Job Quick-Start Checklist

☑ Complete the FAFSA application if you are interested in obtaining a Federal Work-study position.

☑ Check out the Student Employment Office job listings.

☑ Find a job that suits your skills, interest, and availability.

☑ Complete the appropriate job paperwork with your hiring department.

☑ Once your hiring department confirms paperwork is complete and your work schedule, begin work.

<table>
<thead>
<tr>
<th>For questions about:</th>
<th>Contact:</th>
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<tbody>
<tr>
<td>Work-study Procedures</td>
<td>Student Employment Office</td>
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<tr>
<td>Work-study Eligibility</td>
<td>Financial Aid Services</td>
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<tr>
<td>Off-Campus Work-study Employment</td>
<td>243 Whitmore Building</td>
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<tr>
<td></td>
<td>413.545.0801</td>
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<tr>
<td></td>
<td><a href="mailto:finaid@finaid.umass.edu">finaid@finaid.umass.edu</a></td>
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<td>umass.edu/umfa/seo</td>
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<td>Paychecks</td>
<td>Human Resources</td>
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<td>Payroll Procedures</td>
<td>Employee Service Center</td>
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<td>325 Whitmore Building</td>
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<td>413.545.0483</td>
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<td>umass.edu/humres</td>
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</tbody>
</table>
Table of Contents

Job Quick-Start Checklist ............................................................................................................................... 2
INTRODUCTION ........................................................................................................................................... 4
FEDERAL WORK-STUDY (FWS) ELIGIBILITY ............................................................................................ 5
FINDING A JOB ............................................................................................................................................. 6
  JOB LISTINGS ............................................................................................................................................ 6
  CONTACTING POTENTIAL EMPLOYERS ............................................................................................. 6
BEGINNING EMPLOYMENT .......................................................................................................................... 7
  REQUIRED PAPERWORK ........................................................................................................................... 7
  OFF-CAMPUS WORK-STUDY ..................................................................................................................... 7
  LIMITATIONS ON HOURS WORKED ......................................................................................................... 8
  WORK-STUDY INCREASES .......................................................................................................................... 9
  SUMMER WORK-STUDY ............................................................................................................................. 9
  HOLDING MULTIPLE WORK-STUDY JOBS ............................................................................................... 9
  CONFIDENTIALITY ................................................................................................................................. 10
  INTERNATIONAL STUDENTS .................................................................................................................. 10
RECOMMENDED RATES OF PAY .............................................................................................................. 11
PAYCHECKS .................................................................................................................................................. 12
  DISTRIBUTION ......................................................................................................................................... 12
  DIRECT DEPOSIT ..................................................................................................................................... 12
  PAYROLL ADVANCES ............................................................................................................................... 12
  PAYROLL ERRORS .................................................................................................................................... 12
WORK BREAK POLICY ............................................................................................................................... 13
STUDENT EMPLOYEE RIGHTS AND RESPONSIBILITIES ......................................................................... 14
EXPIRATION / TERMINATION OF STUDENT EMPLOYMENT .................................................................. 15
  FIRING ...................................................................................................................................................... 15
GERALD F. SCANLON STUDENT EMPLOYEE OF THE YEAR AWARD ....................................................... 16
APPENDIX ................................................................................................................................................... 17

*Text content in this manual that is underlined is a hyperlink to the material referenced*
INTRODUCTION

The Student Employment Office (SEO) is a division of Financial Aid Services and is responsible for managing campus work programs, both on- and off-campus, for the part-time employment of matriculated undergraduate students at the University of Massachusetts Amherst. SEO works closely in conjunction with University Human Resources staff to assist students and campus departments with the employment of students. The Student Employment Office lists job opportunities for both work-study and non work-study positions. Student Employment is also responsible for managing the Federal Work-study (FWS) program.

A student employee position is defined as:

- Part-time
- Temporary
- Non-classified / non-professional
- Paid on an hourly basis with a weekly time card
- Not eligible for any "fringe benefits" (e.g. health insurance, overtime pay, paid holidays)

This handbook is intended as a reference tool for student employees at the University of Massachusetts Amherst. It addresses the key issues of student employment. If you have further questions or would like clarification of any of the items covered by this guide, please visit our website www.umass.edu/umfa/seo or contact our office for assistance at (413) 545-0801, finaid@finaid.umass.edu.

NOTE: The University of Massachusetts Amherst reserves the right to modify or change these policies as needed based on federal regulations or institutional guidelines. UMass Amherst will attempt to notify students of policy changes. Students are expected to keep up-to-date with all policy changes that might be made with or without notice.

