

## TITLE: Work Experience (WEX) Procedure # 2.3.5-P

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**Type:** Program Procedure

**Date Established:** 07/01/2016

**Date Last Revised:** 06/07/2019

**Date Posted to Website:** 07/07/2016

**Status:** Final

**Supersedes:** WIA Procedures in Policy # 530R1

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### Procedures

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#### Participant Eligibility:

- All WEX participants must meet program eligibility requirements, be enrolled into the respective WIOA program, and have received an assessment resulting in the development of an Individual Service Strategy or Individual Employability Plan that documents the participant's need for and benefit from a WEX.
- Individuals who have received funding through an ITA, cohort or other WIOA funded training are also eligible for WEX. Funding for training and WEXs are separate.

#### WEX Employer Eligibility:

- Must be registered with the Internal Revenue Service (IRS) and have an account with the Washington State Employment Security Department for Unemployment Insurance and carry Workman's Compensation Insurance;
- Must be licensed to operate in the State of Washington and provide their Federal Employer Identification Number (FEIN);
- Must have safe and healthy working conditions with no previously reported health and safety violations that have been reported but have not been corrected;
- Does not illegally discriminate in training or hiring practices because of race, color, sex, national origin, religion, physical or mental disability, political beliefs or affiliations or age;
- Shall not terminate the employment of any of their current employees or otherwise reduce its workforce either fully or partially (such as reduction in hours or benefits) with the intention of filling the vacancy with a WEX participant or as the result of having a WEX participant;

- Should not allow the WEX activity to result in the infringement of promotional opportunities of their current employees;
- Shall not allow the participant to be involved in the construction, operation or maintenance of any part of any facility that is used, or to be used for religious instruction or as a place for religious worship.

**WEX Timeframe:**

There are no regulations governing the amount of time a participant may be placed in a WEX. Typically, WEXs average between 2-10 weeks. When determining the duration of a WEX activity, the following should be considered:

**Objectives of the WEX:**

- Length of time necessary for the participant to learn the skills identified in the learning plan;
- The employer having sufficient quantity of meaningful work activities for the participant and;
- Service provider budget.

**Compensation:**

Participants enrolled in a paid WEX shall be compensated an hourly wage at not less than the State or local minimum wage, whichever is higher. Participants shall be paid ~~only~~ for the hours worked during the WEX as documented on the participant’s WEX time sheet. Participants must be provided one hour of paid sick leave for every 40 hours worked, regardless of full-time, part-time, temporary, or seasonal status.

WEX participants shall not be paid for:

- Vacation breaks;
- Lunch breaks; or
- A holiday recognized by the service provider as a “paid holiday.

WEX participants are not authorized to work overtime.

When determining the hourly wage for a WEX participant, the following considerations should be taken into consideration. This list is not intended to be all inclusive:

- Objectives of the WEX;
- Type of work performed during the WEX;
- Skill set of the participant;
- Skill set required for the WEX; and/or
- Service provider budget.

**WEX Funding/Duration Limits:**

WEXs are subject to a maximum duration of up to 6 months with the same (\$7,000) maximum funding limit as stipulated for training in the PacMtn's Individual Training Account Policy #2.3.1-v1

When determining the duration of a WEX activity, the following should be considered:

**WEX Timeframe Consideration:**

- Objectives of the WEX:
- Length of time necessary for the participant to learn the skills identified in the learning plan;
- The employer having sufficient quantity of meaningful work activities for the participant and
- Service provider budget.
- In public and non-profit agencies: A WEX agreement may be written for a period of up to three months, based upon the needs of the participant. The WEX may be extended for up to an additional three months if appropriate for the participant and following A. in the WEX Guidelines. The maximum duration for a WEX activity is six months.
- In private-for-profit business: WEX shall be limited to eight weeks. The WEX may exceed eight weeks in length but only with a strong possibility of an offer of paid employment with the WEX employer (as a direct result of the additional time in the WEX activity). The offer of paid employment may include On-the-Job Training.
- Special Circumstances: WEX that is developed specifically for a person with a disability may be written for a period of time necessary for the participant to achieve the competencies listed in the WEX Learning Plan.
- Waiver to maximum duration: The maximum duration for a WEX activity in the public and non-profit sectors is six months. This applies whether a WEX is extended or if a participant starts a second WEX with a different WEX employer. A program operator may submit a waiver request to the PMWC Deputy Director to exceed the six month limit:
- In the case of a participant who has completed six months of WEX in the public or non-profit sector but has the opportunity to do additional WEX in the private sector. However, there must be a very strong possibility of an offer of paid employment.

**WEX Fiscal Issues:**

- Each WIOA program operator must follow their own agency's procedures for the completion and processing of participant WEX timesheets and for the provision of L &I.

- WIOA program operators may wish to include the following language in their agreements:
  - “Participants are not employees or agents of (*enter the name of your agency*). Liability due to the actions of WEX participants on a WEX site will be the responsibility of the WEX Employer.”
- WEX agreements may remain in force provided funding is available. The loss or disruption of funding shall be cause for termination of a WEX agreement.

*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.*

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## References

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Workforce Innovation and Opportunity Act of 2014

WIOA Final Rule; 20 CFR Parts 676,677, and 678; Federal Register, Vol. 81, No. 161, August 19, 2019

WIOA Final Rule; 20 CFR Parts 603, 651, 652, et al; Federal Register, Vol. 81, No. 161, August 19, 2019,

WIOA Section 134(c)(3)(E)

US DOL Wage and Hour Division [www.dol.gov](http://www.dol.gov)

PacMtn Policy #2.3.3-v1, Work Experience (WEX)

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