

Employer Announcement #75

Determination of Student Employees

PERS employers may designate a position or an employment as a “student employee,” ineligible for PERS membership. The employer makes the determination of “student employee” in accordance with the employer's written policy, which shall reflect the following:

- The designation is not primarily for the avoidance of PERS contributions, and
- The designation shall be in accordance with applicable laws and regulations pertaining to employment practices.

An employer may reasonably designate the following positions as student employees:

1. An employee enrolled at least half time in a school and whose employment is principally for the purpose of furthering the person's education.
2. An employee whose employment is principally related to the employee's status as a student, such as a student in a work-study program.
3. A student employed at the Legislative Assembly who will receive academic credit for the internship.
4. An employee who works during a break or between semesters or quarters of study provided that the student employee has indicated his or her intent to resume at least half-time enrolled status following the break, provided that the break does not exceed an academic quarter or semester, and the employer has a reasonable expectation that the employee shall resume at least a half-time enrolled status following the break.

Student Employees Dually Enrolled in More Than One School

Whether a school employer designates employees who are dual enrolled in its school and a separate school as “student employees” is a decision that the school employer needs to make taking into consideration the standards identified in OAR 459-010-0025.

Many individual schools in the Oregon University System (OUS) and the Community College system have signed “dual enrollment” agreements allowing students to enroll at one or more OUS and Community Colleges simultaneously. Some of these schools report applying the combined academic credit course hours toward qualification for federal financial aid eligibility purposes. The fact that credit hours are combined for eligibility in federal student aid programs is persuasive that schools may combine credit hours for purposes of determining student employee status and may be one of the factors to be considered in determining “student employee” status.

To the extent that a school employer decides to adopt as a new policy allowing credit hours to be combined with another school for purposes of determining student employee status, the policy should comply with OAR 459-010-0025(8) and be captured in a written statement to ensure that the policy guidelines are clear, promoting consistent administration and serving as a source of authority to the extent the policy is questioned in the future.

References: ORS 238.015(4), 238A.005(4), OAR 459-010-0025