



**Northeastern**  
UNIVERSITY

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*Cooperative Education  
Employer Handbook*

*Co-op*



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# *Introduction*



**Labor laws** treat the student as an employee.



### **Employing Cooperative Education Students**

This booklet explains policies and laws pertaining to the employment of Northeastern University students (herein referred to as “student-employees”) during their cooperative education assignments. This information should be shared with personnel in your organization who assist in administering the cooperative education program, especially those responsible for hiring decisions, supervision, and processing and maintaining student employment records.

Each student-employee is assigned to a co-op faculty coordinator at Northeastern. Coordinators facilitate the cooperative education assignment. They are the official contact people for employers.

### **Nature of the Employment**

With few exceptions cooperative education work is considered common-law employment. In addition, the cooperative education program is an integral part of the student’s degree program. Therefore, stu-

dent-employees and their employers are, in general, subject to the laws, rights, and limitations that apply to the employer-employee relationship.

Few provisions in the labor laws recognize a student working pursuant to a program of cooperative education; in most cases, labor laws treat the student as an employee. Thus, the Fair Labor Standards Act, age requirements for hazardous occupations, and occupational health and safety regulations apply, as well as the taxation of earnings, and the requirement that employers withhold and pay the statutory amount for Social Security taxes (except with respect to F-1 and J-1 visa students). Student-employee wages are included in the payroll upon which the employer, unless self-insured, pays the required premium for workers’ compensation. In states where student-employees are covered by employment security laws, the employer may be required to contribute to the state employment security system.

# Cooperative Education Guidelines

## The Americans with Disabilities Act (ADA)

Northeastern University student-employees are covered under the Americans with Disabilities Act of 1990. This law protects disabled student-employees from discrimination in employment, hiring, transportation, access to public facilities and services, and telecommunications. Employers are required to provide reasonable accommodation to all qualified student-employees with known disabilities. Northeastern University does not condone or tolerate any discrimination toward disabled students.

Some employers may be exempt from the ADA requirements. For more specific information about the ADA, contact:

### Equal Employment Opportunity Commission

1801 L Street, N.W.  
Washington, D.C. 20507  
1.800.669.4000 (voice)  
202.663.4900 (voice)  
800.669.6820 (TTY)  
202.663.4494 (TTY for the 202 area code)



## Discrimination and Sexual Harassment

Student-employees, including international students, are entitled to full protection of federal anti-discrimination laws. Students are also protected against discrimination in employment by similar state statutes, provided the employer is subject to these laws.

Northeastern University does not condone or tolerate any form of discrimination toward students on the basis of race, color, religion, religious creed, genetics, sex, sexual orientation, age, national origin, ancestry, veteran, or disability status, either on or off campus.

Although it is not the function of Northeastern University to monitor compliance with the law, it is the University's responsibility to assess learning/work environments for its students. Therefore, the University may at its discretion terminate its relationship with any employer who persists in any such harassing or discriminating practices toward student-employees.

**Student-employees** are entitled to the full protection of anti-discrimination laws.

**Final responsibility** for interviewing, evaluating, and selecting students for employment lies with the prospective employer



### **Employee Retirement Income Security Act (ERISA)**

Student-employees may be eligible for employer-sponsored pension plans, depending on the student's age and hours of service. This booklet makes no representation as to the applicability of ERISA. For an in-depth explanation of an employer's obligations under federal and state retirement laws, companies must consult their own advisers.

### **Employer Responsibility**

Northeastern University, upon employer request and in accordance with guidelines established in consultation with the employer, will seek to propose and refer acceptable candidates for cooperative education positions. Subject to legal restrictions protecting the confidentiality of student records, Northeastern will make available appropriate applicant information.

Final responsibility for interviewing, evaluating, and selecting students for employment lies with the prospective employer.

Northeastern University will assume no liability for any conduct, act or omission by the student, as an employee, while on cooperative education, or any conduct, act, or omission by the employer. Being under the direction and supervision of the employing unit during each work period, the student is an employee of the employer.

### **Employment Security**

By law, student-employees in Massachusetts are not eligible for unemployment compensation based upon their cooperative employment. Employers in Massachusetts do not include any student-employee's wages in their payrolls subject to federal and state employment security taxes. Cooperative education employers in other states may have to pay federal and state employment security tax. Employers are urged to ascertain whether the laws in their states provide unemployment compensation to student-employees or require employers to pay employment security taxes.



**The employer evaluation** is an important tool for providing guidance and counseling to the student.



### **Evaluation of Student Work**

Approximately four weeks before the end of each cooperative work period, the co-op faculty coordinator sends an employer evaluation form to each student-employee. The student-employee completes specific sections of the form and then submits it to his or her employer or supervisor. The performance appraisal should be made by the person most qualified. An appraisal discussion should be held with the student, and the form returned to Northeastern University.

The employer's evaluation of each student-employee's performance is an important component of the cooperative education program. The coordinator uses the evaluation to assist the student in planning future cooperative work, identifying career development needs, and establishing professional goals. Fulfilling the evaluation process is a determining factor in noting successful completion of the cooperative work period on the student's official University transcript.

