



Southwest Georgia Workforce Development Board

Policy/Procedure Name: Work Experience (WEX)

Policy/Procedure #: WIOA-2017-058

Effective Date: February 28, 2017

Rescinds Policy #58 Adult & Dislocated Worker Internship Policy dated 7/1/15

Revision Date: June 1, 2017

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PURPOSE

The Workforce Innovation and Opportunity Act (WIOA) offers 'internships and work experiences that are linked to careers' as an available individualized career service. WIOA Sec.134(c)(2)(A)(xii)(VII), defines an internship or work experience as a planned, structured learning experience that takes place in a workplace for a limited period of time. Internships and other work experience may be paid or unpaid, as appropriate and consistent with other laws, such as the Fair Labor Standards Act. An internship or other work experience may be arranged within the private for profit sector, the non-profit sector, 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. Although the majority of Work Experience activities occur with youth participants, adults and dislocated worker participants may also take advantage of these services. Work Experience may be full-time or part-time depending upon the needs of the participant.

STATE POLICY

Reference:

Technical College System of Georgia, Office of Workforce Development (OWD) Policy and Procedure Section 3.4.1.5 Work Experience (WEX)

LOCAL POLICY

Program Requirements

The intention of a work experience is to enable participants to explore career options and gain exposure to the working world and its requirements. A work experience shall be designed to enhance the employability of individuals through the development of good work habits and basic work skills.

The purpose of a work experience is not to benefit the employer, although the employer may, to a limited extent, benefit from the activities performed by the participant. For example, individuals placed in a work experience are generally considered trainees, and should not take on roles in which the employer depends on the trainee's productivity to maintain or advance the profit margin or performance of the company or agency. The Work Experience is a documented service and should appear on the Individual Employment Plan (IEP) and documented in the WorkSource Georgia Portal.

A worksite evaluation and a work experience agreement should be completed with each worksite that is utilized and a signed copy of the work experience agreement should be given to all parties to ensure that the expectations are fully understood.

A work experience may be a standalone career service or may be combined with training or other WIOA services. Generally, although all work experiences must meet the following requirements, allowances may be offered for special workforce initiatives and programming as they arise.

- Occur in a workplace for a limited period of time (see maximum allotment below). The exact duration will be set as appropriate for the participant's employment goals, background and skill level as reflected in the Individual Employment Plan (IEP).

Provide: At least 20 hours a week but no more than 35 hours a week, subject to a maximum duration of 12 weeks or 420 hours.

- Assist the participant in gaining competencies and experience in order to meet local employer demands
- Be related to a career choice or interest and provide learning through work based projects
- Pay at an hourly wage at the same rates as similarly situated employees or trainees, subject to the Fair Labor Standards Act
 - All participants will be paid an hourly wage equivalent to the federal minimum wage or up to \$ 9.00 dependent on the employer beginning wage, and provided with Federal Insurance Contributions Act (FICA) and Worker's Compensation coverage while participating in this activity

Participant Eligibility

To be eligible for Work Experience opportunities, the participant's Individual Employment Plan (IEP) must identify that the participant would benefit from the activity. The State requires that the justification for a Work Experience must be outlined in the customer's IEP and maintained in the WorkSource Portal (formerly known as GWROPP).

Employer/Worksite Eligibility

- A. In determining an employer's viability for Work Experience agreements, the employer's past history with Work Experience agreements, history or layoffs, relocation and labor disputes, as well as occupational and industry outlook must be considered.

- B. An employer pre-award review must be conducted to verify the requirements of 20 CFR 683.260, TEGL 19-16 and Workforce Implementation Guidance (WIG) Letter: WIG PS-24-001, Pre-Award Reviews for Work-Based Learning Programs (OJT, IWT, CT, WEX, TJ) are met. All pre-award reviews must be documented using the state office WIOA Training Program Employer Pre-Award Review form.

A work experience may be arranged within the private for-profit sector, the non-profit sector or the public sector. Due to work experiences being planned, structured learning experiences, the entity hosting the work experience, or worksite, must designate an appropriate manager to provide supervision and feedback to the participant at regular intervals during the course of the program. Worksites where employers will be committed to helping participants receive the experience and training that is required for employment beyond the work experience period and are willing to work closely with program staff are appropriate.

Employers should be flexible in working with participants who have issues that may be barriers to employment. The worksite agreement will ensure that the work experience arrangements do not unfavorably impact current employees and do not impair existing contracts for services or collective bargaining agreements.

Work experiences in the private for-profit sector must be structured so as not to appear to be subsidizing private for-profit operations. The work of the participant should not materially impact the profit margin of a private for-profit company.

Worksite Agreement Requirements

Work Experience opportunities are provided based on a formal, written agreement between the Local Workforce Development Area (LWDA) and/or Contracted Provider and private, non-profit, or public sector employer.

The Work Experience Agreement, is an agreement between the worksite employer and the employer of record, and specifies the occupational and employability competencies the participant will achieve in the work experience, how the work experience supports the IEP, the relationship and responsibilities of all parties, the evaluation process that will outline the progress of the participant at certain intervals, and other necessary requirements.

LWDA and/or Contracted Providers are required to complete a Work Experience agreement with each worksite that is utilized. Work Experience agreements must be fully executed prior to the beginning of a participant's training. A signed copy of the Work Experience Agreement should be given to all parties to ensure that the expectations are fully understood.

