
WIOA Work Experience

PURPOSE

The purpose of this policy is to provide direction and guidance in administering Work Experience (WEX) to Workforce Innovation and Opportunity Act (WIOA) Adults, Dislocated Workers and Youth.

BACKGROUND

An internship or work experience for WIOA Adults and Dislocated Workers is an Individualized Career Service and is defined as a planned structured learning experience that takes place in the workplace for a limited period of time. An internship or work experience may be paid or unpaid.

For the WIOA youth program, work experience is similarly defined with the additional requirement that paid and unpaid work experience must include academic and occupational education. The WIOA places a priority on providing youth with occupational learning priorities and requires local areas to spend at least 20 percent of their WIOA youth formula allocation on work experience, which may include wages and staffing costs for the development and management of work experience.

WIOA permits local areas to offer transitional jobs, which are limited work experiences that are subsidized for those individuals with barriers to employment because of chronic unemployment or inconsistent work history. The Pacific Gateway Workforce Development Board (WDB) has not authorized the use of this activity at this time.

POLICY

WEX is designed to promote the development of good work habits and basic work skills for individuals who have never worked, have very limited occupational exposure, or have been out of the labor force for an extended period of time.

WEX may take place in the for-profit sector, the nonprofit sector, or the public sector. WEX may be paid or unpaid and must be consistent with the Fair Labor Standards Act and other applicable labor laws.

WEX is not designed to replace an existing employee or position. WEX wages are paid directly to the WEX participant and not the WEX employer. Employers are not monetarily compensated for participating in WEX. Labor standards apply in any WEX where an employee/employer relationship exists, as defined by the Fair Labor Standards Act.

A. Participant Eligibility

All WEX participants must meet WIOA program eligibility requirements, be enrolled in the respective WIOA program, and have received an assessment resulting in the development of an

Individual Service Strategy (ISS) or Individual Employment Plan (IEP), which documents the participant's need and benefit for WEX.

B. Employer Eligibility

The Program Manager is responsible for verifying all contract requirements have been met and must approve all WEX employers and worksites before participants begin training.

C. Duration and Funding Limits

Participation in WEX is based on the participant's needs and skill sets. The duration of WEX should be based on the following factors:

- Objectives of the WEX
- Length of time necessary for the participant to learn the skills identified
- Quality and quantity of meaningful work activities
- WEX budget

WEX is subject to a maximum funding limit of \$7,500.

D. Compensation

Participants enrolled in a paid WEX shall be compensated at an hourly wage, not less than the State or local minimum wage. The following factors should be considered when determining the participant's hourly wage:

- Participant's skill set and skill level
- Type of work performed
- Required skill set for the WEX
- Training objectives

Participants shall only be paid for the hours worked during the WEX and documented on the participant's timesheet. WEX participants cannot be paid for lunch breaks or vacation time. WEX participants are not authorized to work overtime.

E. Remote or Virtual WEX

Under certain circumstances, such as a pandemic, remote or virtual work experience, including academic and occupational learning activities, may be provided to appropriate participants. The WEX must be a structured learning experience and provide participants with meaningful work activities. Participants must have the necessary technology and equipment to perform their WEX training successfully. All remote or virtual work experience assignments require Program Manager approval.

F. Working Conditions

Employers must comply with applicable labor laws, including wage and hour provisions, occupational health and safety provisions, and child labor laws. Participants shall not be placed at worksites that are unsanitary, hazardous, or dangerous to their health and safety. Participants must be provided the proper equipment and training to safely perform their WEX.

E. WEX Agreement and Worksite Placement Form

A WEX Agreement is required for employers interested in serving as a WEX training site. The WEX

Agreement details the specific guidelines that must be followed by the employer, participant and Pacific Gateway. The WEX Agreement must be approved by the WDB Assistant Executive Director and employer and signed by all parties prior to the start of the WEX.

A Worksite Placement Form must be created for each participant placed at a worksite. The Worksite Placement Form must be signed by the participant and worksite supervisor and include the worksite contact information, work schedule, job title, duties and responsibilities. Any changes to the Worksite Placement form must be in writing and agreed to by all parties prior to the effective date of the modification. Verbal changes to the participant's WEX assignment are not considered valid.

F. Monitoring

WIOA program staff must ensure regular and on-going monitoring and oversight of WEX. Monitoring may include on-site visits and phone/email communication with the employer/trainer and participant to review the participant's progress in meeting the training objectives. Any deviations from the WEX agreement should be dealt with promptly.

WEX training and payroll records may be reviewed by Federal, State, and Pacific Gateway fiscal and program monitors. These entities have the right to access, examine, and inspect any site where any phase of the WEX program is conducted. Proper WEX documentation must be maintained in such a way to facilitate an audit. WEX training and payroll records must be maintained for five (5) years after the participant's conclusion of WIOA enrollment activities.

REFERENCES

- WIOA Section 129 (c)(2)(C)
- WIOA Section 134 (c)(2)(A)
- WIOA Section.188 (a)(2) and (3)
- Title 20 CFR 680.180
- Title 20 CFR 680.190
- Workforce Services Directive WSD16-01 "WIOA Youth Program Requirements" (July 6, 2016)

INQUIRIES

For questions or assistance related to this policy, please contact the Pacific Gateway Workforce Innovation Network staff at (562) 570-3748.

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