

**Adult and Dislocated Worker Work Experience Policy for the
Northeast Ohio Consortium Council of Governments
Workforce Innovation and Opportunity Act Policy A-06**

I. Purpose.

This communication provides guidance on paid and unpaid work experience for the Adult and Dislocated Worker programs under Title I of the Workforce Innovation and Opportunity Act (WIOA).

II. Effective Date.

July 1, 2015.

III. Background.

Under the Workforce Innovation and Opportunity Act, 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. Requirements.

A. Paid Work Experience Not Permitted.

It shall be the policy of the OhioMeansJobs Centers of the Workforce Area to not provide paid work experience programming for Adult and/or Dislocated Workers. This Policy may be amended at any time by the NOC COG on behalf of the Workforce Board for the Area, or by the Workforce Board, by the implementation of a complete policy that provides for the terms and conditions pursuant to which Work Experience Programming may be provided to eligible adult and dislocated workers.

B. Unpaid Work Experience.

1. Conditions pursuant to which an Adult and Dislocated Worker provider may utilize unpaid Work Experience.

Adult and Dislocated Worker providers for the Area Workforce may enroll Adults and/or Dislocated Workers within unpaid work experience programs, which are limited to internships and/or job shadowing, under the following conditions:

1. The training, even though it includes the performance of work for the host business is essentially a training experience similar to a vocational school.
2. The participant is primarily the beneficiary of the experience.
3. Regular employees are not displaced and the experience is closely supervised/observed.

4. The work experience provider that hosts the experience derives no immediate or significant advantage (and may even be adversely impacted).
 5. The participant is not guaranteed a job at the conclusion of the experience.
 6. The participant's work experience does not involve the participant doing any manual or physical work, and the work environment is set within an office or professional setting, and is not set outside or within a manufacturing or production environment.
- AND-
7. The participant is not allowed to operate any type of motor vehicle as part of the work experience other than traveling to and from the site of the experience as part of their work experience commute.

Except where all of the above conditions are satisfied, the participant may not be enrolled into the unpaid work experience program.

C. Work Experience Provider Agreement.

Prior to the commencement of any unpaid Work Experience, there must be a written Work Experience Provider Agreement entered into that details terms and conditions of paid and unpaid work experience and the expectations of the parties to the agreement. The written agreement must be between the participant, the work experience provider, and the Adult and Dislocated Worker provider.

The written 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 work experience provider, the participant, and the youth provider should all be given a copy of the agreement. The agreement must be available for audit and monitoring purposes. A copy of the Agreement to be used is attached as **Appendix A**.

V. Documentation to be Maintained.

Documentation of the work experience must be maintained in the participant's file. All of the following documentation will be kept in the participant's file:

- An objective assessment and Individual Employment Plan indicating a need for work experience.
- Justification for incentive/stipend, and description of type of payment method and amount, if applicable.
- A copy of the agreement between the participant, the work experience provider, and the Adult and Dislocated Worker provider, including any attachments to the agreement, such as a training plan.
- Time sheets, attendance sheets and performance records, as appropriate.

-AND-

- Documentation of receipt of incentives, stipends and supportive services received by the participant.

VI. 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. Job shadowing is limited and allows youth to observe only.

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, streets 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.

VII. Monitoring.

A. Area Workforce Monitoring.

The Workforce Area will conduct oversight and monitoring of the implementation of all Youth providers with respect to their adherence to the terms and conditions of this Policy pursuant to **Area Workforce WIOA Policy C-03**. Any issues discovered will be handled through the area's monitoring resolution process.

The Youth providers for the Workforce Area are not required to monitor the Work Experience Providers.

VIII. Technical Assistance.

To get questions answered and technical assistance regarding this policy or issues regarding administration of WIOA, you are urged to contact the Executive Director of the NOC COG at craigsernik@neohio.twcbc.com.

The question/issue will be researched, analyzed, and a formal written response will be provided. If a second opinion is required, the director is not available, or there is no clear answer to the question/issue, either the Executive Director or any OMJ Center or provider staff may seek additional guidance by submitting the same to the Office of Workforce Development: WIAQNA@jfs.ohio.gov; and by copying your request to the Executive Director of the NOC COG.

IX. 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
- WIOAPL No. 14-XX, Needs-Related Payments (NRP) – WIOA Adult and Dislocated Worker Formula Funds.

X. Signatures.



Joseph Misinec
Area 19 WIB Chair

9/16/15
Date



Dan Claypool
Ashtabula County Commissioner
Northeast Ohio Consortium Council of Governments,
Chief Elected Official

9-5-2015
Date

Appendix A
Work Experience Provider Agreement