



**Meeting Agenda for March 14, 2023 - 3:00 p.m.to 4:30 p.m.**

Virginia Career Works Henrico Center Board Room  
121 Cedar Fork Road  
Henrico, VA 23223

I. Call to Order – 5 minutes (Chairman Maurer)  
*Welcome new member Beth Bray, Moslow Wood Products, Powhatan*

II. Public Comment – 5 minutes

III. Minutes from December 8, 2023 Meeting – 5 minutes .....Page 1

**Advance – 45 minutes**

IV. Leading with Data: Dr. Todd Oldham, Interim Director, Virginia Office of Education Economics at the Virginia Economic Development Partnership

**Manage (Action Items) – 25 minutes**

- V. A. Equus Request for Additional Funds for Adult Services .....Page 5  
B. Policies
1. Registered Apprenticeship (New) .....Page 10
  2. Work Experience for Youth (Supersedes Policy 104 .....Page 15
  3. Work Experience for Adults and Dislocated Workers, to include transitional jobs (Supersedes Policy 114) .....Page 27

**Informational – 5 minutes**

VI. Youth Events Update

VII. Adjourn

**Next meeting: June 13, 2024 - Henrico County Government Center, 4301 E. Parham Road (West End).**



**Joint Meeting CLEOs and Capital Region Workforce Development Board  
Minutes for December 8, 2023**

**CLEO Attendance**

Consortium Members		Alternate	
<b>Chairman – Hon. James Holland, Chesterfield</b>	x	<b>Dr. James Worsley</b>	x
<b>Vice Chairman – Hon. Patricia O'Bannon, Henrico</b>	x	<b>Monica Smith-Callahan</b>	x
<b>Hon. Gilbert Smith, Charles City</b>	x	<b>Michelle Johnson</b>	-
<b>Hon. Charlie Vaughters, Goochland</b>	x	<b>Krystal Onaitis</b>	-
<b>Vacant, Hanover</b>		<b>James Taylor</b>	x
<b>Hon. Patricia Paige, New Kent</b>	x	<b>Rodney Hathaway</b>	x
<b>Hon. Steve McClung, Powhatan</b>	x	<b>Bret Schardein</b>	-
<b>Hon. Michael Jones, Richmond</b>		<b>Traci J. DeShazor</b>	x

**Capital Region Workforce Development Board Attendance**

	Member	Present		Category (Total Members 12)	Member	Present	
		Yes	No			Yes	No
<b>Category - Business Members</b>	Auchmoody, William	X		<b>Community College (1)</b>	Rubin, Dr. Beno	X	
	Blount, Siyani	X					
	Dick, Robert	X		<b>Economic Development (1)</b>	Shreve, Tina	X	
	Easter, John		X				
	Edwards, Scott	X		<b>Education (2)-Adult Ed. CTE</b>	Elmore, Jeffrey	X	
	Franklin, Robert	X			Roerink, Justin	X	
	Gilbert, Danielle		X				
	Harris, Drexel, 1 <sup>st</sup> Vice Chair	X		<b>Employment Service (1)- Labor, Apprenticeship &amp; CBOs (5)</b>	Woodard, Dennis	X	
	Hayden, Thomas						
	Jung, Dr. Charlie		X		Battle, Kevin	X	
	Lyons, Larry	X			Conner, Maynard	X	
	Maurer, Ilene, Chair	X			Horne, Kelly King	X	
	Portillo, Jesus		X		Spicer, Gregg	X	
	Stamper, Eric	X			Strite, Amy	X	
	White, Amanda	X					
				<b>Vocational Rehabilitation (1)</b>	Batten, Dale		X
				<b>Social Services (1)</b>	Rogers, Kiva	X	
	<b>Total Attending</b>	10	4		<b>Total Attending</b>	11	1

Guests			
Ms. Angela Kelly-Wiecek, Virginia Works		<b>VA Employment Commission</b>	
Ms. Latoya Davis, Charles City County;		Ms. Dawn Armstrong	Ms. Dawn Armstrong,
Mr. Quantavious Brown, Ross Participant		Ms. Marilyn Henderson	
Ms. Jon'ay Seward, Ross Participant		Ms. Annette Mayo,	
Ms. Donyel Smith		<b>EquusWorks</b>	
		Mr. Roberto Ford,	Ms. Ashleigh Coley,
<b>Capital Region Workforce Partnership</b>		Mr. Clarron Harris	Ms. Ottillie James
Mr. Brian Davis	Ms. Carla Cosby	Ms. Denisha Wilson	Mr. David Leonard
Ms. Krishawn Monroe	Ms. Alice Bowyer	Ms. Danielle Bailey	
Ms. Elsie Best	Mr. Andree Best		
Mr. Mychael Lee			

- I. Call to Order and Welcome – The Honorable James Holland, CLEO Chair called the meeting to order. Members were welcomed and guests were recognized.
- II. Public Comment - No persons were present for public comment.
- III. Approval of Elected Official Consortium Minutes from Oct. 13, 2023 Meeting. The minutes were approved following a motion by Hon. Gilbert Smith and second by Hon. Patricia O'Bannon.
- IV. Approval of Workforce Board Minutes from Sept. 28, 2023 Meeting. The minutes were approved following a motion by Mr. Drexel Harris and a second by Mr. William Auchmoody.  
Mr. Brian Davis reminded the bodies that the annual joint session provides an opportunity for networking and sharing of information and typically does not include business matters.
- V. **Educate**  
"Achieving Success through Inclusion" – Ms. Charm Bullard, Senior Advisor to the CEO, Virginia Center for Inclusive Communities

Ms. Bullard does various workshops, seminars, etc. in support of her organization's mission. She shared that her presentation is action oriented and connected to diversity and inclusion. It offers guests the opportunity to engage in thoughtful conversation to consider actions against inclusion; actions for inclusion, and action towards a continuum.

