



**BUFFALO AND ERIE COUNTY
WORKFORCE INVESTMENT BOARD, INC.**

LOCAL POLICY BULLETIN

BECWIB BULLETIN # 11-19 DATE: July 31, 2019

TO: Lavon Stephens, Administrative Director, WDC, Inc.
FROM: Heather Gresham, Executive Director, WIB, Inc.
SUBJECT: WIOA Youth Work Experience Policy-REVISED

EFFECTIVE DATE: IMMEDIATELY

Purpose

This policy provides guidance on paid and unpaid work experience for the youth program under Title I of the Workforce Innovation and Opportunity Act (WIOA). This guidance is to be conveyed to subrecipients and other entities that provide WIOA youth activities and services.

Background

Under the Workforce Innovation and Opportunity Act, paid and unpaid work experience is an allowable activity and one of the fourteen (14) youth program elements required to be competitively procured when selecting a youth service provider for this activity.

Definitions/Requirements

Work experience is one of the fourteen (14) required program elements that must be made available to all registered youth and should be offered throughout the program year. It is a planned, structured learning activity that takes place in a workplace setting for a limited period of time and has an academic and occupational education component. Work experience may be paid or unpaid.

The primary intent of work experience is to help the youth understand proper workplace behavior and what is necessary in order to attain and retain employment. Work experiences should help youth acquire the personal attributes, knowledge, and skills needed to obtain a job and advance in employment. Work experience can serve as a stepping stone to unsubsidized employment and is an important step in the process of developing a career pathway for youth. All work experiences should expose youth to realistic working conditions and tasks as much as possible.

Work experience must be based on identified needs of the individual youth. The use of work experience must be based on an objective assessment and identified on the youth's individual service strategy (ISS).

Paid and unpaid work experience must include academic and occupational education. The types of work experiences include the following categories:

- Internship and job shadowing
- Summer employment opportunities
- On-the-Job training, and
- Pre-Apprenticeship programs.

Work experience may be conducted in the private-for profit, private non-profit and public sectors. 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.

Per section 129 (c) (4) of the WIOA, not less than 20% of the youth program funds shall be used to provide youth participants with paid and unpaid work experiences.

Allowable work experience expenditures include the following:

- 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 working with employers to ensure a successful work experience, including staff time spent managing 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 payments directly tied to the completion of work experience; and
- 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 supportive services assist the youth in participating the work experience.

Wages for Work Experience

WIOA customers placed on regular payrolls for paid work experiences are compensated according to minimum wage standards, and/or are paid the prevailing wage of employees with similar training, experience and skills for a similar occupation, as set by the employer. However, since work experiences are intended as trainee positions, wages do not typically exceed those for entry level employees.

Stipends for Work Experience

Stipends can be offered in lieu of wages, or offered concurrently for the classroom training that complements a work experience. A stipend is usually a set amount given for participation/completion of an activity. This compensation can be given out in equal payments over a defined period of time.

Allowances or stipends cannot exceed New York minimum wage. Payment of partial stipends may be made to participants that fail to complete a portion of their work experience activity. However, the participant's case file must contain documentation (at least a case note) regarding the reason for failure to complete and the period of time or activities that were completed.

Minimal acceptable documentation includes:

- Attendance records;
- Certificate of completion;
- Case notes verifying the completion and date of completion; and,
- Time records or time sheets

In addition, the Case Manager shall describe the activity and the goal to be achieved that will result in a stipend being paid, within the Individual Service Strategy (ISS). In addition, information on the stipend payment structure (e.g. Lump sum or multiple payments) also shall be included in the case file.

According to IRS publications, stipends are considered miscellaneous compensation and are **taxable**.

Please Note: For further details and provider specific information regarding stipends, please refer to individual WIOA youth service provider policies on this topic. These policies are available upon request.

Participant Eligibility/Staff Documentation Requirements

All work experience participants must meet WIOA program eligibility requirements, be enrolled into the respective WIOA program, and have received an assessment resulting in the development of an Individual Service Strategy (ISS) that documents the participant's **need and benefit** from work experience. In addition to need and benefit, staff must clearly document the **location** of the work experience and whether it is **paid or unpaid**.

