



Mississippi Valley Workforce Development Board

Youth Work Experience Policy

Amendment Date: May 15, 2023

Approved Date: February 15, 2021

Effective Date: December 6, 2022

PURPOSE

To provide policy direction for the implementation of Work Experiences (WEP) for WIOA-eligible youth in the Mississippi Valley Workforce Development Area (MVWA).

POLICY

WIOA Youth WEP is defined in Interim 20 CFR Section 681.600 as a planned, structured learning experience that takes place in a workplace for a limited period of time. WEP may be paid or unpaid, as appropriate.

A WEP may take place in the private for-profit sector, the non-profit sector, or the public sector. Labor standards apply in any WEP where an employee/employer relationship, as defined by the Fair Labor Standards Act or applicable state law, exists.

WEP provides the youth participant with opportunities for career exploration and skill development. WEP must include academic and occupational education.

- The educational component may occur concurrently or sequentially with the work experience.
- Further academic and occupational education may occur inside or outside the work site.

When due to the rural nature of a local area or during times of a pandemic (such as COVID-19), if it is not possible to provide WEP on a work site, it may be acceptable to provide remote or virtual WEPs for youth.

Virtual or remote work experiences must have prior approval from the MVWDB executive director and the Youth Committee chair. A waiver must be submitted with justification for providing a virtual or remote work experience.

WEP must be used for individuals who have limited work experience or have been out of the labor force for an extended period of time including, but not limited to, students, school dropouts, and individuals with disabilities.

WEP must be limited to career exploration and persons who need assistance to become accustomed to basic work requirements, including basic work skills, to successfully compete in

the labor market.

A WEP must not be used as a substitute for Public Service Employment (community service) activities as a result of court adjudication. WEP may be used to provide:

- Instructions concerning work habits and employer and employee relationships
- An improved work history and work references
- An opportunity to actively participate in a specific field

WEP employers provide a participant with the employability skills and knowledge of employer expectations required for unsubsidized employment, as well as the specific skills or knowledge needed to perform the daily duties and tasks of a specific career.

Each measurable skill to be learned is listed in the WEP Agreement under Participant Training Plan when applicable.

The type and length of WEP training should be based on an objective assessment and service strategy identified in the youth's Individual Service Strategy (ISS) (i.e., youth exploring careers may be interested in shorter WEP than youth needing to learn good work habits). WEPs must be based on the identified needs of the individual youth but are not required to be tied to the youth's career or employment goal.

TYPES OF WORK EXPERIENCE

WEPs 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 MVWDB OJT Policy)

WIOA EXPENDITURE REQUIREMENTS

WIOA prioritizes WEPs with the requirement that local areas must spend a minimum of twenty (20) percent of local area funds on WIOA youth WEPs. WIOA youth program funds spent on paid and unpaid WEPs, including wages and staff costs must be tracked and reported monthly as part of the local WIOA youth financial reporting. Allowable expenditures include:

- Wages/stipends paid for participation in a WEP.
- Staff time working to identify and develop a WEP opportunity, including staff time spent working with employers to identify and develop the WEP.
- Staff time working with employers to ensure a successful WEP, including staff time spent managing the WEP.

- Staff time spent evaluating the WEP.
- Participant in WEP orientation sessions.
- Employer WEP orientation sessions.
- Classroom training or the required academic education component directly related to the WEP.
- Incentive payments directly tied to the completion of WEP; and
- Employability skills/job readiness training to prepare youth for a WEP.
- Supportive services that enable WIOA participants to participate in a WEP.

WORKSITE AGREEMENT

Every WEP opportunity will include a written, signed WEP agreement between the authorized youth services provider representative and an authorized employer representative before the start of work.

A WEP Agreement provides the roles and responsibilities of the WIOA youth services provider and the employer relating to the provision of WEPs.

A WEP agreement will assure that participants enrolled in a paid WEP shall not be compensated at a rate that is higher than the employer's entry-level wage for an equivalent position.

WIOA requires WEP employers to provide certain assurances as part of the agreement, including an assurance that placement of a participant will not result in a reduction of hours or displacement of employed workers, impairment of existing contracts or collective bargaining agreements, and/or infringement upon the promotional opportunities of current employees. WEP participants are authorized to work voluntary overtime up to 10 hours a week. Service providers will not knowingly place youth in work experiences where mandatory overtime is required. Additionally, the employer will assure that all overtime will be offered to current employees before being covered by a WEP.

The WEP Agreement contains a Participant Training Plan to document the occupation, skills, and competencies to be learned and the length of time the training will be provided (WIOA Section 194(1)). In addition, the WEP Agreement contains a participant Evaluation Form that documents the participant's progress at the mid-point and completion of the WEP. Work readiness evaluation (other than the mid-point and the final evaluation) is conducted in a way preferred by the employer. These evaluations will be documented as case notes in the case management system.