The group divided into small discussion groups to be able to engage in thoughtful conversations, with report outs of on these key categories:

Where do people show prejudice/discrimination? Where on the spectrum do you want to be? What ideas do you have to get to that place?

**A. Celebrate**

Customer Success Stories – Recognizing adult, dislocated worker and youth program participants.

Four participants were acknowledged for their achievements-

- Ms. Jon'ay Seward, Ross youth participant, Completed Certified Medical Assistance program, Richmond Technical Center
- Quantavious Brown, Ross youth participant, Attends Brightpoint Community College, Works for YMCA
- Danyell Smith, Attained CDL certification. Wants to own her own trucking company
- Dawn Armstrong, was laid off of a temporary job and enrolled as a dislocated worker, now re-employed with VEC helping others in transition.

**B. Recognition of Retiring Elected Officials. Members were recognized for their years of service on the CLEO Board with a certificate and gift basket.**

- Angela Kelly-Wiecek, Hanover (11 years); Patricia O'Bannon, Henrico (9 years); and Gilbert Smith, Charles City (25 years).

**VI. Adjourn**

There being no further business, the meeting adjourned at noon.



	Member	Present		Category (Total Members 12)	Member	Present	
		Yes	No			Yes	No
Category - Business Members	Auchmoody, William	X		Community College (1)	Rubin, Dr. Beno	X	
	Blount, Siyani	X					
	Dick, Robert	X		Economic Development (1)	Shreve, Tina	X	
	Easter, John		X				
	Edwards, Scott	X		Education (2)-Adult Ed.	Elmore, Jeffrey	X	
	Franklin, Robert	X		CTE	Roerink, Justin	X	
	Gilbert, Danielle		X				
	Harris, Drexel, 1 <sup>st</sup> Vice Chair	X		Employment Service (1)-	Woodard, Dennis	X	
	Hayden, Thomas						
	Jung, Dr. Charlie		X	Labor, Apprenticeship & CBOs (5)	Battle, Kevin	X	
	Lyons, Larry	X			Conner, Maynard	X	
	Maurer, Ilene, Chair	X			Horne, Kelly King	X	
	Portillo, Jesus		X		Spicer, Gregg	X	
	Stamper, Eric	X			Strite, Amy	X	
	White, Amanda	X					
				Vocational Rehabilitation (1)	Batten, Dale		X
				Social Services (1)	Rogers, Kiva	X	
	<b>Total Attending</b>	10	4		<b>Total Attending</b>	11	1

<p style="text-align: center;"><b>Capital Region Workforce Development Board (WDB)</b>  <b>Agenda Item Summary –Equus Request for Additional Funds for Adult Services</b></p>
<p><b><i>What is it?</i></b></p> <p>In June of 2023, Equus Workforce Solutions was awarded a contract renewal for the provision of adult, dislocated worker and business services for the period July 1, 2023 – June 30, 2024. The contract budget was set at \$2,000,000, down from \$2,400,000 in the prior year. The split between adult and dislocated worker services was \$1,320,000 adult and \$680,000 dislocated worker, reflecting the recent year-over-year trend leaning to more adult customers. The split equated to 66% of funds supporting adult services and 34% dislocated worker. (The services are identical for both).</p> <p><b><i>What do Board Members Need to Know?</i></b></p> <p>Board staff held a mid-year contract status meeting with Equus in January of 2024. At that time Equus was asked to perform a budget balance and spending analysis to determine if any budget modifications or additional funds would be needed in order to sustain operations through June 30, 2024. In February of 2024, a contract budget modification request was submitted with the following items:</p> <ol style="list-style-type: none"> <li>1) In the operational budget, a transfer total of \$84,000 between dislocated worker and adult services to reflect that the actual customer volume is closer to 77% adult and 23% dislocated worker.</li> <li>2) A transfer of \$70,000 in the on-the-job training line from dislocated worker to adult.</li> <li>3) A line item adjustment of \$2,000 on the adult side from support services to training related support services.</li> </ol> <p>None of these items would require Board or CLEO action and could be adjusted administratively by staff under contract provisions.</p> <p>However, the modification also includes a request for <b>\$80,000 in additional funds not already awarded to support new adult individual training accounts (ITAs) through June 30, 2024</b>. Under provisions of the CLEO-Board agreement, new funds in excess of \$50,000 not shown in the adopted CLEO/Board budget cannot be awarded without approval of the bodies.</p> <p>The full Equus request is attached.</p>
<p><b><i>What do Board Members Need to Do?</i></b></p> <p>Consider approval of the request for \$80,000 in new funds for adult ITAs, which would then be considered by the CLEO at their April 19, 2024 meeting. (In the interim, staff can award \$50,000 so that ITA services can be sustained until the CLEO meets).</p> <p>Board fiscal staff the have indicated there are sufficient funds in reserve to support the request. An up-to-date fiscal analysis will be available at the March 14<sup>th</sup> meeting.</p>



2/28/2024

Brian K. Davis, Executive Director  
 Capital Region Workforce Partnership  
 4914 Radford Avenue  
 Richmond VA 23230

RE: WIOA CONTRACT No. 20-2032-8EMF

Renewal 2

Dear Mr. Davis:

Attached is a snapshot of our current Cost Categories for Adult (AD) and Dislocated Worker (DW) Administrative and Participant Spending with which we would like to request modifications.

