

**Comprehensive Case Management and Employment Program (“CCMEP”)
Work Experience Policy
for the WIOA Funding Stream
Northeast Ohio Consortium Council of Governments
Workforce Innovation and Opportunity Act**

POLICY B-03

I. Purpose.

This policy governs the general terms and conditions associated with the provision of WIOA CCMEP work experience programming. In addition to this policy, the Workforce Area, in procuring and contracting with its CCMEP providers, may establish additional terms and conditions in provided for within their written agreements with those providers that govern the provision of specific work subsidized and unsubsidized work experience programming. The terms and conditions of those written agreements shall apply as if written as part of this policy, so long as they are consistent with and not contradictory towards all applicable federal and state laws, regulations, guidance, and this policy.

In adopting this policy, the Workforce Development Board for Area 19 encourages each of the county CCMEP lead agencies to adopt this policy or one that is substantially similar, that governs the terms and conditions of the provision of CCMEP work experience programming using TANF CCMEP funding streams.

II. Effective Date.

July 1, 2015. Revised July 1, 2018.

III. Background.

Under the Workforce Innovation and Opportunity Act, paid and unpaid work experience is an allowable activity and one of the fourteen (14) youth program elements required to be competitively procured when selecting a youth service provider for this activity.

The primary intent of work experience is to help the youth understand proper workplace behavior and what is necessary to attain and retain employment. Work experiences should help youth acquire the personal attributes, knowledge, and skills needed to obtain a job and advance in employment. Work experience can serve as a stepping stone to unsubsidized employment and is an important step in the process of developing a career pathway for youth. All work experiences should expose youth to realistic working conditions and task as much as possible.

IV. Requirements.

A. General Requirements.

Work experience is one of the fourteen (14) required program elements that must be made available to all registered youth and should be offered throughout the program year. It is a planned, structured learning activity that takes place in a workplace setting for a limited period of time and has an academic and occupational education component. Work experience may be paid or unpaid, and must not be public service employment which is a prohibited activity under WIOA.

The primary goal of work experience is to provide youth participants with opportunities for career exploration and skill development to gain work readiness skills in preparation for employment. Work experiences should enable youth to gain exposure to the working world and its requirements. Youth should acquire personal attributes, knowledge, and skills needed to obtain a job and advance in employment. All work experiences should expose youth to realistic working conditions as much as possible.

Work experience must be based on identified needs of the individual youth but does not have to be tied to the youth's individual career or employment goal. Use of work experience situation must be based on an objective assessment and identified within the Youth's Individual Opportunity Plan ("IOP"). Paid and unpaid work experience within Area 19 may include:

- Job shadowing;
- Internship;
- Year round employment for all youth;
- Summer employment opportunities for In-School Youth;
- On-the-Job training; and
- Pre-apprenticeship programs.

Work experience may be conducted in the private-for profit, private non-profit, and public sectors, but shall not include public service employment, see the definition contained within this policy. Although a business, public agency or non-profit business ("work experience provider") may also receive some benefit from work experience in the form of work being done or recruiting a potential new employee, the primary goal of work experience is to benefit the participant.

Work experience must include an academic and occupational education component experience.

The minimum and maximum duration range of each type of work experience is set forth in the table below:

<u>Type of Work Experience</u>	<u>Minimum-Maximum Range</u>		
Job Shadowing	4	to	500 Hours per Employer
Internship	40	to	1,000 Hours per Internship
Year round employment	100	to	2,000 Hours per Year
Summer employment for ISY	40	to	500 Hours per Summer
On-the-Job training	100	to	1,000 Hours per OJT
Pre-apprenticeship programs	100	to	1,000 Hours per Program

B. Requirements Regarding Work Experience Providers.

All Area Youth providers should strive to utilize work experience providers that are committed to helping participants receive the experience and training that is required for employment beyond the work experience period. Work experience providers should be willing to work closely with the provider's program staff and be flexible in working with youth who have barriers to employment.

Attention must be given to ensure that work experience arrangements do not unfavorably impact the work experience provider's current employees and do not impair existing contracts for services or collective bargaining agreements. Work experience, including internships, in the private for-profit sector must be structured so as not to appear to be subsidizing private for-profit operations. The work of the participant should not materially impact the profit margin of a private-for-profit company.

