

Area 14 Workforce Development Board

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Work Experience for Adult and Dislocated

Area 14 Policy 14.15-12

Effective: May 15, 2019

Revised: November 23, 2020



I. Purpose

The purpose of this policy is to provide guidance on paid and unpaid work experience for adult and dislocated worker programs under Title 1 of the Workforce Innovation and Opportunity Act (WIOA).

II. Effective

Immediately

III. Background

Under WIOA, work experience is a career service that is provided in order for an individual to obtain or retain employment and is linked to a potential career choice.

IV. Definitions

Internship: a system of gaining on-the-job experience by placement in a work environment for a period of time with the goal to build technical and job awareness skills. Internships may be paid or unpaid.

Job Shadowing: a short-term unpaid activity which introduces a participant to the workplace and provides exposure to occupational areas of interest to increase career awareness

Public service employment: work normally provided by governments and includes but is not limited to work in fields of: human betterment and community improvement, child care, health care, education, crime prevention, public transportation, street and parks, solid waste removal, housing and neighborhood improvement, rural development, etc.

Work experience: a planned, structured learning activity that takes place in a workplace setting for a limited period of time.

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V. Requirements

Work experience should be a limited period of time and can be paid and unpaid and may include but is not limited to internships and job shadowing.

Work experience serves as a workplace-values activity for acquiring of behavioral competencies and specific occupation or job skills. It should primarily serve to help participants in career exploration, develop work readiness skills, gain exposure to the working world and its requirements. Work experience may be combined with classroom or one on one instruction in order to get the participant ready for full time employment.

The workforce development board and program operators should work to identify employers who are willing to work with individuals with significant barriers to employment through open discussions with employers at job fairs, meetings, and through daily interactions that take place between staff and employers. Employers must be willing to work hand in hand with the case managers so that soft skills and employment issues are addressed timely to try and get the participant ready for employment. A job description will be provided to the participant from the employer prior to the commencement of the work experience.

The work experience arrangement should not have any unfavorable impact on current employees and not impair existing contracts for services or collective bargaining agreements. It can be both for non-profit for for-profit employers.

The local WDB, program administrators, and employers must abide by and follow all the guidelines set forth in WIOAPL 15-12 including health and safety and Worksite/Job site agreement.

Duration: Work experience should be limited to no more than 8 weeks and/or 320 hours per participant year. Reimbursement won't exceed more than 40 hours per week paid at minimum wage or wage paid to similar employees.

Program Operators must have a written agreement to ensure compliance with the WIOA and applicable regulations. The agreement is a written document that details terms and conditions of paid and unpaid work experience and the expectations of the parties to the agreement. The written agreement is between the participant, the site employer or host site, and the program provider. Area 14 counties can choose to use the agreement and monitoring forms located on the Area 14 website, or they can choose to create their own as long as all the required information is provided.

The written agreement, which may be called a worksite agreement, job site agreement, or host site agreement must include at a minimum: the duration, remuneration, tasks, duties, supervision, health and safety standards and other conditions of work experience such as consequences of not adhering to the agreement and a termination clause. The worksite or host site entity, the participant and the program provider should all be given a copy of the agreement. The agreement must be available for audit and monitoring purposes.

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VI. Monitoring

Program Operators are required to complete the agreements and adhere to the duties as outlined in the agreement including site visits and monitoring.

Program Operators are required to maintain and report accurate program in OWCMS and financial information in CFIS. Pursuant to rule 5101:9-30-04 of the Ohio Administrative Code, information regarding WIOA participants and their activities and performance must be entered into Ohio Workforce Case Management System (OWCMS) accurately and within 30 days. OWCMS may be used to assist in the determination of eligibility. However, OWCMS cannot be used as verification of eligibility.

The Area 14 Workforce Development Board will conduct oversight of the implementation of the WIOA youth programs to ensure that participants enrolled in the programs are eligible and that eligibility has been properly documented. Program Operators are required to make available to the board and/or contracted monitors all relevant participant files, documents and paperwork. Program files will be monitored yearly unless it is determined by the board there is a need for more frequent monitoring.

VII. Technical Assistance

For additional information, you may send your questions to the Area 14 Workforce Development Director. Contact information can be found on the Area 14 website: <https://www.ohioarea14.org/>

VIII. References

Workforce Innovation and Opportunity Act, Pub. L. 113-128

20 CFR Parts 603 et al.

29 U.S.C. 3101 et seq

Fair Labor Standards Act of 1938, 52 Stat. 1060, 29 U.S.C. 201 et seq.

USDOL, Training and Employment Guidance Letter No. 12-09, Joint Guidance for States Seeking to Implement Subsidized Work-Based Training Programs for Unemployed Workers, (January 29, 2012).

USDOL, U.S. Secretary's Commission on Achieving Necessary Skills, A SCANS Report for America 2000, (June 1991).

I.R.S. Revenue Ruling 75-246, 1975-1 C.B. 24, Scenarios distinguish between amounts paid in connection with training-excludable under general welfare exception-and amounts paid in connection with services.

O.A.C. § 4101:9-2 (2004).

O.R.C. § 3331 (2002).

O.R.C. § 4109

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-14, Needs-Related Payments (NRP) - WIOA Adult and Dislocated Worker Formula Funds, (July 1, 2015).