

I. Purpose

To provide policy direction for the implementation of Work Experiences for WIOA eligible Youth and Dislocated Workers in the Southern Middle Tennessee Local Workforce Development Area.

II. Policy-Youth

Work experience for Youth participants is defined at **20 CFR 681.600** which states that work experiences are designed to enable youth to gain exposure to the working world and its requirements. Work experiences should help youth acquire the personal attributes, knowledge, and skills needed to obtain a job and advance in employment. Paid and unpaid work experiences for Youth participants must include academic and occupational education as a component. Work experience may be provided in the private for-profit, non-profit, or public sectors and may include the following types:

- Summer employment opportunities, and other employment opportunities available throughout the school year;
- Pre-apprenticeship programs
- Internships and job shadowing; and
- On-the-job training opportunities (Procedures outlined in the OJT Policy)

Work experiences (WEX) include a contractual exchange between the Fiscal Agent, WIOA Title I service provider, employer, and participant. A WEX is not designed to replace an existing employee or position. Stipends are paid directly to the participant. General Liability, and Worker's Compensation insurance are provided by the LWDB Fiscal Agent. The Career Service Provider is tasked with developing an employer/employee relationship between the service provider and the WEX participant. Labor standards apply in any WEX where an employee/employer relationship exists, as defined by the Fair Labor Standards Act. Employers are not monetarily compensated.

WIOA includes a major focus on providing youth with work experience opportunities. WIOA prioritizes work experiences with the requirement that local areas must spend a minimum of 20 percent of local area funds on WIOA Youth work experiences. WIOA Youth program funds spent on paid and unpaid work experiences, including wages and staff costs must be tracked and reported monthly as part of the local WIOA Youth financial reporting.

GUIDELINES:

- WEX must provide a planned and structured academic and occupational learning experience that will contribute to the achievement of the participant's employment

- goals
- Academic and occupational education may be provided on a concurrent or sequential basis based upon the participant's Individual Service Strategy (ISS), and may occur inside or outside the work site
- WEX agreements must be signed by all parties prior to the start of the WEX
- WEX should focus on assisting individuals to establish a work history, demonstrate success in the workplace, and/or develop the skills that lead to entry into and retention in unsubsidized employment

Policy-Dislocated Workers

WEX are time-limited, subsidized work opportunities and may be in the public, private, or nonprofit sectors. These jobs combined with comprehensive career and supportive services and are intended for individuals with barriers to employment, those who are chronically unemployed, or individuals with an inconsistent work history. WEX are used to establish a work history, demonstrate the individual's success in the workplace, and develop skills leading to entry into and retention in unsubsidized employment. Under WIOA Section 134(d)(5), LWDBs may use up to ten percent (10%) of their dislocated worker funds to provide transitional jobs to individuals.

PARTICIPANT ELIGIBILITY:

All WEX participants must meet program eligibility requirements, be enrolled into the WIOA program, and have received an assessment resulting in the development of an ISS that documents the participant's need for a WEX. Individuals who have received funding through an ITA, cohort or other WIOA funded training are also eligible for WEX. Funding for training and WEXs are separate.

EMPLOYER ELIGIBILITY:

The WEX Employer:

- Must be a legal business/entity in accordance to all federal, state, and local laws;
- Every employer of employees subject to the Fair Labor Standards Act's minimum wage provisions must post, and keep posted, a notice explaining the Act in a conspicuous place in all of their establishments so as to permit employees to readily read it;
- Must have safe and healthy working conditions with no previously reported health and safety violations that have been reported but have not been corrected;
- Does not illegally discriminate in training or hiring practices because of race, color, sex, national origin, religion, physical or mental disability, political beliefs or affiliations or age; **WIOA Sec. 188(a)(2)**
- Shall not terminate the employment of any of their current employees or otherwise reduce its workforce either fully or partially (such as reduction in hours or benefits) with the intention of filling the vacancy with a WEX participant or as the result of having a WEX participant; **20 CFR 683.270**
- Shall not allow the WEX activity to result in the infringement of promotional opportunities of their current employees; **20 CFR 683.270**

- Shall not allow the participant to be involved in the construction, operation or maintenance of any part of any facility that is used, or to be used, for religious instruction or as a place for religious worship. **WIOA Sec. 188(a)(3)**
- The employer must not currently be involved in a labor dispute or have workers currently in a layoff status. **20 CFR 680.840**

DURATIONS LIMITS:

When determining the duration of a WEX activity, the following should be considered:

- Objectives of the WEX;
- Length of time necessary for the participant to learn the skills identified in the Individual Service Strategy (ISS) and/or employer requirements for hiring for a specific job; and
- The employer having sufficient quantity of meaningful work activities for the participant.

PROGRAM LIMITS:

Participants may participate in multiple WEX opportunities with documented need as outlined in the ISS. Participants enrolled in a paid WEX shall not be compensated at a rate that is higher than the employer's entry-level wage for an equivalent position. Participants shall be paid only for time worked during the WEX as documented on the participant's time sheet. WEX participants are not authorized to work overtime and shall not be compensated for:

- Sick leave;
- Vacation;
- Lunch breaks; or
- Holidays recognized by the service provider or employer as a "paid holiday"

MONITORING PROCEDURES:

Depending on the duration of the contracted training, any work-based training contract is monitored at least once by the LWDB Quality Assurance Department. Monitoring is based on the contract agreement between the employer and the LWDB.

Monitoring will include, but is not limited to:

- An annual review of the provider's oversight of participant's training and files
- Annual onsite monitoring visits of each OJT employer
- Desk review of correspondence from the employer, including payment invoices and required documentation to support those invoices
- Regular reviews of each trainee's progress in meeting program and service strategy objectives.

On-site Review: On-site reviews will utilize standard monitoring instruments covering the following areas, as applicable:

- a. VOS reports
- b. Participant files

- c. Training plans
- d. Participant interviews
- e. Health and safety conditions
- f. Worksite monitoring

MONITORING REPORT FORMAT:

Within 30 days of the initial monitoring completion, LWDB monitor will transmit a draft report of findings, or a final report of no findings, to the contractor. Contractors with open findings will have 30 calendar days after receipt of the monitor's report to address the findings and present corrective actions. Upon receipt of the corrective action report from the contractor, the LWDB monitor will have 30 calendar days to issue a final monitoring report. If the contract still has open items or pending corrective actions, the LWDB monitor will conduct a subsequent monitoring event within three months of the published report to confirm actions have been taken and correct the open items. Follow-up contacts will be made to ensure that the corrective actions have been implemented.

Documentation of follow-up will be maintained in the monitoring file. All written reports and other documentation pertaining to monitoring and other oversight activities will be made available for review by the LWDB and any federal and state officials

Reports and other records of monitoring activities must be retained for five years from the date of submission of the final expenditure reports regarding the funding sources monitored. If any litigation, claim, audit or other action involving the records has been started before the expiration of the five-year period, the records must be retained until completion and resolution of all such actions or until the end of the five-year period, whichever is later.

EXCEPTIONS:

Exceptions and/or accommodations to this policy may be made on a case-by-case basis with prior approval by the One-Stop Operator.

DISCLAIMER:

This policy does not create a right by any individual to receive any amount of funding, nor does it create an obligation by the Southern Middle Tennessee Development District to pay any amounts of funds on behalf of an individual or group. All WIOA services are approved based on need, as determined by the Career Service Coordinator and the availability of funds as determined by the Southern Middle Tennessee Development District, subject to the maximum limitations outlined in this policy.