C. Paid Work Experience.

Except where the work experience is an unpaid internship and/or unpaid job shadowing, the work experience must be a paid program, and some entity must serve as the employer of record of the Youth. The Youth's employer shall assume all of the responsibilities associated with being the employer of the Youth, including but not limited to assuming the duties and liabilities associated with:

1. The contribution to and withholding of payroll taxes.
2. Provision of worker's compensation coverage.
3. Adherence of health and safety standards.
4. Child labor laws for those ages younger than age 18 including all applicable federal laws and with state child labor laws if the participant is less than 18 years of age. The Fair Labor Standards Act (FLSA); Ohio Revised Code (O.R.C.) Chapter 4109 Employment of Minors, and Chapter 3331 Age and Schooling Certificates; and Ohio Administrative Code (O.A.C.) Chapter 4101:9-2 Employment of

Minors in Occupations Hazardous or Detrimental to Health and Well-Being, are primary legislation which governs the employment of minors at the federal and state levels. Proof of age and parental consent must be given for both paid and unpaid work experience. Minors participating in a work experience while school is in session also require a work permit. Minors who are under 16 also must have an Age and Schooling Certificate (work permit).

5. All other duties assumed by an employer under applicable federal, state, and local laws.

Providers may utilize all of the following options in arranging for the paid work experience of a Youth.

1. The work experience provider may act as the individual's employer.
2. The Youth provider may act as the individual's employer and seek to place the youth with the host business for the work experience.
3. The Youth provider may utilize a third party such as a staffing agency to act as the individual's employer and have the staffing agency place the youth with the host business for the work experience.

D. Unpaid Work Experience.

1. Conditions pursuant to which a Youth providers may utilize unpaid Work Experience.

The Youth providers for the Area Workforce may enroll Youth within unpaid work experience programs, which are limited to internships and/or job shadowing, under the following conditions:

- a. The training, even though it includes the performance of work for the host business is essentially a training experience similar to a vocational school.
- b. The participant is primarily the beneficiary of the experience.
- c. Regular employees are not displaced and the experience is closely supervised/observed.
- d. The work experience provider that hosts the experience derives no immediate or significant advantage (and may even be adversely impacted).
- e. The participant is not guaranteed a job at the conclusion of the experience.
- f. If the Youth is 18 or older, or a parent or guardian if the Youth is under 18, sign a waiver indicating that they understand that the placement is an unpaid work experience program, that the Youth is not an employee of the Youth provider or the host business, that the Youth acknowledges that s/he is not covered

- by workers' compensation, and that s/he assumes all risks associated with participating in the program.
- g. The Youth's work experience does not involve the Youth 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-
 - h. The Youth 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, Youth may not be enrolled into the unpaid work experience program.

2. Incentives and Stipends.

The Youth provider may provide the Youth incentives and/or a stipend pursuant to the terms and conditions set forth within Area **Workforce WIOA Policy B-05**, the CCMEP WIOA Incentive and Stipend Policy.

The Area Workforce requires that the youth program provider consult with other public assistance case managers where applicable to ensure that the receipt of incentives or stipends do not negatively impact the youth participant's receipt of public assistance.

E. Work Experience Provider Agreement.

Prior to the commencement of any paid or unpaid Work Experience, there must be a written worksite 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 Youth provider.

The written worksite 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. So long as the worksite agreement has the minimum requirements, the provider may use their own agreement, or one created by the workforce Area, Sub-Area, and/or Lead Agency.

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 Youth participant's file:

- An objective assessment and IOP 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 youth 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. Tracking Youth Work Experience.

The text of the WIOA statute requires that not less than 20 percent (20%) of WIOA CCMEP funds allocated to the local area be used to provide in-school and out-of-school with paid and unpaid work experiences, beginning with expenditures associated with the Program Year 2015 grants, awarded July 1, 2015. In accordance, the Workforce Area will negotiate with each Youth Provider a minimum WIOA expenditure requirement, that will be at least twenty percent (20%) of all WIOA funds provided. In addition, the written agreements entered into with the Providers shall also have aspirational goals seeking the expenditure of a minimum of twenty percent (20%) of TANF CCMEP funds on workforce experience. Program expenditures on the work experience program element include wages as well as staffing costs for the development and management of work experiences. Local area administrative costs are not subject to the 20 percent (20%) minimum work experience expenditure requirement.

