

SERVICE DELIVERY	Youth Work Experience
Classification:	Title I Youth
Date Adopted:	10/18/17
Background:	<p>To provide policy direction for the implementation of Work Experience (WEX) for WIOA eligible youth.</p> <p>WIOA includes a priority focus on providing CareerFirst participants with work experience opportunities. WIOA prioritizes work experience with the requirement that local areas must spend a minimum of 20 percent of local area youth funds (minus admin.) on WIOA CareerFirst work experiences (20 CFR 681, TEGL 23-14, TEGL 8-15). The Smoky Mountains Area Workforce Board is requiring the local area youth service providers to spend a minimum of 25 percent of local area youth funds (minus admin.) on WIOA CareerFirst work experiences</p>
Policy:	<p>I. Work Experiences and internships are defined as follows:</p> <p>A) <u>Job Shadowing</u>: A work experience option to learn about a job by walking through the work day as a shadow to a competent worker. The job shadowing experience is a temporary, unpaid exposure to the workplace in an occupational area of interest to the participant. A job-shadowing experience can be anywhere from a few hours, to a day, to a week or more.</p> <p>B) <u>Work Experience</u>: A planned, structured learning experience that takes place in a workplace for a limited period of time for those who have had little or no prior experience in the workplace. The work experience must include an academic and occupational education component which enriches the participant's academic knowledge, job readiness skills, and at the same time, offers "real time" experience in the workplace.</p> <p>C) <u>Internship</u>: A planned, structured learning experience that takes place in a workplace for a limited period of time. This may include an academic and occupational education component which enriches the participant's academic knowledge primarily in a specific skill. This training should also expose the participant to a specific career path.</p> <p>D) <u>Summer Employment and other opportunities available throughout the school year</u>: Summer jobs programs offer a paycheck and a chance for young people to build skills and expand their networks. A typical summer jobs program runs for six to eight weeks in June, July, and August. CareerFirst participants receive varying levels of work-readiness training before they are placed at worksites, ranging from several hours to several days of pre-employment workshops.</p> <p>E) <u>Pre-apprenticeship programs</u>: A pre-apprenticeship is a program designed to prepare individuals to enter and succeed in an apprenticeship program registered under the Act of August 16, 1937 (commonly known as the "National Apprenticeship Act," 50 Stat. 664, chapter 663; 29 U.S.C. 50 <i>et. Seq.</i>) (referred to in this part as a "registered apprenticeship" or "registered</p>

apprenticeship program”).

- F) On-the-Job Training Opportunities: Occupational training is provided for the WIOA CareerFirst participant in exchange for the reimbursement, typically up to 50 percent of the wage rate of the participant, for the extraordinary costs of providing the training and supervision related to the training. An OJT contract must be limited to the period of time required for a participant to become proficient in the occupation for which the training is being provided. In determining the appropriate length of the contract, consideration should be given to the skill requirements of the occupation, the academic and occupational skill level of the participant, prior work experience and the participant’s ISS.

All CareerFirst participants should be encouraged to pursue jobs in-demand when possible.

II. **General Work Experience/Internship Provisions:**

All WEX participants must meet program eligibility requirements, be enrolled into the WIOA CareerFirst program, and have received an assessment resulting in the development of an Individual Service Strategy that documents the participant’s need for and benefit from a WEX. General provisions for determining the appropriateness of work experience/internship activities are intended for individuals who fit the following categories:

- A) Have little or no prior experience in the workplace;
- B) Have experienced difficulty in maintaining employment in the past due to barriers that can best be addressed and overcome through work experience enrollment;
- C) Have a need to experience the fundamentals of maintaining consistent employment.
- D) In most cases, have little or no previous experience in a new occupation of interest.
- E) Can be placed at a worksite that will provide occupation-specific knowledge and experience in their area of occupational interest.

A participant will not be placed at a single workplace for longer than six months, unless a waiver has been authorized by the Dean of Workforce Development or designee. At the discretion of the Assistant Director of CareerFirst, a youth may be placed in another work experience after completion of their first assignment. There is no limit to the number of work experience assignments per youth. However, a youth will not be placed in more than one work experience at a time

and, the need for additional work experience must be documented.

III. General Provisions for Development of Work Experience/Internship Agreements and/or Contracts:

- A) The intent of a work experience/internship activity is to obtain experience. It is not the intent for a work experience/internship employer to enter into a contract with the understanding that the participant will be hired at the conclusion of training. These types of arrangements would be more appropriate as On-The-Job Training (OJT).

Service providers should encourage an employer, when appropriate, to develop the work experience/internship into an OJT and/or a permanent employment position.