Employers should be aware that federal work-study awards are not guaranteed. If a student's financial eligibility changes at ANY time through the academic year, the work-study award can be terminated. The Financial Aid Office reserves the right to terminate a work-study award at our discretion. Work-study awards cancelled for any reason will be charged back to the department at 100% of the total compensation for any hours worked after the cancellation.
FEDERAL WORK-STUDY (FWS) ELIGIBILITY

Federal Work-Study (FWS) is awarded by Financial Aid Services as part of your financial aid award package.

To determine if you are eligible for FWS:
- Complete a Free Application for Federal Student Aid (FAFSA) for the current academic year. This can be done online at www.fafsa.ed.gov.
- FWS recipients must have financial need as determined by the financial information provided on the FAFSA.
- Students must be enrolled in a degree seeking program at least half-time (six credits).
- If applicable, additional paperwork requested by Financial Aid Services must be completed.
- Your FWS award amount is posted on SPIRE under the “Financial Aid” tab in your Student Services Center.

The money you earn through FWS is paid to you in the form of a bi-weekly paycheck, calculated by multiplying the number of hours you worked during the previous two weeks by your current rate of pay. This money does not credit your Bursar’s account. The only way to access FWS funds is by working a work-study job and receiving paychecks.

Please note that not all students may receive FWS, regardless of financial need. FWS funds are finite and are awarded based on student eligibility and availability of funds.

Additionally, certain contract student positions with contractual paid time-off entitlements are not allowed under the FWS program.

Unless you are enrolled for only one semester, annual FWS awards are not limited by term, i.e. an annual fall-spring FWS award of $1,800 can be earned in one semester, but note that once your FWS award has been depleted, you may not continue to work under this funding source. You may still be eligible to work, or to be hired for non-work-study employment, but your employer must pay you using office funds rather than FWS funds.
FINDING A JOB

Students are responsible for conducting their own job search from start to finish. The Student Employment Office is happy to assist students and employers with any questions they may have concerning the employment process, posting jobs, off-campus employment, interview tips, payroll, disputes in the workplace, etc, but we do not place students directly into jobs.

JOB LISTINGS

The Student Employment Office provides a listing service with a wide-variety of student part-time and seasonal jobs. Our online job listings are updated daily, and can be filtered to search Work-Study, Non-Work-study, on- and off-campus positions, or search by specific job categories. The job postings are also listed on the bulletin board outside of the Financial Aid Office, 243 Whitmore Administration Building. You are responsible for conducting all aspects of the job search and securing your own job.

CONTACTING POTENTIAL EMPLOYERS

Each job posting found on the SEO website contains a contact person and method of contact. It is the student's responsibility to contact potential employers. Please keep in mind that some positions receive far more applicants than there are openings, so you may not always get a timely response. In order to maximize your chances of getting an interview, you should be sure to include the following when you contact a potential employer:

- Your full name
- The title of the job for which you're applying
- The hours/days you can work
- Your work-study status (when applicable for the position)
- Any info relevant to that specific job (e.g. related experience, particular skills, etc.), or include your resume
- How / when you can be contacted regarding the position.

Please note that having a FWS award does not guarantee employment.

Students seeking employment should remember that student jobs are "real jobs" and employers will treat them as such. Contact with potential employers should be polite and respectful, and student conduct during the job search and while employed should demonstrate professionalism. Students who are most successful in finding campus jobs are those who can show employers that they are reliable, qualified for and interested in the work, will treat the work seriously and with care, and will perform their job duties with enthusiasm and dedication.

Student Employment at UMass Amherst acts only as a referral service. We make no recommendations or guarantees about the positions and employers listed through our office. In addition, Student Employment is not responsible for the safety, wages, working conditions, or other aspects of off-campus employment. Due to the volume of jobs received by Student Employment, we are unable to research the integrity of every position listed. Therefore, students are urged to take on this responsibility themselves. We encourage you to use common sense and caution when applying for positions off-campus.
BEGINNING EMPLOYMENT

REQUIRED PAPERWORK

Prior to beginning employment, both work-study and non-work-study student employees are required to complete payroll paperwork. This paperwork will be provided by your employer. Required paperwork includes:

- Federal Withholding Statement (W-4)
- Massachusetts Withholding Statement (M-4)
- I-9 Form (complete page 1 of the I-9 Form if you have never worked at the University)
- Statement concerning Social Security (SSA-1945)
- Conditions of Employment
- Direct Deposit Form

This paperwork must be completed before the student employee can be added to the UMass Payroll system. Student employees cannot be paid and are not permitted to work until this paperwork is filed.

