

SOP 18-04
Workforce Innovation and Opportunity Act
WIOA Youth Work Experience
Standard Operating Procedures
Grow Southwest Indiana Region 11
Approval Date: 01/26/2018
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Purpose

To provide guidance to local Workforce Development Boards (WDBs), their operators, and service providers regarding the requirements of the provision of work experience opportunities under the Workforce Innovation and Opportunity Act (WIOA).

Rescission

Memorandum Interim Guidance on WIOA Title I Youth Work Experience

References

- Workforce Innovation and Opportunity Act, Section 129
- Regulations 20 CFR 680.840; §681.460; §681.480; §681.590; §681.600
- TEGL 223-14 and 21-16

Action

DWD Policy 2017-10 Guidance on WIOA Title I Youth Work Experience will be implemented in Region 11 as SOP 18-04.

Content

Background

The Workforce Innovation and Opportunity Act renewed the work experience program element previously provided under the Workforce Investment Act. One of the fourteen required youth elements that will be made available to all youth participants and will be offered throughout the program year, the work experience program was given additional emphasis under WIOA – a minimum 20% expenditure rate of the region’s allocated amount of overall youth funding for all youth participants. Work experience correlates to increased high school graduation rates and success in the labor market.

Work experience (WEX) will be designed to provide career explorations opportunities and help youth understand in-demand employability skills, while meeting employer expectations necessary to attain and retain employment. Four categories of youth work experiences include:

- 1. Summer employment opportunities and other employment opportunities available throughout the school year**
- 2. Pre-apprenticeship programs**
- 3. Internships and job shadowing**
- 4. On-the-job training opportunities**

Work experiences will:

- Help youth acquire the personal attributes, knowledge, and skills needed to obtain a job and advance in employment.
- Expose youth to realistic working conditions and tasks as much as possible.
- Include some form of academic or occupational learning as a component of the program element that will be documented through service and case notes in the state case management system. This may occur, during or after the work experience; but it must occur within a reasonable timeframe for relevancy in the work experience placement. Academic or occupational learning may include:
 - Certification earned in a pre-apprenticeship/apprenticeship program.
 - Employer expectations that would make a participant successful on the job
 - Knowledge needed to perform daily duties and tasks of a specific career.
- Be planned, structured learning experiences that take place for a limited period.
- Be based on identified needs of the individual youth as evidenced by an objective assessment and the youth’s jointly developed individual Employment Plan (IEP).

Work experiences may:

- Serve as a stepping stone to unsubsidized employment and development of a career pathway for youth.
- Be paid or unpaid
- Take place in the private for-profit sector, the non-profit sector, or the public sector.

Labor standards apply in any work experience where an employer/employee relationship, as defined by the Fair Labor Standards Act or applicable State law, exists.

Consistent with 20 C.F.R. §680.840, funds for work experience may not be used to directly or indirectly aid in the filling of a job opening that is vacant because the former occupant is on strike, or is being locked out during a labor dispute, or the filling of which is otherwise an issue in a labor dispute involving a work stoppage.

Definitions

Definitions of each of the four work experience categories are listed below and include maximum flexibility in the provision of these services for the local WDBs:

- **Summer employment opportunities and other employment opportunities available throughout the school year:** a short-term employment opportunity or work experience, either full or part-time that is conducted mainly during the summer months or for a similar timeframe during other months of the year. Employment opportunities could be necessary for the youth or part of a larger scale summer employment program. This work experience category is available to both in-school and out-of-school youth.

- **Pre-apprenticeship programs:** Per 20 C.F.R. § 681.480, a pre-apprenticeship is a program designed to prepare individuals to enter and succeed in an apprenticeship program registered under the National Apprenticeship Act and includes these elements:
 - Training and curriculum that align with the skill needs of employers in the economy of the state or region involved;
 - Access to educational and career counseling and other supportive services, directly or indirectly;
 - Hands-on learning activities connected to education and training activities, such as exploring career options, and understanding how the skills acquired through coursework may be applied toward a future career;
 - Opportunities to attain at least one industry-recognized credential; and
 - A partnership with one or more registered apprenticeship programs that assists in placing individuals who complete the pre-apprenticeship program into a registered apprenticeship program.

