

**WAC 250-40-050 Restrictions on student placement and compensation.** (1) Displacement of employees. Employment of state work-study students may not result in displacement of employed workers or impair existing contracts for services.

(a) State work-study students employed by public institutions of postsecondary education may not fill positions currently or formerly occupied by classified employees.

(b) In cases of governmental employment, state work-study students may fill positions which have been previously occupied but were vacated as a result of implementing previously adopted reduction in force policies in response to employment limitations imposed by federal, state or local governments.

(c) In all other cases, state work-study students may not fill positions which have been occupied by regular employees during the current or prior calendar or fiscal year.

(2) Rate of compensation. All work-study positions shall receive compensation equal to the entry level salary of comparable nonwork-study positions.

Students employed by public postsecondary educational institutions who are filling positions which are comparable to Washington personnel resources board classified positions must be paid entry level Washington personnel resources board wages for the position unless the overall scope and responsibilities of the position indicate a higher level.

Determination of comparability must be made in accordance with state work-study program operational guidelines.

Documentation must be on file at the institution for each position filled by a state work-study student which is deemed by the institution as not comparable to a higher education personnel board position.

(3) Maximum total state work-study compensation. Earnings beyond the student's state work-study eligibility must be reported to the financial aid officer, and resulting adjustments made in the financial aid package in accordance with federal methodology. In the event that a student earns more money from state work-study employment than the institution anticipated when it awarded student financial aid, the excess is to be treated in accordance with the method specified in the state work-study operational guidelines.

(4) State share of student compensation. With the exception of board-approved off campus community service placements, the state share of compensation paid students shall not exceed 80 percent of the student's gross compensation. In the following cases the state share may be established at 80 percent:

(a) When employed by state supported institutions of postsecondary education at which they are enrolled;

(b) When employed as tutors by the state's common school districts;

(c) When employed in tutorial or other support staff positions by nonprofit adult literacy service providers in the state of Washington who meet guideline criteria for participation; and

(d) When employed in an off-campus community service placement. The state share of compensation paid students employed by all other employers shall not exceed 65 percent of the student's gross compensation.

(5) Employer share of student compensation. The employer shall pay a minimum of 20 percent or 35 percent of the student's gross compensation as specified in subsection (4) of this section, plus the

costs of any employee benefits including all payments due as an employer's contribution under the state workman's compensation laws, federal Social Security laws, and other applicable laws. The federal work-study program cannot be used to provide employer share of student compensation except when used for placement of students in tutorial or other support staff positions with adult literacy service providers in the state of Washington who meet guideline criteria for participation.

(6) Academic credit for state work-study employment. Students may receive academic credit for experience gained through state work-study employment.

(7) Maximum hours reimbursed. Employment of a student in excess of an average of 19 hours per week, or in the case of on-campus graduate assistants an average of 20 hours per week, over the period of enrollment for which the student has received an award or a maximum of 40 hours per week during vacation periods will not be eligible for reimbursement from state funds.

A student may not be concurrently employed in the same position by the state work-study program and the federal work-study program and exceed the 19 hours per week average.

(8) Types of work prohibited. Work performed by a student under the state work-study program shall not directly involve religious worship, exercise or instruction and shall not involve any partisan or nonpartisan political activity.

(9) Relationship to formula staffing percentage. Placement of state work-study students in on-campus positions at public postsecondary educational institutions may not result in a level of employment in any budget program in excess of a formula staffing percentage specifically mandated by the legislature.

[Statutory Authority: RCW 28B.12.060, 28B.76.120, and 28B.77.050. WSR 19-23-047, § 250-40-050, filed 11/13/19, effective 12/14/19. Statutory Authority: RCW 28B.15.012. WSR 06-17-047, § 250-40-050, filed 8/8/06, effective 9/8/06. Statutory Authority: RCW 28B.12.020 through 28B.12.070. WSR 94-14-006 § 250-40-050, filed 6/23/94, effective 7/24/94; WSR 93-20-044, § 250-40-050, filed 9/29/93, effective 10/30/93. Statutory Authority: RCW 28B.12.060. WSR 88-10-002 (Order 3/88, Resolution No. 88-11), § 250-40-050, filed 4/21/88; WSR 87-16-047 (Order 1-87, Resolution No. 87-59), § 250-40-050, filed 7/29/87; WSR 86-10-014 (Order 4/86), § 250-40-050, filed 4/30/86; WSR 82-15-054 (Order 5-82, Resolution No. 82-53), § 250-40-050, filed 7/20/82. Statutory Authority: RCW 28B.10.806. WSR 81-13-037 (Order 3/81, Resolution No. 81-68), § 250-40-050, filed 6/16/81; WSR 80-05-024 (Order 2-80, Resolution No. 80-54), § 250-40-050, filed 4/14/80; WSR 79-07-020 (Order 4-79, Resolution No. 79-33), § 250-40-050, filed 6/15/79; WSR 78-08-007 (Order 3-78), § 250-40-050, filed 7/7/78; Order 5-77, § 250-40-050, filed 5/11/77; Order 6-75, § 250-40-050, filed 8/18/75; Order 6-74, § 250-40-050, filed 9/17/74.]