VII. Definitions.

Incentive: remuneration to participants for successful participation and achievement of expected outcomes as defined in the individual service strategy (ISS).

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.

On-the-job training (OJT): training by an employer that is provided to a paid participant while engaged in productive work in a job that:

- Provides knowledge or skills essential to the full and adequate performance of the job;
- Is made available through a program that provides reimbursement to the employer of a percentage of the wage rate of the participant; and

- Is limited in duration as appropriate to the occupation for which the participant is being trained, taking into account the content of the training, prior work experience of the participant, and the service strategy for the participant.

Pre-apprenticeship programs: programs or set of strategies designed to prepare individuals to enter and succeed in Registered Apprenticeship programs and have a documented partnership with at least one, if not more, Registered Apprenticeship programs.

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.

Stipend: a fixed and regular small payment such as an allowance.

Summer employment opportunities: an activity conducted mainly during the summer months which involves work experience as the primary strategy and must provide direct linkages to academic and occupational learning.

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

VIII. Monitoring.

The Area will conduct oversight and monitoring of the implementation of all WIOA work experience programming by all sub-grantees and/or contractors pursuant to Area Workforce Policy D-3. Any issues discovered will be handled through the area's monitoring resolution process.

Youth providers are not required to monitor unpaid work experience providers unless they place three (3) or more Youth within a year with that provider. Youth Providers shall Monitor all paid work experience programs where the work experience constitutes at least thirty percent (30%) or more of the maximum hours set forth within Section IV, A, of this Policy. A Youth provider's monitoring of a work experience provider shall at a minimum include all of the following:

1. Review all applicable statutes as required for a complete monitoring review.
2. Perform a desk top audit of the participant's file and the affected contract.
3. Compile a listing of any questions from the desk top review prior to the monitoring visit.
4. Make an on-site monitoring visit at least once during the training period, or

shortly thereafter its completion. Preferably the on-site visit will occur as close to as possible, when the customer has completed anywhere from 25% to 75% of his or her training. However, the on-site visit may occur after the training is over. The on-site visit will be waived if an on-site visit has already occurred for another employee doing the same work with the same employer within the six (6) months prior to the time that the individual is set to complete his/her training.

5. Complete a Monitoring Report either generated by the Area Workforce, or develop a Monitoring Report, the content of which is approved by the Area Workforce, with special attention to the following:
 - a. Completely review the Agreement, and any/all modifications.
 - b. Visually inspect the Worker's Compensation Account recording the account number and effective dates of coverage.
 - c. Review time and attendance, payroll, and personnel records.
 - d. Conduct a participant interview to accurately answer the report questions.
 - e. Review the ISS, justification for training, and the training outline.
 - f. Perform a visual inspection of the training area to ensure safe and sanitary conditions.
 - g. Note any comments and any corrective action that may be needed.
 - h. Make sure all required signatures are obtained.
 - i. Report any/all discrepancies to an immediate supervisor no later than 5:00 p.m. on the business day following the visit.
 - j. Construct a corrective action plan, if required, including anticipated dates of completion and review. This action must be completed within five (5) working days.
 - k. Problem sites/customers will be reviewed for follow up no later than ten (10) days after corrective action is initiated ,or, sooner if the situation warrants.
 - l. Follow up reports are to be submitted to the provider Program Managers within three (3) days to determine the effectiveness, continuation, or closeout.
 - m. The provider Program Manager shall effect the final action as determined from information derived from follow-up reports.

IX. 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 Area Workforce at craigsernik@neohio.twcbc.com.

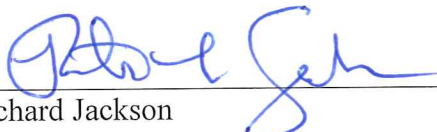
The question/issue will be researched, analyzed, and a formal written response will be provided. If a second opinion is required, the director is not available, or there is no clear answer to the question/issue, either the Executive Director or any OMJ Center or provider staff may seek additional guidance 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.

X. References

- Workforce Innovation and Opportunity Act, Pub. L. 113-128.
- 29 U.S.C. 3101 et seq.
- 2 CFR 200.
- 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

XI. Signatures.


Richard Jackson
Area 19 WDB Chairperson

9/5/2018
Date


Casey R. Kozlowski
Ashtabula County Commissioner
Northeast Ohio Consortium Council of Governments,
Chief Elected Official

Date

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