OHR POLICY LIBRARY
International Student Workers

International Student Workers Policy
Responsible Executive: CHRO
Originally Issued: 01.01.2014
Revised: 05.18.2016

POLICY STATEMENT

Clemson University's primary purpose is to teach undergraduate and graduate students to think deeply about and engage in the social, scientific, economic and professional challenges of our times. With this in mind, Clemson is committed to affording students the opportunity to gain real-world knowledge through work experience, while limiting student work hours such that the student has sufficient time to study and pursue academic advancement.

Clemson University provides clear guidelines for international student workers and their supervisors regarding paid service hour limitations. All Clemson University employees are required to adhere to the practices and procedures established in this policy as well as those outlined in related procedural documents, including the Faculty Manual.

REASON FOR POLICY

The reason for this policy is threefold:
- To achieve compliance with Department of Homeland Security regulations
- To achieve compliance with the Department of Labor regulations
- To encourage students to set aside adequate time to pursue academic advancement

ENTITIES AFFECTED BY THIS POLICY

- All colleges/divisions of the University

WEB ADDRESS FOR THIS POLICY

https://hr.app.clemson.edu/poly-proc/disclaimer.php

CONTACTS

Subject Matter	Office	Telephone	E-mail/Web Address
Policy Clarification and Interpretation	The Office of Human Resources (OHR)	(864) 656-2000	http://www.clemson.edu/employment/contact_hr/
Immigration, visas and SEVIS compliance	Office of Global Engagement's International Services	(864) 656-3614	is@clemson.edu

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RESPONSIBILITIES

Responsible Party	List of Responsibilities
Hiring Manager	• Route any appointment offered to an international student through OHR prior to the student starting work.
International Student Worker	• Accurately record all paid service hours on the assigned time capture system. • Monitor paid service hours to comply with 20/28 caps. • Cap paid service hours at the applicable cap.
Office of Human Resources	• Approve hiring request. • Assess employment eligibility. • Approve volunteer positions for international student workers. • Review of electronically submitted paid service hours. • Monitor work authorization expiration dates.
Office of International Services (Office of Global Engagement)	• Preform required immigration processing for all international student workers. • Counsel international student workers who exceed caps. • Inform OHR of counseling results. • Achieve SEVIS compliance.
Primary Hiring Department	• Submit International Hire request to OHR with the number of hours the student will be working. • Monitor paid service hours to ensure the international student complies with the applicable caps.
Secondary Hiring Department	• Submit International Hire request the OHR with the number of hours the student will be working. • Monitor paid service hours to ensure the international student complies with the applicable caps.
Supervisor	• Monitor paid service hours to ensure compliance with the 20/28 paid service hour caps. • Approve hours worked. • Obtain approval from OHR for any volunteer position offered to an international student worker.

PROCEDURES

Immigration Requirements

Federal law regulates the employment of international students (Title 8 & 22). OHR is responsible for compliance with federal law. Therefore, hiring departments should route all appointments offered to international student workers through the Office of Human Resources prior to the student starting work. OHR will validate eligibility to work.

Positions Available to International Student Workers

There are several types of positions at Clemson University available to international student workers. Descriptions of the specific positions, eligibility requirements and any additional enrollment limits and/or benefits for undergraduate and

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graduate students are outlined on the Student Financial Aid Student Employment website, the Graduate School's Student Employment site and the Michelin Career Center site.

Starting Work

Prior to starting work at Clemson University, international student workers are required to complete the IRS Form I-9 in coordination with OHR. In accordance with the Immigration Reform and Control Act of 1986, all individuals seeking employment in the United States must verify their identity and employment authorization through the Form I-9 before starting work.

Paid Service Hour Limitations

International student workers are limited by federal law to 20 paid service hours per week during fall and spring academic sessions. This limitation does not apply during official school breaks or during the annual summer vacation.

During the annual summer vacation and official school breaks, it is Clemson's policy to limit international student workers to a cumulative total of 28 paid service hours per week. Official school breaks are denoted on the international student work calendar, which can be found on OHR's International Employees at Work website.

Setting Paid Service Hours

During the hiring phase, it is the responsibility of the hiring department to 1) enter into the Clemson University Business System (CUBS) the specific number of hours the employee is approved to work for that department and 2) inform the international student worker of this limit.

Student workers are responsible for accurately recording paid service hours.

Recording Paid Service Hours

It is the responsibility of the supervisor to ensure that the international student worker understands the following:

- Paid service hour limitations
- That these limits are federal law
- That falsifying paid service hour records is grounds for disciplinary action by the University up to and including dismissal and federal action up to and including deportation

Monitoring Compliance with Paid Service Hour Limits

It is the shared responsibility of the hiring department(s) and the student worker to achieve compliance with all paid service hour limits. Each hiring department has set paid service hours for the international student worker and should monitor hours worked so that the student does not exceed that limit while working for the department in question.