Worksite Agreements should be uploaded into the WorkSource Georgia Portal and documented in the participant's IEP. Participants in a WIOA-funded Work Experience (WEX) may not receive wage, stipends, or any compensation for activities or hours performed prior to the official start date as documented in the fully executed WEX Agreement. Any disbursements pertaining to the WEX training should be clearly documented in the WorkSource Georgia Portal. **Actual reconciled amounts should be noted at the conclusion of the WEX Agreement.**

At a minimum, the Work Experience Agreements should include the following elements:

- Names and contact information for all parties;
- The names and titles of all worksite staff that are authorized to sign the timesheet for the Work Experience participant(s);
- The participant's Work Experience start and end date;
- Responsibilities and expectations of the participant, the worksite employer, and the local workforce development area (LWDA) and/or Contracted Provider;
- The job title, pay, duties, and goals for each Work Experience participant. Note: WIOA funds shall not be used for overtime wages, holidays, sick leave, or vacations;
- A statement informing the worksite that they may be subject to worksite monitoring by both state and local representatives, as well as regular visitations by LWDA staff and/or Contracted Provider staff to check on the progress of the work experience participants;
- Other information relevant to the specific Work Experience activity; and
- Signatures and dates for all applicable parties.

Participant Suitability

WIOA provides a focus on serving individuals with barriers to employment and seeks to ensure access to these populations. An ideal candidate for work experience is:

- An individual with a barrier (or barriers) to employment who is seeking long-term employment in a particular industry or occupation but does not have the requisite experience to qualify for entry level employment in the field or;
- An individual who has recently concluded or will soon conclude a training or educational program, including an Individual Training Account (ITA) or job specific skills training, in a particular industry but possesses a strong need for practical work experience to qualify for entry level employment in the training or education related field

An individual is not required to have a high school diploma or its recognized equivalent to qualify for work experience.

"Individual with a Barrier to Employment" is defined as a member of 1 or more of the following populations:

- Displaced homemaker
- Low-income individuals
- Indians, Alaska Natives, and Native Hawaiian, as such terms are defined in WIOA section 166
- Individuals with disabilities, including youth who are individuals with disabilities
- Older individuals
- Ex-offenders
- Homeless individuals (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6))), or homeless children and youths (as defined in section 752(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434(a)(2)))
- Youth who are in or have aged out of foster care
- Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers
- Eligible migrant and seasonal farmworkers, as defined in WIOA section 167(i)

- Individuals within 2 years of exhausting lifetime eligibility under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.)
- Single parents (including single pregnant women)
- Long-term unemployed individuals
- Such other groups as the Governor involved determines to have barriers to employment

Participant Agreement Requirements

The LWDA and/or Contracted Provider must execute an agreement with the participant to define expectations.

A. At a minimum, the participant agreement must address the following elements:

- i. Worksite address, supervisor, and telephone number
- ii. Start and end date
- iii. Responsibilities and expectations of the participant, the worksite employer, and the LWDA and/or Contracted Provider
- iv. Job title, pay, duties, and goals
- v. Participant signature and date.

B. The scheduled number of hours per week may be modified by the worksite after work begins pending the written approval of the participant and the LWDA and/or Contracted Provider.

Training Orientation

The LWDA and/or Contracted Provider staff will schedule a meeting with the participant prior to the work experience training start date to review the rules, requirements and expectations of the program including assigned worksite name, address, supervisor, worksite telephone number, job title/duties and goals, scheduled first day of work, projected scheduled training end date, scheduled number of hours each week and responsibilities and expectations of the participant, the worksite employer, and the LWDA and/or Contracted Provider. After the information is reviewed with the participant, the participant will be asked to sign the participant agreement to verify and document his/her awareness of the worksite and training details provided.

Supportive Services

Although work experiences are individualized career services, participants are eligible for Supportive Services as if they were enrolled in training, subject to funding availability (Ref: Policy #25 – Supportive Services)

Unpaid Work Experience

An unpaid work experience is an activity exposing participants to the working environment, and an individual does not expect payment for tasks performed. The use of an unpaid work experience should be limited and typically are offered in combination with other services such as an Individual Training Account (ITA). An unpaid work experience may include job shadowing. Job shadowing is a short-term activity which introduces a participant to the workplace and provides exposure to occupational areas of interest. A participant experiences

the work environment to increase career awareness, observe models of behavior on the job through examples, and receives help in making career decisions. Job shadowing can reinforce the link between classroom learning and work requirements. Job shadowing is limited and allows participants to observe only.

REFERENCES

Workforce Innovation and Opportunity Act (WIOA), Public Law 113-128, enacted July 22, 2014
Workforce Innovation and Opportunity Act Regulations, 20 CFR Parts 678, 680, 683
WIOA Section 134(c)
State of Georgia Workforce Development Board Policy and Procedure Manual, 3.4.1.5 Work Experience (WEX)
USDOL TEGL 3-15, Guidance on Services Provided through the Adult and Dislocated Worker programs under WIOA
OWD Workforce Implementation Guidance (WIG) Letter: WIG PS-24-001, Pre-Award Reviews for Work-Based Learning Programs (OJT, IWT, CT, WEX, TJ)

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