- B) Care must be taken when documenting the justification for these activities. Participants' work experience/internship contract or agreements must indicate the following language:

- 1) Participants' assessments must establish that work experience/internship is needed to prepare the individual for unsubsidized employment or career training.
- 2) Participants' individual service strategy must identify their work experience/internship field of training, outlining goals and objectives with defined timelines and projected completion dates.

- C) Parameters for identifying required elements and development of work experience/internship agreements/contracts are as follows:

- 1) Work experience/internships may be paid or unpaid, as appropriate.
- 2) Work experience/internships may be in the private for profit sector, the nonprofit sector, or the public sector.
- 3) Labor standards apply in any work experience/internship where an employee/employer relationship, as defined by the Federal Fair Labor Standards Act and Child Labor Laws, exists.
- 4) Work experience /internship participants cannot be placed in a job that may cause the displacement of a regular employee. Documented assurances that this will not occur must be part of the work experience/internship contract.
- 5) Work experience/internships are for a limited time. The Smoky Mountains Area Workforce Board (SMAWB) has established the maximum period for work experience/internship enrollments not to

exceed six months. Extensions to the SMAWB's time period must be submitted in writing to the SMAWB and approved by the Dean of Workforce Development and/or designee.

IV. General Provisions for Contracting and/or Establishing Agreements with Work Experience/Internship Employers:

A worksite agreement, or contract, must be in place prior to the participant beginning this activity. The contract must include the following provisions, and a copy of the agreement must be maintained in the participant file:

- A) Specific dates of enrollment in the work experience /internship activity (i.e., start date and end date);
- B) A complete job description, including specific skills to be obtained;
- C) A statement of hourly wage to be subsidized by the WIOA Youth Service Provider/Employer of Record (\$8.50 per hour with the exception of Sevier County which is \$9.50 per hour), estimated total hours of enrollment, as well as total contract obligation;
- D) A WIOA CareerFirst Work Experience Learning Plan must be completed;
- E) Signatures of service provider, employer, and participant.

V. General Provisions for Work Experience/Internship Attendance and Wages

Documentation of hours and wages must be maintained as follows:

- A) Work experience/internships shall never pay less than the State of Tennessee or local minimum wage laws.
- B) The workforce board has determined that work experience/internship wages will not exceed the rate of \$8.50 per hour with the exception of Sevier County at \$9.50 per hour, without workforce board approval.
- C) Work experience/internships will be limited to 40 hours per week for youth. Maximum hours are not to exceed 500 hours per work experience, unless approved by the Dean of Workforce Development or designee, and will be determined by the employer and work experience coordinator. No allowances are made for holiday, overtime, or sick leave pay.
- D) Service Provider Representatives are required to complete an IRS form W-4 for the participant prior to the commencement of these activities. Federal income taxes must be withheld at an appropriate rate as determined by the participant's W-4. A W-2 form shall be issued to work experience/internship participants at the end of each calendar year. A Form I-9 must be

completed to verify the identity and employment authorization of individuals hired for employment in the United States. Both employees and employers (or authorized representatives of the employer) must complete the form.

- E) It is the Service Provider's responsibility and also a workforce board requirement to maintain Worker's Compensation insurance for each work experience/internship participant. Service Providers shall not be allowed to provide this training for their participants if Worker's Compensation insurance has not been procured.
- F) Documented time spent, wages paid, and goals to be obtained must be part of a WIOA participant's file.

VI. Monitoring

WIOA CareerFirst service providers must ensure regular and on-going monitoring and oversight of the WEX. Monitoring may include on-side 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 WEX agreement should be dealt with promptly.

The WIOA service provider's oversight of the WEX participant's training and payroll records may be reviewed by Federal, State, and local fiscal and program monitors. These entities will have the right to access, examine, and inspect any site where any phase of the WEX program is being conducted. The service provider will maintain its records and accounts in such a way as to facilitate the audit. Records must be maintained for five (5) years after the conclusion of the WEX.

VII. Data and Reporting

All CareerFirst participant files must be maintained electronically in JOBS4TN.gov.

The following WEX documents must be located in the JOBS4TN participant file:

- A) Comprehensive assessment identifying a WEX as an appropriate service;
- B) Completed ISS documenting the WEX services and outcomes;
- C) WEX Agreement (completed prior to the start of the WEX);
- D) Learning Plan (completed prior to the start of the WEX);
- E) Pre- and post assessments;
- F) Time Cards/sheets; and
- G) Case notes pertaining to the WEX.

References:

WIOA Section 129(c)(2)(C)
WIOA Section 129(c)(4)
NPRM 681-600, 681.610
20CFR Parts 663, 664