



FROM: D. Ashley Robinson, Associate General Counsel

DATE: April 8, 2020

RE: Federal Work-Study and COVID-19

This Fact Sheet highlights specific information from the Department of Education related to Federal Work-Study (FWS) in light of the Coronavirus (COVID-19) pandemic. The Department issued “Guidance for Interruptions of Study Related to Coronavirus (COVID-19)” (“Guidance”) on March 5, 2020, then COVID-19 FAQs on March 20, 2020, and Updated Guidance on April 3, 2020.¹ The April 3, 2020 Updated Guidance reflects additional flexibilities for institutions as a result of COVID-19 being declared a national emergency.

A. FWS BACKGROUND AND KEY POINTS

- FWS provides part-time jobs for undergraduate and graduate students with financial need, allowing them to earn money to help pay education expenses.²
- The program encourages community service work and work related to the student’s course of study.
- Students may be employed by the institution itself; a federal, state, or local public agency; a private nonprofit organization; or a private for-profit organization.
- Institutions must use at least seven percent of their Work-Study allocation to support students working in community service jobs, however, institutions may request a waiver of the community service requirements from the Department due to the COVID-19 national emergency.
- FWS wages are earned when the student performs the work, and hourly wages must not be less than the federal minimum wage.³
- In general, FWS payments are not made to students who are not completing the work obligation necessary to receive the funds. The Department states that FWS students are permitted to receive FWS, even if they are unable to work their scheduled hours or must perform their work in a different way (such as online rather than at a facility) as a result of COVID-19 interruptions,

¹ See the Department of Education (ED), Office of Postsecondary Education’s Guidance for Interruptions of Study Related to Coronavirus (COVID-19) (March 5, 2020), COVID-19 FAQs (March 20, 2020), and Updated Guidance (April 3, 2020) available at <https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19>. ED notes that the April 3, 2020 Updated Guidance reflects additional flexibilities due to the lawful declaration of the COVID-19 national emergency and indicates that it intends to provide additional guidance after reviewing the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Pub. L. No. 116-136, which President Trump signed into law on March 27, 2020.

² See Federal Student Aid Website available at <https://studentaid.gov/understand-aid/types/work-study>.

³ The regulations related to Payments to Students are available at 34 CFR § 675.16 (a)(5).

provided the institution is continuing to provide educational services and is paying its faculty and staff.⁴

B. DEPARTMENT OF EDUCATION GUIDANCE FOR PAYING FWS WAGES TO STUDENTS WHO ARE UNABLE TO WORK

- If student workers are unable to work their scheduled hours because of Coronavirus-related disruptions (such as school closures; employer closures; student quarantines; school movement to online/distance education classes), an institution may pay the students for any scheduled hours or allow the students to work by another means—for example, completing work online or remotely, depending on the job.⁵
- An institution may pay FWS wages to students unable to work their scheduled hours if the institution continues to provide educational services and pay its faculty and staff.
- An institution may pay students enrolled at an eligible institution who:
 - Received an FWS award for the award period during which a COVID-19 related interruption occurred on the campus;
 - Earned FWS wages from the institution for that award period; and
 - Were prevented from fulfilling their FWS obligation for all or part of the award period due to a COVID-19 related interruption.⁶
- This flexibility applies only to students who began their FWS job prior to the declaration of the national emergency and may not exceed one academic year.⁷
- Graduate students who are paid FWS wages on salary may continue to be paid for the remainder of the term if the institution is also paying its faculty and staff during that period.
- Payments may be made in an amount equal to or less than the amount of FWS wages those students would have been paid had they been able to complete the work obligation necessary to receive FWS funds.⁸

C. FWS, COMMUNITY SERVICE, AND WAIVER

- The FWS program encourages community service work, and institutions are required to allocate at least seven percent of the Work-Study allocation to supporting students working in community

⁴ See April 3, 2020 Updated Guidance available at <https://ifap.ed.gov/electronic-announcements/040320UPDATEDGuidanceInterruptStudyRelCOVID19>

⁵ See also COVID-19 FAQs and also “Student Questions” in Federal Student Aid’s Information - Coronavirus Info for Students, Borrowers, and Parents (March 13, 2020) available at <https://studentaid.gov/announcements-events/coronavirus>

⁶ See April 3, 2020 Updated Guidance available at <https://ifap.ed.gov/electronic-announcements/040320UPDATEDGuidanceInterruptStudyRelCOVID19>

⁷ The April 3, 2020 Updated Guidance explains that on March 13, 2020, the President of the United States declared that a national emergency concerning the COVID-19 outbreak began on March 1, 2020, as stated in “Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak,” Proclamation 9994 of March 13, 2020, Federal Register Vol. 85, No. 53 at 15337-38.

⁸ See April 3, 2020 Updated Guidance available at <https://ifap.ed.gov/electronic-announcements/040320UPDATEDGuidanceInterruptStudyRelCOVID19>

service jobs. Additionally, institutions must ensure that they include at least one project for tutoring children in reading or one project for family literacy in providing community service.⁹

- In meeting the seven percent community service expenditure requirement, students may be employed to perform civic education and participation activities in projects that:
 - Teach civics in schools;
 - Raise awareness of government functions or resources; or
 - Increase civic participation.
- To the extent practicable, in providing civic education and participation activities, an institution must:
 - Give priority to the employment of students in projects that educate or train the public about evacuation, emergency response, and injury prevention strategies relating to natural disasters, acts of terrorism, and other emergency situations; and
 - Ensure that the students receive appropriate training to carry out the educational services required.
- Institutions may request a waiver of the community service requirements from the Department due to the COVID-19 national emergency.
- The Department considers the inability of an institution to expend at least seven percent of its total FWS Federal allocation for community service and/or to have at least one project for tutoring children in reading or family literacy due to the COVID-19 national emergency as an appropriate basis for a waiver.
- An affected institution should request a waiver as soon as possible by using the annually published waiver submission guidelines or by contacting the Campus-Based Call Center at 1-800-848-0978.
- An institution must submit a request for a waiver along with a statement that explains the reason for its inability to comply with one or both of the community service requirements.

D. COMMUNITY SERVICE OR OTHER FWS JOBS FOR STUDENTS ABLE TO WORK

- To the extent that the University has job opportunities available for students who are able to work, the University may continue to post the opportunities and invite students to apply. (Rather than match students to jobs, based on NU campus work-study websites, it appears that most campuses require students to find, apply, and interview for positions on their own.)
- The University may provide the same opportunities for non-FWS student workers to apply for different positions. In circumstances where the University is considering changing the student worker's assigned duties or position, we recommend the change be presented as an opportunity (that the student worker may accept or deny) rather than mandatory (where employee disciplined would be considered for failure to comply.) We also recommend carefully considering the timing in light of the use of NU's administrative leave related to COVID-19 as well as other leave and benefits described in the Families First Coronavirus Response Act.

⁹ The community service requirements are described in 34 CFR 675.18(g).