

FAQs 2019 – STUDENT FICA EXEMPTION REQUESTS

- 1. Once a semester begins, how long should we wait to approve/deny exemption requests?**
It is recommended that decisions be made after the census date (*21 days after the start of the semester*).
- 2. Will the FICA Exemption process in CUNYfirst eliminate paper submissions to payroll?**
Yes. The process in CUNYfirst was created to eliminate any and all paper submissions regarding Student FICA exemptions. All pertinent information regarding the exemption request and HR's decision can now be found in CUNYfirst.
- 3. Does this new process apply to international students?**
No, this new process does not affect the NRA process. NRAs will remain exempt in the system after CUNY Central Office performs mass updates of individuals from 'exempt' to 'subject.' The NRA clean-up project will be completed at a different date.
- 4. Does this new process apply to work-student students?**
No. Work-study students do not qualify for FICA exemptions.
- 5. If a job-row in CUNYfirst is future-dated, will this cause the student-employee's exemption request to be denied?**
No.
- 6. How can I make a decision on a student-employee's exemption request without information on work hours from other campuses?**
You will need to contact the HR offices at the other campuses. The system in its current state does not eliminate communication between campuses.
- 7. After HR approves an exemption request, how long does it take to reflect on a student-employee's paycheck?**
The exemptions will be implemented within 2 pay cycles (*at maximum*) after the approval, assuming there are no errors. For student-employees who are employed at multiple campuses, the exemptions will be implemented within 2 pay cycles after the final campus' approval.
- 8. After campus HR approves an exemption request for Central Office Payroll to review, how will campus HR know it is approved/denied? Are we going to get a notice in CUNYfirst?**
The approval is automatic in CUNYfirst. There will be no notifications sent out. Campus HR staff must periodically check the request status in CUNYfirst.
- 9. If a student drops below the required number of academic credits (*or falls outside of the exemption criteria in any way*) after HR approves his/her exemption request, what should we do? Will CUNYfirst send notifications?**
This is part of the 'Lookback' process that we are still developing and will be part of future updates to the system.
- 10. If another staff member in our office wants access to the FICA Exemption module in CUNYfirst, who should we contact?**

You will need to submit a Security Request Form through normal channels.

11. How can a student who receives fringe benefits still be exempt from paying FICA taxes (for example, Adjuncts and College Assistants who receive health benefits)?

An employee receiving benefits is generally not eligible. However, a “fact and circumstances” test can be applied to compare the educational versus service aspects of the student’s relationship with the University. The University will treat the following two categories of employees as eligible for the student FICA exemption despite receipt of employee benefits: 1) full time students whose normal work schedule is not 21 or more hours per week, and 2) employees with the following titles: Graduate Assistant, Student Aide. Other student employees receiving employee benefits are generally treated as subject to FICA withholding.

12. Does the system prohibit a student with a full-time appointment (non graduate assistant job) from making a request if they also have an active part-time row in the system? What if their full-time position is currently on leave?

If the student has at least one part-time job, then he/she is eligible to apply for a FICA exemption.

13. What is the definition of “safe harbor?”

Safe Harbor designate that FICA exemptions apply to student-employees who are enrolled on at least a half-time basis, as long as they are not considered “career employees.” A “career employee” is one whose service relationship with the University predominates over the educational relationship.

Whether an employee is a “career employee” is determined based on facts and circumstances, but generally falls under one of the following categories:

- A full-time employee
- A professional employee
 - This is generally an employee whose work requires advanced knowledge in a field science or learning, who exercises discretion and judgment, and whose work is intellectual and varied.
- An employee who is eligible for benefits (*i.e., vacation, sick pay, pension, tuition*)
 - However, under Safe Harbor rules, eligibility for benefits is given less weight than other factors.
 - Even if a student-employee is eligible for benefits, he/she may still qualify for a FICA exemption by consideration of all other facts and circumstances.

14. If campus HR staff encounters any issues (technical, procedural &/or in relation to policy), who should we contact?

If issues are encountered, submit a Customer-Relationship Management (CRM) Ticket at your campus’ help-desk.