### **Fair Labor Standards Act**

Student-employees are not specifically exempt under this act. Unless the student-employee's position is one that, by its nature, is exempt under the act, student-employees are included in its provisions for minimum wages, hours, and overtime pay. Each employer is responsible for ascertaining whether the student-employee's position is specifically exempt under the act.

### **Fringe Benefits**

The employer may or may not offer a fringe-benefits package to student-employees. Benefits may include as much as full benefits accrued on an equal basis with other employees in similar personnel categories. Many employers provide some vacation and sick-leave benefits. Other benefits such as group life insurance, medical insurance, profit-sharing, and bonuses may or may not be available, depending on company policy.



**Health insurance** is in effect from initial registration through graduation.

It is expected that student-employees will be paid a wage comparable to other employees having similar responsibilities.

### **Student Health Insurance/University Health and Counseling Services (UHCS)**

Massachusetts state law mandates that all full-time students have insurance for accident or injury and hospitalization. The law also requires Northeastern to provide an insurance plan for those not covered, and all full-time students will be automatically enrolled in the NU Student Health Plan (NUSHP) each year they are at Northeastern. Students covered by another plan, whether through themselves, parents, or a spouse, may waive NUSHP. If you have any questions, please call the UHCS insurance coordinator at 617.373.2775. Information about UHCS, including the NUSHP plan, is available at [www.uhcs.neu.edu](http://www.uhcs.neu.edu).

Student-employees who have questions about medical coverage while on co-op may call UHCS at 617.373.2772.

Employers are asked to contact the student-employee's co-op faculty coordinator whenever a student is hospitalized.

### **Immigration Reform and Control Act of 1986 (IRCA)**

All student-employees, regardless of their citizenship status, must abide by IRCA regulations by providing suitable documentation that will enable the employer to comply with the law. Students are advised about appropriate documentation to establish both their identity and authorization to work.

Employers who encounter difficulty in securing proper IRCA documentation for any student-employee should contact the student-employee's co-op faculty coordinator.

**Tax deductions** should be taken in accordance with federal and state tax law.

**International student-employees** will provide documentation stating their eligibility to work.



### **Income Taxes**

All deductions required by federal and state income tax laws must be taken from the wages of all student-employees. The courts have ruled that compensation for work performed as a student-employee is remuneration for services performed for the benefit of the employer and, therefore, is taxable income. International students on F-1 and J-1 visas are subject to withholding payment of federal, state, and local taxes unless they are exempt by provision of a tax treaty. In cases where a tax treaty applies, students must provide documentation to the employer on Form 8233. Information regarding tax treaties may be found in Internal Revenue Service Publication 901.

### **International Students**

Employers may hire international student-employees on F-1 or J-1 visas in cooperative education positions related to their academic major. International students may be prohibited from employment where United States citizenship or a security clearance is required as a condition of employment. The Immigration and Naturalization Service (INS) has approved Northeastern University's International Student & Scholar Institute (ISSI) as an authorizing agent of Curricular Practical Training (cooperative education) for these students. International student-employees referred to an employer will provide documentation stating their eligibility for that work period. IRCA requirements apply. International students are only authorized to work for the stated co-op period.

International students on F-1 and J-1 visas, when employed on Curricular Practical Training assignments, are not required to obtain an Employment Authorization Document (EAD).



### **Job Training Partnership Act**

This act provides assistance to economically disadvantaged persons, displaced workers, and others who face significant employment barriers. Educational training under the act is minimal and is vocational or skills-centered. The act is not designed for baccalaureate- or graduate-level cooperative education students.

The period of training time, job level, objectives, and compensation while training are not compatible with the Northeastern University cooperative education program. No student-employee can be trained under the act and continue to make normal progress toward a baccalaureate degree.

### **Jury Duty**

In Massachusetts, nearly everyone called for jury duty, including students, must serve. When selected for jury duty, student-employees are to be treated in the same manner as other employees with respect to compensation and permission to be

absent from work. Employers are responsible for complying with the laws that apply in their jurisdiction.

### **Liability Insurance**

The University maintains a Miscellaneous Professional Liability Policy that covers some student-employees while in approved cooperative education positions. This insurance is over and above any applicable professional liability insurance carried by the employer.

The policy, with limits, covers injury to patients or clients that arises from the rendering or failure to render professional services by the individual student during the policy period, while performing the cooperative job duties officially assigned to him or her.

Student-employees enrolled in some programs, including athletic training, cardiopulmonary sciences, education, human services, medical laboratory science, nursing, pharmacy, and physical therapy, are considered to be in professional services and are so covered while performing the cooperative job duties officially assigned to them.

Upon learning of a claim or circumstances that could lead to a claim, the employer should contact the student-employee's co-op faculty coordinator with reasonably obtained information pertaining to the circumstance.

## Social Security Tax

Unless exempt under the Social Security law, employers must deduct Social Security taxes from the wages of all student-employees, except those with an F-1 or J-1 visa. Internal Revenue Service Publication 15, Circular E, indicates that students on F-1 or J-1 visas are exempt from Social Security tax if the service performed on co-op is related to their student status. However, these taxes may apply if the employee becomes a resident alien. International students are responsible for showing the employer documentation of their visa status.

