



NextGen Program

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WORK EXPERIENCE (WEx) NextGen Program Policy: NGPP 05-02 ARWDB Approved: October 27, 2021

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TO: ARC/ARWDB Staff & NextGen Service Providers
FROM: Marsharee O'Connor, NextGen Program Director
SUBJECT: **Guidance & Guidelines for Operating and Providing Work Experience Services/Activities**

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2 – POLICY

To establish a policy providing guidance and guidelines in the provision of Title 1-B, WIOA sec. 129(c)(2)(C) activities; Work Experience, 20 CFR § 681.540, § 681.550, and § 681.600. WIOA 129(c)(4) and 20 CFR § 681.590(a) requires that a minimum of 20 percent (20%) of local workforce area funds for Title IB Youth Program must be spent on WEx activities. The policy serves to establish a process for operating WEx and providing WEx opportunities to participants receiving WIOA services.

3 – POLICY

WEx is designed to provide exposure to the world of work for WIOA enrolled participants. 20 CFR § 681.600 requires that WEx must include an academic and occupational education component which:

- Is the contextual learning that accompanies a WEx;

- The academic may occur concurrently or sequentially with the occupational component;
- May occur inside or outside the worksite;
- Includes information needed to understand and work in specific industries or occupations; and
- Can be provided by the employer or may be provided separately in the classroom.

This integrated education and training model ensures the participants are provided workforce preparation activities, basic academic skills, and hands-on occupational skills training that are taught within the same time frame and connected to training in a specific occupation, occupational cluster, or career pathway.

4 – PROVISIONS

WEx must be a planned and structured learning experience that takes place in a workplace for a limited period of time with an academic and occupational education component. Participants must be provided with opportunities for career exploration, skill development, work ethics reinforcement, and workforce preparation activities to aid the participant in gaining marketable skills that lead to unsubsidized employment or entry into a registered apprenticeship program. WEx may take place in a private, public or non-profit sector. WEx is not intended to exclusively benefit the employer, participants placed in WEx are considered Trainees and employers should not depend on the Trainee's productivity to maintain or advance the employers' profits or performances.

WEx may be paid or unpaid and are beneficial for those participants who have sporadic employment history or limited marketable skills and are looking to upgrade their skills. WEx provide the participant with an opportunity for work acculturation and basic occupational skills attainment.

WEx after WIOA Exit – Subsidized WEx is not available for participants who have exited (in Follow-up services) the NextGen Program.

5 – WORK EXPERIENCE DESIGN

NGSP must have a WEx program design that specifies the operational processes and tools required to effectively and efficiently operate WEP (including but not limited to program goals, length of WEx, assessment of participant's interest and aptitude, participant wage, monitoring of worksites and participants, etc.). NGSP must refer to their contract Goal Sheet each program year to ensure that the number of WEx participants to serve, the cost per participant, and the WEx allocated funds align with their WEx program design.

Length of WEx

The length of WEx must be limited to the length of time appropriate for career exploration and for developing good work habits. As a result, WEx placement should be no more than sixteen (16) weeks. However, depending on the complexity of the job tasks and the individual needs of the

participants, there may be circumstances where WEx can be extended. An NGSP must receive prior approval from ARC prior to extending a participant's WEx beyond sixteen weeks.

- ❖ WEP activities should conclude by the end of each program year.

6 – ASSESSMENTS PRIOR TO WORK EXPERIENCE PLACEMENT

WEx must be appropriate based on the needs identified by an objective and comprehensive assessment as documented in the participant's Service Plan (ISS/ISP/IEP). WEx opportunities may be offered to participants after an assessment of the participants skills, interests, aptitudes, prior WEx, education, employability and career objectives have been conducted and its determined that the participant will benefit from participating in WEx. Once deemed appropriate for WEx, the WEx must be included in the participant's Service Plan.