Employer Eligibility

An internship or work experience may be within the private for-profit sector, the non-profit sector, or the public sector, ideally within an identified high-priority occupation.

Because internships and work experiences must be planned, structured learning experiences, the entity hosting the intern/work experience must designate an appropriate manager to provide supervision and feedback to the participant at regular intervals during the courses of the program.

The employer is under no obligation to offer regular employment to the participant subsequent to the conclusion of the work experience/internship program, although the work experience/internship is intended to provide employers with a pool of technically trained employees from which to fill future positions and reduce recruitment costs.

Participating employers must agree to cooperate with monitoring requirements as required by WIOA and adhere to all other applicable local, state and federal rules, regulations and administrative guidance. Labor standards apply in any work experience setting where an employee/employer relationship, as defined by the Fair Labor Standards Act, exists. Work experience and/or internships will not be made available to directly or indirectly aid in the filling of a job opening which is vacant because the former occupant is on strike, or is being locked out in the course of a labor dispute, or the filling of which is otherwise an issue in a labor dispute involving a work stoppage.

Worksite Agreements

All work experience sites must have a worksite agreement. Each worksite agreement must be signed by the grantee and contractor and maintained by the delegate agency. Each agreement must contain, at a minimum, the following items for each worksite included in the agreement:

- a. Worksite contact and mailing information;
- b. Detailed information on the worksite such as location, days and hours of operation, activities, job titles and number of positions available per site;
- c. Worksite supervisor information;
- d. A detailed set of mutual terms; conditions, promises, and payments that the grantee and contractor have agreed upon.

Best Practices for engaging Youth in Work Experiences

- (1) Programs prepare youth for work experiences through training and guidance in soft skills. Youth programs engage young adults in training or class activities that develop these soft skills. This may include learning about professional work culture, working in teams, interpersonal skills, and communication.
- (2) Some programs also train youth in technical skills or hard skills needed for specific career pathways or work settings. Youth will learn skills specific to an occupational sector.
- (3) Program staff devote significant time to developing and maintaining relationships with employers. Dedicated staff (job developers) may handle all aspects of employer relations from making an initial inquiry about partnering to stabilizing worksite agreements with employers to responding to any employer concerns during the work experience.
- (4) Programs clearly communicate what is expected of employers, youth, and families before the start of a work experience to include mentoring the youth and providing feedback to the program coordinator. Some programs address the importance of work in life, how the program helps youth make a successful transition to work, what employers expect of workers, and how to appropriately interact with employers.
- (5) Programs carefully match youth to work experience opportunities based on individual interests and skills. Making the right match increases the success of the work experience by ensuring that youth feel motivated from the start to participate fully.

- (6) Programs provide on-going support to youth and employers throughout the work experience. To ensure a work experience is successful for everyone involved, programs maintain communication with both the youth and employers from the first to the last day. While some programs have daily or weekly contact with youth to monitor their progress, other programs conduct first-week, midpoint, and last-week work site visits at a minimum.

Monitoring

Delegate agencies are required to perform periodic monitoring of worksites to ensure compliance with project goals and adherence to WIOA law, policies and procedures. Monitoring may include on-site visits and phone/email communication with the employer/trainer and participant to review the participant's progress in meeting training plan objectives. Any deviations from the worksite agreement should be dealt with promptly.

Evaluation of Work Experience/Worksites

Items to be evaluated include:

- Appropriateness of work experience for participants;
- Quality of work experience in teaching good work habits or job skills;
- Quality of outcomes and other benefits to participants; and,
- Adequately of work site supervision in assuring compliance to legal requirements and program goals.

:ATS/bhs

C: Ken Colon, Jeff Conrad, Kate DeCarlo, Ivy Diggs-Washington, Katya Kroll-Haeick, Deborah Miller, Tom Mormile, Denise Raymond, Karen Simmons, and WIB staff