

# The Ledger

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## Monitoring the 20-Hour Work Week Limit for Students in F and J Visa Status

*Summary:* Effective **March 1, 2019** there will be an update to the payroll review procedure for F and J visa holders working in excess of the 20-hour limit. The new US Citizenship & Immigration Services (USCIS) policy clarifies that a student who engages in unauthorized activity (e.g. working more than 20-hours per week) could begin accumulating unlawful presence that may have implications for their immigration status. Due to this change, Virginia Tech will terminate the student's position as soon as Payroll establishes that the 20-hour limit has been exceeded.

Students in the US in F or J visa status cannot work more than **20-hours** in a work week during the academic year, per USCIS regulation 8 CFR 214.2(f)(9)(i).

We are reminding departments of this limit due to a change published by USCIS on August 9, 2018 regarding the "accrual of unlawful presence and F, J, and M nonimmigrants." To summarize this regulation, any student who is found in violation of their current visa status after August 9, 2018 begins accumulating unlawful presence:

- The day after the F, J, or M nonimmigrant no longer pursues the course of study or the authorized activity, or the **day after he or she engages in an unauthorized activity**;
- The day after completing the course of study or program (including any authorized practical training plus any authorized grace period, as outlined in 8 CFR 214.2);
- The day after the Form I-94 expires, if the F, J, or M nonimmigrant was admitted for a certain date; or
- The day after an immigration judge orders the alien excluded, deported or removed (whether or not the decision is appealed).

Working in excess of the 20-hour weekly limit constitutes unauthorized activity and possibly a visa violation, which could result in a student accruing unlawful presence. Students with F and J visas are informed throughout orientation sessions that if they plan to work or have accepted an assistantship, they are allowed to work a **maximum of 20-hours** in a week during each semester. **All supervisors must be made aware of this policy.**

- Payroll runs reports each pay period to identify F-1 and J-1 students who have clocked hours that exceed the maximum hours allowed per week.
- Payroll contacts each department that is identified in the report as having a student or students with hours in TimeClock exceeding the limit. Payroll will work with the department to determine if the hours clocked were actually worked.
- Any hours that are logged in error, due to a missed punch, break, etc., will be corrected in TimeClock and updated in Banner.
- If it is established that a student worked in excess of the 20-hours/week limit, a notice of the violation will be sent by email to the student, the employing department, and the appropriate Designated School Official (DSO) at Cranwell International Center (for undergraduate students) or in the Graduate School (for graduate students). The student will have to **stop working immediately** and make an appointment with their DSO. Payroll will work with the department to terminate the student's position in Banner and make a final payment for any hours worked up to termination.
- If the determination is made that the visa status has been violated, the return to work will not be authorized until the Payroll office receives notice that the student's F-1 or J-1 status has been reinstated.
- Students found in violation of their status will start accruing unlawful presence days from the day after they have worked more than 20-hours per week.

## Monitoring the 20-Hour Work Week Limit for Students in F and J Visa Status (cont.)

During school breaks, USCIS has no restrictions on the number of hours F-1 or J-1 students may work; any limits imposed on the number of hours during breaks are set by the university.

Employees and supervisors should be aware of the following scenarios which could cause hours clocked to exceed the limit. All efforts should be taken to avoid these circumstances when possible.

- An individual is nearing the limit when they begin a shift and finds that they cannot always stop what they are working on to clock out;
- Departments on campus use many different timekeeping methods which causes confusion for the student, (i.e. timesheets, time clocks with punch cards, timekeeping systems with badges that are swiped);
- Parameters set for rounding time clocked in and out is based on the quarter hour,
- Confusion about the timeframe that comprises the work week; the work week for the University is defined as Friday at Midnight to the following Friday at 11:59 PM (per [Policy 4298: Wage Employee Time Worked Records](https://policies.vt.edu/4298.pdf)) <https://policies.vt.edu/4298.pdf>)
- Not understanding that clocking in and out 7 or 8 minutes early or late each day could easily add 15 minutes or more to the hours worked in one day;
- Confusion about when the academic year begins and ends;
- Not understanding that students are paid from the minute they clock in until the minute they clock out; this time is considered time on the clock and is paid, even if they are not working;
- Supervisors are not aware of the employment limitations placed on F and J Visa holders and do not understand the severity of the possible repercussions if these limits are violated;
- Some departments have a paid training session, which must be completed prior to starting a job. Sometimes the training occurs in the same week that the employee begins working; neither the department nor the individual take the hours paid for training into consideration for the 20-hour limit.

The change to the Payroll procedure of notification and job termination will begin on March 1, 2019. Please contact Payroll at [payroll@vt.edu](mailto:payroll@vt.edu) or 540 231-5021, the Graduate School, or the Cranwell Center if you have specific questions regarding this regulation.

## Moving & Relocation

In 2018, the university transitioned from a reimbursement model for moving and relocation to a stipend model. Please reference [The Ledger \(Volume E, No. 139\)](#) for additional information.

Employees who signed their Terms of Faculty Offer Letter (TOFO) or the Offer Letter for University Staff Positions (OLUSP) and started employment **before** October 1, 2018, and have not completed the moving and relocation process, should contact Valerie Jones at 540-231-8617 or email [jonesvl@vt.edu](mailto:jonesvl@vt.edu). We are requesting that all moving and relocation reimbursements for these employees be **complete by April 1, 2019**.

Employees who signed their Terms of Offer Letter (TOFO) or the Offer Letter for University Staff Positions (OLUSP) **after** October 1, 2018, will utilize the new moving and relocation stipend process through Human Resources. Please contact the HR Service Center at 540-231-9331 or [hrrservicecenter@vt.edu](mailto:hrrservicecenter@vt.edu) for additional information.

