

**Approved Date:**

**Effective Date:** July 1, 2023

**Subject: Work Experience (WEP) Policy**

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### **Purpose**

To provide policy direction and guidance for the implementation of the Work Experience Program (WEP) for Adult, Dislocated Worker, and Youth participants enrolled in the WIOA program.

### **Background**

- I. The Work Experience Program (WEP) is crafted to instill positive work habits and foundational skills for individuals with little to no work history, minimal exposure to occupations, or an extended absence from the workforce. WEP is applicable in for-profit, nonprofit, or public sectors, and compensation, if any, adheres to the Fair Labor Standards Act and relevant labor laws. Importantly, WEP does not intend to supplant existing positions or employees.

### **Participant Eligibility**

- I. All WEP participants must meet WIOA program eligibility requirements, be enrolled in the respective WIOA program, and have received an assessment resulting in the development of an Individual Employment Plan/Individual Service Strategy, which documents the participant's needs and benefit for WEP.

### **Employer Eligibility**

- I. WEP may take place in the for-profit, nonprofit, or public sector. A participant cannot be placed in a WEP with an employer where the participant is already employed in an unsubsidized position. A WEP must not be used as a substitute for Public Service Employment (community service) activities as a result of court-adjudication.
- II. WEP must provide a planned and structured learning experience that will contribute to the achievement of the participant's employment goals through a measurable training component. It must be designed to assist participants to establish a work history, demonstrate success in the workplace, and develop the skills that lead to entry into and retention in unsubsidized employment.

- III. The WEP Employer must meet the following criteria:
- A. Must be a legal business/entity in accordance with all federal, state, and local laws
  - B. Every employer of employees subject to Fair Labor Standards Act's minimum wage provisions must post, and keep posted, a notice explaining the Act in a conspicuous place in all of their establishments so as to permit employees to readily read it
  - C. Must have safe and healthy working conditions with no previously reported health and safety violations that have been reported but have been corrected
  - D. Does not illegally discriminate in training or hiring practices because of race, color, sex, national origin, religion, physical or mental disability, political beliefs or affiliations, or age
  - E. Shall not terminate the employment of any of their current employees or otherwise reduce its workforce either fully or partially (such as reduction in hours or benefits) with the intention of filling the vacancy with a WEP participant or as the result of having a WEP participant
  - F. Shall not allow the WEP activity to result in the infringement of promotional opportunities of their current employees
  - G. Shall not allow the participant to be involved in the construction, operation, or maintenance of any part of any facility that is used, or to be used, for religious instruction or as a place for religious worship
  - H. The employer must not currently be involved in a labor dispute or have employees currently in layoff status

### **Length of Training**

- I. A WEP contract at one worksite can be written for the duration of 30-90 days. Participant may extend participation up to a maximum of 120 days. When determining the duration of a WEP activity, the following should be considered:
  - A. Objectives of the WEP
  - B. Length of time necessary for the participant to learn the skills identified in the IEP/ISS
  - C. The employer having sufficient quantity of meaningful work activities for the participant

## **Compensation**

- I. If the WEP participant is paid wages, the wages will be at least the prevailing wage for the classification in which the participant is working. A prevailing wage is the basic hourly rate of wages paid to a number similarly employed workers in the local area. It will be no less than the higher of the federal or state minimum wage.
- II. Wages will be paid by Workforce Innovation & Opportunity Act / WIOA/Title I. If paid, WEP participants must always be paid for time worked and must not be paid for any scheduled hours they failed to attend without good cause. Under certain conditions, participants in a wage paying WEP, may be paid for time spent attending other activities. Such payments may only be made if WEP participation is scheduled for more than fifty percent of the scheduled training time in all activities. Usually, the participant will be enrolled simultaneously in both the WEP activity and the other activity.
- III. WEP wages will go directly to the participant, not the employer, who doesn't receive monetary compensation for involvement in WEP. Labor standards are applicable whenever an employee/employer relationship, as defined by the Fair Labor Standards Act, exists in WEP.
- IV. Each participant in WEP must be covered either by Workers' Compensation in accordance with state law or by adequate on-site medical and accident insurance. Participants in WEP are exempt from Unemployment Compensation Insurance, therefore, unemployment compensation costs are not allowable.
- V. In addition to the guidelines listed here, other State and Federal regulations governing employment situations apply to WEP as well.

## **Remote or Virtual Option**

- I. In specific situations, like during a pandemic, eligible participants may receive remote or virtual work experience, encompassing academic and occupational learning endeavors. The WEP should constitute a well-organized learning opportunity, offering participants substantial and purposeful work activities. Adequate technology and equipment are essential for participants to successfully engage in their WEP training. Approval from the Title I Manager is mandatory for all remote or virtual work experience assignments.

## **Monitoring Expectations**

- I. WIOA program staff must ensure regular and on-going monitoring and oversight of WEP. Monitoring may include on-site visits and phone/email communication with the employer/trainer and participant to review the participant's progress in meeting the training objectives. Any deviations from the WEP agreement should be dealt with promptly. The following are key to ensuring the success of a WEP for the participant and employer:
  - A. The need for work experience aligns with the career pathway and is documented on the IEP/ISS.
  - B. An orientation was provided to the participant and the worksite when placement does not include a direct hire with the employer, direct hires receive onboarding and orientation from the employer
  - C. The length of the work experience is reasonable for the participant to learn the skills identified in the IEP/ISS
  - D. Documentation supports that the employer meets eligibility as outlined in the policy
  - E. Paid and unpaid work experiences for Youth participants must include academic and occupational education that aligns with their career pathway as a component.
  - F. In accordance with WIOA §129(c)(4), a minimum of 20% of WIOA youth funds must be allocated to paid and unpaid work experience initiatives.

*Equal Opportunity Program / Employer – Auxiliary aids and services available upon request for individuals with disabilities*