



TITLE: WIOA Adult & Dislocated Worker Work Experience Policy # 5120

Type: Program Policy

Date Established: 07/01/2016

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Status: Final

Supersedes: WIA Policy # 570R1

Purpose

To provide policy direction and guidance for the implementation of Work Experiences (WEXs) for WIOA eligible Adults and Dislocated Workers as an individualized career service within Career Services. WIOA provides for a workforce system that is job-driven. The WEX program provides work experience to assist individuals in establishing a work history, demonstrate success in the workplace, and develop skills that lead to stable employment.

Policy

A Work Experience (WEX) opportunity may be provided as an individualized career service to enrolled Adults and Dislocated Workers who have met the priority of service requirements.

Work experience is defined as “a planned”, structured learning experience that takes place in the workplace for a limited period of time that contributes to the achievement of the participant’s employment goal(s).

The Work Experience workplace (WEX site) may be in the private-for-profit sector, the non-profit sector, or the public sector. An internship or work experience may be paid or unpaid, as appropriate.

A WEX is not designed to replace an existing employee or position. Wages are provided by the WIOA service provider and paid directly to the participant developing an employer/employee relationship between the service provider and the WEX participant. Labor standards apply in any WEX where an employee/employer relationship exists, as defined by the Fair Labor Standards Act. Employers are not monetarily compensated.

Policy Guidelines

A Work Experience (WEX) may consist of:

- WEXs must provide a planned and structured learning experience that will contribute to the achievement of the participant’s employment goals through a measurable training ~~component~~
- are designed to assist individuals to establish a work history, demonstrate success in the workplace, and develop the skills that lead to entry into and retention in unsubsidized employment.
- WEX agreements must be signed by all parties prior to the start of the WEX.

- A single WEX Agreement may be written for group training with a single training site provided the working conditions, job description, training plan, wage rates and terms of the Agreement are the same for all participants covered by the Agreement.
- WEX agreements may be modified. All modifications must be in writing and signed by all parties prior to the effective date of the modification. Verbal modifications of WEX agreements are not valid.

WEX Funding/Duration Limits:

- WEXs are subject to a maximum duration of 6 months with the same (\$7,000) maximum funding limit as stipulated for training in the PacMtn's Individual Training Account Policy #5100.

WEX Monitoring:

- WIOA program staff must ensure regular and on-going monitoring and oversight of the WEX. Monitoring may include on-site visits and phone/email communication with the employer/trainer and participant to review the participant's progress in meeting training plan objectives. Any deviations from the WEX agreement should be dealt with promptly.
- The WIOA program operator's oversight of the WEX participant's training and payroll records may be reviewed by Federal, State and local fiscal and program monitors. These entities will have the right to access, examine and inspect any site where any phase of the WEX program is being conducted. The service provider will maintain its records and accounts in such a way as to facilitate the audit. Records must be maintained for three (3) years after the conclusion of the WEX.

Transitional Jobs:

- WIOA permits local areas to offer transitional jobs which are limited work experiences, that are subsidized and for those individuals with barriers to employment because of chronic unemployment or inconsistent work history. There are limits on the amount of funds local areas may use. Refer to PacMtn Policy 9000

Any discrepancies arising between PacMtn policy and or procedures with federal and state provisions due to current or future revisions will default to the current minimum federal and state regulations and guidance available. PacMtn policy and or procedures may set forth stricter requirements than provided by federal and state guidance, but in no case will PacMtn policy and or procedures not meet minimum federal and state policy.

References

WIOA Innovation and Opportunity Act of 2014
WIOA Final Rule; 20 CFR Parts 676,677, and 678; Federal Register, Vol. 81, No. 161, August 19, 2016
WIOA Final Rule; 20 CFR Parts 603, 651, 652, et al; Federal Register, Vol. 81, No. 161, August 19, 2016

Training and Employment Guidance Letter (TEGL) 19-16

US DOL Wage and Hour Division www.dol.gov

PacMtn Policy 9000 - Transitional Jobs

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