**WIOA Administrative Budget** – EQUUS is requesting modifications that would move an even amount of 84k between Adult (AD) and Dislocated Worker (DW) funding streams. This will result in a 77% / 23% split between AD & DW.

- AD/DW Staff Salaries
- AD/DW Fringe Benefits
- AD/DW Staff Travel and Professional Development
- AD/DW Communication
- AD/DW Material & Supplies
- AD/DW Participant Outreach
- AD/DW Insurance
- AD/DW Overhead
- AD/DW Indirect
- AD/DW Profit

**Spotlight Changes:**

1. **AD/DW Overhead** – EQUUS is requesting approval to reallocate funds to cover cost of administrative support for Jean Hill (additional funds requested for utilization of Work Number between now and June 2024).
2. **AD/DW Participant Outreach** – EQUUS is requesting approval to reallocate funds to cover costs of monthly employer events at all three VCW locations, as well as external events at libraries and employer locations.

**WIOA Participant Budget** – EQUUS is requesting modifications that would move funds in participant training for AD and DW funding lines. The changes we are requesting will take place between the following lines:

- AD Individual Training Account (ITA)
- AD On-the-Job Training (OJT)
- AD Support Services (SSV)

1. **AD ITA:** EQUUS requests a total of \$80,000 to continue providing Individual Training Account funding to job seekers. The balance is currently at 30k, with which we will be using to fund CCWA's training invoice total of \$29,150 for the RRHA apprenticeship training.
2. **AD OJT:** EQUUS requests approval to reallocate (move) a total of \$70,000 from DW OJT to AD OJT to continue providing AD OJT funding to employers. This is a current forecast and does not include all employers we are expecting for Better Together OJTs. Therefore, there may be a 4<sup>th</sup> modification request if those employers should participate.
3. **AD SSV:** EQUUS is requesting approval to move \$2,000 from Support Service Certification to Support Service Training support. This will leave SSV-Certification with \$2955 to support job seekers with any exam payments between now and the end of the year.
  - a. Training Support will be at \$5000 with the approval of the modification request to continue to support job seekers in training through the end of program year 2023.

I am happy to discuss our request further with you during the time of your determination to approve.  
Thank you for your kind attention to this request. If you have any questions, please do not hesitate to contact me.

Sincerely,



Danielle Bailey, Project Director  
Equus Workforce Solutions  
Cc: Lynn Hamilton, Shaun Spath  
Attachment: Budget Spreadsheet



Contract Number: A/DW RFP# 20-2032-8EMF  
Approved Budget Modification 02/27/24

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Brian K. Davis, Executive Director

Cost Category	Description	AD			DW		
		Original Budget	Approved Modification	Variance	Original Budget	Approved Modification	Variance
101	Personnel Services (Staff Salaries)	\$ 513,181.16	\$ 540,438.47	\$ 27,257.31	\$ 219,934.78	\$ 161,406.93	\$ (58,527.85)
102	Fringe Benefits (Staff Benefits)	\$ 138,958.82	\$ 147,729.34	\$ 8,770.52	\$ 59,553.78	\$ 44,126.90	\$ (15,426.88)
103	Staff Travel and Professional Development	\$ 5,600.00	\$ 13,959.18	\$ 8,359.18	\$ 2,400.00	\$ 4,192.44	\$ 1,792.44
104	Communication	\$ 5,250.00	\$ 5,775.00	\$ 525.00	\$ 2,250.00	\$ 1,725.00	\$ (525.00)
106	Materials and Supplies	\$ 5,600.00	\$ 8,708.32	\$ 3,108.32	\$ 2,400.00	\$ 2,601.24	\$ 201.24
106A	Participant Outreach and Recruitment	\$ -	\$ 3,850.00	\$ 3,850.00	\$ -	\$ 1,150.00	\$ 1,150.00
107	Insurance	\$ 4,200.00	\$ 4,620.00	\$ 420.00	\$ 1,800.00	\$ 1,380.00	\$ (420.00)
110	Direct Participant Cost (other)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
111	Capital Outlay	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
112	Overhead	\$ 36,750.00	\$ 55,413.66	\$ 18,663.66	\$ 15,750.00	\$ 16,552.06	\$ 802.06
SUB-TOTAL EXPENSES		\$ 709,539.98	\$ 780,493.97	\$ 70,953.99	\$ 304,088.56	\$ 233,134.57	\$ (70,953.99)
113a	Indirect	\$ 74,005.02	\$ 81,405.53	\$ 7,400.51	\$ 31,716.44	\$ 24,315.93	\$ (7,400.51)
113b	Profit	\$ 56,455.00	\$ 62,100.50	\$ 5,645.50	\$ 24,195.00	\$ 18,549.50	\$ (5,645.50)
TOTAL ADMIN EXPENSES		\$ 840,000.00	\$ 924,000.00	\$ 84,000.00	\$ 360,000.00	\$ 276,000.00	\$ (84,000.00)

Contract Number: RFP# 20-2032-8EMF Renewal #2  
 Requested Budget Modification 2/27/24

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Brian K. Davis, Executive Director