7 – TYPES OF WORK EXPERIENCE ACTIVITIES

The types of paid and unpaid WEx activities available for participants include the following:

1. **Summer Employment and other employment opportunities available throughout the school year** – Summer employment placements that typically occurs after the last day of school for summer break and ends before school resumes for the following semester as well as year-round employment opportunities throughout the school year.
2. **Pre-apprenticeship Programs** – A preparatory program that prepares participants who want to begin an apprenticeship for a certain industry and trade. It is *“designed to prepare individuals to enter and succeed in Registered Apprenticeship programs. These programs have a documented partnership with at least one Registered Apprenticeship program sponsor and together, they expand the participant's career pathway opportunities with industry-based training coupled with classroom instruction.”* The pre-apprenticeship must be sponsored by one of the Registered Apprenticeship programs indicated on the Eligible Training Provider List (ETPL).
3. **Internships and Job-Shadowing** – These two activities take place in a workplace and both offer the participants exposure to employers and their working environments. They must be supervised, emphasize learning and professional development, and include an evaluative component for both the employer and the participant. Program differences are distinguished below:
 - A. Internship – A planned and structural learning experience that can be paid or unpaid, the activity **can last from one week up to sixteen (16) weeks** and must offer career related learning opportunities and experiences. It cannot be routine or repetitive tasks unrelated to identified learning goals.
 - B. Job-Shadowing – Enables the participant to walk through the workday as a shadow (spend some time observing) to a competent worker to witness firsthand (learn) about the occupation, to understand the work environment and the skills needed for the occupation and potential career options. This **can last from one day up to one week**.

4. **On-the-Job Training (OJT)** – “Provides reimbursements to employers to help compensate for the costs associated with skills upgrade training and loss of production for newly hired employees. OJT can assist employers who are looking to expand their business and need additional staff trained with specialized skills. OJT employers may receive reimbursement of 50% or 75% of the wage rate of OJT trainees.” OJT benefits the employees (youth participants) by providing an opportunity to “earn while learn” in a hands-on environment, acquire job and career advancement skills, and provides an opportunity for long-term employment.

❖ **All OJT opportunities must be approved and directed by ARC. OJT funds are reserved at ARC and are not allocated to an NGSP’s contracts.**

5. **Preemployment Training/Work Maturity** – The activities, programs or services designed to help a participant acquire a combination of basic academic, critical thinking, self-management, and employability skills.

8 – WORKSITE ELIGIBILITY

In determining an employer’s viability to become a worksite, an NGSP must:

1. Authenticate the employer’s history with WEx contracts, history of layoffs, relocation, and labor disputes, as well as occupational and industry outlook.
2. Conduct a worksite pre-assessment to verify that the requirement of 20 CFR 683.260 is met.

9 – WORKSITE AGREEMENT

NGSP must complete a Worksite Agreement with each worksite that is utilized. The signed copy of the Worksite Agreement must be given to all parties to ensure that the expectations are fully understood.

- At a minimum, the Worksite Agreement should include the following elements
 1. Names and contact information for all parties;
 2. The names and titles of the Worksite Supervisors who are authorized to sign the timesheet for the WEx participant(s);
 3. The participant’s WEx start and end date;
 4. Responsibilities and expectations of the participant, the worksite, and the NGSP;
 5. The job title, pay, duties, and goals for each WEx participant;
 6. A statement informing the worksite that they may be subjected to worksite monitoring by Federal and State representatives, NGP, as well as regular visitations by NGSP staff to check on the progress of the WEx participants;
 7. Other information relevant to the specific WEx activity; and
 8. Signatures and dates for all applicable parties.

10 – TRAINEE WORK EXPERIENCE AGREEMENT

If the participant is not a party to the Worksite Agreement, there must be an executed agreement with the participant to define expectations.

- At a minimum, the Trainee Work Experience Agreement must address the following elements:
 1. Worksite, address, supervisor, and telephone number;
 2. Start and end date;
 3. Responsibilities and expectations of the participant, the worksite employer, and the NGSP;
 4. Job title, wage, duties, and goals; and
 5. Participant signature and date.
- ❖ If the participant is under 18, the agreement must contain the signature of the participant's parent or legal guardian.

