
EMPLOYERS' TRAINING RESOURCE

1600 E. Belle Terrace
Bakersfield, CA 93307

POLICY BULLETIN: #ETR 23-16

TO: All ETR and ETR Providers of Service

FROM: Teresa Hitchcock
Assistant County Administrative Officer

DATE: March 17, 2016

SUBJECT: Youth Work Experience Policy

References: Workforce Innovation and Opportunity Act of 2015 (Pub Law 113-128) and the U.S. Department of Labor's Proposed Rules (20 CFR 601, et seq., as proposed), and Training & Employment Notice 13-12.

The Workforce Innovation and Opportunity Act (WIOA) requires that each Workforce Development Board adopt a written policy governing youth work experience and incentives. The policy below applies only to youth service providers funded under WIOA. It may be revised as needed to comply with policy changes issued by the U.S. Department of Labor (DOL) or State Employment Development Department (EDD). *All WIOA youth service providers are responsible for ensuring that this policy is distributed to, understood and followed by appropriate agency staff.*

WIOA places a priority on quality work experiences for youth participants. Youth service providers should develop and place youth and young adults in work experiences which support their chosen career pathways, and facilitate their transition into employment and industries that are in-demand. This policy supports that objective.

With the goal of engaging WIOA youth participants in meaningful work experiences, federal legislation requires Local Workforce Development Areas (LWDAs) to utilize a minimum of 20 percent of their program funding for work experiences. (Staff salaries related to the provision of work experience also count toward this total.) Recognizing that engaging youth in the labor force is an indicator of future success, WIOA defines work experience as a planned learning experience that takes place for a limited amount of time. It can be paid or unpaid, and take place in the private sector, non-profit sector, or public sector. Work experience must include both occupational and educational elements. All Fair Labor Standards Act (29 U.S.C. 201, et. seq) regulations, WIOA Section 181(b), Equal Opportunity (WIOA Section 188) guidance, and - where applicable - Child Labor Laws apply to WIOA work experiences.

WIOA outlines four types of work experiences suitable for the development and placement of enrolled youth and young adults. These include:

- Work Experiences available throughout the year, including Summer employment;
- Internships and Job-Shadowing;
- Pre-Apprenticeship programs; and

- On-the-Job Training (OJT).

Every youth placed in a work experience must have a training plan which outlines the participant's job duties on the worksite and the skills to be learned. Case Notes also must accompany the development and the placement of a youth in a work experience activity. This is imperative to support staff decisions. The participant's Individual Service Strategy (ISS) should document the need for work experience, as well as the participant's career interests, and the training plan should be consistent with the ISS.

WIOA requires that academic and occupational education be a component of a youth's work experience, and that this take place within the same timeframe and connected to training in a specific occupation, occupational cluster, or career pathway. These activities may include, but are not limited to workforce preparation activities, basic academic skills, or hands-on occupational training. With that in mind, youth service providers must take steps to ensure that work experiences are designed to support the participant's education and career goals. Although the workforce system realizes that placing young people in employment is central to their long-term success, it is with the recognition that the development of academic skills is critical to preparing young people for tomorrow's job market.

ETR recognizes that a "one-size fits all" approach to work experience is neither practical nor desirable, and that our subcontracted youth programs may place a varying degree of emphasis on work experience depending on the size and structure of the program and its target population. For example, the amount of work experience offered to younger, in-school youth may be significantly less than that offered to older, out-of-school youth.

The type of academic and occupational education in which the youth participates will vary based on the participant's academic skill level. Youth who are enrolled in high school, adult education and literacy classes, post-secondary education and occupational skills training concurrent with placement in work experience have met the academic and occupational education work experience requirement. However, there is no prohibition of enrollment in additional educational programs if the youth meets the eligibility requirements. The youth service provider should assist the youth in obtaining industry-recognized certifications that are integral stepping stones to their identified career pathway, whenever appropriate, to reach the goals identified on the Individual Service Strategy (ISS).

