CAREER CENTER EMPLOYER RECRUITING POLICY

The SBU Career Center will provide services for organizations that meet the following criteria:

- Organization must accurately describe the responsibilities and requirements for the opportunities it offers in all publicity, including information sessions and receptions.
- All conditions for advertised positions must be clearly publicized in the position description. This includes, but is not limited to, unpaid internships and commission-based positions.
- If a position is paid, the rate of pay must meet NY State minimum wage guidelines.
- The employer must comply with all federal, NY State and local government Equal Employment Opportunity laws and regulations, along with all Stony Brook University policies and provisions.

Employment Offers and Acceptance Policy

The SBU Career Center firmly believes that it is in the best interests of both students and employers to allow adequate time for a student to make an informed decision about whether to accept or decline an offer. Students who are able to sufficiently analyze all information at their disposal will be more confident in their choices, and employers will benefit from hiring candidates who have a sincere interest in honoring their commitments.

We encourage employers to allow students at least 2 weeks to decide on offers. Although special incentives given to induce early acceptance of offers are not prohibited, employers utilizing the On-Campus Recruiting (OCR) Program should be aware that they are recruiting within an academic setting. Students should be given the opportunity to make use of all services/information available to them and should not be subjected to exploding offers, which require a student to accept a job offer within a very short amount of time or face having the offer rescinded. While we recognize that there are legitimate business reasons for offers to be accepted or rejected within a specific timeframe, this type of offer is not appropriate within a collegiate environment. In an effort to provide students with sufficient time to conduct their job/internship searches and make informed decisions, we expect employers to abide by these deadlines:

- For offers made by employers who did not recruit via OCR, students have 2 weeks from offer date to decide.
- For offers extended by employers using our On-Campus Recruiting program, students have two weeks from offer date or until the appropriate deadline below, whichever is later.
- For full-time offers extended to previous summer interns, students have until 10/28/16 to decide.
- Students interviewed during the fall semester have until 11/11/16 to decide.
- Students who previously held summer internships and are asked to return have until 2/24/17 to decide.
- Students interviewed during the spring semester for intern or full-time opportunities have until 3/10/17.

Please note that the time periods above start upon receipt of a written offer for employment.

Student Renego Policy

During the SBU Career Center OCR Orientation and in our Student Participation Agreement, we specifically explain the ethics and perils of reneging on offers. When students renge after accepting offers, either verbally or in writing, they are immediately deactivated in our system and required to meet with a Career Center staff member to discuss the situation.

Job Fair Presence by Multiple Agencies/Offices of One Company

To maximize your organization’s brand and prevent confusion, the SB Career Center has the right to limit the number of tables for each company (regardless of unique agency name) at each Job/Internship Fair.
Job/Internship Fair and Job Expo Cancellation Policy

No refunds will be made for cancellations made less than (2) weeks prior to the event. Organizations that do not show are still responsible for full payment. Organizations with outstanding payments will not be permitted to participate in future events until payment is received.

Information Session Payment and Cancellation Policy

No refunds will be made for cancellations made less than (2) weeks prior to the event. Payment must be received within 30 days after the day the reservation bill is sent via email to given contact. Organizations with outstanding payments will not be permitted to participate in future events until payment is received.

On-Campus Recruiting (OCR) Program Cancellation Policy

Employers who utilize the OCR program must give sufficient notice (minimum of 48 hours) in the event of a schedule cancellation. When interviews must be canceled due to unforeseen circumstances, the recruiter will be advised to contact each student directly to make arrangements for another interview date/time. The recruiter is also asked to share follow-up information with Career Center staff. The Career Center has a strict policy on late cancellation of interviews or “no shows” by students. If a student does not give at least 2 days notice prior to a scheduled interview, they will be deactivated from the OCR program. Students are required to send formal letters of apology and meet with a member of the ER team.

**IMPORTANT! Reporting Your Offers and Hires**

Employers that utilize our services are expected to report hiring statistics for SBU students. This information is critical as we are obligated by federal regulations to report placement outcomes of federally funded programs. Therefore, IT IS CRUCIAL that employers partnering with us take the time to provide us with this data. You can report hires by:

- Responding to hiring surveys emailed to you from the Career Center
- Emailing the information to: sbucareercenter@stonybrook.edu
- Contacting our office by phone: 631-632-6810

Offers: In order to monitor job search activity and offers of employment, we ask that employers who have extended verbal or written offers to Stony Brook students notify us immediately. This will provide Career Center staff with the opportunity to monitor job search activity of those students who have already accepted offers.

