

**TO:** All WDB Staff, Board Members, and One Stop Contractors

**SUBJECT:** Youth Work Experience

**ISSUANCE DATE:**  September 14, 2018

**EFFECTIVE DATE:** September 14, 2018

**EXPIRATION DATE**: None

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**Purpose**

The purpose of this policy is as follows: to establish a policy for the work experience component of WIOA law for eligible youth in Allegany and Cattaraugus Counties, to recognize that youth often have broad interests and may need to try a variety of options to find the right career choice, and to understand that youth often need additional support to achieve their goals.

**Background**

The Workforce Innovation Opportunity Act (WIOA) of 2014 requires a wider array of services to be provided for eligible youth.

**Definition of Key Terms**

The term “Work Experience” means paid or unpaid employment and training provided by an employer or provider to a participant while engaged in productive work in a job that

1. Is limited in duration
2. Provides knowledge or skills essential to the full and adequate performance of the occupation.
3. Must include academic education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation.

In addition, other elements and strategies are provided to service the needs and goals of the participants such as:

* Instruction in employability skills or other generic workplace skills
* Exposure to various aspects of the industry
* Progressively more complex tasks
* Internships and job shadowing
* The integration of basic academic skills into work activities
* Supported work, work adjustment and other transition activities
* Entrepreneurship
* Service learning
* Paid and unpaid community service
* Other elements designed to achieve the goals of work experience

**Policy**

As per WIOA 129(c) (4), at least 20% of all WIOA youth funds must be used for paid and unpaid work experience programming.

WIOA encourages youth service providers to enroll youth in paid work experience whenever possible. Youth participants in work experiences must have an up-to-date Individual Service Strategy (ISS) reflecting the need for work experience.

**Eligibility**

All youth participants enrolling in WIOA services are eligible for participation in work experience activities, provided the activities are deemed in line with the individual’s career plan and service strategy. Participation in a work experience opportunity is contingent on the continued availability of funding.

**Required Paperwork for Work Experience**

Comments are to be entered into OSOS and copies maintained in paper file

* Youth under the age of 18 need to provide original working papers that are kept on site while the youth is working. In addition, biweekly time sheets, monthly employer evaluations and sign in sheets for all training, workshops and activities that are part of the work experience must be maintained
* Individual Service Strategy (ISS) with Action Steps that match the career area of the work experience
* Signed worksite agreement
* Job description
* Career Zone needs to be completed and verified

**Work Experience Agreements/Contracts**

The program staff executes a Work Experience Agreement/Contract with each individual worksite that is utilized. A signed copy of the Work Experience Agreement is given to the worksite to ensure that the expectations are fully understood. A copy of the Agreement shall be maintained on file by the program staff.

The Worksite Agreement may include the following elements:

* Names and contact information of all parties
* Responsibilities and expectations of the participant and worksite employer
* Compliance to Child Labor Laws
* The job title duties and goals for work experience participants
* Identification of the legal requirements that must be met per the above. In addition can include worksite safety requirements and provisions related to the avoidance of sexual harassment
* A statement informing the worksite that they will encounter visitations by program staff to check on the progress of work experience participants
* Provisions for termination of the agreement for non-performance and/or failure to meet any of the requirements of the agreement/contract
* Other information, relative to the specific work experience activity
* Signatures and dates from Worksite Representative and Title I Representative

**Types of Work Experience**

**On-The-Job Training–** training by an employer that is provided to a paid participant while engaged in productive work in a job that—

* provides knowledge or skills essential to the full and adequate performance of the job;
* is made available through a program that provides reimbursement to the employer of up to 50 percent of the wage rate of the participant, except as provided in section 134(c)(3)(H), for the extraordinary costs of providing the training and additional supervision related to the training; and
* is limited in duration as appropriate to the occupation for which the participant is being trained, taking into account the content of the training, the prior work experience of the participant, and the service strategy of the participant, as appropriate.

**Summer Employment Opportunities –** a program for youth operated during the summer months as part of a comprehensive strategy for addressing the youth’s employment and training needs. The summer youth employment opportunity element is not intended to be a stand-alone program. It provides summer employment opportunities that link academic and occupational learning as part of the required youth program elements.  Summer youth employment must provide direct linkages to academic and occupational learning, such as coordinating with school systems and may provide other elements and strategies as appropriate to serve the needs and goals of the participants.

**Internships**– a planned, structured learning experience that takes place in a workplace (may be arranged within the private for-profit sector, the nonprofit sector, or the public sector) for a limited period of time. Internships may be paid or unpaid.

**Job Shadowing--**Job Shadowing is when a participant follows an employee at a firm for one or more days to learn about a particular occupation or industry. One-on-one time is spent with employees in order for the participant to observe the daily routine of the employee(s). The opportunity should be made available to the participant to understand the daily duties and activities, ask questions, identify career interest, become aware of the technical and academic skills needed to enter the specific career, develop communication skills, and apply connection between academic classroom work and their career goals. Job shadowing is intended to explore a range of careers and specific career objectives in order to select an appropriate career pathway.

