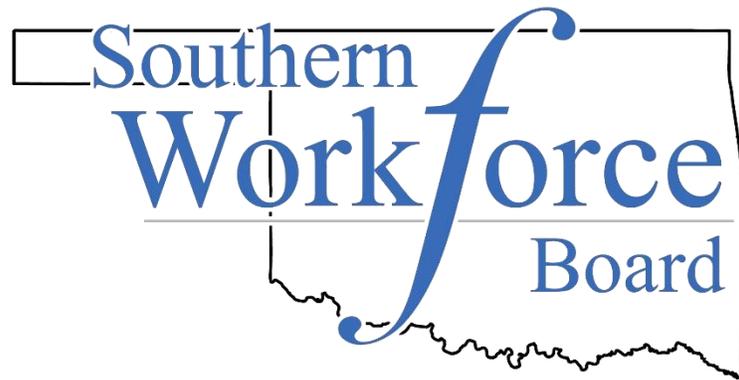


SOUTHERN WORKFORCE BOARD



WORK EXPERIENCE POLICY

SWB – #108

March 13, 2019



SWB is an Equal Opportunity Employer/Program and Activities. Auxiliary aids and services are available upon request to individuals with disabilities.

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I. Background

This policy is in response to Section 663.200 of the Workforce Innovation and Opportunities Act and to the Oklahoma Office of Workforce Development (OOWD). Work Experience is designed to promote the development of good work habits and basic work skills for individuals who have never worked or who have been out of the labor force for an extended period of time or who lack good work skills.

II. Purpose

This policy establishes a system for provision of Work Experience (WEX) to participants of the WIOA Title I Adult, DLW and Youth Programs. The WIOA Title I Service Provider(s) must adhere to the policy and procedures contained within.

III. Description

The work experience activity is designed to provide program participants with workplace skills necessary to attain and retain employment. Work experience activities fall under the Individualized Career Services and must meet the WIOA Title I Program Eligibility for Individualized Career Services and are provided based on an assessment and individual employment plan (IEP) or individual service strategy (ISS) as follows:

Adult/DLW-Work Experience is defined in WIOA Section 134(c)(2)(A) as: a planned, structured learning experience that takes place in a workplace for limited period of time. Work experience may be paid or unpaid, as appropriate. A work experience or internship may take place in the private for profit sector, the non-profit 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.

- A. Youth-Work Experience is defined in Interim 20 CFR Section 681.600 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 may take place in the private for-profit sector, the non-profit 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 or applicable state law, exists. Work experience provides the youth participant with opportunities for career exploration and skill development. **Work experiences must include academic and occupation education.** The types of work experience include: summer employment opportunities and other employment opportunities available throughout the school year; pre-apprenticeship programs; internships and job shadowing; and on-the-job training opportunities as defined in WIOA Section 3(44).

Work assignments shall include an evaluation of the skills developed during the assignment. Work Experience jobs are paid at the prevailing wage rate for the respective occupation. The length of the WEX should be determined by an individual basis.

IV. Duration

Participation in Work Experience shall be for a reasonable length of time, based on the needs of the participant, which shall be documented in the participant's ISS.

Work Experience assignments for **ADULTS/DLW** shall not exceed the following time limits:

Work Experience assignments are limited to a period of up to 520 hours. A participant may be allowed an opportunity at the same site or at a second site for additional hours if the participant's needs can be justified as to how it will lead to unsubsidized employment. The additional hours must be approved by the WIOA Project Director. Also, a variety of training sites may be utilized for a participant's assignment as long as the total duration does not exceed these limits.

Work Experience assignments for **YOUTH** shall not exceed the following time limits:

Work Experience assignments for youth are limited to a period of up to 520 hours. A participant may be allowed an opportunity at the same site or at a second site for additional hours if the participant's needs can be justified as to how it will lead to the attainment of additional skills that will assist in obtaining unsubsidized employment. The additional hours must be approved by the WIOA Project Director.

