

**AREA 2 | SUMMIT & MEDINA
WORKFORCE INNOVATION & OPPORTUNITY ACT (WIOA) POLICY
LETTER C-06 | WORK EXPERIENCE FOR ADULTS AND
DISLOCATED WORKERS**

- I. **SUBJECT:** Work Experience for Adults and Dislocated Workers
 - II. **PURPOSE:** This policy governs the terms and conditions associated with the provision of Work Experience, including both paid and unpaid, for adults and dislocated workers.
 - III. **EFFECTIVE DATE:** June 2, 2020
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IV. BACKGROUND

Under the Workforce Innovation and Opportunity Act, work experience is a career service that is provided in order for an individual to obtain or retain employment and is linked to a potential career choice.

V. DEFINITIONS

Internship. A system of gaining on-the-job experience by placement in a work environment for a period of time with the goal to build technical and job awareness skills. Internships may be paid or unpaid.

Job shadowing. A short-term unpaid activity which introduces a participant to the workplace and provides exposure to occupational areas of interest to increase career awareness.

Public service employment. Work normally provided by governments, and includes, but is not limited to work in fields of: human betterment and community improvement, child care, health care, education, crime prevention, public transportation, streets and parks, solid waste removal, housing and neighborhood improvement, rural development, etc.

Transitional job. A time-limited and wage-paid work experiences that are subsidized up to 100 percent meant to establish work history for the job seeker while demonstrating success in an employer-employee relationship.

Work experience. A planned, structured learning activity that takes place in a workplace setting for a limited period of time.

VI. REQUIREMENTS

Work experience is a planned, structured learning activity that takes place in a workplace setting for a limited period of time.

Work experience functions as a workplace-values activity for acquiring of behavioral competencies and specific occupation or job skills. The primary intent of work experience is to provide participants with opportunities for career exploration and skill development to gain work readiness skills in preparation for employment. Work experiences should enable adults and dislocated workers to gain exposure to the working world and its requirements. It is a strategy for participants who have little or no work experience in situations where an employer can offer a meaningful experience.

Work experience must be based on identified needs of the adult and dislocated worker. Use of work experience situation must be based on an assessment and identified on the participant's individual employment plan (IEP). A likely candidate for work experience is a participant who is appropriate for long-term employment in a particular industry or occupation, but does not have all of the skills or the experience to qualify for entry-level employment in the field.

Work experience may be conducted in the private-for profit, private non-profit and public sectors. It must be clearly distinguishable from public service employment. Public service employment is a prohibited activity under the WIOA. Although a business, public agency or non-profit (hereafter collectively referred to as "work experience provider") may also receive some benefit from work experience in the form of work being done or recruiting a potential new employee, the primary goal of work experience is to benefit the participant.

Appropriate Employers

Area 2 will seek employers that are committed to helping participants receive the experience and training that is required for employment beyond the work experience period. Employers should be willing to work closely with program staff and be flexible in working with participants who have barriers to employment.

Attention must be given to ensure that work experience arrangements do not unfavorably impact current employees and do not impair existing contracts for services or collective bargaining agreements. Work experience, including internships, in the private for-profit sector must be structured so as not to appear to be subsidizing private for-profit operations. The work of the participant should not materially impact the profit margin of a private-for-profit company.

Health and Safety Standards

The local areas must apply the same health and safety standards otherwise applicable to working conditions of employees to working conditions of participants in programs and activities under Title I of the WIOA.

The state workers' compensation law may or may not apply to a participant in work experience depending on the work experience arrangements and employer's benefits. If the state workers' compensation law does not apply to a participant in work experience, the administrative entity must secure insurance coverage for injuries suffered by the participant in work experience.

