



**To:** Indiana's Workforce System

**From:** Indiana Department of Workforce Development

**Date:** December 19, 2017

**Subject:** DWD Policy 2017-10  
Guidance on WIOA Title I Youth Work Experience

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## Purpose

The purpose of this policy is to provide guidance to local Workforce Development Boards (WDBs), their operators, and service providers regarding the requirements of the provision of work experience opportunities under the Workforce Innovation and Opportunity Act (WIOA).

## Rescissions

Memorandum Interim Guidance on WIOA Title I Youth Work Experience

## References

- Workforce Innovation and Opportunity Act, Section 129
- Regulations 20 CFR 680.840; §681.460; §681.480; §681.590 and §681.600
- TEGL 23-14 and 21-16

## Content

### *Background*

The Workforce Innovation and Opportunity Act renewed the work experience program element provided under the Workforce Investment Act. Work experience is one of the fourteen (14) required program elements that must be made available to all youth participants and should be offered throughout the program year. However, under WIOA, the work experience program element was given additional emphasis, with an added stipulation of a minimum 20% expenditure rate of the region's allocated amount of overall youth funding for all youth participants. The regulations cite work experience as a critical element that correlates to increased high school graduation rates and success in the labor market.

Work experiences are designed to provide career exploration opportunities and help youth understand in-demand employability skills, while meeting employer expectations that are necessary in order to attain and retain employment in today's job market. The Workforce Innovation and Opportunity Act includes the following four categories of youth work experiences:

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 opportunities.***

Work experiences should help youth acquire the personal attributes, knowledge, and skills needed to obtain a job and advance in employment. Work experiences can serve as a stepping stone to unsubsidized employment and are an important step in the process of developing a career pathway for youth. All work experiences should expose youth to realistic working conditions and tasks as much as possible.

All work experiences must include some form of academic or occupational learning as a component of the program element, which should be documented through services and case notes through the state's case management system. The academic or occupational learning may occur, during or after the work experience; but it must occur within a reasonable timeframe for relevancy in the work experience placement. This may include certifications earned in a pre-apprenticeship/apprenticeship program; employer expectations that would make a participant successful on the job; or specific skills or knowledge needed to perform daily duties and tasks of a specific career.

Youth work experiences are planned, structured learning experiences that take place for a limited period of time. A work experience can be paid or unpaid and 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 employer/employee relationship, as defined by the Fair Labor Standards Act or applicable State law, exists. Work experiences must be based on identified needs of the individual youth. Use of the work experience program element must be based on an objective assessment and identified on the youth's jointly developed Individual Employment Plan (IEP).

Consistent with 20 C.F.R. § 680.840, funds provided for work experiences may not be used to directly or indirectly aid in the filling of a job opening that is vacant because the former occupant is on strike, or is being locked out in the course of a labor dispute, or the filling of which is otherwise an issue in a labor dispute involving a work stoppage.

### ***Definitions***

Definitions of each of the four work experience categories are listed below and include maximum flexibility in the provision of these services for the local WDBs:

- ***Summer employment opportunities and other employment opportunities available throughout the school year:*** A short-term employment opportunity or work experience, either full or part-time that is conducted mainly during the summer months or for a similar timeframe during other months of the year. These opportunities could arise as are necessary for the youth, or be part of a larger scale summer employment program. Despite the use of the word "school," this work experience category is available to both in-school and out-of-school youth.
- ***Pre-apprenticeship programs:*** As defined in 20 C.F.R. § 681.480, a pre-apprenticeship is a program designed to prepare individuals to enter and succeed in an apprenticeship program registered under the National Apprenticeship Act and includes the following elements:
  - Training and curriculum that aligns with the skill needs of employers in the economy of 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; and
- 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.
- **Internships and job-shadowing opportunities:**
  - An internship is a form of learning that integrates classroom knowledge with practical application and skills development in a professional setting. Internships should be viewed as an extension of the participant's educational experience and, where possible, should align with their career interests and pathways. Internships can be paid or unpaid, but should align with the Fair Labor Standards Act.
  - Job-shadowing is a work experience option where youth learn about a job by walking through the work day as a shadow to a competent worker. 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.
- **On-the-job training opportunities:** As defined in DWD's On-the-Job Training (OJT) Guidelines, on-the-job training is training provided by an employer to a paid participant who is 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 a percentage of the wage rate of the participant; 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, prior work experience of the participant, and the service strategy for the participant; and
  - Provides the expectation that the employer will hire the OJT participant upon successful completion of the OJT.