V. Wage Rate

Participants enrolled in a Work Experience training activity will be paid at least the prevailing minimum wage rate and may be paid the worksite's entry-level wage applicable to the assigned position. The Work Experience participant will be considered employed by the Fiscal Agent and will be covered by their agency's worker's compensation insurance policy. Participants will not be allowed to work more than 40 hours per week, as overtime is not allowed for a Work Experience participant.

VI. Procedure and Training Requirements

Work Experience assignments are designed to develop specific job keeping skills and/or specific job skills. When available, work experience assignments should be tied into the Board's Demand Skill Sets. According to the Board's Demand Occupation's Policy SWB #103 demand occupations and skill sets are those that have been determined by the Board to offer the greatest potential for customers to obtain reasonably stable, secure and family-supporting employment.

All Work Experience locations must have an active Worksite Agreement. The WIOA Worksite Agreement is designed to establish certain assurances and conditions that must be agreed upon between the WIOA service provider and the work experience worksite. See SWB - #133 Worksite Agreement Policy for information on completing the Worksite Agreement, Trainee Work Plan, Trainee Time Sheet, Modifications, Incident Reporting and other relevant information the work experience.

Transitional Jobs

Transitional jobs are a type of work-experience as an individualized career service under WIOA. Transitional jobs are time-limited, wage-paid work experiences that are subsidized up to 100 percent. These jobs can be in the public, private, or nonprofit sectors and are only available for individuals with barriers to employment who are chronically unemployed or who have an inconsistent work history. Transitional jobs provide individuals with work experience and an opportunity to develop important workplace skills within the context of an employee-employer relationship, in which the program provider generally acts as the employer, and with an opportunity to develop important workplace skills.

Transitional Job requirements:

- Must be combined with comprehensive career and supportive services.
- Must be designed to establish a work history for the individual, demonstrate success in the workplace, and develop the skills that lead to entry into and retention in unsubsidized employment.
- Unlike on-the-job training (OJT), with transitional jobs the training provider may be the employer of record and there is no requirement that the employer retains the individual upon completion of the transitional job, however, job retention is an ideal outcome.

Target Groups:

Chronically Unemployed

The term “chronically unemployed” is not defined in the WIOA law or the WIOA Final Rule. SWB interprets this term to describe a worker who is currently unemployed (as of the time of program registration) and who has been without work for a long period of time prior to entering the WIOA program.

For the purpose of determining eligibility for Transitional Jobs, we will consider that a “Chronically Unemployed” individual is a worker who:

- Is unemployed at the time of service delivery – that is, at the time of referral to a Transitional Job; and
- Has been without work for 15 or more of the last 26 weeks. The phrase “has been without work” is used intentionally. It includes participants who have suffered from long periods of unemployment. It also includes displaced homemakers, recently-released ex-offenders, and participants who are discouraged workers. According to Section 3(61) of the WIOA law, “the term ‘unemployed individual’ means an individual who is without a job and who wants and is available for work.”

See the BLS definition of “discouraged worker”

at www.bls.gov/cps/lfcharacteristics.htm#discouraged Approved – October 27, 2016

Inconsistent Work History The term “inconsistent work history” is not defined in the WIOA law or the WIOA Final Rule. SWB interprets this term to mean a worker who, in the 12 months prior to program registration, has lacked steady, full-time, permanent employment.

- Has never been employed, or
- Has been previously employed but is unemployed at the time of service delivery, or
- Has been previously employed but has been without work for 15 or more of the last 26 weeks, or
- In the 12 months prior to program registration, has lacked steady, full-time, permanent employment due to:
 1. Work that is seasonal
 2. Work that is temporary
 3. Work that is part-time (less than 32 hours per week)
 4. Periods of employment less than 10 weeks

For the purpose of determining eligibility for Transitional Jobs, we will consider that an “Inconsistent Work History” includes:

- Work that is seasonal;
- Work that is temporary;
- Work that is part-time (less than 32 hours / week); or
- Other periods of employment of less than 10 consecutive weeks. Examples of a participant with an Inconsistent Work History would include
 - An individual who had only seasonal employment in the 12 months prior to program registration;
 - An individual who had only temporary employment in the same period;
 - An individual who had one or more part-time jobs; or
 - An individual who had short period(s) of full-time, permanent employment – less than 10 consecutive weeks in any single job. An Inconsistent Work History may include a combination of seasonal, temporary, part-time, and short-term employment.