If you need to complete the I-9 Form, you will need to present one of the following documents when returning the form (all documents must be unexpired):

- United States Passport
- Permanent Resident Card
- Foreign Passport with temporary I-551 stamp
- Employment Authorization Document with photo (I-766)

If none of the above documents are available, following is a partial list of acceptable documentation. See appendix for full list of acceptable I-9 documentation. Please bring one item from List B and one from List C (all documents must be unexpired):

**List B**
- U.S. Driver’s License
- School ID (UCard)
- U.S. Military card

**List C**
- Social Security Card
- Original Birth Certificate issued by a US state
- Employment authorization issued by Dept of Homeland Security

OFF-CAMPUS WORK-STUDY

You may earn FWS at an authorized off-campus work-site. Students with work-study have the ideal opportunity to combine their work-life with their interest in community service. Financial Aid Services partners with more than 100 community service agencies to provide community service opportunities to work-study students. If you qualify for these programs you will be able to do work that enriches the community while you develop important professional skills.

If you plan to work off-campus, your employer must contact the Student Employment Office to complete an Off-Campus Work-Study Authorization Form. Work cannot begin until the Student Employment Office receives the completed Authorization Form and payroll paperwork. You will be contacted by SEO if you are a new employee and have tax and...
employment paperwork to complete. When dropping off your paperwork, please be sure that you bring acceptable forms of ID required for your I-9 Form (see Appendix for full list). SEO will also contact you when you may begin work in your off-campus position.

Off-campus job listings are available on our website, or on the boards outside the Student Employment Office.

**America Reads and America Counts**

Many UMass Amherst students obtain work-study jobs with *America Reads* and *America Counts*. These are excellent community service programs administered by the Five Colleges. *America Reads* is a nationwide effort to bring together parents, teachers, community groups, college students, and business leaders to insure that all children read independently by the end of third grade. *America Counts* is a similar program that aims to help children master the fundamentals of mathematics.

Work-study students who take these positions work in area schools with professional teachers and educators, tutoring in small groups or one-on-one. *America Reads* tutors work with children in preschool through six grade and *America Counts* tutors focus on kindergarten through ninth grade.

If you do not have Federal Work-Study as part of your financial aid package, you can still be an *America Reads* or *America Counts* Tutor as a volunteer.

*America Reads/Counts* participants are provided with tutor training, which is required, and will be paid once you have secured a tutoring position using your Federal Work-Study.

Please note that a criminal background check (CORI), and/or additional training, may be required by the *America Reads or America Counts* site before you begin work as either a paid or volunteer tutor.

Please visit the Five College America Reads Web site for more information about these programs.

**LIMITATIONS ON HOURS WORKED**

As a student employee, the Student Employment Office and Human Resources recommends you not work more than twenty (20) hours per week when classes are in session. Student employees may not exceed eight (8) hours per day of work, combining all job schedules, both when classes are in or out of session. Students may work up to forty (40) hours per week when classes are not in session (Summer, Wintersession, Spring Break).

You are not permitted to work when you have a scheduled class or exam.

<table>
<thead>
<tr>
<th>Hourly Wage</th>
<th>Hours/Week FWS Award: $1500</th>
<th>Hours/Week FWS Award: $1800</th>
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<td>$12.00</td>
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</tbody>
</table>
**WORK-STUDY INCREASES**

Increases in your FWS award are contingent on your individual *unmet* financial need and the availability of funds. If you are close to earning the total amount of FWS originally awarded to you, please contact the Student Employment Office to determine your eligibility for additional FWS funds.

Once your FWS award has been depleted, you may not continue to work under the FWS funding source. You may still be eligible to work, or to be hired for non-work-study employment, but your employer must pay you using office funds rather than FWS funds.

**SUMMER WORK-STUDY**

Summer work-study funding is available for eligible students. To be considered:

- You must be currently enrolled in the University
- You must be planning to return the following fall semester.

Students do not need to be enrolled in summer courses to receive summer work-study funding. Graduating seniors that plan to return in the fall for graduate studies are **not** eligible. Likewise, incoming students for the subsequent fall semester are not eligible for summer work-study funding.

To determine your eligibility for summer work-study, the following items must be completed:

- UMass Summer Financial Aid Application. This form is available online at [www.umass.edu/umfa](http://www.umass.edu/umfa). Please be sure to complete and return all required documentation.
- Free Application for Federal Student Aid (FAFSA). This form can be completed online at [www.fafsa.ed.gov](http://www.fafsa.ed.gov) and needs to be completed for the preceding academic year (i.e. to be considered for 2015 summer work-study, complete the 2014-15 FAFSA).
- Financial need is required for summer work-study but does not guarantee an award. Summer work-study funds are finite and are awarded based on student eligibility and availability of funds.

Please refer to the summer aid application for relevant filing deadlines.