## Timely HokieMart Receiving – Can Make or Break Prompt Pay Percentages

The Virginia Prompt Payment Act requires remittance of payment to vendors within 30 days of the receipt of the vendor’s invoice or the receipt of goods or services, whichever is later. This is the general rule, but as explained below, some vendors have due dates less than 30 days. Routine reviews of prompt pay activity consistently identify a noticeable amount of invoices that are paid after the required due date because departments have not received the goods or services in HokieMart in a timely fashion. To ensure the university pays vendors on time, departments must receive the goods or service several days before the actual due date to allow time for payment processing and distribution. Timely HokieMart receiving by departments will improve the university’s prompt pay compliance and avoid invoices appearing on the department prompt pay report.

The vendors listed in the chart below have net payment terms less than 30 days built into their contractual agreement with the university. The payment terms for each vendor appears on the purchase order, and payment of these invoices must occur within these special payment terms. Failure to do so will result in the invoice appearing as an exception on the department’s prompt payment report.

<b>Vendors with Special Payment Terms</b>	<b>Payment Terms</b>
Blacksburg VPI Sanitation Authority	Net 15
Fisher Scientific	Net 15
Wagner Food Equipment Inc	Net 15
Abcam Inc	Net 20
Arc3Gases	Net 20
Dot Scientific	Net 20
Guy Brown	Net 20
Integrated DNA Technologies Inc	Net 20
Leica Microsystems Inc	Net 20
Lowes	Net 20
Nalco	Net 20
New England Biolabs	Net 20
Promega	Net 20
Quality Biological	Net 20
Taylor Office Supply Inc	Net 20
University Bookstore	Net 20

Note, if the quantity of items received in HokieMart is less than the quantity on the vendor invoice, the automated process that matches the invoice and the receiving will not complete which will delay payment of the invoice.

When returning items to a vendor that are damaged a quantity receipt must be completed for the total number of items received. This includes items that are damaged. For example, if you order ten widgets and receive ten widgets, but five are damaged, the department needs to receive ten and process a return receipt for the five that are damaged.

Also, be aware that cost receipts entered into HokieMart do not interface to Banner and require manual entry by Accounts Payable which will delay payment of the invoice as well.

## New Accounts Payable Automated Email - March 1, 2019

To assist departments in managing the timely payment of invoices, Accounts Payable is launching a new automated email for department Financial Managers. This email will contain a spreadsheet of all invoices processed by Accounts Payable but are awaiting department receiving. This daily email is in addition to the current automated email sent to the requester of the HokieMart purchase order. The Controller's Office is taking this action to assist departments in improving prompt pay percentages.

Please contact Brandon Webb, Accounts Payable Manager ([bwebb13@vt.edu](mailto:bwebb13@vt.edu)) with questions regarding receiving or the new automated email.

## Increase in Mileage Rate for Use of Personal Vehicle

Effective February 15, 2019, the standard business mileage rate established by the university ("lesser rate") will increase from \$0.42 to \$0.46 per mile when round trip mileage is 200 miles or more.

Reimbursements for the use of personal vehicles occurs at the following rates based on the costs of maintaining fleet services vehicles and the current business standard mileage rate established by the Internal Revenue Service:

Please note the new rates below are effective for official business travel when using a personal vehicle:

Rate Per Mile	Criteria
\$0.46	Round trip is 200 miles or more, and a vehicle is available with Fleet Services, or the state contract with Enterprise Rent-A-Car.
\$0.58	Round trip is less than 200 miles, and a vehicle is available with Fleet Services, or the state contract with Enterprise Rent-A-Car.
\$0.58	A vehicle is not available with Fleet Services, or the state contract with Enterprise Rent-A-Car
\$0.58	Round trip is 200 miles or more, a vehicle is available with Fleet Services, or the state contract with Enterprise Rent-A-Car, and there is an economic benefit to the university for using a personal vehicle. The economic benefit requires a strong justification with an analysis of the personal vehicle versus a Fleet Services or Enterprise Rent-A-Car vehicle.

Detailed information is available in Controller's Office [Procedure 20335d: Automobile Travel](#). If you have any questions, please contact Lynn Meadows, Travel Supervisor at 540-231-8551 or email [dlynnm06@vt.edu](mailto:dlynnm06@vt.edu).

## Fixed Assets Now Reviewing Equipment Trust Fund Purchase Requisitions

The Fixed Assets & Equipment Inventory Services (FAEIS) section of the Controller's Office is now included in the HokieMart approval queue for purchases funded from the Commonwealth of Virginia Equipment Trust Fund Program (SCHEV) and will conduct a review of the application of account codes. This account code review is to ensure all items are properly identified with the appropriate equipment account codes to ensure they are properly identified with the appropriate equipment account codes within the fixed asset system.

Additionally, departments can take the actions below to streamline the tagging of these assets:

1. Include the location and custodian of the equipment as a comment or in the internal or external references area of the HokieMart requisition.
2. Upon receipt of the asset, email Vanessa Law, Fixed Assets Inventory Specialist at [vrlaw@vt.edu](mailto:vrlaw@vt.edu) to schedule a time to affix a barcode to the asset.

Soon, FAEIS will begin approving all requisitions between \$2,000 and \$10,000.

Please direct your questions to either Matt Carter ([mcarter4@vt.edu](mailto:mcarter4@vt.edu)) or Becky Saylor ([saylorb@vt.edu](mailto:saylorb@vt.edu)).