

INSTRUCTION LETTER

INSTRUCTION NUMBER: WIOA 17-13 Amendment 1

TO: Upstate Workforce Board Youth Contractors

SUBJECT: Youth Work Experience

DATE

ISSUED: September 15, 2022

DATE

EFFECTIVE: Immediately

DATE

EXPIRES: Indefinitely

PURPOSE: The Upstate Workforce Board administers programs serving Out-of-School youth in the Upstate service area. Steadfast in the belief that youth learn to work by working, the Upstate Workforce Board encourages youth contractors to utilize Workforce Innovation and Opportunity Act (WIOA) funds to assist youth in obtaining paid and unpaid work experience while enrolled in the program.

BACKGROUND: Section 129 of the Workforce Innovation and Opportunity Act (WIOA) establishes the use of funds for youth workforce investment activities.

1. Section 129(c)(2)(C) refers to paid and unpaid work experiences that have 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.
2. Section 129(c)(4) refers to not less than 20 percent of the program funds allocated to the local area shall be used to provide in-school and out-of-school youth with activities under paragraph (2)(C).

DEFINITION OF KEY TERMS

A “Work Experience” is a planned, structured learning experience that takes place in a workplace for a limited period of time. A work experience:

1. Is limited in duration; The Upstate Workforce Board restricts the duration to 6 months, however, the Executive Director or a designee has the ability to extend the duration of a work experience if circumstances are justified;

2. Provides knowledge or skills essential to the full and adequate performance of the occupation; and
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 to the preceding list, a “Paid Work Experience” must provide the following stipend conditions:

1. The Worksite Agreement will state the stipend amount and all the conditions so that the student and worksite host understand the agreement. The work experience stipend will be determined by the youth service provider with the length varying depending upon the total agreed amount. A typical work experience stipend is paid at \$12.00/hour, lasting no more than 6 months.
2. Timesheets will be due weekly with stipend checks issued upon processing.
3. To maintain youth interest and motivation, if the work experience is not completed, a stipend may not be paid if the participant fails to fulfill their responsibility.

“Employee” – a participant is not an employee of the worksite host if:

1. The training, even though it includes actual operation of the facilities of the worksite host, is essentially a training experience similar to what might be provided by a vocational school;
2. The participant is primarily the beneficiary of the experience;
3. Regular staff members are not displaced, and the experience is closely supervised/observed;
4. The worksite host derives no immediate or significant advantage from the participant’s activities (and may experience an actual downside);
5. The participant is not necessarily entitled to a job at the conclusion of the experience; and
6. There is mutual understanding between the participant and the worksite host that the participant is not entitled to wages for this time because the activity is essentially a training experience.

If all six criteria are met, a work experience activity may be considered a training situation and stipends may be paid. If any of the six criteria are not met, then a participant must be considered an employee and be paid wages.

ELIGIBILITY REQUIREMENTS

Participant Eligibility – All youth participants enrolled in WIOA services are eligible for participation in work experience activities, provided the activities are deemed in line with an individual’s career plan and service strategy.

General Work Experience Worksite Host Eligibility – Potentially eligible companies able to participate in youth work experience contracting include: private for-profit businesses, private non-profit organizations and public sector entities. The Upstate Workforce Board’s selected in-demand sectors should be the focus for all work experiences.

Paid Work Experience Worksite Host Eligibility – The provider organization with which the youth is enrolled serves as the worksite host of record and is responsible for ensuring that stipends are paid on time and in full. Non-profit, for-profit and public entities are eligible to serve as paid work experience sites.

A company will not be eligible to host a youth participant for work if:

- 1. The company has any individual on layoff from the same or a substantially equivalent position;**
- 2. The youth paid work experience would infringe upon the promotion or displacement of any currently employed worker or cause a reduction in their hours;**
- 3. The same or a substantially equivalent position is open due to a hiring freeze; and**
- 4. The worksite host is a private for-profit employment agency, i.e. temporary employment agency, employee leasing firm or staffing agency.**

POLICY

At least 20 percent of all Upstate Workforce Board WIOA Youth program funds must be used for paid and unpaid work experience programming, including the provider cost of administering such programs. Local grant agreements between the Board and WIOA Youth service providers will contain language and a set budget regarding work-based learning expectations.

The Upstate Workforce Board encourages providers to enroll youth in paid work experiences where possible. A youth participant in a work experience must have an up-to-date Individual Service Strategy (ISS) reflecting the need for work experience.

A Worksite Agreement contract (see attachment) must be completed and placed in the participant file for each work experience.

Copies of participant pay records, timesheets and proof of received stipends must be maintained in participant files.

Employer Requirements

With assistance from youth contractor staff, participating worksite hosts must guarantee that:

- 1. The training to be provided will be in accordance with the Workforce Innovation and Opportunity Act (WIOA) 181 (a)(1)(A), and 683.275 for wage and labor standards.**

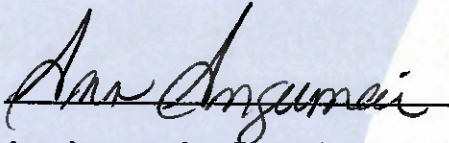
Worker production requirements are set forth in WIOA Sections 181(a)(1)(A) and (B), (b)(2), (3), (4), (5) and 188;

2. All applicable child labor laws are followed;
3. The worksite host agrees to cooperate with monitoring efforts as required by WIOA legislation, and adhere to all other applicable local, state and federal rules and regulations;
4. Funds are not used to directly or indirectly assist, promote or deter union organizing;
5. Worksite hosts must agree to respond to workforce development system staff requests for retention information of participants; and
6. Worksite hosts are expected to provide a job description before the start of the work experience and complete an exit survey upon completion of the work experience.

General Requirements

1. Per WIOA regulations (20 CFR 683.200(g)), "no individual may be placed in an employment activity if a member of that person's immediate family is directly supervised by or directly supervises that individual." For the purpose of this policy, the "immediate family" includes a spouse, child, son-in-law, daughter-in-law, parent, mother-in-law, father-in-law, sibling, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent and grandchild.
2. Provider costs of administering paid and unpaid work experience programs are allowable costs under this policy.

INQUIRIES: Questions may be directed to Dana Wood (wood@upstateworkforceboard.org) or 864-596-2028 TTY:711.



Ann Angermeier, Executive Director

Update to Instruction Letter including the addition of details from Local Instruction Letter 08-07, retiring that document.