**HOLDING MULTIPLE WORK-STUDY JOBS**

You may hold more than one work-study position; provided you do not exceed the daily and weekly limitations (please review *Limitations on Hours Worked*). If you hold more than one job, please inform your employers and the Student Employment Office. Your FWS award will be shared by your employers. **The total combined earnings cannot exceed your FWS award.**
CONFIDENTIALITY

In accordance with the federal FERPA law, all University employees are legally and ethically obligated to protect the confidentiality of student records. If your position requires you to have access to SPIRE, you are required to complete the FERPA Certification process. The FERPA Certification is designed to ensure that you are familiar with the provisions of the law and that you are prepared for the day-to-day challenges of protecting confidential student information.

Visit the Office of Information Technologies website for more about their FERPA Certification Process and to get FERPA certified.

INTERNATIONAL STUDENTS

International Students on an F-1 or J-1 visa should complete employment paperwork at the Human Resources Employee Service Center, room 325 Whitmore to ensure proper employee work authorization, verify documentation and determine employee tax status prior to the start of employment. The hiring department will need to complete the Student PAF and all forms should be submitted together for processing.

A student on an F1 visa has INS document I-20. An I-20 indicates the period allowed for attendance and study at the University of Massachusetts Amherst. A student’s employment must fall within these dates. F1 students may work up to 20 hours per week during the academic year and 40 hours per week during Intersession and Spring Break.

A student on a J1 visa has INS document DS2019. The DS2019 document functions in the same manner as an I-20. It indicates the period allowed for attendance and study at the University. Similarly, a student’s employment must fall within the dates indicated on the DS2019. J1 students may work up to 20 hours per week during the academic year and up to 40 hours during Intersession and Spring Break.

International students must come to Human Resources, 325 Whitmore Administration Building to fill out the following forms:

- I9 Form - International students should provide an unexpired foreign passport with an I-551 stamp or attached I-94 and an I-20 (or DS2019)
- Federal and State Tax Forms - International students should go to Human Resources to have a determination made regarding Tax Treaty status and to fill out the University of Massachusetts Tax Information Sheet
- Statement concerning Social Security (SSA-1945)
- Conditions of Employment
- Direct Deposit Form
RECOMMENDED RATES OF PAY

Minimum wage is currently $9.00 per hour. The Massachusetts minimum wage is scheduled for the following increases:

- $10.00 per hour effective January 1, 2016
- $11.00 per hour effective January 1, 2017

The rates of pay below are only provided as a guide. Hourly rates should be based on the level of skill required for the particular position and are ultimately determined by the hiring department.

Please note, students working work-study and non work-study jobs may not receive different rates of pay for the same work duties performed.

**SKILL LEVEL I**

$9.00 - $10.00 / hour

Entry level positions requiring the performance of routine duties according to standard procedures. Duties require only a limited degree of decision-making, based on common sense judgments, and/or instruction and training.

**SKILL LEVEL II**

$10.01 - $11.00 / hour

Positions requiring the performance of moderately complex duties based on some degree of experience, skill, training and/or responsibility. Duties require a moderate degree of decision-making and a general knowledge of the functions of the department or section.

**SKILL LEVEL III**

$11 / hour and up

Skilled positions requiring a moderate level of knowledge, skill, experience, training, and/or responsibility. Duties require a high level of dependability and self-sufficiency with little or no immediate supervision.

**OTHER**

Departments wishing to hire undergraduate students at an hourly rate greater than $15.00 must submit a complete job description and Personnel Action Form (PAF) with the proposed hourly fee to the Student Employment Office for approval.

All graduate student employment positions must be submitted to the Graduate School for evaluation and approval.
PAYCHECKS

**DISTRIBUTION**

The University of Massachusetts has a bi-weekly payroll system, meaning that you will be paid every other Friday. An annual schedule of check issue dates is available from Human Resources. The University will mail paychecks directly to a student’s permanent mailing address if the student is not enrolled in direct deposit. If you have more than one job on campus, your earnings will be combined in a single check.

**DIRECT DEPOSIT**

The University strongly recommends student employees enroll in direct deposit for proper delivery of payroll earnings. A direct deposit arrangement will allow a student's net pay to be deposited into one or more bank accounts of their choice. Funds are available on Friday of the pay week. A pay advice (available electronically) detailing gross pay and deductions will be generated. Students can enroll in direct deposit through HR Direct self-service or by completing the direct deposit request form at the HR Employee Service Center, room 325 Whitmore.

Direct deposit information should be submitted each academic year (when you begin employment during the semester).

**PAYROLL ADVANCES**

Payroll advances against future weeks’ salary are not allowed under any circumstance. Advances are only available in the event that an administrative error has led to an employee not getting paid AND all forms/documentation required for University payroll have been completed by the student employee. Employing departments, rather than individual employees, make arrangements for an advance by contacting Human Resources.

