

CENTRAL REGION

Subject: Work Experience

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What is a Work Experience?

As defined in 20 CFR § 681.600 work experience is “a planned, structured learning experience that takes place in a workplace for a limited period of time. Work experience may be paid or unpaid, as appropriate. A work experience may take place in the private for-profit sector, the non-profit sector, or the public sector.

Work experiences are designed to enable WIOA participants to gain exposure to the working world and its requirements and should help participants acquire the personal attributes, knowledge, and skills needed to obtain a job and advance in employment. (i.e. items such as punctuality, attendance, communication, team work, dependability and task completion). The purpose is to provide the participant with the opportunities for career exploration and skill development and is not to benefit the employer. Instruction in employability skills or generic workplace skills should be addressed by staff and worksites during a work experience. Work experiences may also provide exposure to various aspects of an industry and include progressively more complex tasks.

Youth Work Experience Requirements

WIOA and 20 CFR § 681.590(a) require that a minimum of 20 percent of local area funds for the Title I Youth program be spent on work experience. As explained in 20 CFR § 681.590(b), local area administrative costs are not subject to the 20 percent minimum work experience expenditure requirement. Leveraged resources cannot be used to fulfill any part of the 20 percent minimum.

Work experiences must include an educational component WIOA allows for the provision of work experiences (WEX) for eligible youth that includes an academic and occupational education component found in WIOA Section 129 (c)(2)(E) and Title 20 CFR NPRM 681.640.

- a. Each WEX must include an academic and occupational education component (e.g., workforce preparation activities, basic academic skills, and hands-on occupational skills training) with the work experience.

b. The WEX and the educational component may be provided, before, during, or after the WEX, and the educational component must be related to the skills and knowledge needed in the WEX, or related occupation a specific occupation, occupational cluster, or career pathway.

Who may Participate in a Work Experience?

Adults, dislocated workers, and youth who meet eligibility requirements of the Workforce Innovation and Opportunity Act and are enrolled in WIOA may participate in a work experience pending available funding and determination that this activity meets the individual's plan of service. Often a work experience can be correlated to other program components such as completing training or may be performed in conjunction with education or other program expectations. A work experience should not be the first WIOA activity for a participant. Participants must have demonstrated that they can be counted on to fulfill expectations and commitments to be placed in a work experience.

Work experience is generally most beneficial for those individuals:

- a) Who have little to no work history
- b) Who have no recent work history (within the last 5 years)
- c) Who have academic credentials, but lack experience working in the field

Length of Time:

The general length of a work experience should be part-time for a period of two to six months. As appropriate and approved by the WIOA service provider, a work experience may be extended (however, not past six months). In general, participants should not work more than 20-30 hours per week. Length and hours per week should be determined as most appropriate for the worksite while also taking into consideration other commitments such as the participant's school schedule and other circumstances.

Choosing the Worksite

Matching the participant with the right employer is essential to making a work experience successful for the participant and employer. Employers need to have a clear understanding and expectation of the attitudes and habits that a participant may exhibit. They also need to be prepared to spend adequate, quality time with the participant and provide appropriate supervision.

If applicable, worksites must also understand that a portion of the participant's time will be in work readiness training or other WIOA activities and must allow flexibility of scheduling if needed. Efforts should be made to place participants at a worksite that matches their interests and abilities. Keeping in mind that a work experience is designed to provide career exploration and hands on learning, if needed, a participant may be moved from one worksite to another when the worksite is not an appropriate "fit."

It is also expected that worksite supervisors will perform evaluations regularly; notify the WIOA staff of potential issues and/or exceptional performance; and review and approve the participant timesheet to be submitted for payment to WIOA staff. The WIOA staff and worksite must develop a job description individualized to the particular position being filled and complete a worksite contract.

It is required that:

- Participants will not perform work related to a casino or other gambling establishment, aquarium, zoo, golf course, or swimming pool;
- Worksites must ensure that WIOA placements will not displace current workers or be filling the exact position of a vacancy due to layoff status;
- Participants may not be involved in religious sectarian instruction or activities while on the job.

In summary it is expected that worksite supervisors will:

- Provide on-going supervision
- Serve in a mentoring and learning environment
- Ensure that there is meaningful adequate work and provide needed tools/equipment to complete the experience
- Complete regular performance evaluations at agreed upon intervals
- Notify WIOA staff of potential issues and/or exceptional performance
- Review and approve the participant timesheets
- Develop a job description individualized to the particular position being filled
- Complete a worksite contract identifying beginning and ending dates
- Maintain a participant file at the worksite
- Provide general liability insurance coverage
- Participate in a worksite orientation with program staff
- Adhere to Child Labor Laws and OSHA compliance
- Contact the WIOA staff immediately in the case of an accident

Worksite Agreements

A written agreement must be executed between the WIOA service provider and the worksite host entity. The participant must also sign the agreement.