The scheduled number of hours per week may be modified by the worksite after work begins pending the written approval of the participant and the NGSP.

11 – WORK EXPERIENCE EXPENDITURE PROVISION

A minimum of sixty percent (60%) of the WEx funding must be allocated to participants' wages and a maximum of forty percent (40%) to staff who are directly working with WEP, as well as other related WEx costs. NGSP may elect to allocate more than 60% funding toward participant wages.

- The same WEx funding allocation requirements of 60/40% applies to all "Employer of Record" partnerships.
- NOTE: The 60/40% requirements do not apply to OJT, as those opportunities are paid with funds reserved by ARC.
- No certificate training costs will be allocated to the WEx budget.

Allowable expenditures may include items such as:

- Wages or stipends paid for participation in a WEx;
- Staff time working to identify and develop a WEx opportunity, including staff time spent working with employers to identify and develop WEx;
- Staff time working with employers to ensure a successful WEx, including staff time spent managing WEx;
- Staff time spent evaluating WEx;
- Participant WEx orientation sessions;
- Employer worksite orientation sessions;

- Classroom training or the required academic education component directly related to WEx;
- Incentive payments directly tied to the completion of WEx; and
- Employability skills or job readiness training to prepare youth for a WEx.

WEx participants are not authorized to work overtime and shall not be compensated for overtime wages, sick leave, vacations, lunch breaks, or holidays recognized by the NGSP or employer as a “paid holiday”.

When determining the types of expenditures that are allowable to help meet this requirement, additional information can be found in TEGL 8-15 and TEGL 21-16.

12 – EMPLOYER OF RECORD

In order to provide paid WEx opportunities, NGSP must have the capacity to be an Employer of Record, whether directly provided or through partnership with an agency or an employer who will serve as the Employer of Record. The Employer of Record must adhere to all child labor laws regarding hours of employment, working conditions, etc. as required by Federal and State labor standards. The Employer of Record must have FICA taxes and Workers Compensation insurance. Worker compensation must be provided prior to and during WEx worksite placements.

- NGSP must have reasonably insurance coverage for any other work-based learning activities that requires the participant to be at a worksite (but is not working).

13 – COMPENSATION

Per Uniform Guidance 2 CFR Part 200, participants must be provided with a reasonable wage or stipend consistent with that paid for similar work.

Wages

Participants must be compensated according to Georgia minimum wage standards or as otherwise stated according to law, statutes and regulations, or are paid the prevailing wage of employees with similar training, experience, and skills for a similar occupation, as set by the employer. However, since WEx is intended as a trainee position, wages do not typically exceed those for entry level employees.

Stipend

A stipend is an allowable payment for participation in unpaid WEx or classroom activities, including work readiness or employability skills training. Stipend is a one-time payment that must not exceed \$250.00 per qualifying WEx activity. Stipend must be issued through a uniformed payment system (fixed payments) to a participant for the classroom-based learning (career awareness and exploration) and job shadowing activities. Successful completion of the activity must be documented as the basis of stipend payment. The activity should be of limited duration and be tied to specific learning goals. NGSP must describe on the Service Plan the activity and the goal to be achieved that will result in a stipend being paid.

- NGSP must develop a job shadowing and classroom-based stipend policy to guide how stipends may be paid for WEx activities. The policy and procedure for stipend payment must align with Uniform Guidance, 2 CFR Part 200.
- Wages and stipends must be issued in the form of a check or direct deposit. NO cash payments.

14 – SUPPORTIVE SERVICES & INCENTIVES

Supportive Services

Supportive services based on specific need as determined and deemed appropriate by NGSP may be provided to participants engaged in WEx activities. See the latest NGP “**Supportive Services Policy**”.

