

I. Purpose

To provide policy direction for the implementation of Work Experiences for WIOA eligible Youth in the Southeast Tennessee Local Workforce Development Area.

II. Background

Work experience for Youth participants is defined at **20 CFR 681.600** which states that work experiences are designed to enable youth to gain exposure to the working world and its requirements. A work experience is a planned, structured learning experience that takes place in a workplace and provides youth with opportunities for career exploration and skill development. A work experience may take place in the for-profit, nonprofit, or public sector. Work experience is required to take place in the workplace, which ideally means on a work site where youth are in a work setting interacting with other workers in the specific industry and occupation. When due to the rural nature of a local area or during times of a pandemic (such as COVID-19), if it is not possible to provide work experiences on a work site, it is acceptable to provide remote or virtual work experiences for youth.

Paid and unpaid work experiences for Youth participants must include academic and occupational education that aligns with their Career Pathways as a component. Work experience may be provided in the private for-profit, non-profit, or public sectors and may include the following types:

- Summer employment opportunities, and other employment opportunities available throughout the school year;
- Pre-apprenticeship programs
- Internships and job shadowing; and
- On-the-job training opportunities (Procedures outlined in the STLWDA OJT Policy)

WIOA includes a major focus on providing youth with work experience opportunities. WIOA prioritizes work experiences with the requirement that local areas must spend a minimum of twenty (20) percent of local area funds on WIOA Youth work experiences. WIOA Youth program funds spent on paid and unpaid work experiences, including wages and staff costs must be tracked and reported monthly as part of the local WIOA Youth financial reporting. Allowable expenditures include:

- Wages/stipends paid 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 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.

III. Definitions

Stipend - A stipend allows an individual to perform work, usually with the intention of learning and experiencing the world of work. Stipends provide the individual with financial support to enable them to engage in the learning experience. Payments are fixed and not dependent on services or scope of work. Recipients of stipends are usually student workers, interns, and apprentices and there is no employer/employee relationship. Stipends are awards and not wages and are not taxed as such. No Social Security or Medicare taxes are withheld; however, stipends may or may not be taxable.

Wages – compensation for work performed where an employer/employee relationship exists. Fair Labor standards apply. Worker’s comp and applicable fringe benefits apply. Considered taxable income.

Summer Employment Opportunities and other employment opportunities available throughout the school year - employment opportunities that provide subsidized wages for youth at selected employers during the summer and throughout the school year. These experiences extend learning to include job readiness and provides supports for youth who participate. These employment opportunities provide valuable work experience and increase skill development which increases future opportunities for youth. In some instances, the youth are placed in a worksite where a trainee/mentor relationship exists rather than employee/employer.

Pre-apprenticeship programs - Pre-apprenticeship is designed to prepare individuals to enter and succeed in an Apprenticeship program. These programs promote a diverse and skilled workforce and prepare participants to meet the basic qualifications for entry into an apprenticeship, through:

- An approved training curriculum based on industry standards,
- Educational and pre-vocational services,
- Hands-on training in a simulated lab experience or through volunteer opportunities, and
- Assistance in applying to Apprenticeship programs.

Pre-apprenticeship programs involve formal partnerships with at least one Apprenticeship program sponsor. For more information on pre-apprenticeship programs, please refer to [Training and Employment Notice 13-12](#).

Internships - a short-term job that may be paid or unpaid, that gives you experience in a real workplace. Internships can be at a company, a store, a school, a government office, or a nonprofit. Internships often focus on entry-level general work experience and may include mentorship. Internships may lead to academic credits. In some instances, the internship placement is based on a trainee/mentor relationship rather than employee/employer.

Job shadowing- the experience of following a person in their job for a few hours, a day, or a few days. Job shadowing may occur virtually or through industry/employer videos designed to show the day to day responsibilities of an occupation for the purposes of career exploration and the world of work.

On-the-Job Training - Training by an employer that is provided to a paid participant while engaged in productive work in a job that:

- Provides knowledge or skills essential to the full and adequate performance of the job;

- Provides reimbursement to the employer of up to 50 percent of the wage rate of the participant, for the extraordinary costs of providing the training and additional supervision related to the training; and
- Is limited in duration as appropriate to the occupation for which the participant is being trained, considering the content of the training, the prior work experience of the participant, and the service strategy of the participant, as appropriate

Note: WIOA in-school youth aged 14-21 years may qualify for OJT, although such training may not be an appropriate activity for in-school youth whose individual service strategy (ISS) may be geared toward completion of secondary or postsecondary education instead of employment.

Work experiences include a worksite agreement between the WIOA Youth service provider, employer, and participant. Stipends or wages are paid directly to the participant except in the OJT program where the employer is reimbursed, Labor standards apply in any WEX where an employee/employer relationship exists, as defined by the Fair Labor Standards Act.

