

WORK EXPERIENCE

Southern 14 Workforce Investment Board, Inc., LWIA #26

The Southern 14 Workforce Investment Board, shall use the following criteria for the purposes of determining the allowability of a public or private, company, agency or organization to act as a worksite for youth, adult or dislocated worker employment:

Not all educational experiences available to WIOA participants are classified as training services or occur under conditions similar to those outlined in the Training Options (Policy 16, Section B.). Work Experience can be used by the customer to successfully complete their training goals.

Work Experience for Adult and Dislocated Worker is defined 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 workplace may be in the private for profit sector, nonprofit 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, exists.

For Youth paid work experiences have academic and occupational education as a component of the work experience, which may include the following types of work experiences:

- Summer employment opportunities and other employment opportunities available throughout the school year;
- Pre-apprenticeship programs—a program or set of strategies designed to prepare individuals to enter and succeed in a registered apprenticeship program and has a documented partnership with at least one, if not more, registered apprenticeship programs;
- Internships and job shadowing; Work Experience and Supported Work Policies.

For all participants; work experience is a planned, structured learning experience that occurs in a workplace for a limited period of time and may be paid or unpaid. Work Experience differs from On the Job Training and Incumbent Worker Training in that no hiring occurs either prior to or after the learning experience.

Work experience may be combined with classroom instruction relating to a particular position, occupation, industry or basic skills and abilities necessary to successfully compete in the local labor market.

- A. Elements of Work Experience Program:
- 1) Instruction in employability skills and or generic workplace skills;
 - 2) Exposure to various aspects of an industry;
 - 3) Progressively more complex task;
 - 4) Internships and job shadowing;
 - 5) The integration of basic academic skills into work activities;
 - 6) Supported work, work adjustment, and other transition activities;

- 7) Other elements designed to achieve the goals of work experiences.

B. Requirements for Work Experience

- 1) Objective Assessment: Only registrants determined to be in need of work experience through objective assessment and as documented in the customer's Universal Career Plan may participate in a work experience activity. When determining individual's needs, the objective assessment must consider the individual's prior education, work history, and barriers to employment. A candidate for work experience is a registrant who is appropriate for long-term employment in a particular industry or occupation, but does not have all of the skills or the experience to qualify for entry-level employment in the field.
- 2) Duration: The duration of the work experience must be limited to the number of hours appropriate for career exploration of the target occupation and/or the time needed to develop good work habits and accomplish the goals established in the Universal Career Plan ~~IEP or ISS~~. Duration may vary depending on the complexity of job tasks and the individual needs of the registrant, but should not exceed the financial limits established by the local area for work-based training. Training dollars are capped at \$15,600 per employee. Special exception to this guideline must be approved in writing by Southern 14 Workforce Investment Board, Inc. The training program should generally not exceed at total of 1,040 full-time hours of actual training (the equivalent of full-time training for six (6) months). Special exceptions to this policy must be approved in writing by Southern 14 Workforce Investment Board, Inc. Exemptions may be reviewed and approved by the Executive Director. Please submit the LWIA Request for Work Experience Increase that can be found in our Local Policy 22 Forms to the Southern 14 Executive Director.
- 3) Documentation: Work Experience documentation must be maintained in the customer's IWDS 2.0 file and made available upon request. At a minimum, the file must contain the following:
 - a. Work Experience and OJT Pre-Award Survey. This is a pre-evaluation tool used to determine the appropriateness of utilizing the worksite for work experiences. This task should be completed by the WIOA Program Manager/Service Provider. If participant is under 18 and there is no background check completed for the worksite's supervisor, then a sex offender search is completed.
 - b. Work Experience Contract
 - 1) The contract must include, at a minimum: the worksite information, work experience requirements, employer responsibility and assurances, and other terms and conditions of work experience, such as consequences of not adhering to the agreement and a termination clause.
 - 2) The worksite or host site entity and the Service Provider must sign and be given a copy of the contract. The contract must be available for audit and monitoring purposes

- c. Supervisor Orientation
 - a. Worksite Supervisor Handbook is provided to the Worksite Supervisor during orientation.
- d. Participant Orientation
- e. Work Experience (WEX) Outline/Plan with Job Description Attached
 - a. The outline must include, at a minimum: the type of work experience, the location where the training will take place, the duration (beginning and end dates), compensation, skills, supplies needed for the work experience, and supervision.
 - i. An individualized WEX skills analysis must be conducted to determine the acquisition of skills that the customer does not already possess.
 - ii. This analysis will contain occupationally specific skills that the employer requires for competency in the WEX occupation.
 - iii. An analysis of the trainee's prior work history, transferable work skills, and the job skills gained must be compared to the job skills/job description the employer requires in the WEX occupation. The resulting skills gap will serve as the basis for developing the WEX.
 - iv. Skill gaps should be addressed by providing the appropriate services and are documented in Section 3 of the WEX Outline/Plan appropriately. These services can be provided outside the WEX if the Employer does not provide such training. Services should then be provided to the trainees by cross referencing the skill gaps with the Service Matrix Explorer in IWDS 2.0.
 - 1. Example # 1 of Documented Skills Gap in Section 3: Ex: Enhancing the employability of individuals who already have occupational skills, such as computer skills, in demand but lack up-to-date skills required in most workplaces hiring for the occupation.