		AD			DW		
Cost Category	Description	Original Budget	Approved Modification	Variance	Original Budget	Approved Modification	Variance
108a	ITA	\$ 217,920.00	\$ 297,920.00	\$ 80,000.00	\$ 105,280.00	\$ 105,280.00	\$ -
108b	On the Job Training	\$ 123,000.00	\$ 193,000.00	\$ 70,000.00	\$ 88,000.00	\$ 18,000.00	\$ (70,000.00)
108c	Work Experience	\$ 103,720.00	\$ 103,720.00	\$ -	\$ 36,480.00	\$ 36,480.00	\$ -
108f	Incumbent Worker	\$ -	\$ -	\$ -	\$ 70,400.00	\$ 70,400.00	\$ -
108g	Supportive Services	\$ 16,120.00	\$ 18,120.00	\$ 2,000.00	\$ 14,080.00	\$ 14,080.00	\$ -
108h	Certifications/Licenses	\$ 6,720.00	\$ 4,720.00	\$ (2,000.00)	\$ 4,480.00	\$ 4,480.00	\$ -
SUB-TOTAL EXPENSES		\$ 467,480.00	\$ 617,480.00	\$ 150,000.00	\$ 318,720.00	\$ 248,720.00	\$ (70,000.00)
109	Supportive Services (Not Training Related)	\$ 10,280.00	\$ 10,280.00	\$ -	\$ 3,520.00	\$ 3,520.00	\$ -
TOTAL PARTICIPANT EXPENSES		\$ 477,760.00	\$ 627,760.00	\$ 150,000.00	\$ 322,240.00	\$ 252,240.00	\$ (70,000.00)

**Capital Region Workforce Development Board (WDB)**  
**Agenda Item Summary –Registered Apprenticeship Policy**

***What is it?***

Registered apprenticeship (RA) is an allowable training activity that can be supported by the WDB's Workforce Innovation and Opportunity Act (WIOA) funds. Historically though, RA in Virginia has largely not been incorporated into the larger public workforce system for a variety of reasons. There is now an impetus at the federal level to integrate RA more with the workforce system that has also extended to the state level in Virginia, most recently with the movement of state RA administration from the Department of Labor and Industry to the new Department of Workforce Development and Advancement, which will also administer WIOA Titles I and III.

***What do Board Members Need to Know?***

Registered Apprenticeship is typically a multi-year journey that moves a new hire through a series of instructional and work-based learning activities that eventually lead them to completion, greater earning and advanced skill sets. One of the reasons that has made it a challenge to "marry" it with WIOA programs is the shorter nature of WIOA program participation. There are however a variety of existing WIOA-funded activities that can be components of a larger RA experience. Such components include existing activities such as work experience, individual training accounts, contract training, on-the-job training and even in some instances, incumbent worker training.

The attached draft policy provides some context and guidance for how various forms of WIOA funds can be used independently or in combination to assist RA efforts in the Capital Region.

***What do Board Members Need to Do?***

Consider adoption of the attached policy.

**Capital Region Workforce Development Board (WDB)**  
**Workforce Innovation and Opportunity Act (WIOA) Service Policy # 118**

**Registered Apprenticeship and Pre-Apprenticeship**

**References:** Workforce Innovation Opportunity Act (WIOA); Final Rules, U.S. Department of Labor (DOL), Employment and Training Administration (ETA), {20 CFR §680.330, §680.470, §681.480}.

Workforce Innovation Opportunity Act (WIOA); Final Rules, U.S. Department of Labor (DOL), Employment and Training Administration (ETA), Training and Employment Guidance Letter (TEGL) #13-16, Dated January 12, 2017

**Effective Date: March 14, 2024**

**I. Background and Purpose**

The Workforce Innovation and Opportunity Act (WIOA) establishes sector strategies as a primary approach for meeting employer needs while simultaneously building and defining career pathways for individuals. Registered Apprenticeships are a unique training where a combination of classroom and on-the-job- training are required. Apprentices must gain and demonstrate competencies either over a period of time or at specific benchmarks in the apprenticeship program. Apprenticeships can be trade (nationally registered) or registered apprenticeship (state registered). Work-based learning activities are a critical component in efforts to connect job seekers with employers in meaningful ways and require collaboration among the public workforce system, employers and organized labor in some cases.

The purpose of this policy to set the local guidelines by which WIOA Adult, Dislocated Worker, and Out-of-School Youth funds can be used in the Capital Region to support WIOA participant training through pre-apprenticeship, Registered Apprenticeship Programs and other related apprenticeship models.

**II. Definitions for Key Terms**

**Apprenticeships** are a combination of on-the-job training and related instruction in which workers learn the practical and theoretical aspects of highly skilled occupations. Apprenticeship programs can be sponsored by individual employers, joint employers and labor groups, and/or employer associations, but are not recognized as “registered apprenticeship programs.”

**Eligible Training Provider** is a provider of training services who has met the eligibility requirements to receive WIOA Title I funds to provide training services to eligible individuals.

**Eligible Training Provider List (or ETPL)** is Virginia’s statewide list of approved providers of training services who are eligible to receive WIOA Title I funds.

**Registered apprenticeship program** means an apprenticeship program that is registered under the Act of August 16, 1937 (commonly known as the “National Apprenticeship Act; 50 Stat. 664, chapter 663; 29 USC 50 et seq.).

**Registered Apprenticeship Program Sponsors** can be Eligible Training Providers, including:

- Employers who provide related instruction

- Employers who use an outside educational provider: Employers can use two- or four-year post-secondary institutions, technical training schools or online courses for related instruction. The employer is the eligible training provider and must identify their institutional provider

**Joint Apprenticeship Training Programs** are made up of employers and unions. They have an apprenticeship training school where the instructional portion of the apprenticeship program is delivered. The training schools are usually administered by the union, in which case the union would be the eligible training provider.