General liability and Worker's Compensation are provided by either the WIOA Youth program or the employer, depending on the employer/employee relationship. When the WIOA Youth program fully subsidizes wages, the program is responsible for general liability and worker's compensation.

IV. Instructions:

- WEX must provide a planned and structured academic and occupational learning experience that will contribute to the achievement of the participant's Career Pathway as documented on the Individual Service Strategy
- Academic and occupational education is a required component that may occur inside or outside the work site and may be provided on a concurrent or sequential basis based upon the participant's Individual Service Strategy
- WEX agreements must be signed by all parties prior to the start of the WEX
- WEX should focus on assisting individuals to establish a work history, demonstrate success in the workplace, and/or develop the skills that lead to entry into and retention in unsubsidized employment
- Participants and worksites must be given an orientation

PARTICIPANT ELIGIBILITY:

All WEX participants must meet program eligibility requirements, be enrolled into the WIOA Youth program, and have received an assessment resulting in the development of an Individual Service Strategy (ISS) that documents the participant's Career Pathway and the need for a WEX. Individuals who have received funding through an ITA, cohort or other WIOA funded training are also eligible for WEX. Funding for training and WEXs are separate.

EMPLOYER ELIGIBILITY:

The WEX Employer:

- Must be a legal business/entity in accordance to all federal, state, and local laws;
- Every employer of employees subject to the Fair Labor Standards Act's minimum wage provisions must post, and keep posted, a notice explaining the Act in a conspicuous place in all of their establishments so as to permit employees to readily read it;

- Must have safe and healthy working conditions with no previously reported health and safety violations that have been reported but have not been corrected;
- Does not illegally discriminate in training or hiring practices because of race, color, sex, national origin, religion, physical or mental disability, political beliefs or affiliations or age; **WIOA Sec. 188(a)(2)**
- Shall not terminate the employment of any of their current employees or otherwise reduce its workforce either fully or partially (such as reduction in hours or benefits) with the intention of filling the vacancy with a WEX participant or as the result of having a WEX participant; **20 CFR 683.270**
- Shall not allow the WEX activity to result in the infringement of promotional opportunities of their current employees; **20 CFR 683.270**
- Shall not allow the participant to be involved in the construction, operation or maintenance of any part of any facility that is used, or to be used, for religious instruction or as a place for religious worship; **WIOA Sec. 188(a)(3)**
- The employer must not currently be involved in a labor dispute or have workers currently in a layoff status. **20 CFR 680.840**

DURATIONS LIMITS:

WEX is subject to a minimum duration of 8 weeks. When determining the duration of a WEX activity, the following should be considered:

- Objectives of the WEX;
- Length of time necessary for the participant to learn the skills identified in the ISS; and
- The employer having sufficient quantity of meaningful work activities for the participant.

FUNDING LIMITS:

Youth may participate in multiple WEX opportunities with documented need as outlined in the Individual Service Strategy. WEX is subject to a maximum of \$7,500 per program participation. Participants enrolled in a paid WEX shall not be compensated at a rate that is higher than the employer's entry-level wage for an equivalent position. Participants shall be paid wages only for time worked during the WEX as documented on the participant's time sheet. WEX participants are not authorized to work overtime and shall not be compensated for:

- Sick leave;
- Vacation;
- Lunch breaks; or
- Holidays recognized by the service provider or employer as a "paid holiday"

When applicable, stipends may be paid daily, weekly or monthly and must be less than or equal to the rate of pay for an equivalent position. Stipends rather than wages may be paid when a trainee/mentor relationship exists.

OUTREACH GOALS FOR PARTICIPANTS:

Participation goals will be set by the Youth Committee and will be based on funding availability.

MONITORING PROCEDURES:

Work experience monitoring will be completed to ensure compliance federal, state and local policy and follow the procedures outlined in the local Monitoring and Oversight Policy.

The key monitoring focus includes verifying and documenting that:

1. The need for the work experience aligns with the youth Career Pathway and is documented on the Individual Service Strategy.
2. Academic and Occupational learning was documented as a component.
3. An orientation was provided to the participant and the worksite when the placement does not include a direct hire with the employer, direct hires receive onboarding and orientation from the employer.
4. The length of the work experience reasonable for the participant to learn the skills identified the ISS.
5. Documentation supports that the employer meets eligibility outlined in the policy.

EXCEPTIONS:

Appropriate exceptions and/or accommodations to this policy may be made on a case-by-case basis with prior approval by the One-Stop Operator.

This policy does not create a right by any individual to receive any amount of funding, nor does it create an obligation by the WIOA Youth Program to pay any amounts of funds on behalf of an individual or group. All WIOA services are approved based on need, as determined by the program operator and the availability of funds and subject to the maximum limitations outlined in this policy.

AUTHORIZED BY:




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Date

APPROVED BY:



John Proffitt, Chair, Workforce Development Board

7.9.20

Date

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