Adult

- a. Goal=Employment/Start a new career [Career Cluster] by using my strengths and learning new skills in an industry I haven't worked in before.
 - b. Step=Take part in short-term services that help improve and upgrade your current skills.
 - c. Service=Short Term Prevocational Services
 - i. Ie: Ed to Go Microsoft Excel Certification Training at IECC
2. Example #2 of Documented Skills Gap in Section 3: Skills and/or abilities that enable someone to relate to others and adapt to a workplace environment and are necessary to being successful in the workplace. Soft skills are non-technical, intangible, and personality-specific skills. Soft skills may include work habits

(such as punctuality, appropriate attitude and behavior, cooperation, the ability to take constructive criticism), integrity, interpersonal skills, problem-solving, multitasking, making good and informed decisions, communicating with others, positive job attitude or managing oneself in the workplace, showing initiative and reliability, etc.

- a. Goal=Employment/Start a new career [Career Cluster] by using my strengths and learning new skills in an industry I haven't worked in before.
 - b. Step=Grow your skills so you can find a job, keep it, and move up in your career by learning how to work well, solve problems, and stay professional.
 - c. Service: Workforce Preparation Skills
 - i. Ie: Talking with your customer regarding their results of Employment 101 in Illinois WorkNet
- b. The employer of record, the customer, the LWIA/Contractor, and the work experience provider, if different than the employer, must all sign and be given a copy of the outline. The outline must be available for audit and monitoring purposes.
- f. Universal Career Plan
- g. Work Experience (WEX) Progress Report (REPORTING PERIOD START DATE AND REPORTING PERIOD END DATE)
 - a. The progress report must include, at a minimum: an evaluation of the customer, including the progress made towards obtaining the skills in the outline and the hours worked.
 - b. The work site supervisor, the customer, the LWIA/Contractor, and the work experience provider, if different than the employer, must all sign and be given a copy of the outline. The progress report must be available for audit and monitoring purposes.
- h. On The Job (OJT)/Work Experience (WEX) Local Monitoring Report
 - a. Initial Report is completed within 30 days of the start of the WEX
 - b. All other Reports are completed every 30 days (or less) for the duration of the contract.
- i. LWIA Request for Work Experience Increase
 - a. As needed

- j. Participant Time Sheets
 - a. The Time Sheets must include a running total each pay period showing total hours worked and the total amount paid.
 - k. Final Cost Report
 - a. This will show the total hours worked and total amount paid and should come from the Service Provider Accounting Package.
- 5) Monitoring: Service Providers, Career Planners, and the LWIB are required to perform monitoring of worksites to ensure compliance with project goals and adherence to WIOA law, policies and procedures.
- a. Service Provider Monitoring (WIOA Program Manager/Service Provider) should be completed first and is called the Work Experience and OJT Pre-Award Survey. This is a pre-evaluation tool used to determine the appropriateness of utilizing the worksite for work experiences. This task should be completed by the WIOA Program Manager/Service Provider before the start of the contract.
 - b. Career Planner Monitoring should be completed every 30 days (or less) for the duration of the contract with the first Monitoring Report to be completed within 30 days of the start date of the contract. This tool is called the On The Job (OJT)/Work Experience (WEX) Local Monitoring Report.
 - c. LWIB Monitoring should be completed 1 time after the end of the contract. This tool is called LWIB WEX File Monitoring.
- 6) Employment Relationship: If the worksite/job site/ host site is relying on the registrant to perform substantive work, i.e., to be productive, then the situation should be recognized as an employer-employee relationship

In accordance to the Illinois Paid Leave for All Works Act, effective January 1, 2024 – each individual participating in an employment relationship at a worksite/job site for more than ninety days will earn paid time off (PTO) at the established rate mandated by the Act of one hour for every forty hours worked. The individual shall be allowed to use this time for any purpose and will not be required to disclose the reason. PTO is accrued from first the day of work, but may not be used until after ninety days at the worksite/job site. While no advance notice is required to utilize this leave, the individual is responsible to advise their supervisor prior to the start of their scheduled shift and appropriately reflect the leave on their time sheet. In the event that PTO is not used by the end of the calendar year, individuals may carry unused time forward. Upon termination of employment individuals will be paid for the unused PTO at their regular rate of pay for PTO earned up to the last day worked.

Individuals participating for less than ninety days will not be entitled to PTO.

