

To: work2future

Effective Date: July 1, 2023

SUBJECT: Work Experience Policy and Procedure



OPERATIONAL DIRECTIVE

work2future Workforce Development Board
5730 Chamberlin Dr. San Jose, CA 95118
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EXECUTIVE SUMMARY

This policy provides guidance on the regulatory framework for the implementation of Workforce Innovation Opportunity Act (WIOA) funded work experience opportunities for eligible WIOA Title I Adults and Dislocated, Youth, and Disaster Worker Grants (DWG) program participants. Program participants are encouraged to obtain work-based training that provides opportunities to earn and learn through occupational skill training and paid work experience pursuant to WIOA Section 134(c)(2)(A)(xii)(VII); 20 CFR Section 678.430(b)(7); 20 CFR Sections 680.180, 680.700 through 680.840; and 20 CFR Sections 681.460, 681.590, 681.600. A non-exhaustive list of training and work experience types with short descriptions is provided as background:

- Occupational Classroom reflects an organized educational training program for work skills attainment as required for the vocational occupation at entry, intermediate or advanced levels.
- On-the-Job Training is employer provided work-based learning by doing that is paid work experience with participants engaged in productive work to gain essential skills for adequately performing the job. *See work2future WIOA-OJT Policy and Procedure for more information.*
- Registered Apprenticeship Training is a form of work-based learning that can combine both Occupational Classroom and On-the-Job Training. WIOA Section 122(a)(3) allows apprenticeship training to occur in collaboration with public sector workforce development programs.
- Temporary Jobs placement may provide training and work experience to enhance the chances of participants obtaining unsubsidized employment in a new and/or in-demand career field with the notion of higher prospect for employers to retain the participant after completion of the work experience period. In some cases, temporary job can be part of disaster relief migration.
- Transition Jobs are time-limited work experiences that can be subsidized in the public, private, or nonprofit sectors for participants with barriers to employment such as chronically unemployed or have an inconsistent work history. Transition Jobs qualifies for Section 134(d)(5) of the WIOA Adults and Dislocated Workers formula fund allocation and must be combined with career and supportive services. These jobs allow participants to establish a work history, demonstrate success performing work, and develop the skills for entry into and retention in unsubsidized employment.

POLICY AND PROCEDURES

Employers and participants in work experience programs are subject to federal, state and local compliance review and audit monitoring regarding the program eligibility, selection process, employer and service provider agreements, and Individual Employment Plan (IEP), employment compensation and limitations, and health and safety standards. Employers and participants in work experience programs must meet program eligibility requirements for one or more of the funding source under WIOA Adult,

Dislocated Worker, Youth and Disaster Worker Grants (DWG) formula funded programs.

Participant Compensation and Benefits

Participation in paid work experience programs are subject to funding availability with employers' reimbursement ranging from 50 to 75 percent of the wage rate depending on qualifying barriers to employment and up to \$10,000 per participant in accordance to local boards authorization under WIOA Section 134(c). The maximum number of hours for paid work experience must not exceed 1,000 hours over a six-month calendar period. Pay rate, fringe benefits, periodic pay increases, and working conditions offered to paid work experience participants shall be the same as employees in similar positions. Employers must be in compliance with Section 6(a)(1) of the Fair Labor Standards Act of 1938 29.U.S.C. 206(a)(1) and applicable state or local minimum wage laws, with wage reflecting the higher minimum wage.

Health and Safety Standards

Grant recipient, service providers, employers, and program participants must adhere to federal, state, and local workplace health and safety rules and regulations under 29 CFR Parts 1904 and 1952. When there is an employer-employee relationship, employers are expected to provide a safe working environment, and employees are expected to follow health and safety procedures, avoid workplace accidents, and mitigate hazardous substance exposure as described in the employers' Injury and Illness Prevention Program when performing job duties at the jobsite per requirements of California Code of Regulations, Title 8, Section 3203. It is the responsibility of the jobsite supervisor and case manager to communicate clearly to program participants all workplace health and safety policies and procedures.

Workers' Compensation

Workers may be treated with first aid care provided by the jobsite for minor injury and seek emergency medical service for more serious/potentially life-threatening injury. Report workplace injury to the jobsite supervisor and case manager as soon as possible, and case managers must follow proper procedures for documenting cases of injury. In the event a worker become seriously injured or ill, either physically or mentally, as a result of performing a job, a worker may be entitled to workers' compensation benefits. Note that worker's compensation may not apply to work injury not reported within 30 days or to work injury or illness as a result of irresponsible behavior. For more information regarding workers' compensation, visit the State of California, Department of Industrial Relations, Division of Workers' Compensation website www.dir.ca.gov/dwc or call 1-800-736-7401.

Exceptions

Any exceptions to this policy must be approved by the work2future-Director or the authorized representative of the WIOA Service Provider and documented in both the participant and Employer files.

INQUIRIES

Please contact: sangeeta.durrall@sanjoseca.gov for any questions regarding this policy.

Cc: Monique Melchor, Director
work2future Workforce Development Board