

PROCEDURES FOR CUNY EMPLOYEES
TUITION FEE WAIVER

PLEASE READ BEFORE COMPLETING THE TUITION FEE WAIVER FORM (OFSR 305)

As part of the "Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA)," which was signed into law on June 7, 2001, Section 127 of the Internal Revenue Code was extended permanently for both graduate and undergraduate courses, effective January 1, 2002. This benefit enables employers to assist workers to further their education at a cost of up to \$5,250 per year tax free, whether or not the course is job-related.

NOTE: CUNY eligible employees are hereby advised that undergraduate and graduate level courses in which they enroll in using the CUNY Employee Tuition Fee Waiver Form OFSR 305, **may** be reportable as wages and subject to withholdings if educational assistance benefits exceed the \$5,250 threshold are non job-related and do not meet the requirements of the "working condition fringe benefit" exclusion. To meet the requirements of "working condition fringe benefit" exclusion the course must: 1) maintain or improve skills that an employee is required to have for employment; and 2) be expressly required by the employer, or is legally required in order to retain an established employment relationship, status or rate of compensation. Moreover, the course must: 1) **not** be for the purpose of satisfying the minimum educational requirements to qualify for employment; and/or 2) **not to** qualify the employee for a promotion or transfer to a new trade or business.

PROCEDURES:

A. Obtain the CUNY Employee Tuition Fee Waiver (Form OFSR 305) from the **HR Office of the College of Employment**. Failure to submit a completed Form OFSR 305 to the HR Office of the college of employment may result in the inclusion of the value of your tuition assistance as wages.

B. Submit the completed Form OFSR 305 to the registrar at the **College of Enrollment** who will complete the registration certification portion of the waiver form and forward a copy of the waiver form to the **HR Director at the College of Enrollment**. In addition, a copy must be submitted to the **Bursars at the College of Enrollment**.

C. The **HR Director at the College of Enrollment** will **forward** the OFSR 305 form to the **HR Director at the College of Employment**.

D. You must submit to the **College of Employment** evidence of enrollment, including the Management Certification, bursar's receipt and the course description, in order to ascertain whether the course you are taking is taxable. The management representative designated by your college will use the University Accounting Office guidelines to determine whether the course you are taking is job related.

E. If the educational benefit exceeds the \$5,250 threshold and the course is determined to be non-job related and does not meet the working condition fringe benefits exclusion within the Internal Revenue and University Accounting Office guidelines, the HR Director of the College of Employment will so advise the Payroll Office so that the actual dollar amount of the tuition fee that has been waived will then be reported as wages and be subject to tax withholding. The determination will be recorded on the reverse side of this form.

F. A copy of your certified Form OFSR 305 with a record of transmittal to Payroll will be kept on file at the HR office at your College of Employment. You may request to obtain a copy for your records.

IF YOU ADD OR DELETE A COURSE PLEASE SUBMIT THE APPROPRIATE DOCUMENTATION
IMMEDIATELY TO THE HR OFFICE OF YOUR COLLEGE OF EMPLOYMENT.

MANAGEMENT CERTIFICATION

Undergraduate and Graduate Level Course(s) Above the \$5,250 Threshold
Job Related or Meets The "Working Condition Fringe Benefit" Exclusion

TO BE COMPLETED BY EMPLOYEE:

Employee Name: _____ College of Employment: _____

Title Name & Code Number: _____ College of Enrollment: _____

Undergraduate Course
Name & Number: _____
Course Description: _____
How is it job related? _____

Graduate Course
Name & Number: _____
Course Description: _____
How is it job related? _____

Undergraduate Course
Name & Number: _____
Course Description: _____
How is it job related? _____

Graduate Course
Name & Number: _____
Course Description: _____
How is it job related? _____

I attest to the accuracy of all the information given.

Employee Signature & Date: _____

TO BE COMPLETED BY MANAGEMENT REPRESENTATIVE:

Undergraduate Course
Name & Number: _____
Taxable []Yes []No
If not, how is it job related? _____

Graduate Course
Name & Number: _____
Taxable []Yes []No
If not, how is it job related? _____

If not, how does it meet the working condition exclusion? _____

If not, how does it meet the working condition exclusion? _____

Undergraduate Course
Name & Number: _____
Taxable Yes No
If not, how is it job related? _____

Graduate Course
Name & Number: _____
Taxable Yes No
If not, how is it job related? _____

If not, how does it meet the working condition exclusion? _____

If not, how does it meet the working condition exclusion? _____

Signature & Date: _____

Name & Title: _____
Designated Management Representative

TO BE COMPLETED BY COLLEGE OF EMPLOYMENT

Signature & Date: _____

Name & Title: _____

HR Director / Designee

<u>Employee Category</u>	<u>Service Requirements</u>	<u>Course Type and Credit Limits</u>	<u>Summer Session</u>
Instructional Staff	1 year - undergraduate / none - graduate	Undergraduate - no limit / Graduate - 6 credits	no
Classified Managerial	1 year - undergraduate / none - graduate	Undergraduate - no limit / Graduate - 6 credits	no
Adjunct Teaching Titles	10 consecutive semesters	1 course - may be undergraduate or graduate	no
Gittleson Titles	6 months	Undergraduate - no limit / Graduate - 6 credits	yes - undergraduate only
Classified White Collar	1 year	Undergraduate - no limit / Graduate - 3 credits	yes - undergraduate only
Classified Blue collar	1 year	Undergraduate - no limit / Graduate - 3 credits	yes - undergraduate only
Skilled Trades	1 year	Undergraduate only - no limit	yes

REFERENCES

1. Board of Trustees Resolution, Cal No. 7, January 28, 1980
2. CUNY-PSC Agreement, Article 29
3. CUNY Non-instructional Clerical, Administrative, and Professional Employees Agreement, Article V
4. CUNY Custodial, Stores-stock, and Security Employees Agreement, Article V

B. College of Enrollment

Certification of enrollment

College: _____

(course name & number)

(course name & number)

Tuition Fee Total: \$ _____

Registrar / Designee Name

Registrar / Designee Signature

C. College of Employment HR Office

Reviewed by: _____
HR Director / Designee

Date

[] No Payroll Action Necessary

[] Forwarded to Payroll Office for Action

Date sent to Payroll Office

D. College of Employment Payroll Office

Signature of Payroll Officer / Designee

Date Processed

* Please forward the completed form to the HR Director at your College, who will forward to HR Director at College of Employment.