**PAYROLL ERRORS**

- **For On-Campus Work-Study or Non Work-Study**

If you believe that there is an error with your pay or hours reported, first check with your employer. If the problem cannot be resolved there, contact the Human Resource Student Payroll Office, 325 Whitmore.

- **For Off-Campus Work-Study**

If you believe that an error was made with your pay or hours reported, first check with the employer, then contact the Student Employment Office, 413-545-0801.
WORK BREAK POLICY

Student Employees are entitled to time off from job duties for rest and/or meal breaks according to a schedule based on the length of your daily work shift as follows:

<table>
<thead>
<tr>
<th>TOTAL # HOURS WORKED (Per shift)</th>
<th>REST BREAK IN MINUTES (On payroll)</th>
<th>MEAL BREAK IN MINUTES (Off payroll)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 4</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>4 - 5</td>
<td>15</td>
<td>0</td>
</tr>
<tr>
<td>5 - 6</td>
<td>15</td>
<td>0</td>
</tr>
<tr>
<td>6 - 7</td>
<td>15</td>
<td>30</td>
</tr>
<tr>
<td>7 - 8</td>
<td>2 @ 15 (One break every 3-4 hrs)</td>
<td>30</td>
</tr>
</tbody>
</table>

- All breaks are to be taken only at the direction of and/or with the approval of your immediate job supervisor or designee.
- Meal breaks are not paid and are therefore taken "off payroll."
- Rest breaks are paid times taken on payroll and may not be used to shorten the work period or to make up lost time. Breaks may not be taken at the beginning or end of your shift.
STUDENT EMPLOYEE RIGHTS AND RESPONSIBILITIES

Student employees and employers should strive for clear communication at all times to prevent misunderstandings and conflicts in the workplace. Open communication and clearly-stated expectations in the workplace are key to maintaining healthy working relationships.

Student employees are "at will" employees, meaning that their employment may be terminated at any time without warning. We provide the following guidelines to student employees and employers to encourage a baseline level of communication and prevent basic misunderstandings in the workplace.

- The student employee must provide their employer with a work schedule including hours and days to be worked.
- The student employee is solely responsible for maintaining his/her work schedule and for informing the employer in a timely and appropriate manner of his/her inability to maintain such schedule for any reason.
- Employers should communicate to student employees their expectations regarding attendance and how they prefer to be contacted in the event a student employee will be late/absent.
- The student employee shall not be absent during working hours without first seeking permission from his/her immediate supervisor or other appropriate person to be excused.
- The student employee is responsible for accurate reporting of time worked to employer. Intentional misreporting of time or falsifying University records is grounds for termination.
- If the student employee is absent from his/her job for two (2) consecutive work shifts without notifying the supervisor or other appropriate person in the department, the student is subject to termination.
- If the student employee is withdrawn from the University for any reason, their employment is terminated.
- All employees have the right to a harassment-free workplace. If you feel that you have been the subject of any form of harassment, please contact the Student Employment Office.
- There is no formal grievance procedure for student employees. Usually good management practices will avoid complaints on the part of the employee and the employer. If complaints do arise, depending upon the seriousness of the situation, the student's employer or student employee may contact the Student Employment Office for information or referral.
- University employing departments, and/or Off-Campus Community Service agencies employing students may have additional policies, procedures and expectations that shall be communicated to student employees as necessary.
EXPIRATION / TERMINATION OF STUDENT EMPLOYMENT

If you wish to leave a job, you must give your employer a two (2) week written notice. Some on-campus departments, including the Library, Food Services, and Campus Security, have their own contracts that you must sign.

FIRING

The student employee, like any other employee, must earn his/her pay, whether work-study or non work-study. You may be terminated for unsatisfactory work performance.

Firing a student employee should be, however, a last resort following every effort to correct the behavior. Although each department is permitted to set their own standards of conduct and employment, the UMass Student Employment Office recommends the "three strike" system, wherein before firing a student employee the supervisor should:

• Issue a verbal warning. Speak to the student at the time of the incident or the next time the employee reports to work. The supervisor should clearly identify the negative behavior, explain the problem, and offer a solution / clarify the employer's expectation.

• Issue a written warning at the first recurrence of the undesired behavior. Warnings should state that the student employee has be verbally warned about the behavior and will be terminated should the undesired event reoccur and should be kept in the student employee's file.

• Terminate the student employee. Terminating a student employee should be done in a calm, confidential manner, and the reason(s) for termination should be clearly explained to the student employee verbally or in writing.
GERALD F. SCANLON STUDENT EMPLOYEE OF THE YEAR AWARD

As part of the University’s continuing effort to encourage and reward exemplary employees, the Gerald F. Scanlon Student Employee of the Year Award was instituted in the 1987-88 academic year. The intent of the award is to recognize and honor students who have demonstrated outstanding performance by contributing their time and/or skill to help the University achieve its goals and objectives.

