

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

*R. Parsons*

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*8043*  
*BA00004*

*[Authority for Federal Agency Participation in Washington State Work-Study Program]*

FILE: B-159715

DATE: December 18, 1978

MATTER OF: Washington State Work-Study Program - Federal Agency Participation

DIGEST: There is no general authority for Federal agencies to employ students and pay a portion of their compensation under a college work-study program established by the State of Washington. Some agencies may have specific statutory authority which will allow participation in such a program. If a State program can be coordinated with a college under a Federal work-study agreement, the Federal program may authorize student employment by a Federal agency.

This decision responds to a request from the Chairman of the Civil Service Commission (CSC). He has asked whether a Federal agency may participate in a college student work-study program which is not federally initiated and which is authorized by State rather than Federal legislation.

Under Chapter 28B.12 of the Revised Code of Washington, the State of Washington established a college work-study program similar to the Federal work-study program, 42 U.S.C. § 2751 *et seq.* (1976). Under this program, participating students are paid up to 80 percent of the compensation for their work by the State and at least 20 percent by their host employing agency. Section 28B.12.040 of the Revised Code of Washington. The Chairman of the CSC states that a college in the State of Washington has entered into an agreement with a Federal agency to participate in the State work-study program. Under this agreement, the agency would pay at least 35 percent of the students' compensation. From discussion with CSC staff, we understand that the CSC is interested in our decision with respect to the authority of Federal agencies in general to participate in programs like the Washington State program. Accordingly, our decision does not address any particular agreement, but considers the authority of Federal agencies in general to participate in State-sponsored programs of this type.

The Chairman himself takes no position but sets forth the following two considerations as to whether Federal agencies can participate in this program.

"The work-study program sponsored by the state of Washington combines, in a sense, federal and state funds for which, it is argued by some, there is no federal

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authority. On the other hand there is benefit to the United States in that, instead of 100% of the funds emanating from the federal Government for the program, the state of Washington subscribes to a major portion of it."

The special employment by Federal agencies of college work-study students under 42 U.S.C. § 2751 et seq. is premised upon the existence of specific statutory language permitting such service with Federal agencies. See, 42 U.S.C. § 2754(a)(1), which specifically mentions work for Federal agencies; and 46 Comp. Gen. 115 (1966), citing B-153694, July 21, 1964, which approved work-study student assignments to Federal agencies under the Vocational Education Act of 1963, Pub. L. No. 88-210, 77 Stat. 403, December 18, 1963. Accordingly, the participation of Federal agencies in the Federal college work-study program does not, alone, justify Federal agency participation in a similar State program.

In this regard, 31 U.S.C. § 665(b)(1976) provides:

"No officer or employee of the United States shall accept voluntary service for the United States or employ personal service in excess of that authorized by law, except in case of emergency involving the safety of human life or the protection of property."

We have held in several cases that this provision prohibits Federal agencies from accepting volunteer employees in the absence of specific statutory authority. In 51 Comp. Gen. 152 (1971) we were asked whether regulations under the Emergency Employment Act 1971 (EEA), Pub. L. No. 92-54, 85 Stat. 146 (July 12, 1971), could permit Federal agencies to have work done for them by non-Federal employees hired by local Governments with EEA funds. We held in that case [51 Comp. Gen. at 153]:

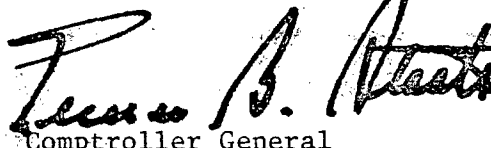
"In view of the prohibition of this language [31 U.S.C. § 665(b)] and the absence of specific authority in Public Law 92-54 allowing the practice contemplated, we are not aware of any authority for a Federal agency to give its consent to have local government employees hired under this act perform work for them."

The prohibition against acceptance of voluntary services no longer applies to students. Section 301(a) of the Civil Service Reform Act of 1978, Pub. L. No. 95-454, 92 Stat. 1144, enacted October 13, 1978, adds section 3111 to title 5 of the United States Code which specifically gives agencies the authority to accept volunteer services of students. But this authority only applies to uncompensated services.

In the facts presented, Federal agencies will partially pay compensation for services.

We have been unable to find any general statutory authority for Federal agencies to enter into agreements as described in the submission of the Chairman of the CSC where State of Washington college work-study students would provide services to a Federal agency and receive some of their compensation from the Federal employing agency and the rest from State funds. It is possible that certain agencies have special authority that would permit them to enter into such an arrangement (see B-173933, December 21, 1971); however, questions concerning such authority must be determined separately for each agency. Accordingly, unless there is specific statutory authority to accept student services on the basis described in the State law, Federal agencies may not participate in the State program, on that basis alone.

In reaching this conclusion, it is important to note that, as presented to us, the Washington State program contains no involvement or coordination with the Federal work-study program. We see no fundamental problem with colleges that have entered into agreements with the United States Commissioner of Education for Federal work-study grants making use of State work-study funds under their Federal work-study agreement. Under such an arrangement, Federal agencies may be able to employ work-study students that are substantially paid out of State funds. The Federal college work-study program does not place a ceiling on the amount of the local share (42 U.S.C. § 2754(a)(6)(1976)) and expressly places no restrictions on the non-Federal sources (42 U.S.C. § 2755 (1976)). As long as a college with both a Federal and State agreement is able to satisfy both the State and Federal laws, we believe State programs such as that of Washington State are compatible with the Federal program purpose "\* \* \* to stimulate and promote the part-time employment of students \* \* \*." 42 U.S.C. § 2751 (1976).



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