


<b>Northeastern Workforce Development Board (NWDB)</b> <b>General Policies and Procedures</b> <b>Work Based Learning (WBL) and Transitional Job POLICY</b>	
<b>Policy 007</b>	<b>EFFECTIVE DATE: 10/26/2016</b> <i>Revised: 5/15/18</i>
<b>Approved by: NWDB - Executive Director</b>	

**BACKGROUND:** The Northeastern Workforce Development Board recognizes that work based learning and transitional job activities support the development of the comprehensive workforce development system envisioned under WIOA and Maine’s workforce development vision, by providing additional training options for both employers and employee customers.

WIOA acknowledges the critical role work experiences, internships and transitional jobs play in helping individuals obtain the skills they need to succeed in the workplace. Internships and work experiences provide a helpful means of an individual to gain experience that leads to unsubsidized employment.

Work experiences help participants understand proper workplace behavior and what is necessary to attain and retain 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 participants. Research shows work experience is correlated with higher high school graduation rates and success in the labor market.

**PURPOSE:** To establish policy and procedures for work based learning such as work experience and internships and transitional job services.

**DEFINITIONS:**

**Employment and training activity defined in WIOA:** The term “employment and training activity” means an activity described in section 134 that is carried out for an adults, dislocated workers, and youth.

**Work Experience / Internships/Transitional Job:** Planned, structured, learning experiences and transitional jobs are linked to careers, that takes place in a workplace for a limited amount of time. May be in the non-profit, for-profit, or public sectors. May be paid or unpaid depending on whether it meets the employer/employee relationship.

A Work Experience/Internship/Transitional Job is used as an appropriate career service when an individual is entering or reentering the world of work. The participant will have the opportunity to engage in a work environment that provides supervision, a regular schedule and evaluation. At a minimum the individual must demonstrate the ability to show up on time, dress appropriately and can follow instructions/directions.

For the WIOA youth program, work experience is similarly defined at [proposed 20 CFR 681.600] with the additional requirement that youth work experiences must include academic and occupational education. A work experience/internship agreement is a contractual exchange between the WIOA service provider, work experience/internship employer, and participant. A

work experience/internship placement is not designed to replace an existing employee or position. Wages are provided by the WIOA service provider and paid directly to the participant developing an employer/employee relationship between the service provider and the participant. Labor standards apply in any experience 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 participants 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 as part of the local WIOA youth financial reporting.

Note: • WIOA does not discern between “work experience” or “internship”.

**A. Transitional Job:**

(A) is time-limited work experiences that are subsidized and are in the public, private, or nonprofit sectors for individuals with barriers to employment who are chronically unemployed or have an inconsistent work history;

(B) is combined with comprehensive employment and supportive services; and

(C) is designed to assist the individuals described in subparagraph (A) to establish a work history, demonstrate success in the workplace, and develop the skills that lead to entry into and retention in unsubsidized employment.

NWDB’s Service Provider(s) only sponsors Internships, Work Experience and Transitional Jobs with employers who are willing and able to provide the necessary supervision and skill development opportunity to the customer. Upon the completion of the contract period it is important for the NWDB Service Provider(s) to identify the employers’ evaluation and status of the exiting WIOA participant. When contracting with employers for Work Experience and Internships it is understandable that the program participant will most likely need to continue their job search upon completion of the contract.

In the case of transitional job training it is the NWDB’s hope that the individual will be considered for employment prior to contract development and once the contract has ended.

This policy explains the requirements of the Youth, Adult and Dislocated Worker programs to provide work experiences and transitional job services for eligible individuals. Additionally, it provides information about the qualification of providers and describes some of the restrictions on work experiences.

**WITH THIS IN MIND, NWDB ESTABLISHES THE FOLLOWING POLICY WITH CLARIFYING DEFINITION.**

**WIOA Section 134(a)(3)(c)(2)(VII)**

**Required Local Employment and Training Activities.**

-- (2) Career Services (A)(xii) services, if determined to be appropriate for an individual to obtain or retain employment, that consist of—

**(VII) internships and work experiences that are linked to careers;**

Internships and work experiences for participants under WIOA section 134(c)(2)(A)(xii)(VII), an internship or work experience is a planned, structured, time-limited learning experience that takes place in a workplace. (CFR 680.170) **Work experiences are not training services.** Work experience may be paid or unpaid, as appropriate. An internship or work experience may be arranged within the private for profit sector, the non-profit sector, or the public sector. 1 20 CFR § 681.590 section-by-section

### **WIOA Section 134(c)(3)(D)**

Training services.--Training services may include--

- (i) occupational skills training, including training for nontraditional employment;
- (ii) on-the-job training;
- (iii) incumbent worker training in accordance with subsection (d)(4);
- (iv) programs that combine workplace training with related instruction, which may include cooperative education programs;
- (v) training programs operated by the private sector;
- (vi) skill upgrading and retraining;
- (vii) entrepreneurial training;
- (viii) **transitional jobs in accordance with subsection (d)(5);**
- (ix) job readiness training provided in combination with services described in any of clauses (i) through (viii);
- (x) adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or in combination with services described in any of clauses (i) through (vii); and
- (xi) customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.