Youth Service Providers must adhere to all the requirements regarding work experience contained in Exhibits A of their subgrant Agreement, including, but not limited to site agreements, work site supervision, time records, minimum wage, labor and child labor laws (as applicable) including the Affordable Care Act and the Healthy Workplace Healthy Family Act of 2014. *While the amount of work experience made available to participants may vary, each youth service provider must establish their own maximum duration and maximum hour limit for work experience for each of their programs.* The use of stipends or incentives must first be approved by ETR and include a payment schedule and how achievements will be documented.

Work Experiences, including Summer Employment

The WIOA youth activity, "summer employment opportunities", and "other employment opportunities available throughout the school year", is considered one service. This is an important distinction from previous Workforce Investment Act legislation which divided work experience and summer work experience into separate program activities. Youth providers should always seek to place youth participants in an employment opportunity that is similar to their career interests or supports the career pathway documented on their ISS. It is important to note, however, there may be instances where this is not possible or it is a youth's initial venture into the labor force. In those circumstances, providers may

find it necessary and practical to place the youth at a worksite where the participant would not only secure employment and earn wages, but also facilitate the development of job readiness skills fundamental to success in the workplace.

Internships and Job Shadowing

Internships are planned, learned experiences that are designed to be conducted in the workplace for a specific period of time. WIOA youth and young adults can be placed at an internship site in the private, non-profit, and public sector. It can be a paid or unpaid work experience. (There are specific U.S. Department of Labor Wage and Hour Division guidelines for unpaid internships, based on the Fair Labor Standards Act [29 U.S.C. 201 et. Seq]. Only place youth in unpaid internships that meet the criteria in the Division's Fact Sheet #71 [FS 71; April 2010; <http://www.dol.gov/whd/regs/compliance/whdfs71.pdf>].) With an internship, participants are exposed to a work environment, have an opportunity to develop occupational skills, and increase their future employability. Internships allow WIOA youth to utilize their academic experience in the work environment and prepare themselves for entry-level positions within a specific career pathway. A training plan for an internship should be developed and agreed upon by the participant, employer, and career counselor. An internship must be designed for a participant based on an identified career and occupational goal. While securing employment following the completion of the internship is desirable, it is not a requirement. Youth participants that are enrolled in secondary or post-secondary schools or are recent secondary and post-secondary graduates should be targeted for internships.

Job shadowing is workplace-based career exploration. It allows the youth an opportunity to follow and observe a professional employee who is working in the youth's chosen career field. Job shadowing is an effective mechanism to enable a WIOA youth the opportunity to gain exposure to a specific occupation or industry. In some instances, job shadowing can be a facet of a quality internship opportunity. Yet it also serves as a tool for the youth participant, and is offered to provide them a more adequate representation of the knowledge and capabilities required to perform a job. Through job shadowing, the youth receives practical experience that exposes them to the work environment and the job conditions of an occupation in which they have an expressed an interest. Youth and young adults who are primary targets for job shadowing opportunities include high school students, youth with disabilities, and youth with limited or no work experience.

Pre-Apprenticeship Program

Pre-Apprenticeship is defined at 20 CFR 681.480 (and in TEN 13-12) as a program that includes a set of strategies developed to prepare individuals to enter a Registered Apprenticeship program, and has a documented partnership with at least one Registered Apprenticeship program. The U.S. Department of Labor highlights the characteristics required for Pre-Apprenticeship program. They include:

- Training provided to participants based on a curriculum that is consistent with and supported by industry standards and endorsed by the Registered Apprenticeship partner(s). The curriculum is designed to prepare Youth participants to enter one or more Registered Apprenticeship(s) programs.
- Approaches that seek to increase the number of participants that are from under-represented, low-skilled, and disadvantaged populations in a Registered Apprenticeship(s), thereby ensuring after Pre-Apprenticeship(s) completion the participant is considered for, and meets the minimum entry requirements to one or more Registered Apprenticeship program. Policies should include outreach efforts to under-represented populations in a Registered Apprenticeship(s), and educational, and pre-vocational efforts to increase the acceptance rate to a Registered Apprenticeship(s).