NONDISCRIMINATION AND EQUAL OPPORTUNITY

All parties must comply with Section 188 of WIOA, which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or against beneficiaries on the basis of either citizenship status or participation in any WIOA Title I-financially assisted program or activity; Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the bases of race, color and national origin; Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities; The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs; and all other relevant regulations implementing the laws listed above. (29 CFR Part 38).

The parties also assure compliance with 29 CFR Part 38 and all other regulations implementing the laws listed above. This assurance applies to the parties’ operation of the WIOA Title I-financially

assisted program or activity, and to all agreements to carry out the WIOA Title I-financially assisted programs or activities. The parties understand that the United States has the right to seek judicial enforcement of this assurance.

General Statement Affirming that Equal Opportunity is the Law

The Southern Workforce Board will not discriminate on the following bases:

Against any individual in the United States, on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or, against any beneficiary of, applicant to, or participant in programs financially assisted under Title I of the Workforce Innovation and Opportunity Act, on the basis of the individual’s citizenship status or participation in any WIOA Title I-financially assisted program or activity.

We will not discriminate in any of the following areas:

- Deciding who will be admitted, or have access, to any WIOA Title I financially assisted program or activity;
- Providing opportunities in, or treating any person with regard to, such a program or activity; or
- Making employment decisions in the administration of, or in connection with, such a program or activity.

Furthermore, it shall be the policy of the Southern Workforce Board (that all WIOA Title I-funded services shall be delivered in full compliance with the following laws:

Section 188 of the Workforce Innovation and Opportunity Act (WIOA), which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIOA Title I-financially assisted program or activity;

- Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the bases of race, color and national origin;
- Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;
- The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age
- Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.

Southern Workforce Board assures that they will comply with 29 CFR Part 38 and all other regulations implementing the laws listed above.

Assurances Pursuant to § 38.25

Pursuant to § 38.25(a) of the Final Rule for “Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act,” Southern Workforce Board offers the following assurances:

As a condition of receiving financial assistance under Title I of WIOA, Southern Workforce Board assures that it has the ability to comply with the nondiscrimination and equal opportunity provisions of the following laws and will remain in compliance for the duration of the award of federal financial assistance:

- (1)** Section 188 of the Workforce Innovation and Opportunity Act (WIOA), which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or against beneficiaries on the basis of either citizenship status or participation in any WIOA Title I financially assisted program or activity;
- (2)** Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the bases of race, color and national origin;
- (3)** Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;
- (4)** The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and
- (5)** Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.

Southern Workforce Board also assures that, as a recipient of WIOA Title I financial assistance, it will comply with 29 CFR part 38 and all other regulations implementing the laws listed above. This assurance applies to Southern Workforce Board’s operation of the WIOA Title I financially assisted program or activity, and to all agreements the grant applicant makes to carry out the WIOA Title I-financially assisted program or activity. Southern Workforce Board understands that the United States has the right to seek judicial enforcement of this assurance.

As stated in §38.25(a)(2), these assurances are “...considered incorporated by operation of law in the grant, cooperative agreement, contract or other arrangement whereby Federal financial assistance under Title I of WIOA is made available, whether it is explicitly incorporated in such document and whether there is a written agreement between the Department and the recipient, between the Department and the Governor, between the Governor and the recipient, or between recipients. The assurance also may be incorporated in such grants, cooperative agreements, contracts, or other arrangements by reference.