- **Internships and job-shadowing opportunities:**
 - An internship is a form of learning that integrates classroom knowledge with practical application and skills development in a professional setting. Internships will be viewed as an extension of the participant’s educational experience and, where possible, will align with their career interests and pathways. Internships may be paid or unpaid, but will align with the Fair Labor Standards Act.
 - Job-shadowing is a work experience option where youth learn about a job by walking through the work day as a shadow to a competent worker. It is temporary, unpaid exposure to the workplace in an occupational area of interest to the participant. Job shadowing:
 - ✓ Provides a witness to the work environment, employability skills in practice, the value of professional training, and potential career options;
 - ✓ May be a few hours, to a day, to a week or more;

- ✓ Is designed to increase career awareness, help model youth behavior through examples;
 - ✓ Reinforces the link between academic classroom learning and occupational work requirements;
 - ✓ Provides opportunities for youth to conduct short interviews with people in their professions and learn more about those fields.
 - ✓ May be thought of as an expanded informational interview
 - ✓ May expand career information beyond research in print and the Internet.
- **On-the-Job training opportunities:** As defined in DWD's On-the-Job Training (OJT) Guidelines, on-the-job training is training provided by an employer to a paid participant who is engaged in productive work in a job that:
 - Provides knowledge or skills essential to the full and adequate performance of the job;
 - Is made available through a program that provides reimbursement to the employer a percentage of the wage of the participant; and
 - Is limited in duration as appropriate to the occupation for which the participant is being trained. This would consider the content of the training, prior work experience, and service strategy for the participant; and
 - Provides the expectation that the employer will hire the OJT participants upon successful completion of the OJT.

Expenditures

WIOA's requirement of a minimum 20% expenditure of the region's allocated amount of overall youth funding related to work experience program activities allows WDBs to provide these services for both in-school and out-of-school youth. Local WIOA youth programs will track program funds spent on paid and unpaid work experiences, including wages and staff costs for the development and management of work experiences, and report such expenditures as part of the local WIOA youth financial reporting.

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. Local area administrative costs are not subject to the 20% minimum work experience expenditure requirement. For example, if a local area received \$1 million in local WIOA youth funds and spent \$100,000 (10 percent) on administrative costs, the minimum work experience expenditure requirement would be based on the remaining \$900,000. The local area would need to spend a minimum of \$180,000 (20 percent) on the work experience program element.

Program expenditures on the work experience program element may 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 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 payment directly tied to the completion of a paid or unpaid work experience;
- Employability skills/job readiness training to prepare youth for a work experience.

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

Similar to supportive services, some academic services may be covered under other WIOA program elements and would not be counted toward the work experience expenditure requirement. However, as noted above, some classroom training may be counted in the work experience requirement. If the work experience requires the youth participant to handle cash and the youth struggles with basic financial math, the youth could benefit from remedial math for a short timeframe that may assist in performing the required job duties. Similarly, a youth who is required to type documents or professional emails could benefit from remedial English courses that would provide some academic learning and benefit the youth in their occupational pathway.

Payments

Payments for the participants will come in many forms, but some WEX opportunities may be unpaid. Local WDBs may provide an incentive for completion of a goal or expected outcome based on the predetermined Individual Employment Plan (IEP). Fixed, regular payment (stipend) similar to an allowance could be offered. Stipend/ incentive payment will be in alignment with the entry level wage for the particular occupation or career.

If participants are “hired on” as employees of the service provider or WDB during their short-term WEX, the service provider (employer of record) or WDB would be subject to Fair Labor Standards Act, child labor laws, health and safety standards and other applicable laws regarding wages, benefits, workman’s compensation and insurance.