**Intermediaries** can serve as program sponsors when they take responsibility for the administration of the apprenticeship program. They can provide expertise such as curriculum development, classroom instruction and supportive services, as appropriate. The intermediary is the eligible training provider and must identify the instructional provider if an outside organization is providing the educational portion of the apprenticeship. They include:

- Educational institutions including two- and four-year post-secondary institutions or technical schools. In this model, the educational institution administers the program, works with employers to hire apprentices and provides classroom or online instruction for the apprenticeship program.
- Industry associations that administer the program and work with employer/members and educational entities to implement the apprenticeship program; and
- Community-based organizations that administer the program and work with employers, educational entities and the community to implement the apprenticeship program.

**Recognized post-secondary credential** means a credential consisting of an industry recognized certificate or certification, a certificate of completion of an apprenticeship license recognized by the state involved or federal government, or an associate or baccalaureate degree.

**Pre-Apprenticeship programs** provide instruction and/or training to increase math, literacy, and other vocational and pre-vocational skills needed to gain entry into a registered apprenticeship program. Pre-apprenticeship programs generally consist of the following:

- Training and curriculum that aligns with the skill needs of employers in the economy of the state or region involved;
- Access to educational and career counseling and other supportive services, directly or indirectly;
- Hands-on, meaningful learning activities that are connected to education and training activities, such as exploring career options, and understanding how the skills acquired through coursework can be applied toward a future career;
- Opportunities to attain at least one industry-recognized credential;
- A partnership with one or more registered apprenticeship programs that assists in placing individuals who complete the pre-apprenticeship program into a registered apprenticeship program.

### III. **Methods for Funding Apprenticeships with WIOA Funds**

There are several ways in which WIOA training funds may be used to support participation in registered apprenticeships and apprenticeship models. Apprenticeships, whether federal or state registered can be funded for a combination of classroom training and on-the-job training. Training may be done by the employer-of-record or a third party contracted by the employer to deliver the training.

#### A. **Individual Training Accounts (ITAs)**

WIOA allows registered apprenticeships to be eligible for the ETPL, an ITA may be developed for the related technical instruction portion of the apprenticeship training. All ITA related activities must comply with [CRWP Policy 106](#).

### **Expedited process for inclusion of registered apprenticeship instruction providers on ETPL**

Under WIOA, all registered apprenticeships that seek to be included on the state's eligible training provider list (ETPL) are automatically eligible to be included on the state's list and upon request of the provider per Virginia Policy 404-02. Once on the state's ETPL, registered apprenticeship instruction providers will remain on the list until they are deregistered or until the registered apprenticeship notifies the state that it no longer wants to be included on the ETPL. Non-registered apprenticeships must meet the requirements of other eligible providers of training services outlined in [CRWP Policy 105](#) or be exempted from ETPL requirements as provided in Section B. below.

### **B. Alternatives to ITA process**

#### **On-the-Job Training (OJT)**

An OJT contract may be developed with an apprenticeship program for training participants. In order for an apprenticeship to qualify for an OJT contract, the employer and participant are subject to the requirements outlined in [CRWP Policy 102](#).

#### **ITA/OJT Joint Funding**

There is no federal prohibition on using both ITA and OJT funds when placing participants into a registered apprenticeship program. A combination of an ITA to cover the classroom instruction along with an OJT contract to cover the on-the-job portions of the registered apprenticeship is allowed. In no instance shall the combined training investment in one participant enrolled with Registered Apprenticeship exceed \$12,000 in any program year exceed.

#### **Work Experience (WEX)**

WIOA allows apprentices and those receiving pre-apprenticeship services to utilize WEX. To qualify for a WEX, the employer and participant are subject to requirements outlined in CRWP Policy 104 (Youth) and CRWP Policy 114 (Adult and Dislocated Worker).

#### **Transitional Jobs (TJ)**

Transitional Jobs may be used to support the training of participants. To qualify, the employer and participant are subject to the requirements outlined in CRWP Policy 114.

#### **Customized and Contract Training**

WIOA allows registered apprenticeships to utilize customized or contract training to support training activities for apprenticeships. More information about customized and contract training can be found in [CRWP Policy 107](#).

#### **Incumbent Worker Training (IWT)**

Subject to availability of funds, incumbent worker training may be used for "upskilling" apprentices who already have an established worker/training relationship with the registered apprenticeship program. More Information about IWT funding can be found in [CRWP Policy 103](#).

### **IV. Pre-Apprenticeship**

Pre-apprenticeship programs provide instruction and/or training to increase math, literacy, and other vocational and pre-vocational skills needed to gain entry into a registered apprenticeship program. Pre-apprenticeship models that are aligned with the needs of key industry sectors create opportunities to advance students, job seekers, and workers along the talent pipeline. A pre-apprenticeship program funded with WIOA funding must have at least one registered apprenticeship partner; such pre-apprenticeship programs must possess or develop a strong record of enrolling their pre-apprenticeship graduates into a registered apprenticeship program. Once the participant is enrolled in the registered apprenticeship program, and if his/her funding has not been exhausted, a portion and/or the balance of funding may be used to cover the costs of the registered apprenticeship program's classroom training/related instruction.

Pre-apprenticeship programs do not have the same automatic ETPL status under WIOA {20 CFR 680.470(f)}. All pre-apprenticeship programs must meet the requirements of other eligible providers of training services outlined in [CRWP Policy 105](#).

