



**Workforce Development Board**  
**60 Central Ave., Rm B38**  
**Cortland, NY 13045**  
**Contact: Amy Buggs**  
**607-753-5071**

## **WIOA Youth Work Experience Policy**

### **Background**

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

### **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 Cayuga Cortland County/WDB, 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.

### **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 a job that

- (1) Is limited in duration
- (2) Provides knowledge or skills essential to the full and adequate performance of the occupation.
- (3) Includes academic and occupational education concurrently or sequentially with the work experience.

In addition, other elements and strategies are provided to support the individual needs and goals of the participants, which may include the following:

- Instruction in employability skills or other general workplace skills
- Exposure to various aspects of industries and occupations
- 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 training
- 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**

- Youth under the age of 18 must provide original working papers, which are retained on site by the employer of record while the youth is working. In addition, weekly time sheets, monthly performance evaluations, and sign in sheets for all training, workshops, and activities that are part of the work experience must be maintained by youth program staff
- Individual Service Strategy (ISS) with Action Steps that match the career area of the work experience
- Signed worksite agreement
- Job description and workplace expectations
- Learning plan related to the occupation in which the youth is placed
- Required elements of Career Zone (age 16-18) or Job Zone (age 18-24) must be completed by the youth and verified by the youth program staff. These elements include Interest Profiler, Work Importance Profiler, Abilities, Saved Occupations, and Budgeting.

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

## **Work Site Agreements/Contracts**

Youth program staff executes a Work Site Agreement/Contract with each participating worksite. A copy of the signed, approved Work Site Agreement/Contract is given to the worksite to ensure that the expectations are fully understood. A copy of the signed, approved Agreement shall be maintained on file by the youth program staff. A copy of the responsibilities and expectations page is provided to the youth participant.

The Worksite Agreement may include the following elements:

- Names and contact information of all parties
- Responsibilities and expectations of the participant and worksite supervisor(s), which are further explained in detail in the guidebooks provided at orientation

- Compliance with 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, worksite safety requirements and provisions related to the avoidance of sexual harassment may be included
- A statement informing the worksite that they will encounter frequent visitations by youth 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, including academic and/or occupational education, relative to the specific work experience activity
- Signatures and dates from Worksite Representative and Title I Representative

## **Types of Work Experience**

### **Summer Employment Opportunities and Other Employment Opportunities**

**throughout the School Year** – These employment opportunities provide subsidized wages for youth at work sites during the summer and throughout the school year. The term “school year” is used to indicate the period of time from September 1 – June 30, even for out-of-school youth. These work experiences are designed to achieve the following goals:

- provide valuable work experience and increase skill development which increases future employment opportunities for youth;
- extend learning to include job readiness and provide supports for youth who participate (occupational education);
- include imbedded academic educational component
- in some instances, the youth are placed in a worksite where a trainee/mentor relationship exists rather than employee/employer.

**On-The-Job Training** – An On-the-Job Training (OJT) is training by an employer that is provided to a paid participant while engaged in productive work in a job that achieves the following goals:

- builds on existing skills to provide additional 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.

**Internship** – An internship is a planned, structured learning experience focusing on combining academic study with performance of meaningful tasks 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** – The job shadowing work experience is a temporary, unpaid exposure to the workplace in an occupational area of interest to the participant. Youth witness first-hand the work environment, become aware of the technical and academic skills needed to enter the specific career, develop communication skills, apply connections between academic classroom work and their career goals, and understand the potential career options. A job-shadowing experience can be anywhere from a few hours, to a day, to a week or more. Participants spend one-on-one time with employees in order for the participant to observe their daily routine at the worksite. Opportunities must be made available to the participant to ask questions during and after the job shadow experience and to conduct brief interviews with people in their prospective professions to learn more about those fields. 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 pre-apprenticeship is a paid or unpaid work experience including partnerships with one or more registered apprenticeship programs that is designed to prepare individuals to enter and succeed in a registered apprenticeship. 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.

The Pre-Apprenticeship work experience includes both academic and occupational education components, and 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.

### **Academic Education Component**

- Occurs concurrently or sequentially
- Educators must be competent to train by virtue of experience or education
- May take place at or outside of the workplace

## **Occupational Education Component**

- May be paid or unpaid
- Must use labor market data when the youth is paid to determine the correct rate of pay
- Occupation should 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. Youth in work experience placements may work up to 600 hours throughout their participation period. Not all hours must be at the same worksite. Hours worked will be monitored regularly by youth program staff.

## **Rate of Pay**

Youth must be paid at least the NYS minimum wage. Youth may be paid the same wage as a current employee of the workplace within the same title/role/length of service, up to a maximum of \$15.00 per hour. If a youth is to be paid more than the NYS minimum wage, a rationale for the rate of pay must be submitted for WDB staff for approval. Salary, hours, and work conditions must be in accordance with Federal and State Labor Laws.

## **Eligible Sites**

Potential eligible entities and organizations 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 youth 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 following conditions apply:

- 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 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. temporary employment agency, employee leasing firm, or staffing agency.
- The youth is filling an opening created by a strike, labor dispute, or work stoppage

Cayuga Cortland WDB is the employer of record for any youth enrolled in a paid work experience. Youth program staff will ensure that accurate time sheets are received in a timely manner to guarantee 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.youthrules.dol.gov](http://www.youthrules.dol.gov)

USDOL – Youth Rules

[www.dol.gov/whd](http://www.dol.gov/whd)

DOL – Federal & State Child Labor Laws (includes wage and hour)

[www.youth.eeoc.gov](http://www.youth.eeoc.gov)

EEOC – Discrimination and Harassment

**Work Experience Program Orientation for Worksites**

Youth 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 Site Agreement/Contract.

## **Work Experience Program Orientation for Youth**

Upon initial enrollment in the work experience, the youth 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 paper) 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
- Procedure for immediately notifying a 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 youth program staff.

## **Evaluation and Monitoring Worksites**

### **1. Pre-Evaluation of Worksites**

The youth 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 youth program staff, especially when accepting participants that have barriers to employment. Proper worksite supervision must be one of

the factors that is established prior to placement of the participant in the work experience activity.

## **2. Worksite Monitoring**

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

The youth program staff will ensure that all individual worksites have policies for workplace safety and follow the guidelines. Evaluations shall be used to validate the development and attainment of skills identified on the ISS.

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
- Adequate worksite supervision in assuring compliance to legal requirements and program goals

## **3. Non-Performance of a Worksite**

Youth program staff will remove participants from and terminate the Work Site Agreement/Contract with any worksite that has exhibited a pattern of failure or has regularly not met their agreed upon commitment to the work experience participant. Basis for terminating a Work Site Agreement/Contract will be based on 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 that were used to address deficiencies
- Circumstances under which immediate termination of an agreement will occur (i.e. blatant violations of Child Labor Law, Health, Safety, OSHA, etc.).

A work experience agreement may not be entered into with any employer who has previously demonstrated a “pattern of failure”, such as failing to provide participants with adequate supervision and safe working conditions.

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

TEGL 21-16 Third Workforce Innovation and Opportunity Act (WIOA) Title I Youth Formula Program Guidance

Additional guidance as it comes down from USDOL and/or NYSDOL

Saved as: J:\WDB Policies\WIOA Youth Work Experience Policy 2019-14