Occasionally, an international student may supply an employer with a 900-series number as a Social Security number. This is the Northeastern University number temporarily assigned as an identifier to an international student who has not applied for, or has not received, an official Social Security number. The Department of Cooperative Education advises international students to apply for regular Social Security numbers prior to cooperative education employment. You should ask student-employees who do not have appropriate numbers to apply immediately for bona fide Social Security numbers to enable your company's records and payroll systems to incorporate them. Contact the student-employee's co-op faculty coordinator if you need assistance.

**International students** and their employers are exempt from Social Security contributions.

**Student-employees** cannot be classified as independent contractors or consultants.

## Student Athletes

Some student-employees choose to participate in intercollegiate athletics during their cooperative work assignments. Under National Collegiate Athletic Association (NCAA) regulations, such students may only receive benefits granted to all other student-employees. An example would be time off for participation in school-related activities, for which NCAA regulations stipulate student-athletes must not be paid.

## Student Performance

Student-employees are expected to accept cooperative education positions with a seriousness of purpose, and to perform their work accurately and responsibly. If the student-employee's performance does not meet the reasonable standards set by the employer, the employer is not obligated to continue the student's employment. In such a situation, the employer must inform the student-employee's co-op faculty coordinator immediately.



The coordinator will confer with the employer—and whenever possible, with the student-employee—in an attempt to rectify the situation. If an acceptable solution cannot be reached, the student-employee may be discharged from the position. Discharge may be for one of several nondiscriminatory reasons, such as unsatisfactory performance, excessive absenteeism, inability to perform expected tasks, habitual tardiness, unsatisfactory attitude, or improper behavior.

Any circumstances that lead to a student-employee's discharge will be carefully reviewed by the student-employee's coordinator. If appropriate, the case will be referred for University disciplinary action.

### **Students as Consultants or Independent Contractors**

The IRS has ruled that student-employees cannot be hired as consultants or independent contractors (herein referred to as “independents”) instead of employees because they lack the requisite experience and skill to be considered as such.

At Northeastern University, student-employees on co-op jobs retain their status as full-time students. Therefore, they are considered by the IRS neither qualified nor able to engage in the pursuit of an independent trade, business, or profession, nor do they hold their services out to the public or advertise as an independent.

The University's co-op faculty coordinators are prohibited from accepting as cooperative education employment or approving any work arrangement that results in the employer's classifying the student-employee as an independent rather than an employee. The common-law definition of an employee states, in part, that the person for whom services are performed has the right to control and direct any individual who performs services including the details and means by which the result is accomplished. This employer-employee relationship is a primary element of cooperative education employment. As such, accepting the independent classification would imply Northeastern University's consent to



and participation in a relationship that is incompatible with the focus of cooperative education.

Student-employees in certain scientific or engineering work for Department of Defense (DOD) research and development laboratories, however, may be classified as independents under Title 10, United States Code Section 2360. This provision does not include services of an administrative or clerical nature.

### **Targeted-Job Tax Credits for Employers**

A small number of Northeastern students may be certified as members of one or more targeted groups if they meet the eligibility requirements (i.e., vocational rehabilitation referrals for the disabled). More information concerning targeted groups can be found in Internal Revenue Service Publication 334, General Business Credit. Co-op faculty coordinators will identify

any student who may be certifiable under one of the groups, as long as the information needed for identification is not inconsistent with the Family Education Rights and Privacy Act of 1974. The student can then be certified, or certification may be requested from the designated agency prior to referral for cooperative education employment. This information will be shared with the prospective employer at the time of referral for interview or as soon thereafter as possible.

### **Workers' Compensation**

In Massachusetts, student-employees are covered by the Workers' Compensation Act (Chapter 152 of the Massachusetts General Laws) unless they are in a special or exempt employee category. Student-employee wages are included in the same payroll from which the employer makes quarterly payments to the state's workers' compensation fund. If qualified, student-employees are entitled to workers' compensation where their employer is self-insured for this purpose.

In the event of an accident or injury on the job, student-employees should inform their supervisor immediately. The student-employee and the employer should file the Workers' Compensation Injury Report with the proper state agency.

Outside of Massachusetts, employers should be acquainted with their state's employment laws and how they affect the student-employee.

*Information contained in this booklet has been prepared for the purpose of describing the role of employers participating in the cooperative education program with Northeastern University.*

*Use of this information by other parties or for reasons other than its intended purpose is prohibited.*

*This information is provided for informational purposes only and may not be relied upon as legal, tax, or other advice. A full understanding of federal and state laws as they pertain to any of these topics is the sole responsibility of the employer.*

*Northeastern University is an equal opportunity/affirmative action educational institution and employer.*

*For additional information about Cooperative Education at Northeastern University, visit [www.coop.neu.edu](http://www.coop.neu.edu) or call 617.373.3400.*

*www.coop.neu.edu*



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