**WIOA Section 134 Subsection (d)(5) Transitional jobs.** --The local board may use not more than 10 percent of the funds allocated to the local area involved under section 133(b) to provide transitional jobs under subsection (c)(3) that--

- (A) are time-limited work experiences that are subsidized and are in the public, private, or nonprofit sectors for individuals with barriers to employment who are chronically unemployed or have an inconsistent work history;
- (B) are combined with comprehensive employment and supportive services; and
- (C) are designed to assist the individuals described in subparagraph (A) to establish a work history, demonstrate success in the workplace, and develop the skills that lead to entry into and retention in unsubsidized employment.

**POLICY:** In the case of all work experiences, internships and transitional jobs, the service providers must provide a planned and structured learning experience that will contribute to the achievement of the participant's employment goals through a measurable training component.

Agreements must be signed by all parties prior to the start of the internship, work and transitional job experience.

Work experiences for youth must include academic instruction related to the work experience.

### **Participant Eligibility**

All participants must meet program eligibility requirements, be enrolled into the respective WIOA program, and have received an assessment resulting in the development of an Individual

Service Strategy Plan that documents the participant's need for and benefit from the experience with internship, work or transitional job.

### **Employer Eligibility**

- Must be registered with the Internal Revenue Service (IRS) and have an account with the Maine Department of Labor for Unemployment Insurance and carry Workman's Compensation Insurance; [20 CFR 683.280]
- Must be licensed to operate in the State of Maine and provide their Federal Employer Identification Number (FEIN);
- 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 WIOA participant or as the result of having a WIOA participant; [20 CFR 683.270]
- Shall not allow the work 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. [20 CFR 188(a)(3)] There are no regulations governing the amount of time a participant may be placed in an internship, work experience or transitional job. Typically, the internship, work experience or transitional job will average between 4-20 weeks. When determining the duration of a work experience activity, the following should be considered:
  - a) Objectives of the internship, work experience or transitional job;
  - b) Length of time necessary for the participant to learn the skills identified in the learning plan;
  - c) The employer having sufficient quantity of meaningful work activities for the participant; and
  - d) Service provider budget
  - e.) Limits specified in the policy with respect to dollar amounts or durations and the types of services allowable are to be used by WIOA Staff in determining duration, budget and compensation request. Waivers or exceptions to these may be requested to accommodate extraordinary circumstances. Requests for policy waivers must be in writing or presented to the Director/Manager of Workforce Development for approval. To help streamline and avoid delays in processing, authorizations that exceed policy guidelines submitted to Finance must have the Director/Manager of Workforce Development's signature and date of approval

### **Compensation**

Participants enrolled in a paid internship, work experience or transitional job shall be compensated an hourly wage at not less than the State or Local minimum wage whichever is higher; or stipend payment based upon the NWDB Stipend Policy.

Participants shall be paid only for the hours worked during the experience as documented on the participant's time sheet. WIOA participants **shall not be paid for:** • Sick leave; • Vacation breaks; • Lunch breaks; or • A holiday recognized by the service provider as a "paid holiday".

WIOA participants are not authorized to work overtime. When determining the hourly wage for a WIOA participant, the following considerations should be taken into consideration. This list is not intended to be all inclusive: • Objectives of the work experience; • Type of work performed during the experience; • Skill set of the participant; • Skill set required for the job; and/or • Service provider budget.

### **Internship/Work Experience/transitional Job Procedures**

#### **A. Participant File Documentation**

The following documents must be in the participant file:

- Comprehensive Assessment identifying a internship/work experience or transitional job as an appropriate service;
- Completed ISS/IEP documenting the services and outcomes; WIOA Adult, Dislocated Worker & Youth
- Agreement (must be completed prior to the start of the internship/work experience or transitional job);
- Learning Plan (completed prior to the start date);
- Pre- and Post-Assessments;
- Time cards/sheets; and
- Case notes

#### **B. Agreement**

Agreements must contain, at a minimum, the following:

- Clear statement of purpose;
- Identification of all parties including the WIOA participant;
- Requirements of the employer, participant and WIOA service provider;
- start and end dates;
- Training job title and responsibilities;
- Required tools, equipment or uniforms, if applicable;
- Detailed computation of the anticipated wages to be earned;
- A training plan that is incorporated by reference in the body of the contract; and
- Signature and dates of all parties to the agreement.

A single Agreement may be written for group training with a single training site provided the working conditions, job description, training plan, wage rates and terms of the Agreement are the same for all participants covered by the Agreement.

#### **C. Modifications**

Agreements may be modified. All modifications must be in writing and signed by all parties prior to the effective date of the modification. Verbal modifications of agreements are not valid.

#### **D. Monitoring**

Service providers must ensure regular and on-going monitoring and oversight of the internship, work experience or transitional job. Monitoring may include on-site 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 agreement should be dealt with promptly. The WIOA service provider's oversight of the 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 WIOA work experience 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 three (3) years after the conclusion of the experience.

**E. WIOA 20% Funding Allocation**

Title I of WIOA includes a new requirement that a minimum of 20 percent of local area funds must be spent on youth work experience. As stated in TEGl No. 23-14, program expenditures on the work experience program element can be more than just wages paid to youth in work experience. Allowable expenditures beyond wages can include staff time spent identifying potential work experience opportunities, staff time working with employers to develop the work experience, staff time spent evaluating the work experience, participant work experience orientation sessions, classroom training or **the required academic education component directly related to the work experience for youth program participants**, and orientation for employers.