

Paid and Unpaid Work Experience

WIOA YOUTH PROGRAM ELEMENT

The Workforce Innovation and Opportunity Act (WIOA) Youth program includes 14 program elements, which are required to be made available in each local area. The program elements outline a vision for supporting youth and young adults through an integrated service delivery system. This brief includes related information in the Act, the regulations, and guidance for this program element.

Workforce Innovation and Opportunity Act

Section 129 (c)(2)(C): paid and unpaid work experiences that have as a component academic and occupational education, which may include—

- (i) summer employment opportunities and other employment opportunities available throughout the school year;
- (ii) pre-apprenticeship programs;
- (iii) internships and job shadowing; and
- (iv) on-the-job training opportunities

Workforce Innovation and Opportunity Act Relevant Regulations

§ 681.600 What are work experiences?

- (a) 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. Consistent with **§ 680.840 of this chapter**, 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. Work experiences provide the youth participant with opportunities for career exploration and skill development.
- (b) Work experiences must include academic and occupational education. The educational component may occur concurrently or sequentially with the work experience. Further academic and occupational education may occur inside or outside the work site.
- (c) The types of work experiences include the following categories:



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

§ 681.590 What is the work experience priority and how will local youth programs track the work experience priority?

- (a) Local youth programs must expend not less than 20 percent of the funds allocated to them to provide ISY and OSY with paid and unpaid work experiences that fall under the categories listed in [§ 681.460\(a\)\(3\)](#) and further defined in [§ 681.600](#).
- (b) 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 ISY and OSY. Local area administrative costs are not subject to the 20 percent minimum work experience expenditure requirement.

§ 681.610 Does the Workforce Innovation and Opportunity Act require Local Workforce Development Boards to offer summer employment opportunities in the local youth program?

No, WIOA does not require Local WDBs to offer summer youth employment opportunities as summer employment is no longer its own program element under WIOA. However, WIOA does require Local WDBs to offer work experience opportunities using at least 20 percent of their funding, which may include summer employment.

§ 681.620 How are summer employment opportunities administered?

Summer employment opportunities are a component of the work experience program element. If youth service providers administer the work experience program element, they must be selected by the Local WDB according to the requirements of WIOA sec. 123 and [§ 681.400](#), based on criteria contained in the State Plan. However, the summer employment administrator does not need to select the employers who are providing the employment opportunities through a competitive process.

§ 681.480 What is a pre-apprenticeship program?

A pre-apprenticeship is a program designed to prepare individuals to enter and succeed in an apprenticeship program registered under the Act of August 16, 1937 (commonly known as the “National Apprenticeship Act”; 50 Stat. 664, chapter 663; [29 U.S.C. 50 et. seq.](#)) (referred to in this part as a “registered apprenticeship” or “registered apprenticeship program”) and includes the following elements:



- (a) Training and curriculum that aligns with the skill needs of employers in the economy of the State or region involved;
- (b) Access to educational and career counseling and other supportive services, directly or indirectly;
- (c) 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;
- (d) Opportunities to attain at least one industry-recognized credential; and
- (e) A partnership with one or more registered apprenticeship programs that assists in placing individuals who complete the pre-apprenticeship program in a registered apprenticeship program.

Workforce Innovation and Opportunity Act Relevant Guidance

TRAINING AND EMPLOYMENT GUIDANCE LETTER No. 21-16 | U.S. Department of Labor

Program Element 3: Paid and unpaid work experience

[20 CFR § 681.600](#) further 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, exists. Consistent with [§ 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. Work experiences provide the youth participant with opportunities for career exploration and skill development.” Additional information on the employer/employee relationship may be found on DOL’s Wage and Hour Division website.

WIOA and [20 CFR § 681.590\(a\)](#) require that a minimum of 20 percent of local area funds for the Title I Youth program be spent on work experience. As explained in [20 CFR § 681.590\(b\)](#), local area administrative costs are not subject to the 20 percent minimum work experience expenditure requirement. Leveraged resources cannot be used to fulfill any part of the 20 percent minimum.

[TEGL No. 8-15](#) provides further discussion of allowable expenditures that may be counted toward the work experience expenditure requirement and articulates that program expenditures on the work experience program element can be more than just wages paid to youth in work experience. 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 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 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.

Academic and occupational education component. As discussed in [20 CFR § 681.600](#), work experiences must include academic and occupational education. The educational component may occur concurrently or sequentially with the work experience. The academic and occupational education component may occur inside or outside the work site. The work experience employer can provide the academic and occupational component or such components may be provided separately in the classroom or through other means. States and local areas have the flexibility to decide who provides the education component.

The academic and occupational education component refers to contextual learning that accompanies a work experience. It includes the information necessary to understand and work in specific industries and/or occupations. For example, if a youth is in a work experience in a hospital, the occupational education could be learning about the duties of different types of hospital occupations such as a phlebotomist, radiology tech, or physical therapist. Whereas, the academic education could be learning some of the information individuals in those occupations need to know such as why blood type matters, the name of a specific bone in the body, or the function of a specific ligament. Local programs have the flexibility to determine the appropriate type of academic and occupational education necessary for a specific work experience.

Categories of work experience. WIOA identifies four categories of work experience: (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 Section 3(44) and in [20 CFR § 680.700](#). Two of the categories, job shadowing and pre-apprenticeship, are discussed below.

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.

As discussed in [20 CFR § 681.480](#), pre-apprenticeship is a program designed to prepare individuals to enter and succeed in an apprenticeship program registered under the Act of August 16, 1937 (commonly known as the National Apprenticeship Act. . . [and] referred to ... as a registered apprenticeship or registered apprenticeship program) and includes the following elements: (a) training and curriculum that aligns with the skill needs of employers in the economy of the State or region involved; (b) access to educational and career counseling and other supportive services, directly or indirectly; (c) 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; (d) opportunities to attain at least one industry-recognized credential; and (e) a partnership with one or more registered apprenticeship programs that assists in placing individuals who complete the pre-apprenticeship program in a registered apprenticeship program.

Resources

Payments and Expenditures Resources

- [Tracking and Reporting of Workforce Innovation and Opportunity Act \(WIOA\) Youth Expenditures](#)
- [WorkforceGPS - Forms of Payments for WIOA Youth Program Participants](#)
- [Wage and Hour Division \(WHD\) Youth Employment Compliance Assistance Toolkit](#)
- [USDOL Wage and Hour Division - Fact Sheet on Internship Programs Under the Fair Labor Standards Act](#)

Resources on Working with Employers, including Sample Worksite Agreements

- [Employer Engagement Resources](#)

For additional resources on the program element, please visit: [WorkforceGPS - Paid and Unpaid Work Experience](#).

