

Capital Region Workforce Partnership (CRWP)
Workforce Development Board (WDB)
Workforce Innovation and Opportunity Act (WIOA) Service Policy #SP104

Youth Work Experience

References:

Workforce Innovation Opportunity Act (WIOA); Final Rules, U.S. Department of Labor, Employment and Training Administration, (20 CFR §681.590, §681.600, §681.610, § 681.620 §681.630, §681.640, § §681.590, and §681.600).

Trainees. [elaws – Fair Labor Standards Act Advisor](#). U.S. Department of Labor (DOL).

Virginia Workforce Letter (VWL) #9-07, Title I [Youth Program Work Experience 20% Expenditure Requirement](#), January 24, 2020.
Commonwealth of Virginia,

Revised: **March 14, 2024** and replaces December 10, 2023 and all previous versions

Purpose

To provide policy direction regarding the development, use, documentation, and tracking of Workforce Innovation Opportunity Act (WIOA) funds to provide paid and unpaid payments for approved Work Experience opportunities (WEX) for eligible WIOA youth ages 14-24.

Definitions and Background

Work experiences are a planned, structured learning experience that takes place in a workplace for a limited period. Work experience may be paid or unpaid, as appropriate. A work experience may take place in the private for-profit sector, the non-profit sector, or the public sector. Labor standards apply in any work experience where an employee/employer relationship, as defined by the Fair Labor Standards [Act](#) or applicable [State](#) law, exists.

Work experiences 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.

(c) The types of work experiences include the following categories:

- (1)** Summer employment opportunities and other employment opportunities available throughout the school year;
- (2)** [Pre-apprenticeship](#) programs;
- (3)** Internships and job shadowing; and
- (4)** On-the-job training (OJT) opportunities as defined in [WIOA](#) sec. 3(44) and in [§ 680.700](#) of this chapter.

Business is a legal organization, or economic system where goods and services are exchanged for one another or for money.

Employer is a legal entity that controls and directs workers under an express or implied contract of employment and pays (or is obligated to pay) him or her a salary or wages in compensation; or a person or legal organization that employs people.

“Work Experience Training” is planned, structured learning experience that takes place in a workplace for a specified limited period of time.

Trainees: Whether trainees or students are employees of an employer under the FLSA will depend upon all of the circumstances surrounding their activities on the premises of the employer. If all of the following criteria apply, the trainees or students are not employees within the meaning of the Act:

1. The training, even though it includes actual operation of the facilities of the employer, is similar to that which would be given in a vocational school;
2. The training is for the benefit of the trainees or students;
3. The trainees or students do not displace regular employees, but work under close supervision;
4. The employer that provides the training receives no immediate advantage from the activities of the trainees or students and, on occasion, his operations may even be impeded;
5. The trainees or students are not necessarily entitled to a job at the conclusion of the training period; and
6. The employer and the trainees or students understand that the trainees or students are not entitled to wages for the time spent in training.

The purpose of the WEX activity is to provide the WIOA eligible youth with opportunities for career exploration, academic and skill development and reinforcement of the work ethic.

Background

The WEX must be designed to enable youth to gain exposure to the world of work and its requirements. Work Experiences should help youth acquire the personal attributes, knowledge, and skills needed to obtain a job and advance in employment in the career interest of choice.

The WEX must be with a legal business and/or employer that meets all basic requirements to operate in Virginia. The WEX Training may be paid or unpaid and may be in the private for-profit sector, the non-profit sector, or the public sector. WEX may be subsidized or unsubsidized. Under WIOA paid and unpaid work experiences must include academic and occupational education as a component of the work experience and can include a number of activities including summer employment, pre-apprenticeship, internships, job shadowing and on-the-job training (OJT). Note: This policy does not address the requirements and/or documentation for OJT.

The intent of WEX is not to benefit the employer, although the employer may, in fact, gain from the activities performed by the youth. WEX activities shall not reduce current employee's work hours, displace current employees or create a lay-off of current employees, impair existing contract or collective bargaining agreements, and/or infringe upon the promotional opportunities of current employees as defined in the Fair Labor Standards Act.

Policy

The Workforce Development Board (WDB) works to ensure that as many customers as possible have the opportunity to participate in paid and unpaid work experiences that include academic and/or occupational components, in order to provide exposure to careers, career paths, and workplace requirements and technical skills.

WDB promotes the use of well-planned WEX as a stepping-stone into unsubsidized work by utilizing job shadowing, pre-apprenticeship, internships, summer employment, and OJT.

Requirements

Work Experience Assessment and Training Plan

The service provider shall ensure that WEX training plan for the WIOA eligible participants is appropriate based on the participant's career interest of choice (when feasible), labor market research and comprehensive assessment and as documented in the Individual Service Strategy (ISS). The WEX Training Plan should be measureable and clearly indicate how this activity is going to help the customer move from the WEX to unsubsidized employment and/or training. Documentation of the need for work experience that is tied to and supported by academic and/or occupational education and the objectives of the work experience, WEX addendum must be kept in the participants file. It must also include periodic evaluation of the customer's participation and learning during the work experience, including information about any incentive payments made and the learning that took place. It is strongly encouraged that the WEX and its associated training components be directly tied to a credential and documented in the training plan. Program providers can use either O*net, SCANS and/or VERSO when developing the academic competencies to learn and be evaluated on the WEX. The WEX

Training Plan must also indicate that youth participants received financial literacy information to include but not limited to check cashing, budgeting incentive funds, and savings.

The work experience program should not exceed 520 hours in one program year (July-June), but it can be extended with strong documented justification and authorization from the program director. The duration of the WEX should be determined based on the academic and/or vocational competencies that the WIOA participant needs to gain or refine, as described in the WEX training plan. A WEX Training Plan enables service providers to monitor and assess the WEX, and it serves as a baseline for determining if the WIOA participant's needs and the employer's training and development goals are satisfied. When employing the youth program aspect of paid and unpaid job experience, youth service providers need to comply with the basic guidelines outlined in the participant handbook.

Work Experience can be offered:

Development and Monitoring of Work Experience Sites

Vetting of Work Experience Sites-The service provider must make every effort to verify that participants are placed with business and/or employers that are legal able to operate in Virginia. The vetting process could include proof of a business license, registration with the Virginia State Corporation Commission, a regulatory body, required EO postings, child labor laws and etc.

Once an employer has been identified, there must be an initial safety observation and Worksite Agreement between the service provider and the employer that articulates the learning that is to take place (job description/work objective), the length of the WEX and the academic and/or occupational competencies to be obtained. The Worksite Agreement must be completed and signed prior to the start of the WEX. The WEX Agreement must also contain a list of tools, uniform and safety equipment. The service provider can use a standardized Worksite Agreement developed by the WDB with provider input. Additionally, the service provider must provide documentation that the employer and participant received formal WEX training and a copy of the handbook and corresponding attachments. The service provider can use the Work Site addendum and Employer/Participant Handbook and add its program attachments where applicable.

WIOA Funds and Payments

The service provider will strive to develop worksites and work experience opportunities in the WDB targeted sectors with the youth services provider paying incentive payments based on the terms outlined in the Worksite Agreement.

The program must determine the relationship between the WIOA participant and the employer that determines whether the payment provided is considered a wage, stipend or incentive. No matter the payment type, the program must maintain records to show how the funds were earned and distributed to the participant.

If incentives are paid using WIOA funds, WIOA customers will be paid incentives at not less than the minimum wage described by State or Federal Law. If incentives are paid by the hours associated with WEX it must be documented and validated by the participant and employer signature. The program must have documentation to verify that the participant received the incentive associated with such hours or work validated by the employer. If participant receive the incentive payment in the form of a check, CRWP strongly encourages program to ensure participants are not using check cashing services that utilize predatory lending practices.

Virginia Workforce Connection (System of Record)

Once a participant has started work experience the program provider must ensure the activity associated with such work experience training are recorded in the state's system of records. Participant progress on work experience shall be documented as a case note and where appropriate entered or extend into the system of record.

Tracking of Youth Work Experience Funds

Under WIOA youth service provider are required to track and report expenditures to the WBD for both paid and unpaid work experience. Program expenditures to be tracked are to include the youth incentive payments and staffing cost to develop and management work experience. Tracking reports of incentive payments and staff time should be submitted with monthly request for reimbursement and all documentation for payment to the youth uploaded into VAWC.

Attachments: Guidance Documents

- I. Work Experience Agreement
- II. Work Site Addendum
- III. Supervisor Handbook
- IV. Participant Handbook

Signed By:



Director