**MEMORANDUM**

TO: Deans, Directors, and Department Heads

FROM: Warwick Arden, Executive Vice Chancellor and Provost

 Scott R. Douglass, Vice Chancellor, Finance and Administration

SUBJECT: Change in STEM Optional Practical Training (OPT)

DATE: June 10, 2016

The Department of Homeland Security (DHS) published a new Final Rule in March 2016 regarding the STEM (science, technology, engineering and math) Optional Practical Training (OPT) extension benefit for F-1 students. This new rule was effective on May 10, 2016 for applications for STEM OPT employment submitted to U.S. Citizenship and Immigration Services on or after that date. Under the new rule, students and employers are required to complete a Training Plan (Form I-983) at the start of the STEM OPT employment application process to establish expected outcomes and learning objectives during the training program.

The Training Plan can be found on Human Resources’ International Employment (IE) homepage at <https://www.ncsu.edu/human_resources/intemployment/>, with Section 3 partially pre-filled with general NC State University employer information. Please note that every STEM OPT Training Plan for employment must be signed by the student, the supervisor (in Section 6) and IE in Central HR (in Section 4). IE will help the hiring unit and supervisor achieve compliance with the numerous employer obligations required by the new Final Rule.

Regarding these obligations, NC State (via the supervisor and IE) is responsible for notifying the Designated School Official (DSO) at the institution where the student earned the STEM degree of all of the following items: any “material changes” to the training plan, including any reduction in hours per week worked by the student, any reduction in hours below the required minimum of 20 hours/week, or any reduction in compensation from the amount indicated on the training plan; and within 5 days notify the DSO of the termination or departure of the student. The supervisor must notify IE of any of these changes, and either the supervisor or IE will then notify the DSO, based on their discussion of the situation.

As the employer, NC State (via the supervisor) is also responsible for ensuring that the training opportunity is directly related to the STEM degree, that the student will receive on-site supervision and training, that the supervisor has sufficient resources and personnel to provide the training, and that the student will not replace a full- or part-time, temporary or permanent U.S. worker. The supervisor must also conduct and sign periodic evaluations of the student during the training opportunity. If the training opportunity with NC State is not the student’s first STEM OPT employment, then the student, supervisor and IE must complete and submit a new I-983 Training Plan to the appropriate DSO within 10 days of the new employment start date at NC State.

All STEM OPT student workers must also now be paid for their effort and can no longer be placed in unpaid positions or roles of any kind. All previously unpaid STEM OPT positions must either be paid or immediately terminated. DHS specifically notes that “the rule requires all STEM practical training opportunit[ies] (including duties, hours, and compensation) to be commensurate with those applicable to similarly situated U.S. workers.” IE will confirm and ensure ongoing compliance with this new compensation requirement.

STEM OPT student workers on our campus who are also graduates of NC State can and should take advantage of the numerous resources offered by the Office of International Services (OIS) for assistance during the STEM OPT application process. OIS has comprehensive information regarding the STEM OPT DHS Final Rule located at <https://internationalservices.ncsu.edu/optional-practical-training/updates-to-the-stem-opt-extension/>.

Please contact Elizabeth James in OIS (919-513-2749 or eajames2@ncsu.edu) or Jill Blitstein in IE (919-515-4518 or jill\_blitstein@ncsu.edu) for more information. Thank you for your cooperation.