The requirements of the Fair Labor Standards Act (FLSA) apply whenever an employer/employee relationship exists. WIOA registrants are subject to the requirements of the FLSA to the extent that the activities performed during the work experience constitute employment.

According to the Wage and Hour Division of the U.S. Department of Labor, Employment Standards Administration, if all of the following six elements exist, the work experience can be considered a training situation. The WIOA registrant is not an employee of the employer site if:

- a. The training, even though it includes actual operation of the facilities of the employer, is essentially a training experience similar to a vocational school;
- b. The registrant is primarily the beneficiary of the experience;
- c. Regular employees are not displaced and the experience is closely supervised/observed;
- d. The "employer" that hosts the experience derives no immediate or significant advantage (and may experience an actual downside);
- e. The registrant is not necessarily entitled to a job at the conclusion of the experience;
- f. There is a mutual understanding between the registrant and the host agency that the registrant is not entitled to wages for this time because the activity is essentially a training experience.

If any of the above six (6) conditions are not met, the WIOA registrant must be considered an employee. Only if the registrant can be considered a trainee and not an employee, may the work experience be unpaid. For more information about the FLSA see www.opm.gov/flsa

- 7) Employer of Record: If the worksite is relying on the registrant to perform substantive work, i.e., to be productive, then the situation should be recognized as an employer-employee relationship. In this situation, the business, not the agency, is the "employer of record". Registrants must receive no less than the applicable state or federal minimum wage (see section 11 Compensation for further guidance on local minimum wage ordinances). The employer of record is responsible for paying all taxes and providing similar benefits as are available to other employees. For information about federal and Illinois minimum wages law see. www.dol.gov/dol/topic/wages/minimumwage.htm and WWW.state.il.us/agency/idol/fag/gamwot.htm

In other circumstances (i.e., if the worksite/job site/ host site does not rely on the registrant to perform substantive work, but all six conditions are not met) the WIOA delegate agency has the option of being the employer of record for the WIOA registrant. The delegate agency as employer of record is responsible for paying the registrant and negotiating with the worksite/job site/ host site regarding the activities that will be performed by the registrant. The work experience may occur at the service provider or employer location or the registrant may be referred to a worksite/job site/ host site to receive the work experience. The worksite/job site/ host site is the location where work experience task will occur.

- 8) Payments and Tax Treatments: All paid work experience is subject to state and federal tax withholdings. Employers must identify the taxes applicable to each type of payment, and must also determine the necessity and/or arrangements for withholding and payment of income, employment, FICA, Medicare, and Unemployment Insurance taxes applicable to the type(s) of payments to be made to registrants (i.e., wages, stipends, allowances, needs-related payments, or incentives).

- 9) Child Labor Laws: If the project proposes to serve youth, the design must include assurances of compliance with applicable State and Federal Child Labor laws and a discussion of any specific provisions of those laws directly bearing on the project (e.g., hours of work or hazardous occupations). These laws include the Fair Labor Standards Act (FLSA), and 820 ILCS 205/, Illinois' Child Labor Law (also see the related State implementing regulations at 56 ILL. Adm. Code 250). The FLSA and the Illinois Labor Law (and Rule) may be accessed at:

FLSA: www.opm.gov/flsa

820 ILCS 205/: www.statc.il.us/agency/idol/laws/Law105.htm

For information and resources on safety and child labor laws, consult

<http://www.state.il.us/Agency/IDOL/Facts/MW.HTM>

<http://www.statc.il.us/agency/idol/forms/pdfs/FLSCLL03.pdf> and

<http://www.osha.gov/teens>

- 10) Worksite/Job site/ Host site Prohibition: The employment of participants in work experience programs must not occur at worksite/job site/ host site where:
- a. A participant's employment would unfavorably impact current employees (a participant would displace all or a portion of a current employee's hours including overtime, wages, employment benefits, or promotional opportunities);
 - b. A participant's employment would impair existing contracts for services or collective bargaining agreements;
 - c. A participant's employment would replace the work of discharged employees who were subject to layoff;
 - d. An employer has terminated a regular employee or otherwise reduced its workforce with the intention of replacing them with participants subsidized with these funds;~~or~~.
- 11) Compensation: Participants in a paid work experience must be provided a reasonable wage or stipend (whichever applies) consistent with that paid for similar work according to 2 CFR 200.430(b) in the Uniform Guidance.
- 12) Health and Safety Standards: Health and safety standards otherwise applicable to working conditions of employees are equally applicable to working conditions of registrants in programs and activities under Title I WIOA. The Illinois worker's compensation law may or may not apply to a participant in work experience depending on the work experience arrangements and employer's benefits. If the worker's compensation law does not apply to a participant in work experience, insurance coverage must be secured for injuries suffered by registrants participating in work experience. The work experience must provide for compliance with health and safety standards established under Federal and state law.