### **Incentives for Apprenticeship and Pre-Apprenticeship Activities**

Incentives may be used towards the completion of a registered apprenticeship or pre-apprenticeship program.

All incentives must adhere to the guidelines in CRWP Policy 113 (Youth Incentive) and CRWP Policy 117 (Adult and Dislocated Worker Incentive).

**Signed By:**

**Capital Region Workforce Development Board (WDB)**  
**Agenda Item Summary –Revised Policy for Youth Work Experience**

***What is it?***

Work experience under the Workforce Innovation and Opportunity Act (WIOA) is essentially a paid or unpaid internship that affords participants an opportunity to gain exposure to the world of work and gain valuable and practical work experience. With regard to youth funding, there is also a federal requirement that 20% of youth funds be expensed for work experience (WEX) .and related activities. Given this requirement and the unique nature of youth services, a stand-alone policy on youth WEX has been in place since 2017.

***What do Board Members Need to Know?***

In the years since the WDB's most recent policy on youth work experience, there have been varying levels of conversation at the state level relative to how the payments to youth participants are classified for taxing purposes. (Wages vs. incentive for program participation). The attached policy revision incorporates revisions reflecting updated state policy and guidance documents as well as consultation with the Henrico County Attorney's office.

The nature of proposed revisions can be summarized:

- 1) Expanded definitions to illustrate the various type of work experience activities. (pages 1 and 2)
- 2) Language about the applicability of the Fair Labor Standards Act to further clarify employer-employee relationships. (page 2)
- 3) Other structural edits that do not substantially change previous language around duration of work experience and the training plan (page 3) and elimination of text (page 4) that is unnecessary given the new language on ages 1 and 2.

A clean version of the proposed revision is attached first, followed by a mark up on the original policy.

***What do Board Members Need to Do?***

Consider adoption of the attached policy.



**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

**I.        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.

**II.       Background and Definitions**

Work experiences are a planned, structured learning experience that takes place in a workplace for a limited period of time. 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.

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.

### III. Policy

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 which are established in Board Policy 102.

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 (FLSA). When a youth or young adult is on a work experience they are considered a Trainee. 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.

#### **IV. Process**

The Workforce Development Board (WDB) intended for as many customers as possible to 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.

The 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 a WEX training plan for the WIOA eligible participant is appropriate based on the participant's career interest of choice (when feasible/practical), labor market research and comprehensive assessments and as documented in the Individual Service Strategy (ISS). The WEX Training Plan should be measurable 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 must be included as part of the participant's electronic file. It must also include periodic evaluation of the customer's participation and learning during the work experience, including information about any payments made and the learning and growth that took place. It is strongly encouraged that the WEX and its associated training components be directly tied to a credential, certificate or academic completion 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 be limited to check cashing, budgeting learning 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.

##### **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 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 WDB staff 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 aligned to the WDB targeted sectors based on the terms outlined in the Worksite Agreement.

In order to decide whether the payment is considered to be a wage, stipend, or incentive, the program must determine the nature of the relationship between the worksite and the-WIOA participant. Regardless of the method of payment, the program needs to keep documentation detailing the earnings process, participant distribution, and cumulative earnings (January through December) total. If WIOA funds are used to provide payment, WIOA customers will receive payments that are not below the federal or state minimum hourly wage. The signatures of the participant and work experience site employee must be included in any documentation if participants are paid according to the number of hours they work on WEX. If participant receives the 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 providers 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 payments and staffing cost to develop and management work experience. Tracking reports of payments and staff time should be submitted with monthly requests for reimbursement and all documentation for payment to the youth uploaded into VAWC.

### **Companion Guidance Documents on File Available for Staff Use**

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

**Signed By:**

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Director



11 Summer employment opportunities and other employment opportunities available throughout the school year:

1) Internships and job shadowing:

3) Internships and job shadowing: and

4. On-the-job training opportunities as defined in WIO sec. 3.44 and in 680.700 of this

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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.

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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 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.

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.

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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.

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#### Requirements

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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 measurable 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

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#### 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 will-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 will-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. (3FByle5 the site for the WEX activity is set as a separate employee

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At the completion of a "WeFLEMPERFEE" activity the WIOA participant is eligible to receive 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.

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.

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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: Re1111iFed Guidance Documents

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

Signed By:

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Director

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<p align="center"><b>Capital Region Workforce Development Board (WDB)</b></p> <p align="center"><b>Agenda Item Summary –Revised Policy on Work Experience for Adults and Dislocated Worker and adding Transitional Jobs</b></p>
<p><b><i>What is it?</i></b></p> <p>Work experience (WEX) under the Workforce Innovation and Opportunity Act (WIOA) is essentially a paid or unpaid internship that affords participants an opportunity to gain exposure to the world of work and gain valuable and practical work experience. While less prevalent in use than in the youth program, (WEX) can still be an effective tool for certain adults who lack exposure to the work-world.</p> <p>The current WDB policy was adopted in 2018. As with the youth policy, revisions are needed to further clarify the nature of employer/employee relationships for WEX participants. In addition, with this modification, language would be added to include transitional jobs, which are a form of subsidized employment, which is an allowable activity under the WIOA aligned</p>
<p><b><i>What do Board Members Need to Know?</i></b></p> <p>In the years since the WDB’s most recent policy on work experience, there have been varying levels of conversation at the state level relative to how the payments to youth participants are classified for taxing purposes. (Wages vs. incentive for program participation). The attached policy revision incorporates revisions reflecting updated state policy and guidance documents as well as consultation with the Henrico County Attorney’s office. In addition, transitional job procedures are established. A policy is needed in order for the activity to be offered in a local area.</p> <p>The nature of proposed revisions can be summarized as follows:</p> <ol style="list-style-type: none"> <li>1) Pages 1 and 2 include general language revisions that do not substantially change the original policy and that add definitions not previously included.</li> <li>2) New language about the applicability of the Fair Labor Standards Act to further clarify employer-employee relationships. (page 3)</li> <li>3) New language on transitional jobs, pages 4 – 6.</li> </ol> <p>Text in bold represents areas where substantial revisions and/or new language altogether was added.</p>
<p><b><i>What do Board Members Need to Do?</i></b></p> <p>Consider adoption of the attached policy.</p>

