

## Student Work Schedule 28 Hour Limit Process

In accordance with Finance & Operations Human Resources Policy (ER-3) Work Schedules & Employee Compensation, hourly student employees can work up to, but no more than, 28 hours per week. Federal law 8CFR214.2(f) limits international student employees to 20 hours per week while classes are in session (fall and spring semesters). The 28 hour limit applies cumulatively to all hourly student positions held by each student employee. For this reason, hiring departments must discontinue processing One Time Pay EPAFs for student employees and place them in hourly positions instead. Student employees must submit time worked on a daily basis, to assist with monitoring the hours worked. After the second event of exceeding 28 hours per week, Human Resources (HR) will complete the following steps:

1. HR will contact the hiring department supervisor to inquire about the situation.
2. If the situation is unlikely to occur again, HR will advise the hiring supervisor to ensure the student's work schedule adheres to the 28 hour limit moving forward, and is reduced as necessary for the average hours worked per week over a 12 month Affordable Care Act (ACA) look back period to equal 28 hours or less. The 12 month ACA look back period includes the first 12 months of SHSU employment for new employees, and from July 1 to June 30 of each year for all employees. If a student employee's total hours worked during the look back period reaches a level that will exceed the 28 hour average limit, they will no longer be able to work for the University in any student employee capacity for the remainder of that particular look back period. The total hours worked will move with a student employee who changes positions on campus. For student employees who do not work during the summer, the weeks not worked cannot be used to decrease the employee's average hours worked during the look back period.
3. If the hiring department expresses the need for the position to exceed the 28 hour limit, HR will recommend the hiring department post and fill additional student positions, in accordance with Finance & Operations Human Resources Policy (E-7) Student Employment Posting.
4. If the hiring department's need will not fit the student 28 hour limit, HR will advise the hiring department supervisor regarding the process to request a new benefits eligible staff position.
  - a. While the hiring department is requesting the new benefits eligible staff position, the supervisor and student employee must ensure the student's work schedule adheres to the 28 hour limit.
  - b. If approved for the new benefits eligible staff position, the position will be posted in accordance with Finance & Operations Human Resources Policy (E-1) Staffing, to ensure equal employment opportunity.

This process positions the University in compliance with new guidelines issued by the Internal Revenue Service regarding the Affordable Care Act. Questions pertaining to this process should be addressed to HR at (936) 294-1070.

Per policy FO-Pay-21 (Student FICA), a student will begin to pay FICA and Medicare taxes on wages earned as a student employee when they have exceeded 70% (28 hours) of a standard workweek on three occasions within a long semester or the combined summer semesters. The Payroll Office will monitor the number of hours worked during the standard workweek and after the second event of exceeding 28 hours, the following steps will be taken:

1. Department and HR will be notified of the pending transition to FICA eligibility of the student employee if a third event occurs.
2. After a third event, HR will be notified and the student's employee class will be moved to Non-Exempt, Non-benefit eligible for the remainder of the long semester or the combined summer semesters. The student will no longer be eligible for the FICA exemption based upon enrollment as that requires a student employment status.
  - a. Department ***must*** notify the student of the change.
  - b. At the end of the long semester or combined summer semesters, the student will be returned to a student employee class and will be eligible – as applicable – for the FICA exemption.

Questions pertaining to this portion of FICA eligibility should be addressed to the Payroll Office at (936) 294-1273.