The job shadowing work experience is a temporary, unpaid exposure to the workplace in an occupational area of interest to the participant. Youth witness firsthand the work environment, employability and occupational skills in practice, the value of professional training, and potential career options. A job-shadowing experience can be anywhere from a few hours, to a day, to a week or more.

Job shadowing is designed to increase career awareness, help model youth behavior through examples, and reinforce in the youth and young adult the link between academic classroom learning and occupational work requirements. It provides an opportunity for youth to conduct short interviews with people in their prospective professions to learn more about those fields. Job shadowing can be thought of as an expanded informational interview. By experiencing a workplace first-hand, youth can learn a great deal more about a career than through research in print publications and on the Internet.

**Pre-Apprenticeship –**A program or set of strategies designed to prepare individuals to enter and succeed in a registered apprenticeship program and has a documented partnership with at least one, if not more, registered apprenticeship programs. Pre-apprenticeship programs incorporate the following elements:

* Training and curriculum based on industry standards and approved by the documented Registered Apprenticeship partner(s); and
* Strategies that increase Registered Apprenticeship opportunities for underrepresented, disadvantaged or low-skilled individuals, such that, upon completion, they will meet the entry requirements, gain consideration, and are prepared for success in one or more Registered Apprenticeship program.

It is category of work experience opportunity with a set of strategies designed to prepare an individual to enter and succeed in a registered apprenticeship program. The Pre-Apprenticeship work experience must lead to an industry recognized credential and have a documented relationship that provides a direct pathway into a registered apprenticeship program.

**Qualification for Work Experience**

Work experience pairs academic and occupational education.

**Education Component**

* Occurs concurrently or sequentially
* Educators must be competent to train (if part of an ITA, education must be on the ETPL)
* May take place inside or outside the workplace

**Occupation Component**

* May be paid or unpaid
* Must use labor market data when the youth is paid to determine the correct rate of pay;
* Occupation must be on the regional demand occupation list – to align with the skill need of industries of the regional economy
* Summer youth employment opportunities are encouraged

**Length of Work Experience**

The time frame of the work experience should be tailored to the youth’s needs/goals as expressed in the ISS and should match the number of hours required within the field of the study if applicable and should make sense based on the work environment and type of work being performed. Hours for Work Experiences can be up to 420 hours.

**Rate of Pay**

Youth must be paid the same wage as a current employee of the workplace within the same title/role/length of service. Youth must (at least) be paid the NYS minimum wage. The range of pay for Youth Work Experience is at minimum the current rate for NYS minimum wage and $17/hour at the maximum. If a youth is to be paid more than the $17/hour prior WDB written approval must be obtained. Salary, hours and work conditions must be in accordance with Federal and State Labor Laws.

**Eligible Sites**

Potential eligible companies able to participate in youth work experience contracting include: private for profit businesses, private non-profit organizations and public sector employers. Work experience sites should be vetted by program staff and follow the NYS Laws Governing the Employment of Minors. If a youth is already working at a job site the youth is not eligible to receive a WIOA funded work experience program unless it is for a new position that requires additional skills. In addition a company will not be eligible to host a youth participant for work experience if:

* The company has any other individual on layoff from the same or substantially equivalent positions.
* The youth paid work experience would infringe upon the promotion or cause displacement of any currently employed worker or cause a reduction in their hours.
* The same or a substantially equivalent position is open to a hiring freeze.
* The employer is a private for-profit employment agency, i.e. temp employment agency, employee leasing firm, or staffing agency.

Each County in the LWDA is the employer of record for any youth enrolled in a paid work experience. The Employment and Training Counselors are to ensure that all time sheets are received in a timely manner and are accurate to ensure that the participant is paid on time and in full.

**Allowable Work Experience Expenditures include the following:**

* Wages/stipends paid for participation in a work experience
* Staff time working to identify and develop a work experience opportunity, including staff time spent working with employers to identify and develop the work experience
* Staff time working with employers to ensure a successful work experience, including staff time spent managing the work experience
* Staff time spend evaluating the work experience
* Participant work experience orientation sessions
* Employer work experience orientation sessions
* Classroom training or the required academic education component directly related to the work experience
* Incentive payments directly tied to the completion of the work experience
* Employability skills/job readiness training to prepare youth for a work experience

**Resources Related to Workplace Guidelines**

The following resources have helpful information on Child Labor Laws, OSHA, Youth Programs, FLSA, Safety and Health Standards, Discrimination and Harassment, Workplace Hazards and Solutions, Unfair Labor Practices etc.:

[www.dol.gov/esa/regs/compliance/whd/brg.htm](http://www.dol.gov/esa/regs/compliance/whd/brg.htm) USDOL – Wage and Hour Division

[www.dol.gov/dol/topic/youthlabor](http://www.dol.gov/dol/topic/youthlabor) USDOL – Youth and Labor

