when employees not eligible for leave are called to jury duty, the employer must pay the employee up to **\$40.00** a day for the first three days of jury duty which conflict with the employee's regular work schedule. Proof that such absences are required must be submitted to the Payroll Office.

[OSC Payroll Bulletin No. P-976](#) addresses this issue. Please be advised that the time entry code for this transaction is JUR.

Military Leave:

Student Assistants are eligible for military leave under [Section 242 of the New York State Military Law](#). Campuses should refer to Civil Service General Information Bulletin 2001-04 and Advisory Memo 2001-06 for additional information. Please contact the Human Resource Management office via email at hr@buffalostate.edu if you are placed on a military leave.

Meal Breaks:

A meal break of a minimum of 30 minutes of unpaid time must be taken when a student assistant works more than 6 consecutive hours. This unpaid break must be recorded on the timesheet.

Worker's Compensation:

Student Assistants injured during the performance of their duties are covered by New York State's worker's compensation policy.

Workplace injuries should be reported as soon as possible. The Injury/Illness Form is available on the HR website (hr.buffalostate.edu) and is listed alphabetically in the forms. Accidents are to be called in to the reporting number that is listed on the form and form submitted to HR when able.

Student FICA (Social Security and Medicare) Exemption:

[Section 3121\(b\)\(10\) of the Internal Revenue Code](#) sets forth an exemption from FICA tax for employees of schools, colleges, and universities who are enrolled and regularly attending classes at those institutions. Only those student employees who provide services that are "incident to and for the purpose of pursuing a course of study" and whose educational relationship with the school predominates over the person's employee relationship will qualify.

In addition to its regulations, the IRS has issued [Revenue Procedure 2005-11](#), which sets forth certain "safe harbor" tests that, if met, will deem the student-employee to be exempt from FICA tax. In other words, if the student employee qualifies under these safe harbor rules, the person will be treated as exempt from FICA tax without the necessity of looking to the "facts and circumstances" test. The IRS recognizes that it may be possible for an individual to not meet the Revenue Procedure 2005-11 safe harbor tests and still qualify for the student FICA exemption by looking at the facts and circumstances surrounding the student's employment. As a general rule, the policy of the University will be to make student FICA determinations based on Revenue Procedure 2005-11 safe harbor guidelines; that is, those student employees who meet these guidelines will be treated as exempt from FICA tax, while those student employees who do not will be subject to FICA tax on their wages.

Under [Revenue Procedure 2005-11](#) safe harbor rules, a wage payment made by the campus to an individual who (a) is at least a half-time undergraduate student or at least a half-time graduate or professional student, (b) is not a full-time employee of the campus, (c) is not a "professional employee" and (d) does not receive certain specified employment benefits, will qualify for the student FICA exemption.

International students are exempt from Social Security and Medicare under [IRC Section 3121\(b\)\(19\)](#) if they are:

1. A nonresident alien;
2. Present in the U.S. under an F, J, M, or Q visa;
3. Performing services in accordance with the primary purpose of the visa's issuance (i.e. the primary holder of the visa, the "-1").

If you have an appointment over summer session and you are not taking any summer session classes, you may be required to pay FICA/Social Security taxes. If you are taking summer session classes and working, or working summer session and enrolled for the fall, please inform Payroll so you can be taxed

correctly. Employment outside of the fall and spring semester dates (September – May) requires additional authorization to ensure that international students remain within the parameters of their visa. In all cases, employment cannot commence if they are not enrolled.

Unemployment Insurance

Per [Section 511:15 of the N.Y. Unemployment Insurance Law](#), (Students and students' spouses at educational institutions) the term "employment" does not include services rendered for an educational institution by a person who is enrolled and is in regular attendance as a student in such an institution, or the spouse of such student employed by that institution if such spouse is advised at the beginning of such services that the employment is provided under a program of financial assistance to such student. <http://www.labor.ny.gov/ui/dande/title2.shtm>

Timesheets

Student Assistants do not accrue time off and are required to complete a biweekly timesheet for each job they are working. Each timesheet must be approved by the supervisor.

Timesheets can be found at suny.edu/time and are required by law to complete. Timesheets should accurately reflect the hours physically worked by the student and should not be estimated. Pay periods are two weeks ending on Wednesday's with an additional **two days** for the timesheet to be submitted by the student no later than Friday. Timesheets must be approved by the supervisor no later than the following Monday. The Payroll Office will review and approve timesheets to submit to the Office of the State Comptroller for payment.

Each timesheet has audit details to show when it is submitted by the student, approved by the supervisor, and approved by the Payroll Office.

Timesheets can only be paid after they are approved by the supervisor. If a timesheet is submitted late then it will be paid in the next available payroll. Please see the Student Assistant Payroll Calendar posted on the [Payroll website](#) for timesheet deadline dates. Please notify your student that the payment will be delayed due to the late approval.

It is encouraged for supervisors to add calendar reminders for the timesheet due dates to ensure that the students are paid on-time.

The Payroll Office will notify all newly hired student assistants via email of their SUNY ID and [Time and Attendance instructions](#) for logging in and completing timesheets.

Pay Checks and W-2 Statements

Student Assistants have a biweekly pay period that starts on a Thursday and an additional one-week payroll lag to allow time to complete and approve timesheets for payroll processing by the Office of the State Comptroller. Pay checks are issued on Thursdays and checks and stubs are mailed from Albany, NY. Payroll schedules with pay periods, timesheet due dates, and check dates are posted on the [Payroll Office's website](#).

Pay checks and W-2 statements are mailed from Albany to the student's permanent address on file. This is different from a student's campus mailing address.

