

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 SB Career Center believes that it is in the best interests of both students and employers to allow adequate time for a candidate to make an informed decision about whether to accept or decline an offer. Employers must give students **at least 2 weeks** to decide once a written offer is extended. Students should not be subjected to exploding offers, which push students to accept a job offer within a very short time or face having the offer rescinded. To provide students with sufficient time to make informed decisions, we expect employers to abide by these deadlines:

- For offers made by employers who did not recruit via our On-Campus Recruitment program, students have **2 weeks** from offer date to decide.
- For offers extended by employers using our On-Campus Recruitment 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, or for summer internship offers extended to previous summer interns, students have until **the end of October** to decide.
 - Students interviewed during the fall semester for full-time positions or summer internship opportunities have until **mid-November** to decide.
 - Students interviewed during the spring semester for full-time positions or summer internship opportunities have until **mid-March**.

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

Student Renege Policy

During the SBU Career Center OCR Orientation and in our Student Participation Agreement, we specifically explain the ethics and perils of renegeing on offers. When students renege 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 hires of 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 our [SIMPLE 3 QUESTION HIRING SURVEY](#)

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, information sessions on campus, and 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.nacweb.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 (Updated January 2018)

Fact Sheet #71: Internship Programs Under The Fair Labor Standards Act

This fact sheet provides general information to help determine whether interns and students working for "for-profit" employers are entitled to minimum wages and overtime pay under the Fair Labor Standards Act (FLSA). 1

Background

The FLSA requires "for-profit" employers to pay employees for their work. Interns and students, however, may not be "employees" under the FLSA—in which case the FLSA does not require compensation for their work.

The Test for Unpaid Interns and Students

Courts have used the “primary beneficiary test” to determine whether an intern or student is, in fact, an employee under the FLSA. ² In short, this test allows courts to examine the “economic reality” of the intern employer relationship to determine which party is the “primary beneficiary” of the relationship. Courts have identified the following seven factors as part of the test:

1. The extent to which the intern and the employer clearly understand that there is no expectation of compensation. Any promise of compensation, express or implied, suggests that the intern is an employee—and vice versa.
2. The extent to which the internship provides training that would be similar to that which would be given in an educational environment, including the clinical and other hands-on training provided by educational institutions.
3. The extent to which the internship is tied to the intern’s formal education program by integrated coursework or the receipt of academic credit.
4. The extent to which the internship accommodates the intern’s academic commitments by corresponding to the academic calendar.
5. The extent to which the internship’s duration is limited to the period in which the internship provides the intern with beneficial learning.
6. The extent to which the intern’s work complements, rather than displaces, the work of paid employees while providing significant educational benefits to the intern.
7. The extent to which the intern and the employer understand that the internship is conducted without entitlement to a paid job at the conclusion of the internship.

Courts have described the “primary beneficiary test” as a flexible test, and no single factor is determinative. Accordingly, whether an intern or student is an employee under the FLSA necessarily depends on the unique circumstances of each case. If analysis of these circumstances reveals that an intern or student is actually an employee, then he or she is entitled to both minimum wage and overtime pay under the FLSA. On the other hand, if the analysis confirms that the intern or student is not an employee, then he or she is not entitled to either minimum wage or overtime pay under the FLSA.

Where to Obtain Additional Information

This publication is for general information and is not a regulation. For additional information, visit our Wage and Hour Division Website: <http://www.wagehour.dol.gov> and/or call our 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 Career Center reserves the right to decline to post any unpaid/non-credit internships.**

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1. The FLSA exempts certain people who volunteer to perform services for a state or local government agency or who volunteer for humanitarian purposes for 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 for public sector and non-profit charitable organizations, where the intern volunteers without expectation of compensation, are generally permissible.
 2. E.g., *Benjamin v. B & H Educ., Inc.*, --- F.3d ---, 2017 WL 6460087, at *4-5 (9th Cir. Dec. 19, 2017); *Glatt v. Fox Searchlight Pictures, Inc.*, 811 F.3d 528, 536-37 (2d Cir. 2016); *Schumann v. Collier Anesthesia, P.A.*, 803 F.3d 1199, 1211-12 (11th Cir. 2015); see also *Walling v. Portland Terminal Co.*, 330 U.S. 148, 152-53 (1947); *Solis v. Laurelbrook Sanitarium & Sch., Inc.*, 642 F.3d 518, 529 (6th Cir. 2011).

STONY BROOK UNIVERSITY

CAREER CENTER

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).