[www.dol.gov/esa/WHD](http://www.dol.gov/esa/WHD) UDDOL-Wage and Hour Division

[www.opm.gov/flsa](http://www.opm.gov/flsa) OPM – Fair Labor Standards Act

[www.youthrules.dol.gov](http://www.youthrules.dol.gov) USDOL – Youth Rules

[www.osha.gov/teens](http://www.osha.gov/teens) OSHA – Teen Worker Questions

[www.dol.gov/whd](http://www.dol.gov/whd) DOL – Federal & State Child Labor Laws (includes wage and hour)

[www.osha.gov/SLTC/teenworker](http://www.osha.gov/SLTC/teenworker) OSHA – Safety & Health Standard and other Requirements

[www.youth.eeoc.gov](http://www.youth.eeoc.gov) EEOC – Discrimination and Harassment

[www.nlrb.gov](http://www.nlrb.gov) NLRB – Unfair Labor Practices/Union Elections

**Work Experience Program Orientation for Worksites**

The program staff will provide work experience program information to the supervisors and alternate supervisors. The information may be provided on an individual or group basis, as deemed appropriate. If on a group basis then documentation for instruction administered must be provided by obtaining the signature of all attendees and the date training occurred. The information must be given prior to the start of the work experience activity. No participant can start work at a worksite prior to the information being given to the supervisors.

The information given will include a thorough discussion of the text and applicable requirements listed in the executed Work Agreement.

**Work Experience Program Orientation for Youth**

Upon initial enrollment in the work experience the program staff will provide the following information to the youth participant:

* Work Experience Program goals and objectives – purpose of the program
* Supervisor responsibilities – relationship with the Youth and the Employment and Training Counselor
* Employment Certificate (working papers) requirements
* Program duration/hours of work
* Location of worksite
* Working conditions/job description/Job duties
* Workers’ compensation mandates
* Wage and paycheck information
* Child Labor Laws/safety requirements/use of safety equipment/what to do in case of an emergency
* Fraud and abuse
* To immediately notify his Counselor of any labor disputes, grievances or other conditions that may affect the performance of the work experience activity
* Counselor contact information/location of the One Stop Career Center
* Other information appropriate and deemed necessary by the Counselor

The information is provided on an individual or group basis and shall be administered prior to the work experience activity commencing. For those youth who participate on a group basis, they shall acknowledge receipt of the instruction by signature and date. Applicable documentation as such shall be maintained by the program staff.

**Evaluation and Monitoring Worksites**

1. **Pre-Evaluation of Worksites**

The program staff shall continue to employ a pre-evaluation process to determine the appropriateness of utilizing the employer for work experiences. The evaluation components include the key legal provisions of the worksite agreement such as safety, labor law requirements, status of layoffs, etc. In addition, it evaluates the age appropriateness and level of exposure to work readiness and job skills, type of supervision available, as well as review the previous work experience placements at the same location.

Potential worksite employers must demonstrate a commitment to helping participants receive the experience and training needed to meet their Individual Service Strategy (ISS) goals. As part of participation, employers must be willing to work closely with program staff, especially when accepting participants that have barriers to employment. Proper worksite supervision must be one of the factors that are reviewed prior to placement of the participant in the work experience activity.

1. **Worksite Monitoring**

Program staff will monitor the worksite and activities described in the work experience agreement/contract to ensure that the legal and performance requirements, as well as the work experience goals are being met by all parties.

The program staff will ensure that all individual worksites have policies for workplace safety and follow the guidelines. Evaluations shall be used to validate skill and development attainments.

Additional items to review when monitoring the worksites shall include:

* Appropriateness of work experience for participants
* Quality of work experience in teaching good work habits or job skills
* Quality of outcomes and other benefits to participants
* Quality of worksite supervision in assuring compliance to legal requirements and program goals

1. **Non-Performance of a Worksite**

The program staff will close and remove any worksite that has exhibited a pattern of failure or has regularly not met their agreed upon requirements for the work experience participant. These procedures at a minimum include the local process to determine the following:

* What constitutes an employer “exhibiting a pattern of failure”
* Deficiencies or situation that occur within the work experience process
* Corrective action interventions to be used
* Circumstances under which immediate termination of an agreement will occur (i.e. blatant Child Labor Law, Health, Safety, OSHA, etc. violations).

A work experience agreement may not be written with an employer who has previously demonstrated a previous “pattern of failure”, such as failing to provide participants with continued employment and wages, benefits, and working conditions that are equal to those provided to regular employees who have worked similar length of time and are doing the same type of work.

Reference:

WIOA sec 129(c) (2) (C)

Federal Register Vol 81, No 161-681.600, 681.590. 681.480, 681.590

TEN 17-15 Career Pathways

TEGL 8-15 Costs that Count Towards Work Experience

Plus additional guidance as it comes down from USDOL and/or NYSDOL