The worksite agreement will address at a minimum:

- The duration of the experience activity (both the total timeframe and hours per day/week)
- Learning objectives for the participant
- Hourly amount of any incentive to be paid
- Activities to be performed
- Supervision and mentoring
- Frequency of supervisor evaluation/reporting
- Health and safety standards

- Termination clause (and conditions to cause early termination)

WIOA Case Manager Responsibilities

WIOA staff will determine eligibility of participants; provide placement of participants and execute worksite agreements with worksites; will be available to address worksite concerns or issues; monitor worksites; provide career coaching and training for participants and maintain detailed participant files. WIOA staff will submit participant timesheet for incentive payment processing.

Staff are to also provide and document an orientation to participants and worksites regarding program expectations and guidance for successful placement and complete worksite/participant agreement forms.

Worksite visits should be made as determined necessary. WIOA staff must ensure that all workplace accidents are reported immediately to the Commonwealth of Virginia.

Supervisors will address this with the participant to correct the behavior. If issues and/or behavior cannot be corrected, the work experience will be terminated.

Health and Safety Standards

The worksite agreement will include an assurance that the health and safety standards established under federal and state law will be followed. Health and safety standards are no different for work experience participants than for employees or the public while on site. The worksite host must agree to and ensure that general liability coverage is in place.

Payments and Employer/Employee Relationship:

The Commonwealth of Virginia has indicated that WIOA payments to work site participants are incentives for progress and attendance, and not compensation for work performed at the worksite. . (Ref. Virginia Workforce Letter #08-11). It is further stated that an employer/employee relationship does not exist between the worksite and the participant.

Under U.S. Department of Labor Wage and Hour Division standards, the work experience must be considered a training situation if the participant is not to be an employee of the worksite. To enroll a WIOA participant into a paid work experience, the case manager must make a determination that the following six items are satisfied:

- a) The training, even though it includes actual operation of the facilities of the employer, is essentially a training experience similar to vocational school;
- b) The participant is the primary beneficiary of the experience;
- c) Regular employees are not displaced and the experience is closely supervised/observed;
- d) The worksite host derives no immediate or significant advantage;

- e) The participant is not necessarily entitled to a job at the conclusion of the experience; and
- f) There is mutual understanding between the participant and the host agency that the participant is not entitled to wages for this time because the activity is essentially a training experience.

Note: If the above 6 items are not satisfied, a worksite agreement may still be executed; however, the situation must be recognized as an employer-employee relationship. As such, the site employer is the employer of record, participants must receive no less than the minimum wage, any related benefits are required, and payroll taxes should be deducted.

Administrative Monitoring of WEX Funds

The local area must monitor and track all funds spent on WEX contracted activities (CFR 681.600-610). The Local Workforce Development Board (LWDB) is responsible for ensuring oversight of the program.

The local area must periodically monitor the participant and the worksite or a host site to ensure that goals are being met and adherence to this guidance and WIOA law and regulations. To maintain administrative monitoring:

- a. Local WIOA youth programs must track program funds spent on paid and unpaid work experiences, including wages and staff costs for the development and management of 4 work experiences, and report such expenditures as part of the local WIOA youth financial reporting.
 - i. The percentage of funds spent on work experience is calculated based on the total local area youth funds expended for work experience rather than calculated separately for in-school and out-of-school youth.
 - ii. Leveraged and in-kind resources cannot be used to fulfill this requirement.
- b. Local youth formula funds may be used for payments provided for WEX in the public, private, for-profit, or non-profit sectors when the participant's objective assessment and individual service strategy (ISS) indicate that a WEX is appropriate.
- c. The local area must specify the length or duration of time for each work experience assignment.
- d. The local area must specify the amount each youth participant will receive during the duration of the WEX contracted period.
 - i. Participants enrolled in a paid WEX shall be compensated on an hourly stipend or hourly rate structure not less than the state or local minimum wage, whichever is higher.
- e. Each participant shall be paid only for hours worked during the WEX as documented on the participant's WEX contract or worksite agreement and participant timesheet and evaluation.

Note: Local area administrative costs are not subject to the 20 percent expenditure requirement.

d. Allowable WEX Program Expenditures TEGE No. 8-15 provides further discussion of allowable expenditures that may be counted toward the work experience expenditure requirement and articulates that program expenditures can be more than just wages paid to youth in work experience.

Allowable work experience expenditures include the following:

- Payments provided for participation in a work experience;
- Staff time working to identify and develop a work experience opportunity, including staff time spent working with employers to identify and develop the work experience;
- Staff time working with employers to ensure a successful work experience, including staff time spent managing the work experience;
- Staff time spent evaluating the work experience;
- Participant work experience orientation sessions;
- Employer work experience orientation sessions;
- Classroom training or the required academic education component directly related to the work experience;
- Incentive payments directly tied to the completion of work experience; and
- Employability skills/job readiness training to prepare youth for a work experience
- Supportive Services which enable a participant to participate in a work experience