Commission Only/Entrepreneurial Opportunities

Commission sales positions may be advertised to students through Handshake, our online job listing and recruiting system, through information sessions on campus, and through job fairs provided that the compensation arrangement is clearly noted on job listings and is thoroughly explained in recruiting conversations and interviews with students.

Private Home Business Settings

Stony Brook interns are not permitted to participate in home office/home training settings. University Counsel will not allow these types of work situations. Space is available in the Career Center for interviewing/training purposes. We suggest you consider arranging for students to work remotely (i.e., on campus) for you.
Alcohol
The use of alcohol in the recruiting process is prohibited. Marketing and/or advertisement of alcohol or alcohol-related activities on the campus or in official University publications is strictly prohibited. Student-focused publications will not accept advertising that promotes the irresponsible use or consumption of alcoholic beverages.

Campus/Brand Ambassador
Campus/Brand Ambassador positions, or On-Campus Marketing positions, do not align with the University’s policies and procedures, including those regarding promotion of products and or services on-campus. For this reason, these types of positions are not promoted on Handshake or through the Career Center.

Third-Party Policy
Stony Brook University provides campus access to third-party agencies through services provided by the Career Center. Third-party employers are agencies, organizations, or individuals recruiting candidates for temporary/part-time or full-time employment other than for their own needs. This includes entities that refer or recruit for profit or not for profit, and agencies that collect student information to be disclosed to employers for purposes of recruitment and employment. Examples of services include: job listings, job fairs, table scheduling and other on-campus activity. Depending on space, the number of third-party organizations participating in our events may be limited. Agencies are welcome to attend our Job/Internship Fairs to connect with students, but are not permitted to solicit our employers. For participation in our On-Campus Recruiting Program, the agency must disclose the name of the company for which it is recruiting. Furthermore, the agency must meet the following requirements in order to utilize Career Center services:

1. The agency may not charge applicants. All fees must be directed to the company the agency represents or assumed by the agency itself.
2. The agency must provide a specific description and all requirements within all job listings including for any position that is “commission only” or a sales-based position.
3. The agency must act in accordance with NACE Principles for Professional Conduct for Career Services & Employment Professionals (www.naceweb.org/principles).
4. The agency recruiter can only release candidate information with written permission of the applicant.

Right to Refuse Service
Stony Brook University is committed to the principles of equal opportunity, respect and fair treatment for all. Accordingly, the Career Center reserves the right to reject postings from any prospective employer whose posting, policies or procedures appear to violate the University’s commitment to equal opportunity and fair treatment for all, regardless of race, color, sex, age, ethnicity, religion, national origin, sexual orientation, disability, marital status or status as a military veteran. Additional factors that may lead to exclusion from recruitment activities at SBU include: fraud, misrepresentation, breach of confidentiality, complaints by or harassment of SBU students, alumni, or staff; sexual misconduct, failure to adhere to university policies, and/or any violation of federal state and local laws, including requiring personal information (e.g. bank and/or Social Security numbers) when not part of the hiring process. Federal Law requires the University to investigate and take reasonable action in response to any such complaints. If it is determined that a complaint is justified, we reserve the right to deny requests for future recruitment activity. In such cases, the organization will be given the opportunity to respond to the complaint; final decisions will be communicated in writing. For any of the aforementioned reasons, the SBU Career Center reserves the right to terminate / refuse the participation of any organization in Career Center activities.
U.S. Department of Labor’s Fair Labor Standards Act on Unpaid/Non-Credit Internship Programs

It is strongly preferred that organizations pay interns for work performed. If your organization is unable to offer a paid internship, please consider helping the student with a stipend for expenses related to their internship, such as transportation costs, meals, etc. If your organization hosts unpaid internships, Stony Brook University’s Career Center recommends that you carefully review the U.S. Department of Labor’s Fair Labor Standards Act on Internship Programs, portions of which are provided below. In addition to Department of Labor Guidelines, the Career Center will only post/promote unpaid internships/co-ops with for-profit or not-for-profit organizations that meet the following criteria:

- The organization must be willing to take necessary steps for students who wish to gain academic credit for their experiences and provide offer letters
- Unpaid internships must not exceed 20 hours a week

U.S. Department of Labor Wage and Hour Division

Background
The Fair Labor Standards Act (FLSA) defines the term “employ” very broadly as including to “suffer or permit to work.” Covered and non-exempt individuals who are “suffered or permitted” to work must be compensated under the law for the services they perform for an employer. Internships in the “for-profit” private sector will most often be viewed as employment, unless the test described below relating to trainees is met. Interns in the “for-profit” private sector who qualify as employees rather than trainees typically must be paid at least the minimum wage and overtime compensation for hours worked over forty in a workweek.²

The Test For Unpaid Interns
There are some circumstances under which individuals who participate in “for-profit” private sector internships or training programs may do so without compensation. The Supreme Court has held that the term “suffer or permit to work” cannot be interpreted so as to make a person whose work serves only his or her own interest an employee of another who provides aid or instruction. This may apply to interns who receive training for their own educational benefit if the training meets certain criteria. The determination of whether an internship or training program meets this exclusion depends upon all of the facts and circumstances of each such program.