**Capital Region Workforce Partnership (CRWP)**  
**Workforce Development Board (WDB)**  
**Workforce Innovation and Opportunity Act (WIOA) Service Policy #SP114**  
**Work Experience and Transitional Jobs for Adults and Dislocated Workers**

**References:**

Workforce Innovation Opportunity Act (WIOA); Final Rules, U.S. Department of Labor (DOL), Employment and Training Administration (ETA), {20 CFR §680.150, §681.180, §681.190, §681.195, §680.530, §680.830, §681.840, , and §681.900}.

U.S. Department of Labor (DOL), Employment and Training Administration (ETA), Training and Employment Guidance Letter (TEGL) #19-16, Dated March 1, 2017

Fair Labor Standards Act Advisor. U.S. Department of Labor (DOL).

**Effective Date: March 14, 2024; replaces March 8, 2018 Version**

**Background and Purpose**

The Workforce Innovation and Opportunity Act (WIOA) allows for work-based learning activities such as internships, work experiences and transitional jobs that are linked to careers as an available individualized career service. These activities are valuable to those without a strong attachment to the workforce as they can assist individuals in establishing a work history, demonstrating success in the workplace, and developing skills that lead to unsubsidized, stable employment at a living wage. The purpose of this policy is to set the local guidelines by which such work-based learning activities will be provided.

**I. Work Experience**

**A. Policy**

The WIOA defines work experience as “a planned, structured learning experience that takes place in a workplace for a limited period of time. 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. A Work Experience opportunity may be provided as an individualized career service to enrolled Adults and Dislocated Workers who have met any priority of service requirements that may be in place.

Work experience may be provided, where determined as appropriate through the Individual Employment Plan development process, for eligible program participants for whom one or more of the following conditions exist:

- the individual has no previous work history,
- the individual has had no work history within the past five years, and/or
- the individual is otherwise eligible for WIOA individualized career and is in need of this service to assist

**them in preparing for participation in another appropriate training service or activity or to successfully obtain and retain unsubsidized employment.**

**This type of work experience activity is intended to provide training and skill development in the skills necessary to successfully obtain and retain employment, including punctuality, attendance, communication, team work, dependability, and task completion, and is not required to provide training in technical or job specific skills. There is no requirement that the individual will be retained by the worksite following the successful completion of this type work experience activity.**

The workplace must be with a legal business and/or employer that meets all basic requirements to operate in Virginia.

Work experience activities shall not reduce the worksite's 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.

Work experience activities should be aligned with WDB-identified target industries, or those which are otherwise identified as currently in demand or with growth potential based on labor market intelligence.

While the employer is under no obligation to offer regular employment to the participant subsequent to the conclusion of the work experience/internship program, it is hoped that the activity will result in providing employers with a pool of trained employees with direct experience from which to fill future positions and reduce recruitment costs.

The internship or work experience will be guided by a Worksite Agreement, an agreement between the WIOA service provider, the host employer worksite, and the WIOA participant, which will specify the occupational and employability competencies the participant will achieve in the work experience, the relationship and responsibilities of all parties, the evaluation process that will outline the progress of the participant at certain intervals, the training plan for the participant, and other necessary requirements

## **B. Requirements**

### **Work Experience Assessment, Duration and Training Plan**

The service provider shall ensure that the work experience plan for the participants is appropriate based on their career interest of choice (when feasible/practical), labor market research and comprehensive assessment of abilities and aptitudes as documented in the file. The Training Plan should have measurable benchmarks and clearly indicate how this activity is going to help the customer move on to unsubsidized employment and/or training. The customer file 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.

The duration of the work experience program should generally not exceed 520 hours in one program year, but can be increased with a strong written justification and approval by program director. The determination of the duration of the activity should be based on the academic and/or occupational competencies the WIOA participant needs to develop or refine and must be specified in the Training Plan. A WEX Training Plan allows service providers to monitor and evaluate the activity and it serves as a baseline when establishing whether the needs of the WIOA participant and the employer's expectations of training and development have been met.

## **Development of Work Experience Sites**

The service provider must make every effort to verify worksites will provide participants with a high-quality experience. The vetting process could include proof of a business license, registration with the Virginia State Corporation Commission, a regulatory body, 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 activity 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. Additionally, the service provider must provide documentation that the employer and participant received formal training plan and requirements of this policy.

## **Work Experience Participant Classification, Funds and Payments**

**Work Experience should meet the definition of Trainees under the FLSA. Whether trainees 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.