Direct Deposit paperless statements are encouraged for students to ensure timely payment and for a safer delivery method than mailing of paper checks.

W-2 statements can also be paperless by updating preferences in the [self-service portal](#) via NYS Payroll Online.

Change of Address

Student employees must make sure to update their address with the Payroll Office in addition to the Registrar's Office. Students must change their address with the Payroll Office to have their new address reflected on their paystubs and W-2 statement and ensure proper deliver to the correct address. The Registrar's Office has a separate form to use for updates to academic records.

Related Policies and Training

All active members of the SUNY Buffalo State University workforce are responsible for adhering to campus policies and procedures. As part of the annual training requirements, the following policies must be reviewed with Student Assistant's within 30 days of hire and annually thereafter:

- Title VI of the Civil Rights Act of 1964
- Mandatory Sexual Harassment Prevention Training
- Workplace Violence Prevention Training
- Title IX
- Information Security Awareness Training

The mandatory trainings can be found on [BizLibrary](#). Professional Development can be contacted with any issues logging in or to be assigned the training if they are not available.

Buffalo State Alert

Buff State Alert is used only to convey messages regarding serious safety issues, utility failures, or weather-related campus wide closures and cancellations. Buff State Alert is capable of sending text messages, recorded voice messages, and e-mail messages to multiple addresses and phone numbers. In addition, the system is capable of immediately posting messages to the Buffalo State home page, social media sites, the campus cable system, and select video message boards.

Encourage your student to sign up at <https://buffalostate.omnilert.net/subscriber.php?sso=1> (or search for “Buff State Alert” on any internet browser)

Supervisor Responsibilities

- Clearly explain the job responsibilities and duties
- Discuss the hourly pay rate and payroll cycle
- Closely monitor work performance and let them know of performance expectations
- Create a work schedule and allow flexibility for their class activities
- Set an expectation for completing timesheets at the end of their last shift in each pay period but no more than three days after the pay period ends
- Review the mandatory training annually
- Determine if the student is working with another department concurrently. Work with the student to coordinate scheduling so the maximum number of hours per week are not exceeded. The work eligibility maximum is not per job.
- Complete required paperwork for a Student Assistant appointment and any other paperwork needed in the department. I.e. confidentiality statement
- Subject to the rules and of [Public Officers Law and any applicable regulations](#).
 - o Public Officers Law § 73 prohibits State employees from: participating in any decision to hire, promote, discipline, or discharge a relative.

The supervisor is required to review and adhere to the deadlines provided in the payroll calendars. The NYS Office of the Comptroller sets these deadlines, they are not meant as guidelines, but as rules to follow to ensure students are paid on time. Any appointment forms and timesheets received after the deadline will be processed in the next payroll period, resulting in a delay in payment for the student. It is the supervisor’s responsibility to notify their student that their payment will be delayed when appointment forms and time sheets are turned in late. Payroll Advances are not available for late paperwork or timesheets.

The supervisor is responsible for working with the student on any issues that arise. Repeating tasks is often needed as this may be a student’s first job. Academics come first so allow the student some flexibility with their schedule, if requested. It is important for supervisors to stay in close contact with

students working more than 20 hours per week to ensure the schedule appropriately balances with their academic needs. If a student has a non-work related issue then it may be needed to refer them to additional resources on campus available from [Student Affairs](#).

A student's employment on campus may be their only source of income so it is extremely important to approve timesheets on time, so payments are not delayed. If a supervisor has approved vacation leave, a designee can be set up to approve timesheets by emailing the Payroll Office with the name of the designee and timeframe to allow for approval. Payroll advances are not available for late timesheets.

Early Termination

If for any reason a Student Assistant stops working or is terminated from their position prior to the anticipated end date listed on the appointment form, notification must be provided to the Payroll Office using a Student Assistant Appointment Form and noting the end date of the appointment. This form shall be completed and submitted electronically to payroll@buffalostate.edu as soon as the appointment ends.

Family and Consensual Relationships

Nepotism is unfairly using your position or authority to provide special benefits to members of your family within the workplace. Nepotism affects decisions to hire, promote, supervise, discipline or discharge certain relatives. The nepotism rules apply to anyone living in your household – this includes individuals who are not directly related to you. Family members are permitted to work in the same workplace as long as the proper hiring procedures are conducted, and, once hired, their work is not subject to your direction, supervision, or review. As a best practice, always consult with your ethics officer or COELIG (Committee on Ethics and Lobbying in Government) prior to engaging in personnel decisions or contract negotiations involving a relative or even someone with whom you are acquainted, to avoid a potential conflict of interest.

Relative is defined as any person living in the same household as the covered individual or any person who is a direct descendant of that covered individual's grandparents or the spouse of such descendant.

COELIG informs us to recuse yourself from any personnel decisions that involve a family member or close personal friend.

Romantic and/or sexual relationships can also create conflict or tension within the work environment, and as a result a relationship of such nature may violate the New York Public Officers Law. Accordingly, the University adheres to the Consensual Sex and Amorous Relations Policy.

If you have any questions, please contact the Human Resource Management Office at hr@buffalostate.edu.

Contact Information

Use the [Buffalo State University Faculty and Staff Directories](#) for the most up-to-date contact information for each department listed.

Timesheets and Appointment Forms: Payroll Office

Mandatory Training: Professional Development

Student Resources: Student Affairs

Related Links:

[SUNY Procedure on Student Assistant Positions](#)

[Ethics Handbook](#)

[Administrative Policy Library](#)

[Ethics.ny.gov](#)