Special Reporting Requirements for Graduate Assistants and Resident Assistants

As with all student workers, international graduate assistants and resident assistants are required to enter paid service hours. Student workers with assistantships are also required to certify in their designated time capture system any weeks in which they do not work. The process for these student workers is outlined in the Student Employment Policy Summary (see link in the University Policies and Documents section of this policy.

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Multiple Jobs

International students may occupy multiple jobs with the University provided that the total number of paid service hours does not exceed the applicable paid service hour limit per week. Secondary hiring department(s) must obtain approval from the Office of Human Resources prior to assigning additional work to international students to ensure that the applicable cap is not exceeded. The primary hiring department is defined as the department who was the first to hire the student worker, of the departments for which the student is currently working.

Volunteer Positions

If an international student worker transitions from a paid position to a volunteer position or adds a volunteer position to his or her schedule, the volunteer position requires review and approval by OHR to ensure compliance with FLSA. For more information on volunteer work, see Clemson's Volunteer Policy.

Eligibility for student positions ends when the student either graduates or is no longer enrolled as a student at the University. Any further employment, paid or unpaid, of an individual after this date must be approved by OHR for compliance with FLSA and for verification of eligibility to work/volunteer in the United States.

Auditing Compliance with Paid Service Hour Limits

It is the responsibility of OHR's Employee Relations unit to audit compliance with paid service hour limits. When audits find instances of noncompliance, Employee Relations will notify both the employing department and the Office of Global Engagement.

Non-compliance and Disciplinary Action

International student workers and their supervisors are responsible for complying with this policy by closely monitoring and accurately reporting actual hours worked. Failure to abide by this policy may result in disciplinary action, up to and including dismissal, for the international student worker and/or the student worker's supervisor.

Any supervisor who fails to comply with paid service hour limits for international student workers under her or his management may have violated federal law and University policy and, in accordance with Clemson's Discipline policy, is subject to discipline up to and including dismissal.

International student workers who fail to comply with paid service hour limits will be reported to the Office of Global Engagement's International Services. It is the responsibility of International Services to apply SEVIS guidelines to the situation to determine a course of action up to and including termination of the individual's SEVIS record, which can jeopardize the individual's ability to stay in the United States and attend school.

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DEFINITIONS

Term	Definition
International Student Worker	A Clemson University student (undergraduate or graduate) who is an F-1 or J-1 student visa holder who is employed by the Unversity in a student position.
Paid Service Hours	Each hour for which the international student worker is paid or entitled to payment for the performance of his or her duties as directed or assigned by a supervising faculty or staff member. Paid service hours do not include independent, unpaid efforts required to maintain academic progress, advance professional development or complete a dissertation or thesis. (Hours devoted to academic progress are not capped.)
Primary Hiring Department	The first of the departments for which the international student is currently working to have hired the student.
Secondary Hiring Department	The second or subsequent of the departments for which the international student is currently working to have hired the student after the initial hiring by the primary hiring department.
SEVIS	Student and Exchange Visitor Information System. SEVIS the Department of Homeland Security's web-accessible database is used by the Department of State and the Student and Exchange Visitor Program (National Security Investigations Division) to track and monitor schools; exchange visitor programs; and F, M and J nonimmigrants while they visit the United States and participate in the U. S. education system.
Time Capture System	Automated time-tracking system that allows hours worked to be recorded and reported.
Volunteer Position	A position that meets the following criteria: • Services are performed for a non-profit organization for public service, religious or humanitarian objective. • The volunteer has no expectation or receipt of compensation. • The volunteer does not displace a paid employee. • The volunteer is not coerced or pressured in any way into performing the services rendered. • Volunteer services are not the same type of services that the individual is employed to perform for the University. Individuals are not allowed to volunteer in the position for which they were or hope to be employed by the University.

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RELATED RESOURCES

University Policies and Documents
Discipline Policy for "Covered Employees"
Discipline Policy for "Non-Covered" Employees
Graduate School's Student Employment
Graduate Student Employment Policy
Graduate Student Workers Policy
International Employees at Work
International Student Work Calendar
Non-compliance of Student Worker Policies (Graduate, International and Undergraduate) Procedure
Student Employment Policy Summary
Student Financial Aid Student Employment
Undergraduate Student Employment Pay Scale Policy
Undergraduate Student Workers Policy
Volunteer Policy
External Documentation
Title 8 CFR214.1 (e)
Title 8 CFR214.2 (f)
Title 22 CFR62.23
The Fair Labor Standards Act
University Forms and Systems
CUBS
Kronos

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