A departmental supervisor may nominate any matriculated student who has been employed by the University for at least six months and is a junior or senior in good academic standing.

NOMINATION CRITERIA: The student nominee should have demonstrated performance that is considered “above and beyond” in most, if not all of the following performance qualities:

- Regular attendance, high dependability
- Successful completion of all assigned tasks
- High quality of assigned tasks
- Ability to work well with other employees
- Original contributions to the workplace
- Demonstrated initiative/professionalism
- Ability to work without constant supervision

A reception and award ceremony is held at the end of each academic year to honor the winners. A certificate and monetary award are presented to the ten students chosen.

For more information on Gerald F. Scanlon Award, please visit the Financial Aid Services Website, or call (413) 545-0801. [Nomination forms available at the start of the spring semester annually.]
APPENDIX
I-9 List of Acceptable Documents
All documents must be UNEXPIRED

Employees may present one selection from List A
or a combination of one selection from List B and one selection from List C.

<table>
<thead>
<tr>
<th>LIST A</th>
<th>Documents that Establish Both Identity and Employment Authorization</th>
<th>LIST B</th>
<th>Documents that Establish Identity</th>
<th>LIST C</th>
<th>Documents that Establish Employment Authorization</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. U.S. Passport or U.S. Passport Card</td>
<td>1. Driver’s license or ID card issued by a State or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address</td>
<td>1. A Social Security Account Number card, unless the card includes one of the following restrictions: (1) NOT VALID FOR EMPLOYMENT (2) VALID FOR WORK ONLY WITH INS AUTHORIZATION (3) VALID FOR WORK ONLY WITH DHS AUTHORIZATION</td>
<td></td>
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<tr>
<td>2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551)</td>
<td>2. ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address</td>
<td>2. Certification of Birth Abroad issued by the Department of State (Form FS-545)</td>
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</tr>
<tr>
<td>3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa</td>
<td>3. School ID card with a photograph</td>
<td>3. Certification of Report of Birth issued by the Department of State (Form DS-1350)</td>
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<td>4. Employment Authorization Document that contains a photograph (Form I-766)</td>
<td>4. Voter’s registration card</td>
<td>4. Original or certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal</td>
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<td>5. For a nonimmigrant alien authorized to work for a specific employer because of his or her status: a. Foreign passport; and b. Form I-94 or Form I-94A that has the following: (1) The same name as the passport; and (2) An endorsement of the alien’s nonimmigrant status as long as that period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form.</td>
<td>5. U.S. Military card or draft record</td>
<td>5. Native American tribal document</td>
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<td>6. Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI</td>
<td>6. Military dependent’s ID card</td>
<td>6. U.S. Citizen ID Card (Form I-197)</td>
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<td>7. U.S. Coast Guard Merchant Mariner Card</td>
<td>7. Identification Card for Use of Resident Citizen in the United States (Form I-179)</td>
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<td>9. Driver’s license issued by a Canadian government authority</td>
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<td>9. Plain black and white copy of a school record, clinic, doctor, or hospital record</td>
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Sexual Harassment Policy Statement
University of Massachusetts Office of Equal Opportunity & Diversity

The University of Massachusetts Amherst is committed to providing faculty, staff and students with an environment where they may pursue their careers or studies without being sexually harassed. Sexual harassment of or by any member of the University community is unacceptable and will not be tolerated. It is illegal and constitutes a violation of Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and Massachusetts G.L.c.151B and 151C.

For the purposes of this policy, it is defined as follows:

Unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: 1) submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or academic work; or 2) submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual; or 3) such conduct has the purpose or effect of unreasonably interfering with an individual’s performance or creating an intimidating, hostile or sexually offensive working or academic environment.

Examples of sexual harassment include, but are not limited to the following:

- repeated unwanted sexual flirtations, advances or propositions;
- continued or repeated verbal abuse or innuendo of a sexual nature;
- uninvited physical contact such as touching, hugging, patting, brushing or pinching;
- verbal comments of a sexual nature about an individual’s body or sexual terms used to describe an individual;
- display of pictures, posters or cartoons that a reasonable person would find offensive or sexually suggestive;
- continued or repeated jokes, language, epithets or remarks of a sexual nature;
- prolonged staring or leering;
- making obscene gestures or suggestive or insulting sounds;
- demand for sexual favors accompanied by an implied or overt threat concerning an individual’s employment or academic status or promises of preferential treatment;
- indecent exposure.

