



New Policy

Policy: Work Experience (WEX) and Transitional Jobs Policy

Adoption Date: March 9, 2021

What is the purpose of this policy?

Outlines standards and operating procedures regarding Transitional Jobs and Work Experience activities under the WIOA Title I Adult, Dislocated Worker and Youth programs.

Notable items this policy conveys:

- WEX eligibility and program requirements.
- Case management through WEX participant assessments and evaluations.
- Employer and worksite relationships.
- Required WEX participant file documentation.

Action Required:

Within 15 days of the receipt of this policy it is the recipient's responsibility to ensure all staff are informed of the policy and create an internal process to ensure accountability.

**Upper Cumberland
Local Workforce Development Board
POLICIES AND PROCEDURES**

Title: **Work Experience (WEX) and Transitional Jobs Policy**

Date of Adoption: March 9, 2021

PURPOSE:

The purpose of this policy is to provide guidance to the Upper Cumberland Local Workforce Development Area system partners and establish the Upper Cumberland Local Workforce Development Board (UCLWDB) standards regarding the development and implementation of Transitional Jobs and Work Experience activities under the WIOA Title I Adult, Dislocated Worker and Youth programs.

This policy is established in accordance with the Workforce Innovation and Opportunity Act (WIOA), and Tennessee Department of Labor and Workforce Development (TDLWD) and other applicable State and Federal laws, rules, and regulations.

BACKGROUND:

WIOA provides for a customer-centered job-driven workforce system that is accessible to all job seekers. The UCLWDB operates Adult, Dislocated Worker and Youth programs in local area American Job Centers (AJCs) to provide career and training services.

WIOA funding allows for delivery of services to prepare eligible individuals for education and employment opportunities, attainment of education and/or skills training credentials, and attainment of employment with career opportunities. To this end, eligible participants must be assessed to determine skills, interests, needs, and personal goals in order to create an Individual Employment Plan (IEP) for Adult and Dislocated Workers and an Individual Service Strategy (ISS) for Youth.

Work experience and transitional jobs are work-based learning activities designed to provide individuals with work readiness skills or specific job skills necessary to attain or retain employment and enhance employability. Like all work-based learning activities, work experience and transitional jobs are subject to provisions of the *UCLWDB Work-Based Learning Policy*. This *Work Experience and Transitional Jobs Policy*

seeks to further expand upon the *UCLWDB Work-Based Learning Policy* by providing program standards specific to the work-based learning categories of work experience and transitional jobs.

POLICY:

A Work Experience (WEX) is a type of work-based learning defined as a planned, structured learning experience that occurs 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, exists. Funds provided for work experiences and transitional jobs may not be used directly or indirectly to displace workers by filling job openings vacant due to a strike, labor dispute or work stoppage.

Transitional Jobs are a type of work-based training offered by the UCLWDB as an individualized career service under WIOA Adult and Dislocated worker programs. Work experience and transitional jobs are available to eligible Adult and Dislocated Workers as determined through career consultation, objective assessment and IEP. Work experience is available to eligible Youth participants as determined through career consultation, objective assessment and ISS.

Section I. Program Outline

All work-based training clients must meet program eligibility requirements, be enrolled into the respective WIOA program, and have received an assessment resulting in the development of a plan to document the participant's need for and benefit from a work experience/transitional job.

A. Adult and Dislocated Worker

The goal of a work experience or transitional job is to establish a work history for the individual that demonstrates success in the workplace and develops skills that lead to entry into, and retention in, unsubsidized employment. Career Advisors are responsible for determining service applicability, either through work experience or transitional jobs, based on individual assessment of needs or barriers.

Transitional jobs, like work experience, are time-limited, wage-paid work experiences that are subsidized up to one hundred (100) percent. Like a work-experience, transitional jobs can be in the public, private or non-profit sectors. However, transitional jobs are only an alternative for standard work experience when addressing special populations including 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, including "soft skills," while within the context of an employer-employee relationship. In addition, transitional jobs are required to be combined with comprehensive services as well as supportive services. Pursuant to 20 CFR § 680.195, the UCLWDB may use up to 10 percent of combined Adult and Dislocated funds to provide transitional jobs to individuals.

Transitional jobs are individualized career services specifically intended for persons who meet the following definitions:

- I. Chronically Unemployed- The UCLWDB, for the purpose of determining eligibility for Transitional Jobs, will consider that a “Chronically Unemployed” individual is a worker who:
 - Is unemployed at the time-of-service delivery (meaning, at the time of referral to a Transitional Job); and
 - Has been without work for 15 or more of the last 26 weeks.
- II. Inconsistent Work History- The UCLWDB interprets this term to mean a worker who, in the last 12 months prior to program registration, has lacked steady, full-time, permanent employment. For the purposes of determining eligibility for Transitional Jobs, the UCLWDB considers an “Inconsistent Work History” within the last 12 months to include:
 - Work that is seasonal;
 - Work that is temporary;
 - Work that is part-time (less than 32 hours per week); or
 - Other periods of employment of less than 10 consecutive weeks.
- III. Potential Target Groups- Potential target groups for Transitional Jobs may include:
 - Long-term unemployed;
 - Justice Involved Individuals (JII);
 - Individuals who are currently receiving or have exhausted Temporary Assistance for Needy Families (TANF) or Supplemental Nutrition Assistance Program (SNAP) benefits;
 - Individuals with disabilities;
 - Individuals with other barriers to employment, per 29 USC § 3102 (24).
- IV. Targeted Industries- The UCLWDB encourages that Adults and Dislocated Workers be placed in a WEX or Transitional Job that is part of a program of study that culminates in an industry-based credential. The UCLWDB further encourages that these placements be within the identified six (6) Middle Tennessee Regional Workforce Area targeted industries for training:
 - Healthcare
 - Advanced Manufacturing
 - Information Technology
 - Construction
 - Transportation/Logistics
 - Education

B. Youth Work Experience

WIOA requires a minimum of twenty percent (20%) of local area youth funds be expended on work experience. Youth Program Element Three defines work experience 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 and State law, exists. Work experiences provide the youth participant with opportunities for career exploration and skill development and must meet the following requirements:

- I. Youth work experiences must include academic and occupational education:
 - The educational component may occur concurrently or sequentially with the work experience;
 - The academic and occupational education component may occur inside or outside the work site;
 - The work experience employer can provide the academic and occupational component or such components may be provided separately in the classroom or through other means;
 - The service provider has the flexibility to decide who provides the education component and the appropriate type necessary for a specific work experience;
 - The academic and occupational education component refers to contextual learning that accompanies a work experience. It includes the information necessary to understand and work in a specific industry and/or occupation and may include such “soft skills” as necessary to succeed in a professional work setting.
- II. WIOA identifies four categories of Youth work experiences:
 - Summer employment opportunities and other employment opportunities throughout the year;
 - Pre-apprenticeship programs;
 - Internships and job shadowing;
 - On-the-job training opportunities.
- III. Allowable Youth WEX expenditures:
 - Wages/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 the WEX;
 - Staff time working with employers to manage and evaluate the WEX;
 - Participant or employer work experience orientation sessions;
 - Classroom training or the required academic education component directly related to the WEX;
 - Incentive payments directly tied to the completion of WEX; and
 - Employability skills and job readiness training to prepare youth for a WEX.

Section II. Program Specifications

- A. Duration- Each WEX shall be limited to no more than five hundred (500) hours. The number of hours may fluctuate based upon funding availability and WEX objectives. The UCLWDB Executive Director has authority to give prior approval to exceed the 500-hour limit on a case-by-case basis.
- B. Compensation- WEX participants shall not be paid less than the current minimum wage. If funding allows, the worksite’s entry-level prevailing wage applicable to the assigned position may be paid. WEX clients are not allowed to work overtime and shall not be paid for the following:
 - Sick leave;
 - Vacation breaks;
 - Lunch breaks;
 - A holiday recognized by the provider as a “paid holiday.”

- C. Supportive Services- In accordance with the *UCLWDB Supportive Services Policy*, funding may be provided as needed to allow the individual to participate in the WEX. For example, mileage reimbursements to and from the worksite may be provided where need is shown.
- D. Job Readiness- Job readiness training, also known as short-term pre-vocational services, are encouraged to be offered along with the work experience to prepare individuals for unsubsidized employment or training. Trainings may be conducted virtually or in-person by the service provider, Title III partner agency, or other designated entity and may include the development of:
 - “Soft Skills” necessary for employability and job retention;
 - Interview techniques and resume writing;
 - Personal conduct and financial management.

Section III. Employer Requirements and Worksite Guidelines

- A. Employer Requirements- The employer of record for WEX placements is the UCLWDB contracted service provider. This entity must meet employer eligibility requirements outlined in the *UCLWDB Work-Based Training Policy*. WEXs are a contractual exchange between the WIOA service provider, WEX participant, and worksite employer. Wages are provided by the WIOA service provider and paid directly to the participant thereby developing an employer/employee relationship between the service provider and WEX participant.
- B. Worksite Guidelines- Worksite selection is based on a participant’s interests and assessments. Worksites with continued, unsubsidized employment potential are not required but are preferred and will be the priority when placing participants. Each worksite provides support and supervision to the WEX participant and has supervision authority during job training hours. Any job insufficiencies or disciplinary concerns noted by the worksite supervisor must be reported to the WIOA service provider (employer of record) through the Career Advisor.

Section IV. Participant File Documentation

The following documents shall be uploaded into the Virtual One-Stop (VOS) participant file for all WEX clients:

- A. Comprehensive Assessment- should identify WEX as an appropriate service;
- B. IEP/ISS- should document the WEX services and anticipated outcomes;
- C. WEX Agreement- The Work Experience (WEX) Agreement is a signed agreement (completed prior to the start of the WEX) between the worksite employer, the participant, and the WIOA Career Advisor that outlines the program requirements and expected outcomes. At a minimum, the WEX Agreement must contain:
 - