



CENTRAL ARKANSAS Workforce Development Board

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Policy Number: Section 2 Policy 9

Effective Date: 12-09-2024

Work Experience Policy

Purpose:

The purpose of this policy is to describe and to detail the regulations concerning Work Experience.

References:

WIOA §§129(c)(2)(C), 129(c)(4), 134, 181(d), & 188(a)(3)
20 CFR 680, 681, & 683
Comments in WIOA Final Rule concerning §§ 680.140, 680.180, 680.190, 680.195, & 680.320
TEGL 19-16
29 CFR part 2, subpart D
Fair Labor Standards Act
ADWS Policy No. WIOA I-B – 1.2 (Definitions)
ADWS Policy No. WIOA I-B – 3.3 (Occupational Skills Training)
ADWS Policy No. WIOA Title I-B – 3.4 (On-the-Job Training)
ADWS Policy No. WIOA Title I-B – 3.8 (Work Experience)

Policy:

Work Experiences (including internships) that are linked to careers are individualized career services that are required to be available for adults and dislocated workers if these services are determined to be appropriate in order for individuals to obtain or retain employment.

Work Experiences, including internships and transitional jobs, are planned, structured learning experiences that take place in workplaces for limited periods of time. Internships and other Work Experiences may be paid or unpaid, as appropriate and consistent with other laws, such as the Fair Labor Standards Act.

A Work Experience opportunity may be provided as an individualized career service to enrolled Adults, Dislocated Workers and Youth who have met the priority of service requirements.

Work Experience is defined as “a planned, structured learning experience that takes place in the workplace for a limited period of time that contributes to the achievement of the participant’s employment goal(s).

The Work Experience workplace may be in the private-for-profit sector, the non-profit sector, or the public sector. An internship or Work Experience may be paid or unpaid, as appropriate.

Work Experience is not designed to replace an existing employee or position. Wages are provided by the WIOA service provider and paid directly to the participant developing an

employer/employee relationship between the service provider and the Work Experience participant. Labor standards apply in any Work Experience where an employee/employer relationship exists, as defined by the Fair Labor Standards Act. Employers are not monetarily compensated.

Funding Limits:

- Work Experience is subject to the maximum funding limit as stipulated for training in the CAWDA Individual Training Account Policy.

Youth Expenditure Priority

Work experience is one of the 14 WIOA Title I Youth service elements that must be available to Title I Youth participants. Work Experiences are arranged by office staff in conjunction with a business in the community. Work Experience is established on an individual basis.

No less than 20 percent of the youth funds (minus admin costs) must be spent to provide ISY and OSY with paid and unpaid Work Experience. Administrative staff must track the funds to ensure this requirement is met. **Supportive Services cannot be counted towards the 20 percent minimum.** Examples of Work Experience expenditures that may be counted for the 20 percent minimum are:

- a) Wages/stipends paid for participation in a Work Experience (including employment costs such as FICA match and workers' compensation insurance)
- b) 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
- c) Staff time spent working with employers to ensure a successful Work Experience, including staff time spent managing the Work Experience
- d) Staff time spent evaluating the Work Experience
- e) Participant Work Experience orientation sessions
- f) Employer Work Experience orientation sessions
- g) Classroom training or the required academic education component directly related to the Work Experience
- h) Incentive payments directly tied to the completion of Work Experience
- i) Employability skills/job readiness training to prepare youth for a Work Experience

Youth Specific Requirements

Work Experience for Youth must involve an **Academic** and **Occupational Education** Component. See (ADWS WIOA I-B Policy 3.8 Updated). These services may take place concurrently or sequentially.

- The academic and occupational education components should be identified in the participant's file.
- The file should also document "how" the components were demonstrated to the participant.

Work Experience for Adults and Dislocated Workers

Work Experience for Adults and Dislocated Workers may be provided as an individualized career service to enrolled Adults and Dislocated Workers, if appropriate to obtain employment. The terms internship and Work Experience are used interchangeably in WIOA for Adults and Dislocated workers. To be eligible for Work Experience, an individual must meet adult and dislocated worker program eligibility. There is no requirement for career and supportive services. Career services such as Work Experience may be provided in combination with an Individual Training Account (ITA).

Participant Eligibility

Individuals hired by a worksite and subsequently referred to workforce center office are not to be considered for the Work Experience activity. The worksite should commit to the individual and believe the individual is fully capable of performing the tasks required with little or no assistance.

Worksite Eligibility

Work Experience may take place in the private for-profit sector, the non-profit sector, or the public sector. The Work Experience provides individual assistance for the participant, not a subsidized placement program for employers. Although the employer may indirectly receive a benefit, the purpose of a Work Experience is not to benefit the employer. Work Experience under WIOA must not be entered into with an employer who has received payments under previous work-based services if the employer has exhibited a pattern of failing to provide positive Work Experience. This includes those employers for On-the-Job training where a participant was not provided continued long-term employment, wages, benefits, and working conditions that are not equal to those provided to similarly situated employees.