In determining whether an alleged incident constitutes sexual harassment, those entrusted with administering this policy will look at the totality of the circumstances, such as the nature of the sexual advances and the context in which the alleged incidents occurred. The final decision regarding a suitable penalty will be made from the finding of fact on a case-by-case basis and from any record of previous sexual harassment by the Respondent.
Affirmative Action and Non-Discrimination Policy Statement
University of Massachusetts Office of Equal Opportunity & Diversity

The University of Massachusetts Amherst prohibits discrimination on the basis of race, color, religion, creed, sex, age, marital status, national origin, mental or physical disability, political belief or affiliation, veteran status, sexual orientation, gender identity and expression, genetic information and any other class of individuals protected from discrimination under state or federal law in any aspect of the access to, admission, or treatment of students in its programs and activities, or in employment and application for employment. Furthermore, University policy includes prohibitions of harassment of students and employees, i.e., racial harassment, sexual harassment, and retaliation for filing complaints of discrimination.

Affirmative action in employment is required for women; racial and ethnic minorities; disabled veterans, recently separated veterans, other protected veterans, Armed Forces service medal veterans, and Vietnam-era veterans; and individuals with disabilities in order to address under-representation in the workforce. Inquiries concerning applicable laws, regulations, and policies should be addressed to the Equal Opportunity and Diversity Office (EO&D), 243 Lederle Lowrise Building, main number and TTY (413) 545-3464.

The Executive Director for Equal Opportunity and Diversity, Débora D. Ferreira, is the Title IX Coordinator for the campus. Sarah Green, Associate Director for EO&D, serves as a deputy Title IX Coordinator for EO&D. Matters dealing with Title IX can be reported to EO&D at the above address. In addition, the following individuals may be contacted for Title IX related matters: Dean Enku Gelaye, Dean of Students Office, 227 Whitmore, (413) 545-2684, email: doso@stua.umass.edu, web: www.umass.edu/dean_students; Becky Lockwood, Associate Director, Rape Crisis/Violence Prevention, 180 Infirmary Way, New Africa House, main number: (413) 545-0883, 24 Hour Rape Crisis Hotline: (413) 545-0800, TTY: 413-577-0940, email: ewcmail@admin.umass.edu, web: www.umass.edu/ewc/. Becky Lockwood, Associate Director, Rape Crisis/Violence Prevention, 180 Infirmary Way, New Africa House, main number: (413) 545-0883, 24 Hour Rape Crisis Hotline: (413) 545-0800, TTY: 413-577-0940, email: ewcmail@admin.umass.edu, web: www.umass.edu/ewc/; Tom O’Donnell, Lieutenant, UMass Amherst Police Department, 585 East Pleasant Street, Amherst, MA 01003, non-emergency phone: (413) 545-2121 (Emergency: 911), email: pspmail@admin.umass.edu, web: www.umass.edu/umpd/. Inquiries regarding contact information for the Title IX Coordination Team members may be directed to the Equal Opportunity & Diversity Office.

The Executive Director for Equal Opportunity and Diversity, Débora D. Ferreira, or designee, is the Title VI, Title IX, Section 504, and Americans with Disabilities Act Coordinator for the campus. This person will provide information about the University’s obligations with respect to the provisions of nondiscrimination statutes including information about the requirement to provide program accessibility for persons with disabilities.

The University is committed to compliance with Title VI and Title VII of the Civil Rights Act of 1964, Title VI of the Civil Rights Act of 1968, Title I and Title II of the Civil Rights Act of 1991, the Equal Pay Act of 1963, Executive Order 11246 (1965), Title IX of the Education Amendments of 1972 and its regulations found at 34 C.F.R. part 106, Sections 503 and 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the Vietnam-era Veterans Readjustment Act of 1974, the Age Discrimination Act of 1975, the Age Discrimination in Employment Act of 1967, the Family and Medical Leave Act of 1993, and with Massachusetts General Laws, Chapters 151B, 151C, and Chapter 149, all as amended. Inquiries regarding federal laws may be directed to:

Office for Civil Rights
U.S. Dept. of Education
33 Arch Street, Suite 900
Boston, MA 02110-1491
Telephone: (617) 289-0111
TTY: (877) 521-2172

U.S. Equal Employment Opportunity Commission
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
Telephone: (617) 565-3200 or 1-800-669-4000
TTY: (617) 565-3204 or 1-800-669-6820

Inquiries regarding state laws may be directed to: Massachusetts Commission Against Discrimination, 436 Dwight Street, Room 220, Springfield, MA 01103. Telephone: (413) 739-2145; TTY: (617) 994-9196.
This memo provides updated information regarding Chapter 505 of the Acts of 2014, An Act Relative to Earned Sick Time law. Please note that the law does not supplant the University’s obligations under any union contract or policy, but may expand existing benefits where the law is more generous than those benefits. Where a University contract or policy provides as much paid time off, usable for the same purposes and under the same conditions as the law, no additional paid sick time is provided. Therefore, University employees that are already receiving accrued sick time that is in compliance with the conditions of the state law, and is more generous than the state law requires, are not impacted by this new law.

