



**Workforce
Development
Council**

**Benton-Franklin Workforce Development Council
Workforce Innovation and Opportunity Act (WIOA)**

**Subject: Work Experience (WEX) Policy
Policy No: 2015-06
Effective Date: 04/26/2016, 03/22/2017**

1. Purpose:

The Workforce Innovation and Opportunity Act (WIOA) Sec. 129(2)(C) and 134(c)(2)(A)(xii)(VII), allows for the provision of work experiences for eligible WIOA Youth, Adults and Dislocated Worker participants.

2. Background:

Work experiences for adults and dislocated workers are planned, structured learning experiences that take place in a workplace for a limited period of time (20 CFR 680.170). Work experiences may be paid or unpaid, as appropriate, and may be provided in the private for profit sector, the non-profit, or the public sector. Labor standards apply in any work experience setting where an employee/employer relationship, as defined by the Fair Labor Standards Act, exists.

WIOA allows for the provision of work experiences for eligible youth (20 CFR 681.600) that includes an academic and occupational education component. WIOA requires a minimum of 20 percent of local area funds for the Title I Youth program be spent on work experience. Leveraged resources cannot be used to fulfill any part of the 20 percent minimum. WIOA youth program funds spent on paid and unpaid work experiences, including wages and staff costs, must be tracked and reported as part of the local WIOA youth financial reporting.

Operational Procedures

A. WEX Requirements

WEX's must provide a planned and structured learning experience to assist participants in developing job skills and obtaining work experience to enhance their employability.

WEX Agreements are made with the worksite employer with the understanding that individuals gaining experience are not fully qualified and should not be expected to perform with the same knowledge and skills as regular employees. The agreement must be signed by the participant, the worksite supervisor and service provider prior to the WEX commencing.

B. Employer Eligibility Requirements

The Worksite Employer must:

1. Be licensed to operate in the State of Washington and provide their Federal Employer Identification Number (FEIN);
2. Be registered with the Internal Revenue Service (IRS);
3. Ensure job safety and healthy working conditions;
4. Not displace any currently employed employees or otherwise reduce its workforce either fully or partially (such as a 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;
5. Not discriminate in training or hiring practices because of race, color, sex, national origin, religion, physical or mental disability, political beliefs or affiliations or age;
6. Not allow the WEX participant to be involved at a facility used for sectarian instruction or a place of religious worship;
7. Not allow the WEX activity to result in the infringement of promotional opportunities of their current employees;
8. Must obtain concurrence, from the appropriate bargaining representative, for worksite placements where a collective bargaining unit exists and Union concurrence is required.

C. Service Provider Responsibilities

The Service Provider must:

1. Take into consideration the participant's interests, abilities, and occupational goal when developing a WEX placement;
2. Provide an orientation to ensure the employer understands the contract terms, the purpose of the WEX, the best method of communication, and the process of preparing and submitting timesheets, etc.;
3. Provide an orientation to the participant that includes, at a minimum, their responsibilities, the process of preparing and submitting timesheets, proper work attire, appropriate work behavior, attendance, the best method of communication, what to do if a problem arises, etc.;

4. Upon request, assist the participant and/or the WEX employer with issues that may arise such as when a participant is having difficulties demonstrating soft skills, achieving WEX competencies or if a barrier should arise;
5. Provide regular, on-going monitoring and oversight of the WEX by maintaining communication with the employer and participant, through emails/phone calls/on-site visits, to review the participant's progress in meeting the training outline objectives. Challenges or issues identified by the employer and/or participant should be promptly addressed with the resulting plan of action.

D. WEX Payments to Participants

It is the responsibility of the service provider to discuss payroll procedures with the participant and the worksite supervisor according to the following guidelines:

1. A participant shall be paid only for the hours worked during the WEX as documented on the participant's time sheet. Participants shall not be paid for holidays, vacation, sick leave, breaks, and lunch breaks;
2. Overtime is not an allowable cost under WIOA;
3. Participants shall be paid an hourly wage at the same rates as similarly situated employees or trainees, but not less than the higher of the minimum wage prescribed under the Fair Labor Standards Act, or applicable State or Local minimum wage laws.

E. Documentation

The WIOA service provider is responsible for reporting participant and expenditure activity to the Benton-Franklin Workforce Development Council (BFWDC) in a timely basis to ensure appropriate deadlines are met for payment and reporting purposes.

Additional requirements/documentation include:

1. Case notes documenting comprehensive assessment information shall be used as part of the need/justification of the WEX and the length of training;
2. Each WEX contract shall be periodically monitored onsite to assure training is being provided as specified in the contract and issues identified by the employer must be discussed and documented;
3. To change information on a timesheet, draw a line through the incorrect data, record the correct data, initial and date;
4. Signature dates can only be changed by the individual signing the document and changes must be properly initialed by that individual; and
5. Timesheet and wage records must be maintained to verify accuracy and timeliness of record keeping.

F. Modification

WEX agreements may be modified. A Work Experience Modification Form must be completed and signed by all parties prior to the effective date of the modification.

G. Additional Requirements for Youth

Academic and Occupational Education Component

Work experiences must include academic and occupational education. The educational component may occur concurrently or sequentially with the work experience. The academic and occupational education component may occur inside or outside the work site. The work experience employer can provide the academic and occupational component or such components may be provided separately in the classroom or through other means.

The academic and occupational education components refers to contextual learning that accompanies a work experience. It includes the information necessary to understand and work in specific industries and/or occupations. For example, if a youth is in a work experience in a hospital, the occupational education could be learning about the duties of different types of hospital occupations such as a phlebotomist, radiology tech, or physical therapist. Whereas, the academic education could be learning some of the information individuals in those occupations need to know, such as why blood type matters, the name of a specific bone in the body, or the function of a specific ligament.

The types of work experience include the following categories:

- Summer employment opportunities and other employment opportunities available throughout the school year
- Pre-Apprenticeship programs
- Internships and job shadowing
- On-the-Job Training (OJT)

Allowable WEX Expenditures

Allowable expenditures that may be counted toward the work experience expenditure requirement and program expenditures on the work experience program element can be more than just wages paid to youth in work experience. Allowable work experience expenditures include the following:

1. Wages/stipends paid for participation in a work experience;
2. 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;
3. Staff time working with employers to ensure a successful work experience, including staff time spent managing the work experience;
4. Staff time spent evaluating the work experience;
5. Participant work experience orientation sessions;
6. Employer work experience orientation sessions;
7. Classroom training or the required academic education component directly related to the work experience;
8. Incentive payments directly tied to the completion of work experience; and
9. Employability skill/job readiness training to prepare youth for a work experience.

NOTE: Supportive services are a separate program element and cannot be counted toward the work experience expenditure requirement even if supportive services assist the youth in participating in the work experience.

H. Transitional Jobs for Adults and Dislocated Workers

Transitional jobs provide a time-limited work experience that is wage-paid and subsidized, and is in the public, private, or non-profit sectors for those individuals with barriers to employment who are chronically unemployed or have inconsistent work history. These jobs are designed to enable an individual to establish a work history, demonstrate work success in an employee/employer relationship, and develop the skills that lead to unsubsidized employment. The Benton-Franklin WDC has not authorized the use of this activity at this time.

I. Required WEX Forms

1. Agreement
2. Site Visit Report
3. Modification Form (if applicable)
4. Evaluation
5. Time Record
6. Worksite Certification