Incentives

Incentive may be rewarded to participants upon successful completion of activities tied to identified WEx goals in the participant’s Service Plan. See the latest NGP “**Incentive Policy**”

15 – WIOA WORKPLACE GUIDELINES

All employment State Statutes and Federal Administrative Codes concerning youth 14-17 engaged in WEx shall be followed. NGP reserves the right to monitor the employment and training activities of youth for compliance with all applicable provisions, Administrative Codes and requirements relating to the employment of children/minor.

Labor Law Standards

All labor standards where an employee/employer relationship exists, as defined by the Fair Labor Standards Act (FLSA) or applicable State law must be followed. TEGL 14-08 states that wage requirements under the FLSA apply to all participants employed under WIOA. Therefore, the provisions of FLSA apply to all participants engaged in a paid WEx, as do Federal and State minimum wage laws.

Non-Discrimination and Equal Opportunity

WIOA Section 188 (a)(2) prohibits discrimination on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief. WEx services must be provided to all participants provided the activities align with the participant’s Service Plan.

Georgia State Workers’ Compensation/Health and Safety Standards

WIOA §667.274 of the Federal Register 29 CFR Part 652 et al provides:

- “(a) Health and Safety Standards established under Federal and State law otherwise applicable to working conditions of employees are equally applicable to working conditions of participants engaged in programs and activities under Title I of WIOA. (b)(1) To the extent that a State Workers Compensation Law applies, workers’ compensation must be provided to the participants in program 7 and activities under Title I of WIA on

the same basis as the compensation is provided to other individuals in the State in a similar employment.”

- “(2) If a State Workers Compensation Law applies to a participant in work experience, workers’ compensation benefits must be available for injuries suffered by the participant in such work experience. If a State Workers Compensation Law does not apply to a participant in work experience, insurance coverage must be secured for injuries suffered by the participant in the course of such work experience.”

Sectarian Placements

Under WIOA Section 188 (a)(3), WEx participants shall not be employed to carry out the construction, operation, or maintenance of any part of any facility that is used or to be used for sectarian instruction or as a place for religious worship (except with respect to the maintenance of a facility that is not primarily or inherently devoted to sectarian instruction or religious worship, in a case in which the organization operating the facility is part of a program or activity providing services to participants).

16 – UNALLOWABLE PLACEMENTS

Displacement of Employees

20 CFR § 680.840 emphasizes that WEx funds may not be used directly or indirectly to support the following:

- A. Participants engaged in WEx cannot displace current employees.
- B. Participants should not be placed in a WEx when:
 - A regular employee is on layoff from the same or any substantially equivalent job; or the employer has terminated the employment of any regular unsubsidized employee or otherwise caused an involuntary reduction in its workforce with the intention of filling the vacancy with a WEx participant; or the job is created in a chain of command that infringes in any way on the promotional opportunities of currently employed workers; and/or
 - The placement results in a partial displacement, such as a reduction in the hours of non- overtime work, wages, or employment benefits, of any current employee (as of the date of the WEx participation); and/or
 - The placement impairs existing contracts for services or collective bargaining agreements; or “filling of a job opening that is vacant because the former occupant is on strike, or is being locked out in the course of labor dispute, or the filling of which is otherwise an issue in a labor dispute involving a work stoppage”.

Non-allowable WEx Worksites

WEx placements cannot involve work in a casino or other gambling establishment, aquarium, zoo, golf course, swimming pool, and other occupations that may be prohibited for youth.

