

WORKFORCE POLICY BULLETIN #01-16 - NEW

DATE: January 21, 2016

TO: Contracted Service Providers

FROM: Stephen Baiter, Executive Director
Workforce Development Board



SUBJECT: Youth WEX Policy

Background:

The Workforce Innovation and Opportunity Act (WIOA) places increased focus on work-based learning for youth by broadly defining work experience and establishing a minimum expenditure requirement (20%) for work-based learning activities.

Under WIOA section 134(c)(2)(A)(xii)(VII), an internship or work experience is defined as a planned, structured, time-limited learning experience that takes place in a workplace. Work experience may be paid or unpaid, as appropriate. An internship or work experience may be arranged within the private for profit sector, the non-profit sector, or the public sector.

Paid and unpaid work experiences and/or internships must include academic, occupational education and may include the following types of work experience:

- Summer employment opportunities and other employment opportunities available throughout the school year
- Pre-Apprenticeship programs
- Internships and job shadowing
- On-the-job training opportunities

Policy:

Youth Work Experience Priority – 20% Spending Requirement

At minimum, 20 percent of WIOA Youth funds must be spent to provide in-school youth and out-of-school youth with work experiences. WIOA youth programs must track and report program funds spent on paid and unpaid work experiences, including wages and staff costs for the development and management of work experiences. The 20 percent work experience spending requirement:

- Is Not tracked separately for In-School and Out-of-School youth
- Is calculated AFTER administrative costs have been subtracted from the total amount of youth funds.

- The duration of a paid WEX activity shall be based on the needs of the participant as documented in his/her Individual Service Strategy/Career Action Plan – generally 120 – 520 hours in accordance with the quality standards adopted by Earn and Learn East Bay.
- A Work-based learning plan and evaluation tool will be used
- Wexes need to be linked to an occupational goal and career pathway
- Participants and Worksite Supervisors shall receive an orientation prior to the start of a paid work experience
- Participation in a paid wex does/shall not preclude an individual from receiving supportive services such as uniforms, work-clothing, tools, transportation assistance, childcare assistance, and other supportive services as needed.
- Payment of incentives are allowable but must be tied to the completion of measurable outcomes. Incentives are not to take the place of wages and may be most appropriate for completion of an academic component or learning objectives completed via short or one-time un-paid work experiences such as a job-shadow.
- The wex must be monitored by the coordinating provider/agency at least once during the course of the activity.

Work Experience Subsidies

When possible, the employer will pay the wages to the youth for the term of the work experience. If a public sector or non-profit employer is unable to pay for the wages, WIOA funds may be used to subsidize the WEX.

To subsidize a Private Sector internship or work-experience, one or more of the following criteria must be in place and documented.

Earn & Learn East Bay Private Sector Subsidy Qualifiers:

- There is an excellent chance that the employer will hire the youth after the subsidized summer experience
- The subsidy will leverage additional resources (Employer will make other financial contributions to support the experience).
- The experience is a team-based project with significant contributions from the employer partner.
- The experience offers an opportunity in a career or field of interest that would otherwise be unavailable to the student/youth.
- The experience offers a youth/student with marginal skills and/or other barriers the opportunity to develop confidence and experience a successful placement that would otherwise not be possible.
- Placement would be an economic development opportunity for a small business that is poised for growth.

Labor Laws

Clients who participate in a paid work experience activity must be paid in wages that comply with federal, state, and local minimum wage requirements. Worksites must also adhere to other local, state, and federal labor laws. The U.S. Department of Labor and the California Department of Industrial Relations provide requirements on school attendance, wages, allowable working hours, age requirements, restrictions, employer requirements, work permits, job safety and working conditions. Providers are expected to create experiences for their clients that meet all applicable labor law requirements.

Work Experience Employee Files – for paid WEX

Providers must maintain full documentation of the work experience in the participant's case file. These documents verify that the client is authorized to work in the U.S. and has completed the required employee paperwork. When wages are fully paid by a private employer (not subsidized with WIOA dollars), copies of the required documentation are acceptable with the understanding that the originals will be made available for review by local, State and Federal monitors as needed.

WEX Employee files should include:

- Completed, signed and verified I-9 Form with back-up documentation
- Completed, signed W4 Form
- Current work permit for youth under 18 years old
- Emergency contact information
- Copy of timesheets of all pay periods during which the client worked
- Verification that client received paychecks for all pay periods worked
- Progress Reports/Performance evaluations

Disclaimer

This policy is based on an initial reading of the statute, the Notice of Proposed Rulemaking released by USDOL as well as guidance issued by California EDD. This policy is subject to change as additional federal regulations and state guidance are released and as quality improvement reviews are conducted.

Citations & References:

WIOA Public Law 113-128) Sections 3, 107, 116, 123, 128, and 129(c) (2) (E) and (c) (4)

Title 20 CFR NPRM 681.600 and 681.640

If you have any questions regarding this Workforce Policy Bulletin, please contact Gina DelCarlo at gdelcarlo@ehsd.cccounty.us or 925-602-6800.

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