The following six criteria must be applied when making this determination:

1. The internship, even though it includes actual operation of the facilities of the employer, is similar to training which would be given in an educational environment;
2. The internship experience is for the benefit of the intern;
3. The intern does not displace regular employees, but works under close supervision of existing staff;
4. The employer that provides the training derives no immediate advantage from the activities of the intern; and on occasion its operations may actually be impeded;
5. The intern is not necessarily entitled to a job at the conclusion of the internship; and
6. The employer and the intern understand that the intern is not entitled to wages for the time spent in the internship.

If all of the factors listed above are met, an employment relationship does not exist under the FLSA, and the Act’s minimum wage and overtime provisions do not apply to the intern. This exclusion from the definition of employment is necessarily quite narrow because the FLSA’s definition of “employ” is very broad. Some of the most commonly discussed factors for “for-profit” private sector internship programs are considered below.
Similar To an Education Environment and the Primary Beneficiary of the Activity
In general, the more an internship program is structured around a classroom or academic experience as opposed to the employer's actual operations, the more likely the internship will be viewed as an extension of the individual’s educational experience (this often occurs where a college or university exercises oversight over the internship program and provides educational credit). The more the internship provides the individual with skills that can be used in multiple employment settings, as opposed to skills particular to one employer’s operation, the more likely the intern would be viewed as receiving training. Under these circumstances the intern does not perform the routine work of the business on a regular and recurring basis, and the business is not dependent upon the work of the intern. On the other hand, if the interns are engaged in the operations of the employer or are performing productive work (for example, filing, performing other clerical work, or assisting customers), then the fact that they may be receiving some benefits in the form of a new skill or improved work habits will not exclude them from the FLSA’s minimum wage and overtime requirements because the employer benefits from the interns’ work.

Displacement and Supervision Issues
If an employer uses interns as substitutes for regular workers or to augment its existing workforce during specific time periods, these interns should be paid at least the minimum wage & overtime compensation for hours worked over 40 in a workweek. If the employer would have hired additional employees or required existing staff to work additional hours had the interns not performed the work, then the interns will be viewed as employees and entitled compensation under the FLSA. Conversely, if the employer is providing job shadowing opportunities that allow an intern to learn certain functions under the close and constant supervision of regular employees, but the intern performs no or minimal work, the activity is more likely to be viewed as a bona fide education experience. On the other hand, if the intern receives the same level of supervision as the employer’s regular workforce, this would suggest an employment relationship, rather than training.

Job Entitlement
The internship should be of a fixed duration, established prior to the outset of the internship. Further, unpaid internships generally should not be used by the employer as a trial period for individuals seeking employment at the conclusion of the internship period. If an intern is placed with the employer for a trial period with the expectation that he or she will then be hired on a permanent basis, that individual generally would be considered an employee under the FLSA.

For additional information, visit the Wage and Hour Division Website: http://www.wagehour.dol.gov and/or call toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4USWAGE (1-866-487-9243).

* The Stony Brook University Career Center reserves the right to decline to post any unpaid/non-credit internships.

* The FLSA makes a special exception under certain circumstances for individuals who volunteer to perform services for a state or local government agency and for individuals who volunteer for humanitarian purposes for private non-profit food banks. WHD also recognizes an exception for individuals who volunteer their time, freely and without anticipation of compensation for religious, charitable, civic, or humanitarian purposes to non-profit organizations. Unpaid internships in the public sector and for non-profit charitable organizations, where the intern volunteers without expectation of compensation, are generally permissible. WHD is reviewing the need for additional guidance on internships in the public and non-profit sectors.

Non-discrimination (P102R)
Consistent with federal and state guidelines, Stony Brook University does not discriminate on the basis of any protected class including race, religion, sex, sexual orientation, gender identity, color, national origin, age, disability, marital status or status as a veteran or disabled veteran in its educational programs or in employment. Title IX also prohibits other forms of sex discrimination such as harassment or sexual violence. Complaints of suspected violations of these policies should be made to the Office of Diversity and Affirmative Action, Marjolie Leonard, Interim Director for Title IX and Risk Management, 201 Admin. Building, 631-632-6280 or to one of the Title IX sub-coordinators (www.stonybrook.edu/titleix).