Employer of Record

1. Employer - If the work experience provider is relying on the participant to perform real work, i.e., to be productive, then the situation should be recognized as an employer-employee relationship. In this situation, the site employer is the employer of record. Participants must receive no less than the applicable state or federal minimum wages, related benefits are required and payroll taxes should be deducted. The employer of record will be responsible for paying all taxes and providing similar benefits as are available to other employees.
2. Provider of WIOA career services- the contracted provider of WIOA career services has the option of being the employer of record for the adult or dislocated worker participant. The employer of record is responsible for paying the participant and negotiating with the host site the activities that will be performed by the participant. The work experience may occur at the provider of career services, service provider, or employer location or the participant may be referred to a host site to receive the work experience. The host site is the location where work experience tasks will occur.

Maximum Reimbursement

Area 2 will cap adult/dislocated worker work experience expenditures at \$8,000 gross wages, per participant, per enrollment period in the program. The participant's employer shall assume all of the responsibilities associated with being the employer of the participant, including but not limited to assuming the duties and liabilities associated with:

1. The contribution to and withholding of payroll taxes;
2. Provision of worker's compensation coverage;
3. Adherence of health and safety standards; and
4. All other duties assumed by an employer under applicable federal, state, and local laws.

Providers may utilize all the following options in arranging for the paid work experience of an individual participant.

1. The work experience provider may act as the individual's employer;
2. The WIOA career services provider may act as the individual's employer and seek to place the participant with the host business for the work experience; and
3. The WIOA career services provider may utilize a third party such as a staffing agency to act as the individual's employer and have the staffing agency place the participant with the host business for the work experience.

Unpaid Work Experience

Area 2 does not currently offer unpaid work experience to WIOA Adult or Dislocated Worker-eligible participants as a training service.

VII. DOCUMENTATION

Prior to the commencement of any Work Experience, there must be a written Work Experience Provider Agreement entered into that details terms and conditions of the work experience and the expectations of the parties to the agreement. The written agreement must be signed by the participant, the work experience provider, and the WIOA career services provider.

The written agreement must include at a minimum: the duration, remuneration, tasks, duties, supervision, health and safety standards, and other conditions of work experience such as consequences of not adhering to the agreement, and a termination clause. The work experience provider, the participant, and the WIOA career services provider should all retain a copy of the agreement. The agreement must be available for audit and monitoring purposes. A copy of the Agreement to be used is attached as **Appendix Two**.

File Requirements

Documentation of the work experience must be maintained in the participant's file. All the following documentation will be kept in the participant's file:

1. An individual assessment and IEP indicating a need for work experience.
2. A copy of the agreement between the participant, the work experience provider, the WIOA career services provider, including any attachments to the agreement, such as a training plan.
3. Time sheets, attendance sheets and performance records, as appropriate; and
4. Documentation of supportive received by the participant, if applicable.

VIII. MONITORING

The Area will conduct oversight and monitoring of the implementation of all WIOA programming by all service providers pursuant to **Area 2 Policy Letter A-08 Monitoring and Compliance**. Any issues discovered will be handled through the area's monitoring resolution process.

The WIOA career services provider shall monitor all adult/dislocated participant work experience plans. A WIOA career services provider's monitoring of a work experience provider shall at a minimum include all of the following:

1. Review all applicable statutes as required for a complete monitoring review.
2. Perform a desk top audit of the participant's file and the affected contract.
3. Complete a Monitoring Report with special attention to the following:
 - a. Completely review the agreement, and any/all modifications;
 - b. Review time and attendance, payroll, and personnel records;
 - c. Conduct a participant interview to accurately answer the report questions;
 - d. Conduct an employer interview to accurately answer the report questions;
 - e. Review the IEP, justification for training, the training outline, and goals of the work experience; and
 - f. Make sure all required signatures are obtained.

IX. REFERENCES

1. Area 2 WIOA Policy Letter A-08 Monitoring and Compliance
2. Area 2 WIOA Policy Letter C-15 Transitional Jobs
3. ODJFS WIOA Policy Letter 15-08.1 Career Services for Adults and Dislocated Workers
4. ODJFS WIOA Policy Letter 15-12 Work Experience for Adults and Dislocated Workers
5. WIOA Public Law 113-128