A WEP program is not intended for long-term continued training within the occupation. A WEP contract must be limited to the period of time required for a participant to gain employability skills and knowledge of employer expectations required for unsubsidized employment, as well as the specific skills or knowledge needed to perform the daily duties and tasks of a specific career. 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 determinations must be documented.

PROCEDURAL GUIDANCE

WEP participants must meet WIOA program eligibility requirements, be enrolled in the WIOA youth program, and have received an assessment resulting in the development of an ISS that documents the participant's need for a WEP. The WIOA youth services provider and participant mutually review and determine the feasibility of utilizing a WEP activity. The activity must focus on the development of appropriate work habits and ethics to include an understanding of employer/employee relationships.

The selection of a worksite for a paid or unpaid WEP is determined by the needs of the participant and the WEP employer. When a youth services provider identifies a potential worksite match between a participant and employer, the service provider staff will review the WEP opportunity with the participant and evaluate the participant's interest. For the WEP, the youth provider will:

- Arrange worksite interview(s) with the employer
- Complete a WEP Agreement
- Submit, update, and/or modify the ISS
- Ensure that the justification for the WEP is in the participant's file and case notes (i.e., describe how the WEP matches the participant's needs and interests).

EMPLOYER ELIGIBILITY

The WEP Employer:

- Must be a legal business/entity by 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 place in all their establishments to permit employees to readily read it.
- Must have safe and healthy working conditions with no previously reported OSHA 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 WEP participant or as the result of having a WEP participant; 20 CFR 683.270
- Shall not allow the WEP 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 layoff status. 20 CFR 680.840

DOCUMENTATION

The Youth services provider will record all WEP activities in Iowa*WORKS*. Participant-scanned files must contain the required WEP documentation:

- WEP Agreement, including completed Participant Training Plan, WEP Training Evaluation Form (mid-point and Final)
- Participant's WEP Timesheets (which include work readiness evaluation by the employer)
- Any modifications to the WEP signed and dated by all parties before the effective date of the modification.

DURATION AND LIMITS

The participant may enter into more than one paid WEP activity before exiting from the WIOA youth program. A WEP agreement at one worksite can be written for a maximum of 13 calendar weeks unless the agreement is for a part-time WEP of fewer than 520 hours, then the WEP activity period can be extended to a maximum of 26 weeks.

WEP is subject to a minimum duration of 20 hours. When determining the duration of a WEP activity, the following should be considered:

- Objectives of the WEP.
- Length of time necessary for the participant to learn the skills identified in the ISS; and
- The employer has a sufficient quantity of meaningful work activities for the participant.

WAGES

Wages are provided by the WIOA service provider and paid directly to the participant, developing an employer/employee relationship between the Mississippi Valley Workforce Development Board (MVWDB) youth services provider and the WEP participant. Labor standards apply where an employee/employer relationship exists, as defined by the Fair Labor Standards Act. Participants in WEP are exempt from unemployment compensation insurance. Therefore, unemployment compensation costs are not allowable. Employers are not monetarily compensated for worksite training services provided as part of the WEP.

FUNDING LIMITS

Youth may participate in multiple WEP opportunities with documented needs as outlined in the Individual Service Strategy. WEP is subject to a maximum of \$10,000 per program participation. Participants enrolled in a paid WEP shall not be compensated at a rate that is higher than the

employer's entry-level wage for an equivalent position. WEP participants are authorized to work voluntary overtime up to 10 hours a week. Service providers will not knowingly place youth in work experiences where mandatory overtime is required. WEP participants shall not be compensated for:

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

Participants shall be paid wages for time worked during the WEP as documented on the participant's timesheet or for other activities incorporated into their WEP plan. Virtual Reality can be incorporated into a WEP if the VR training is related to the WEP placement. Up to 10 hours of related VR training can be paid as part of the WEP and if appropriate and justifiable more VR hours can be incorporated into the WEP.

Under certain conditions, participants in a wage-paying WEP may be paid for time spent attending other activities. Such payments may only be made if WEP participation is scheduled for more than 50 percent of the scheduled training time in all activities. Usually, the participant will be enrolled simultaneously in both the WEP activity and the other activity.

MONITORING

WEP monitoring will be completed to ensure compliance with federal, state, and local policy and follow the procedures outlined in the local Monitoring and Oversight Policy.

EXCEPTIONS

Any exceptions to this policy must be approved by the MVWDB Executive Director in consultation with the Youth Committee Chair and must be documented in both the participant's and WEP Employer's files.

Equal Opportunity Programs/Employer – Auxiliary aids and services available upon request for individuals with disabilities