On June 19, 2015, the Attorney General’s Office finalized the regulations, which can be found at http://www.mass.gov/ago/earnedsicktime. Below are some important highlights and updates:

The benefit
- The final regulations require that all covered Employees accrue and be allowed to use up to 40 hours of sick time each calendar year, where one hour of sick time is earned for every 30 hours a person works, including overtime hours. Employees can carry up to 40 hours of unused sick time from one calendar year into the next, but cannot use more than 40 hours in a calendar year.

Implementation
- The University is implementing a new leave plan (5M) and benefit plan (“MASICK”) for all eligible non-benefitted employees effective June 28, 2015. Employees in the new leave plan accrue .0333 hours of sick time (2 minutes) per hour worked, which equates to 1 hour of sick time earned for every 30 hours worked.
- Under the law, Employees begin accruing sick time hours on the date of hire or on July 1, 2015, whichever is later.

Eligible Employees under the final regulations include full time, part-time, seasonal, and temporary employees.

1) Adjunct faculty compensated on a fee-for-service or “per-course” basis shall be deemed to work 3 hours for each “classroom hour” worked for purposes of this new benefit.

Exclusion for Student Employees
1) Student employees who meet the criteria below are excluded from the definition of Employee under the regulations, thus do not accrue (nor are they allowed to use) Earned Sick Time when they meet any of these criteria. A student attending a public or private institution of higher education located in the Commonwealth who is:
a. participating in a federal work-study program or a substantially similar financial aid or scholarship program;
b. providing support services to residents of a residence hall, dormitory, apartment building, or other similar residence operated by the institution at which they are matriculated in exchange for a waiver or reduction of room, board, tuition or other education-related expenses; or

As such, the University’s MASICK plan excludes student employees who fall into the categories described in items (a) and (b) above. In terms of item (c), student employees (who are not covered by a collective bargaining agreement that provides a comparable benefit) will accrue MASICK only when they are subject to FICA (e.g., during the summer months) during which they may also use MASICK (as long as they do not also fall into categories (a) and (b) above).

When students becomes FICA-exempt (typically during the academic year), they will not accrue, or be eligible to use, MASICK time.

Being FICA-exempt constitutes a “break in service” under the regulations. Following the regulations on breaks in service, if a student had a balance of 10 or more hours of MASICK, this time is available for the student’s use during the next period they are subject to FICA (e.g. the next summer). If a student has a balance of fewer than 10 hours of MASICK, they would lose it.

Use of MASICK

• UMass will allow all UMSICK-covered employees to begin using hours as they accrue.
  The law states that Employees may begin to use earned sick time 90 days after starting work, however the University’s HR/payroll system as delivered does not provide the functionality needed to automate a 90 day waiting period at the employee level.
  • An employer shall not require an employee to make up time off from work as a condition of using earned sick time. An employee and employer may, however, by mutual agreement arrange for the employee to work additional hours during the same or next pay period to avoid the use of, and payment for earned sick time. We are currently in the process of drafting a form that can be used in these situations.
  The final regulations indicate that “The smallest amount of sick time an employee can use is one hour. For uses beyond one hour, employees may use earned sick time in hourly increments or in the smallest increment the employer’s payroll system uses to account for absences or use of other time.” Utilizing the delivered functionality of the University's HR/payroll system, standard increments of time will be used (15 minutes) for the new non-benefited sick leave accrual plan (including during the first hour of time used). This approach is consistent with the University's existing leave plans for benefited employees.
  • The regulations also include a “Safe Harbor for Employers with Existing Policies Providing Paid Time Off”, which in general allows Employers with “…policy[ies] in existence on May 1, 2015 that provides paid time off or paid sick leave, shall be deemed in compliance with the Earned Sick Time law until January 1, 2016…” as long as the covered employees have the “…right to earn and use at least 30 hours of paid time off/paid sick leave between January 1, 2015 and December 31, 2015…”. The University will use the time allotted under the Safe Harbor to review (and adjust, if needed) the applicable benefits provided in collective
bargaining agreements, and to all our benefited employees, to ensure compliance with this new law.

For more information about the law, the Attorney General’s Office final regulations in support of Chapter 505 can be found at http://www.mass.gov/ago/earned sicktime.

Time reporting guidelines will be sent under a different cover.

Thank you for your attention to this matter and please do not hesitate to contact Timothy Cendrowski (Cendrowski@admin.umass.edu) or 545-6106 with any questions or concerns you may have.