Workplace Laws

Work Experience must be provided in accordance with WIOA Section 181, which requires fair and equal wages, and equal benefits and working conditions. Section 181 and the Fair Labor Standards Act prohibit Work Experience activities from displacing current employees or creating a layoff, filling openings that resulted from a labor dispute, or infringing on the promotional opportunities of current employees. The worksite employer must adhere to labor laws and health and safety requirements. WIOA funds may not be used for Work Experience that promotes or supports the use, possession or distribution of marijuana. Section 188 of WIOA prohibits participants from working on the construction, operation, or maintenance of a facility that is used primarily for religious instruction or worship. Work Experience placements are allowable in faith-based community organizations, as long as the participant does not engage in inherently religious activities, such as religious worship, instruction, or proselytizing. In addition, Work Experience participants may only be placed in faith-based organizations that do not discriminate against a person seeking help who is eligible for services. Must also not be in a worksite that is not promoting a candidate for political office.

Hours

Work Experiences for Title I Adult and Dislocated Worker programs are limited to 25 hours per week. Timesheets exceeding 25 hours must be referred to the Career Consultants. Hour limits apply to the full sum of hours worked by a participant. The total hours a participant may work should not exceed 800 hours.

Wages

When determining the hourly wage for a Work Experience participant, the following should be taken into consideration.

- Objectives of the Work Experience.
- Type of work performed during the Work Experience.
- Skillset of the participant.
- Skillset required for the Work Experience.
- Work Experience sponsor budget

WIOA funding covers a participant's wages, Federal Insurance Contributions Act (FICA, and worker's compensation). WIOA does not offer Work Experience participants benefits such as health care, 401K, paid time off, etc. Participants will receive at least the federal minimum wage.

Wages will be paid at the prevailing entry-level wage for the job as determined by the worksite and Career Consultant. All determinations must be fully documented in case notes. Interns shall be paid only for the hours worked during the Work Experience as documented on the Intern's Work Experience time sheet. Work Experience participants are not authorized to work overtime.

WIOA Title I-funded Work Experience participants shall not be paid for:

- Vacation breaks.
- Mandatory lunch breaks.
- A holiday recognized by the Work Experience Sponsor as a "paid holiday".
- Overtime is not authorized

Documentation

All justifications related to the Work Experience must be recorded in case notes. This justification note should include the assessment of need, recommendations from the Career Consultant, and any wage and hour determinations. All original documentation must be uploaded and maintained in AJL.

Prior to starting the Work Experience, the following paperwork must be completed:

- An objective assessment ISS
- Participant Payment Consent Form signed by the participant (or verified already on file)
- W-4 form is located at www.irs.gov. Work Experience wages are subject to withholding for Social Security, Medicare, and Federal Income Tax. Annually, staff will mail a W-2 to the participant's home address in AJL.
- I-9 form located at www.uscis.gov and supporting original documentation. WIOA staff should complete the Employer Verification section.
- All documentation required for progress reporting
- Work Experience timesheets uploaded at the time of the request.

Ensure all required documentation is complete, legible, and uploaded in AJL. Include a summary and date of the justification note. The approving manager is responsible for ensuring all documentation is uploaded, correct, and legible before authorizing Obligation and Payment vouchers.

Signatures

There must be a signature from the employer on the Worksite Agreement and the time sheet. The signature on the Worksite Agreement must match the signatory on any Work Experience Timesheet, certifying the information is correct and reflects the employer records, including hours worked and wages paid. Signatures may not always be the employer, but a qualified person in the employer's office as long as it matches one of the signatures on the Work-Based Training Plan Agreement.

Timesheets

The worksite and participant are responsible for tracking hours worked on their timesheet.

Timesheets must be signed by an authorized signatory identified on the Work-Based Training Agreement Form and the participant and returned to the Career Consultant. The Career Consultant will use the timesheet to complete the payment voucher for a manager to approve. Payment is processed the following week.

Performance Reports

Performance Reports must be completed for any training that exceeds 30 days. The Work-Based Training Plan Agreement and Progress Report will be used to monitor Work Experience. To ensure the service meets the participant's needs the Career Consultant is required to monitor the training service monthly. The purpose is to evaluate the progress to date and identify issues that may concern any party to ensure successful training.

Report of Injury

As the employer for Work Experience, Worker's Compensation is covered for each participant. If a participant is injured on a Work Experience or summer opportunity, an Injury Report must be completed by the participant and returned to the Career Consultant within one business day. WIOA staff must communicate with the worksite to complete the Form's Employer/Employment sections. This form should then be submitted to the Program Director, with a copy being provided to the participant. WIOA staff should follow employer instructions on submitting Report of Injury.

Approved by: <u>Michael Howe</u>	Date: <u>12-9-2024</u>
Title: <u>CAWDB Chairman</u>	

CAPDD/Arkansas Workforce Center is an "equal opportunity employer/program," and "auxiliary aids and Services are available upon request to Individuals with disabilities." Arkansas Relay Service: 1-800-285-1121 (Voice) 1-800-285-1131 (TDD) or TDD 711.