

Subject: Work Experience Policy

Policy No: 2015-06

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Revised: 03/22/17, 6/15/21, 10/6/21, 10/25/23

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 (WEXs) for eligible WIOA youth, adults, and dislocated worker participants.

2. Background:

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

WIOA allows for the provision of WEXs 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 to be spent on WEXs. WEX activities shall be tracked and reported to adhere to local WIOA youth WEX requirements.

Operational Procedures

A. WEX Requirements

WEXs shall 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 the subrecipient before the WEX begins.

B. Employer Eligibility Requirements

The Worksite Employer shall:

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 as specified by the Occupation Safety and Health Administration ([OSHA Worker Rights and Protections](#)),
4. Not displace any currently employed employees or otherwise reduce its workforce either fully or partially (such as a reduction in hours or benefits) to fill the vacancy with a WEX participant or because 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. Obtain concurrence, from the appropriate bargaining representative, for worksite placements where a collective bargaining unit exists, and Union concurrence is required.

C. Subrecipient Responsibilities

The Subrecipient shall:

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, shall 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, ongoing monitoring and oversight of the WEX by maintaining communication with the employer and participant through emails, phone calls, and on-site visits to review the participant's progress in meeting the training outline objectives. The subrecipient shall promptly address challenges or issues identified by the employer and/or participant with the resulting action plan.

D. WEX Payments to Participants

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

1. A participant shall be paid only for hours worked during the WEX as documented on the participant's timesheet. Participants shall not be paid for holidays, vacation, 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 minimum wage prescribed under the Fair Labor Standards Act or applicable State or Local minimum wage laws.

E. Documentation

The subrecipient is responsible for reporting participant and expenditure activity to the Benton-Franklin Workforce Development Council (BFWDC) monthly 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 on-site to ensure 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 initialed by that individual; and
5. Timesheets and wage records must be maintained to verify the accuracy and timeliness of record keeping.

F. Modification

Modifications to the WEX agreement must be completed on a WEX Modification Form and signed by all parties before the effective date of the change.

G. 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 an 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 BFWDC does not authorize the use of transitional jobs currently.

H. Additional Guidance for Youth WEXs and Expenditure Requirements

Academic and Occupational Education Component

WEX shall include academic and occupational education. The educational component may occur concurrently or sequentially with the work experience, and the academic and occupational education component may occur inside or outside the worksite. The work experience employer may 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 refer to the 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.

WIOA identifies four categories of work experience:

- 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 count toward the work experience expenditure requirement and program expenditures on the work experience program element can be more than just wages paid to youth. 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 WEX sites, industry tours and job shadow opportunities,

3. Staff time working with employers to ensure a successful work experience and manage the work experience, including:
 - Phone calls with youth and employers regarding WEXs,
 - On-site visits,
 - Obtaining youth and employer signatures for initial WEX paperwork,
 - Obtaining timesheets, signatures, and checking for accuracy
 - Travel time,
 - Case note documentation of all WEX activities.
4. Staff time spent evaluating the work experience,
5. Staff time spent identifying and obtaining pre-requisite certifications to begin WEX.
6. Participant and 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 work experience.
10. Supportive services that enable WIOA youth participants to participate in work experience can now count toward the work experience expenditure requirement.

Expenditures that do not count towards the 20% minimum WEX requirement include:

1. Local areas administrative costs,
2. Leveraged resources.

Tracking WEX Activities

Program expenditures on the WEX program element shall include more than just the wages paid to youth. Subrecipient shall track and report all WEX expenditures to the BFWDC monthly. The BFWDC recommends using the “WEX Activity and Expenditure Tracking Tool” (Exhibit A) **or** a similar tracking tool to ensure all allowable WEX activities are tracked and reported as required under WIOA section 129 (c) (4).

I. References and Additional Guidance

- [TEGL 23-14](#) WIOA Youth Program Transition
- [TEGL 08-15](#) Second WIOA Title I Youth Program Transition Guidance
- [TEGL 21-16](#) Third WIOA Title I Youth Formula Program Guidance
- [TEN 22-19](#) Technical Assistance Resources for the WIOA Youth Program
- [WorkforceGPS ETA Webinar](#) Let's Chat: What Counts Towards the WIOA Youth Program's Work Experience Expenditure Requirement?
 - Webinar [executive summary](#), [presentation](#), and [chat transcript](#)
 - Pre-webinar review [activities brief](#) and [sample tracking tool](#)
- [WorkforceGPS Resource](#) Forms of Payments for WIOA Youth Program Participants
- [TEGL 19-16](#) Guidance on Services provided through the Adult and Dislocated Worker Program.

J. Required WEX Forms

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

Exhibit A

WEX ACTIVITY AND EXPENDITURE TRACKING TOOL

Total Allocation for WEX Activities:

Reporting Period:

Select the checkboxes for all activities conducted during the reporting period mentioned above.

Allowable Activities	Included?	Spent	% of WEX Spent
Wages/stipends paid for participation in a work experience	<input type="checkbox"/>		0%
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	<input type="checkbox"/>		0%
Staff time working with employers to ensure a successful work experience, including staff time spent managing the work experience	<input type="checkbox"/>		0%
Staff time spent evaluating the work experience	<input type="checkbox"/>		0%
Participant work experience orientation sessions	<input type="checkbox"/>		0%
Employer work experience orientation sessions	<input type="checkbox"/>		0%
Classroom training or the required academic education component directly related to the work experience	<input type="checkbox"/>		0%
Incentive payments directly tied to the completion of work experience	<input type="checkbox"/>		0%
Employability skills/job readiness training to prepare youth for a work experience	<input type="checkbox"/>		0%