17 – DOCUMENTATION OF ELIGIBILITY & SERVICE DELIVERY

WEx services data and document requirements for the WorkSource Georgia Portal (also known as VOS) are:

1. Documents to be uploaded – All documents indicated under “20 – ATTACHMENTS” section of this Policy, State & Federal tax forms (Form G-4 and Form W-4), and employment eligibility verification (Form I-9 and E-Verify).
2. Service Plan – Include goal(s) and objective(s) as indicated under “6 – ASSESSMENTS PRIOR TO WORK EXPERIENCE PLACEMENT” section of this Policy.
3. Case-notes – Document progress, challenges, successes and other relevant information related to the WEx.
4. Service Activity Code – The appropriate WEx service activity code must be assigned:
 - a) 400 – Youth Summer Employment
 - b) 401 – Preemployment Training/Work Maturity (must be used in conjunction with the other codes, not a stand-alone code)
 - c) 408 – Internship Un-Paid
 - d) 409 – Youth-Job Shadowing
 - e) 419 – Support Service – Stipends
 - f) 422 – Pre-Apprenticeship Training (Work Experience)
 - g) 423 – Pre-Apprenticeship Training (Classroom Training)
 - h) 425 – Work Experience – Paid
 - i) 426 – Work Experience – Un-Paid
 - j) 427 – Youth Internship – Paid
 - k) 428 – Youth On-the-Job Training
 - l) 435 – Education Offered Concurrently as Workforce Preparation Activity & Training for a Specific Occupation or Occupational Cluster

18 – MONITORING

NGSP must conduct monitoring and review of its WEx funds, program, services (to include WEx worksites,) on a regular basis. NGSP must have a process in place to demonstrate that monitoring is being conducted. The Worksite, NGSP’s WEP, services, and activities may be monitored by Federal or State (Technical College System of GA (TCSG)) agency and will be monitored by ARC NGP staff. Monitoring will include, but is not limited to:

- In person or desk review of files to include Worksite Agreement, timesheets, performance, etc.;
- Worksites visits;
- Worksites, participants, and NGSP interviews; and
- Expenditures and invoices.

19 – DEFINITIONS

- **ARC** – Atlanta Regional Commission
- **ARWDB** – Atlanta Regional Workforce Development Board
- **CFR** - Code of Federal Regulations
- **NGP** – NextGen Program
- **NGPP** – NextGen Program Policy
- **NGSP** – NextGen Service Provider
- **OJT** – On-the-Job Training
- **Sec./ §** – Section
- **Service Plan (ISS/ISP/IEP)** – Individual Service Strategy/ Individual Service Plan/ Individual Employment Plan
- **TCSG/OWD** – Technical College System of Georgia, Office of Workforce Development
- **TEGL** – Training and Employment Guidance Letter
- **VOS** – Virtual OneStop System (WorkSource Georgia Portal)
- **WEP** – Work Experience Program
- **WEx** – Work Experience
- **WIG PS** – Workforce Implementation Guidance Programmatic Services
- **WIOA** – Workforce Innovation and Opportunity Act

20 – ATTACHMENTS

The following documents are included as attachments to the Policy:

1. Worksite Agreement
2. Trainee Work Experience Agreement
3. Trainee Work Evaluation
4. Timesheet & Trainee Progress Evaluation

21 – ACTION REQUIRED

ARC/ARWDB NGP shall:

- Take the necessary action(s) to ensure compliance with this Policy.
- Ensure that the NGSPs are informed, trained and provided a copy of this Policy.

22 – INQUIRES

Inquiries regarding this policy and its guidance should be directed to an ARC/ARWDB NGP staff.

23 – POLICY EFFECTIVE DATE

This policy shall be effective upon the ARWDB approval date indicated on the first page of this document, and shall remain in effect until further notice.

24 – REFERENCES

- **State Workforce (TCSG)** – *Policies and Procedures Manual 02/18/2021*
- **WIOA Public Law Sec.** – *129(c)(2); 129(c)(4); 188(a)(2); 188(a)(3); 3(44); and 3(59)*
- **Federal Register (Final Rules & Regulation) 20 CFR** – *§ 680.700; § 681.480; § 681.540; § 681.550; § 681.570; § 681.580; § 681.590; § 681.590(b); § 681.600; § 681.840; § 683.260; and § 683.270*
- **Uniform Guidance** – *2 CFR Part 200*
- **TEGL No.** – *8-15; 23-14; and 21-16*
- **NGPP** – *Incentive Policy and Supportive Services Policy*