### **Expenditures**

WIOA's requirement of a minimum 20% expenditure of the region's allocated amount of overall youth funding related to work experience program activities allows WDBs to provide these services for both in-school and out-of-school youth. In order to ensure that this requirement is met, local WIOA youth programs must track program funds spent on paid and unpaid work experiences, including wages and staff costs for the development and management of work experiences, and report such expenditures as part of the local WIOA youth financial reporting.

The percentage of funds spent on work experience is calculated based on the total local area youth funds expended for work experience rather than calculated separately for in-school and out-of-school youth. Local area administrative costs are not subject to the 20% minimum work experience expenditure requirement. For example, if a local area received \$1 million in local WIOA youth funds, and spent \$100,000 (10 percent) on administrative costs, the minimum work experience expenditure requirement would be based on the remaining \$900,000. In this case, local areas would need to spend a minimum of \$180,000 (20 percent) on the work experience program element.

Program expenditures on the work experience program element may 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 spent 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 a paid or unpaid work experience; and
- Employability skills/job readiness training to prepare youth for a work experience.

Supportive services are a separate program element and cannot be counted toward the work experience expenditure requirement, even if supportive services assist the youth in participating in the work experience.

Similar to supportive services, some academic services may be covered under other WIOA program elements and would not be counted toward the work experience expenditure requirement. However, as noted above, some classroom training may be counted in the work experience requirement. If the work experience requires the youth participant to handle cash and the youth struggles with basic financial math, the youth could benefit from remedial math for a short timeframe that may assist in performing the required job duties. The same would be true for a youth who is required to type documents or professional emails and could benefit from remedial English courses that would provide some academic learning, but will also benefit them in their occupational pathway.

### ***Payments***

Payments for the participants could come in many forms, but some work experience opportunities could be unpaid. Local WDBs could provide an incentive for completion of a goal or expected outcome based on the predetermined Individual Employment Plan (IEP). WDBs could also offer a stipend, which would be a fixed, regular payment similar to an allowance. WDBs should ensure that any stipend be in alignment with the entry level wage for the particular occupation or career.

Many participants are “hired on” as employees of the service provider or WDB during their short-term work experience. As the employer of record, the service provider or WDB would be subject to Fair Labor Standards Act, Child Labor laws, health and safety standards and other applicable laws regarding wages, benefits, workman’s compensation and insurance.

### ***Employers/Worksites***

Appropriate and committed worksite locations for work experiences are at the discretion of the local WDB. However, WDBs should seek employers who understand the barriers and needs of the youth participants and are willing to be flexible with their needs. Additionally, employers should work closely with program staff for monitoring the learning goals and outcomes of the participants, as well as assisting them in addressing challenges that may arise during the work experience.

Attention must be given to ensure that work experience arrangements do not unfavorably impact current employees and do not impair existing contracts for services or collective bargaining agreements. Work experiences, including internships, in the private for-profit sector must be structured so as not to appear to be subsidizing private, for-profit operations. The work of the participant should not materially impact the profit margin of a private, for-profit company.

### ***Worksite Agreement***

The WDB must ensure that the youth provider has a written agreement to ensure compliance with WIOA and all applicable federal and state regulations. The agreement is a written document that details terms and conditions of a paid or unpaid work experience and the expectations of the parties to the agreement. The written agreement is between the participant, the site employer or host site, and the youth provider or employer of record.

The written agreement, which may be called a worksite agreement, job site agreement, or host site agreement, must include at a minimum:

- Duration;
- Remuneration;
- Tasks and duties;
- Supervision;
- Health and safety standards; and
- Other conditions of work experience such as consequences of not adhering to the agreement and a termination clause.

The worksite or host site entity, the participant, and the youth provider should all be given a copy of the agreement. The agreement must be available for audit and monitoring purposes.

### ***Effective Date***

Immediately

### ***Ending Date***

Upon rescission

### ***Contact for Questions***

[policy@dwd.in.gov](mailto:policy@dwd.in.gov)

### ***Action***

Local WDBs shall ensure that the guidance contained within this policy is followed regarding the work experience program element for WIOA Youth program participants.