**If the WIOA participant cannot meet these parameters, a work-based learning activity other than work experience should be pursued.**

If incentives are offered by the service provider using WIOA funds, WIOA customers will receive incentives at a level equal to or greater than the prevailing minimum wage in Virginia. Hours associated with incentives must be documented and validated by the participant and worksite signatures. The program must have documentation to verify that the participant received the incentive associated with such hours or work validated by the worksite. If participants receive the incentives in the form of a check, the WDB strongly encourages the service provider to ensure participants are not using check cashing services that utilize predatory lending practices.

## II. Transitional Jobs

### A. Policy

Under WIOA, Transitional Jobs are a type of work-experience local workforce development boards can offer as an individualized career service. Transitional jobs are time-limited, wage-paid work experiences that are subsidized up to 100 percent. These jobs can be in the public, private, or nonprofit sectors and are only available for individuals with barriers to employment who are chronically unemployed or who have an inconsistent work history, as determined by the local board. Transitional jobs provide individuals with work experience and an opportunity to develop important workplace skills within the context of an employee-employer relationship, in which the WIOA service provider is most often the Employer of Record.

No more than 10% of the area's adult and dislocated worker funds may be used to support transitional jobs.

#### Definition of Key Terms

The term "Transitional Job" (TJ) means paid work experience that:

- a) Is time limited and subsidized;
- b) Is in the public, private, or nonprofit sector;
- c) Is provided to individuals with barriers to employment who are chronically unemployed or have an inconsistent work history;
- d) Is combined with comprehensive employment and supportive services; and
- e) Is designed to help participants establish a work history, demonstrate success in the workplace, and develop the skills that lead to entry into and retention in unsubsidized employment.

The term individual with a "barrier to employment" means a member of one or more of the following populations:

- a) Displaced homemakers
- b) Low-income individuals
- c) Indians, Alaska Natives, and Native Hawaiians
- d) Individuals with disabilities, including youth who are individuals with disabilities
- e) Older individuals, i.e. those aged 55 or older
- f) Ex-offenders or Returning Citizens
- g) Homeless individuals
- h) Youth who are in or have aged out of the foster care system
- i) Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers
- j) Eligible migrant and seasonal farmworkers
- k) Single parents (including single pregnant women)
- l) Long-term unemployed individuals
- m) Recipients of public assistance

Individuals with "chronic unemployment" or an "inconsistent work history" are those who:

- 1) Have been unemployed for 13 weeks or longer;
- 2) Were unemployed at least 26 of the past 52 weeks; or
- 3) Have held three or more jobs in the past 52 weeks and are currently unemployed or underemployed.

"Host sites" are defined as a for-profit or non-profit organizations, government organizations, or educational institutions that provide a TJ placement. Host sites must provide day-to-day supervision of the TJ participant while on site.



## **B. Requirements**

A Transitional Job (TJ) may be provided as an individualized career service to enrolled Adults and Dislocated Workers who have met the priority of service requirements.

TJ must be combined with comprehensive career services and supportive services.

TJ placements should contribute to the occupational development and upward mobility of participant.

Per WIOA regulations (20 CFR 683.200(g)), “no individual may be placed in an employment activity if a member of that person’s immediate family is directly supervised by or directly supervises that individual.” For the purpose of this policy, the term “immediate family” includes a spouse, child, son-in-law, daughter in-law, parent, mother-in-law, father-in-law, sibling, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, and grandchild.

TJ must be time limited (no more than 6 months and preferably 8 to 12 weeks) and require at least fifteen (15) but not more than forty (40) hours of work per week.

TJ activities should be aligned with WDB-identified target industries, or those which are otherwise identified as currently in demand or with growth potential based on labor market intelligence.

All TJ placements must pay at least the prevailing minimum wage. The total cost per participant for a TJ will be set contractually. Per participant cost levels will take into consideration both participant wages and supportive services.

While the employer is under no obligation to offer regular employment to the participant subsequent to the conclusion of the TJ, it is hoped that the activity will result in providing employers with a pool of technically trained employees from which to fill future positions and reduce recruitment.

Transitional Jobs will be guided by a Worksite Agreement, an agreement between the WIOA service provider, the host employer worksite, and the WIOA participant, which will specify the occupational and employability competencies the participant will achieve in the work experience, the relationship and responsibilities of all parties, the evaluation process that will outline the progress of the participant at certain intervals, the training plan for the participant, and other necessary requirements.

It is preferable that a cohort model be employed in the use of transitional jobs, as cohorts allow for a form of peer-support that has proven effective to participants in terms of confidences, shared experiences, encouragement that staff alone can’t provide and better overall success.

### **Eligibility Requirements**

#### **Participant Eligibility:**

For an individual to qualify for TJ under WIOA guidelines, he/she will:

1. Have enrolled in WIOA Adult or Dislocated Worker programs;
2. Have participated in assessment activities that support a TJ activity;
3. Be chronically unemployed or have inconsistent work history as defined above.

Targeted populations for transitional jobs could include individuals who are long-term unemployed, ex-

offenders, parents ordered to pay child support, individuals who are currently receiving or have exhausted TANF benefits, and individuals with disabilities.

#### **Employer Eligibility**

Potentially eligible employers able to participate as a TJ placement site include: private-for-profit businesses, private non-profit organizations, and public sector employers. An employer will NOT be eligible to participate as a WIOA TJ placement site if:

1. The employer has any other individual on layoff from the same or substantially equivalent position.
2. The TJ would infringe upon the promotion of or displacement of any currently employed worker or a reduction in their hours.
3. The same or a substantially equivalent position is open due to a hiring freeze.

The employer is a private for-profit employment agency, i.e. temporary employment agency, employee leasing firm or staffing agency.

**Signed By:**

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Director