

Student Waiver and Stipend Certification

Fair Labor Standards Act (FLSA) and Internal Revenue Code (IRC)

Application and Purpose:

Each department/office must keep all written documentation required under these standards for a minimum of four years. In addition, WSU's Internal Audit department may review departments for compliance with FLSA and IRC.

Fair Labor Standards Act

Our courts require that a review of the totality of the circumstances show that a student is receiving an educational experience and are not being employed under FLSA. The Department of Labor recommends the factors listed below be met.

1. The experience is for the benefit of the student;
2. Even if the arrangement is not in a traditional classroom setting, but is instead in operational areas of the University, the training should have a correlation to what is being taught in the educational environment;
3. The student does not displace regular employees, but works under close supervision of existing staff;
4. The University derives no immediate advantage from the activities of the student; and on occasion its

3. The student should work under close supervision of a mentor or existing staff to accomplish their educational objectives.
4. Student's set hours should be few and/or irregular such that it would be less likely that the student could be displacing a regular employee. It is recommended that any student adhering to a regular weekly schedule only participate 12 hours or fewer per week. Special circumstance may dictate otherwise, but if hours exceed 12, the educational components must be made clear.
5. The department/office should review the student's educational experience each semester. If a student continues in the educational experience there should be additional or more significant learning that takes place in subsequent semesters.

Certification

I have considered the FLSA factors and certify that any student receiving an activity waiver and/or stipend within my area is receiving an educational experience and should not be considered an employee under FLSA.

Print Name

Signature

Department

Date

Internal Revenue Code

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