- Participants are provided with Supportive Services to increase the likelihood of Pre-Apprenticeship(s) completion.
- Advocates for the utilization of Pre-Apprenticeship(s) program and Registered Apprenticeship(s) partners as a mechanism to develop a more skilled labor force.
- Training provided to participants that emulates real-life occupational conditions that meets the standards of the Registered Apprenticeship(s) partner, and meets federal and industry supervision and safety requirements. However, this training must not displace any paid employee.
- When possible, collaboration between Pre-Apprenticeship(s) program and Registered Apprenticeship(s) partner leads to direct entry into a Registered Apprenticeship(s) after completion of the Pre-Apprenticeship program(s). This would be documented through a formalized agreement.

Pre-Apprenticeships are a viable method to expose youth participants to formal training that can lead to an in-demand occupation. Although the skilled trades represent industries in which to establish a Pre-Apprenticeship program, youth service providers are encouraged to explore relationships with industries not traditionally served through an Apprenticeship model. Participation in a Pre-Apprenticeship may meet the academic and occupational requirement for a work experience in those instances where a youth is required to raise literacy levels to enter a Registered Apprenticeship. ETR supports strong affiliations with economic development agencies, labor management organizations, community colleges, and Registered Apprenticeship partners. Target populations for Pre-Apprenticeship programs are high school graduates, eligible veterans, women and minorities, youth with disabilities, and those with limited work experience or marketable skills.

On-the-Job Training (OJT)

OJT is a work experience that consists of occupational training provided to a participant through a contract with an employer. The employer receives reimbursement for the costs associated with the training and supervision of the employee. The reimbursement can amount to 50 percent of the participant's wages while working for the OJT employer. WIOA allows OJT to be utilized as a work experience for enrolled youth. OJT contracts with an employer are limited to the duration necessary for the participant to become competent in the skills required to perform the position. In determining the time length of the youth's OJT assignment, ETR staff must review the O*NET specific vocational preparation level of the trainee position, the skills and abilities of the Youth, and the knowledge, skills, and abilities (KSAs) of the OJT employer's position, i.e., skills gap analysis. An assessment of the youth participant's interests, skills, and abilities is required. OJT training plans should be written based on the participant's career and occupational goals, the ISS, and prior Work Experience. OJT opportunities should be in high-growth industries, supported by regional Labor Market Information.

An OJT employee must never replace an existing employee, and the participant's compensation should be equivalent to other workers employed in the same occupation by the employer but who are not recipients of OJT funding. Permanent, unsubsidized employment is the goal for those that successfully complete an OJT training plan. ETR shall not consider a training agreement with an employer who has previously exhibited a pattern of failing to provide OJT participants with continued long-term employment with wages, benefits, and working conditions that are equal to those provided to regular employees who have worked a similar length of time and are doing the same type of work. [WIOA Sec. 194(4) and 20 CFR 680.700(b), as proposed]. An OJT should be targeted to older youth and young adults, recent graduates of post-secondary schools and training programs, and eligible veterans. OJT is not to be utilized for youth who have not reached age 18 and are not recipients of a high school diploma or its equivalent.

Participants in subcontracted, comprehensive, youth-only training programs are generally not considered for participation in an OJT unless they have completed the objectives and obligations of their youth program and are ready for full-time employment. All OJT contracts must be written by ETR. If an employer who works with a youth service provider wishes to participate in OJT with a youth, the youth service provider should contact their assigned Analyst who will then work with ETR's OJT coordinator, the employer, the youth service provider and the participant to determine whether the OJT is appropriate and whether there should be a transfer/activity change or an exit from the youth program before the OJT can begin. Youth service providers may not contract directly for OJTs.

Action: This policy is effective immediately. Youth service providers should ensure that the WIOA youth work experiences discussed within this policy are incorporated within their programs. This guidance should be distributed to all parties with responsibility for and oversight of youth work experiences.

Contact: Please direct comments or questions regarding this policy to Karen Briefer-Gose, Supervising Departmental Analyst, (661) 336-6954 or via e-mail to brieferk@co.kern.ca.us.