Employers/Worksites

Appropriate worksite locations for WEX are at the discretion of the local WDB. Appropriate employers will understand the barriers and needs of the youth participants and be willing to be flexible with their needs. Employers will work closely with program staff for monitoring the learning goals and outcomes of the participants and assisting with challenges that may arise during the WEX.

WEX arrangements will not unfavorably impact current employees and will not impair existing contracts for services or collective bargaining agreements. Work experiences will not be structured to subsidize private, for-profit operations. The WEX will not materially impact the profit margin of a private, for-profit company.

Worksite Agreement

The WDB will ensure that the youth provider has a written agreement to ensure compliance with WIOA and all applicable federal and state regulations. The agreement is a written document that details terms and conditions of a paid or unpaid WEX and the expectations of the parties to the agreement. The written agreement is between the participant, the site employer or host site, and the youth provider or employer of record.

The written agreement, which may be called a worksite agreement, job site agreement, or host site agreement, must include at a minimum:

- Duration
- Renumeration
- Tasks and duties
- Supervision
- Health and safety standards
- Other conditions of WEX such as consequences of not adhering to the agreement and a termination clause

The worksite or host site entity, the participant, and the youth provider will all be provided a copy of the agreement. The agreement will be available for audit and monitoring purposes.

Work Experience – Youth in Region 11

Work experience may be subsidized or unsubsidized. All work experiences should be work-based learning experiences, which are at least 51% work. They will be through local business, non-profit organizations or governmental agencies. Wages will be determined by the service provider based on current funding. It is suggested that youth who participate in this activity for consecutive program years be given an hourly increase each year to encourage continued participation. This amount will be determined by the service provider based on funding allocations.

Work hours will be determined by funding allocations and meet the guideline set forth by child labor laws. Hours will be coordinated between the youth, parents, the service provider, and the work site supervisor. Youth will complete state and federal tax forms, and the appropriate tax will be withheld. The service provider will be responsible for the FICA taxes and the worker's compensation for these wages. Paychecks will be issued on a bi-weekly basis. W2s will be distributed by January 31 of each year.

Participants cannot be employed in the construction, operation or maintenance of any part of any facility that is used or will be used for sectarian instruction or as a place for religious worship. Work experience will not be developed at or within sites owned by religious or sectarian organizations. Religious or sectarian organizations include any organization that has as part of their function sectarian instruction or provide a framework for religious worship.

Participants may not be employed in any political activities.

Work sites cannot be developed with an employer that has individuals on layoff in the same job classification nor can a participant be placed if the placement will result in displacement of an employee, including partial displacement such as reduction in non-overtime hours, wages, or benefits.

A work experience agreement may not be written with a company or agency if the owner of the company or the director of the agency is an immediate family member of the participant. Immediate family may not serve as the participant's supervisor or have the authority to hire or fire the participants at the workplace.

Staff members are responsible for ensuring that the youth and the work site supervisors have a working knowledge of applicable child labor laws. All forms required for the employment of youth such as the I-9 and W-4 will be completed. All youth between the ages of 14-17 must have an "intent to employ" card and a work permit. EEO/AA poster and teen work hour posters must be posted in a conspicuous place at each worksite and in the local WorkOne office. Work experience for youth is designed to enable youth to gain exposure to the world of work and its requirements. Work experience should help the youth acquire the personal attributes, knowledge, and skills needed to obtain a job and advance in employment. The purpose is to provide the youth with opportunity for career exploration and skill development and is not to benefit the employer. Work experiences should be based on reasonable length. Work experiences may be subsidized or unsubsidized and may include the following elements:

1. Instruction in employability skills or generic workplace skills such as those identified by the Secretary's Commission on Achieving Necessary Skills (SCANS).
2. Exposure to various aspects of an industry
3. Progressively more complex tasks
4. Internships and job shadowing
5. The integration of basic academic skills into work activities, supported work, work adjustment, and other transition activities
6. Entrepreneurship
7. Service learning
8. Paid and unpaid community service. Other elements designed to achieve the goals of work experience, [20 CFR Part 664,460]