

EMPLOYERS' TRAINING RESOURCE
1600 E. Belle Terrace
Bakersfield, CA 93307

POLICY BULLETIN: #ETR 26c-22

TO: All ETR and ETR Providers of Service
FROM:  Teresa Hitchcock
Assistant County Administrative Officer
DATE: December 13, 2022
SUBJECT: Work Experience Policy, Excluding Youth*

*Youth see Policy Bulletin 23-16

**This Policy Bulletin Supersedes Any Previously Issued Policy Statements Concerning
Non-Youth Funded Work Experience Policies and Procedures**

This policy applies to Workforce Innovation and Opportunity Act (WIOA) formula allocated funds including Adult and Dislocated Worker (DW) and WIOA National Farmworker Jobs Program (NFJP) 167 funds. See Policy Bulletin ETR #23-16 for formula Youth fund requirements. Contracts funded with non-formula allocated funds may be subject to other criteria from the grantor. Work experience limits, when funded with Adult or DW funds for participants who are co-enrolled into non-formula grants, may be waived at the discretion of the Director of Employers' Training Resource (ETR) in order to leverage funding or to meet the grant requirements.

All WIOA service providers are responsible for ensuring that this policy is distributed to, understood and followed by appropriate agency staff.

California Minimum Wage **may be** subject to the size of the employer, i.e. 25 or less/26 or more. Providers of paid work experience are subcontracted by ETR and are the Employer of Record. Therefore, the number of employees at the provider's agency rather than the work site employer applies to the State's minimum wage rate (see attached).

Wage Rate

Effective July 1, 2018, the WIOA work experience wage for non-Youth served with WIOA formula funds provided by ETR will be the same as the State's minimum wage. Contracts issued to providers of Adult/DW/NFJP work experience will cite that wages will be at the same rate as the State minimum wage for all clients.

Exception

In certain circumstances and at the discretion of ETR's Assistant County Administrative Officer or CAO Manager, the minimum wage pay requirement may be waived to another amount deemed appropriate. Justification for this waiver will be in writing. ETR's Client Services Division shall ensure that appropriate documentation is on file demonstrating the client's need for a paid work experience activity.

Maximum Hours

Also, effective July 1, 2021, the number of hours authorized for work experience is capped at 320 hours for WIOA non-Youth, regardless of the particular grant source. This includes those enrolled under the NFJP 167 grant. Youth participants are governed under the youth policy.

California Paid Sick Leave Law

All providers must comply with California Labor Law regarding paid sick leave for paid work experience participants. Refer to the Employment Development Department Workforce Services Directive #WSD15-26 regarding Subsidized Employment and Employee Benefits at http://www.edd.ca.gov/jobs_and_training/pubs/wsd15-26.pdf Providers will be monitored for compliance and may be subject to corrective action or non-payment until in compliance.

Mandatory Sexual Harassment Training

All providers will comply with the State of California Senate Bill 1343 regarding sexual harassment in the workplace. All providers shall provide sexual harassment training to all seasonal and temporary employees, i.e., WIOA or other grant-funded participants. The training must meet or exceed the minimum requirements of State law and be completed within 100 hours of employment or thirty (30) calendar days, whichever occurs first. All providers must retain written documentation of participants' acknowledgement of receipt of the training.

Contact: Please direct comments or questions regarding this policy to your assigned departmental analyst.

Schedule for California Minimum Wage Rate 2022-2023

Date	Minimum Wage for Employers with 25 Employees or Less	Minimum Wage for Employers with 26 Employees or More
January 1, 2022	\$14.00/hour	\$15.00/hour
January 1, 2023	\$15.50/hour	\$15.50/hour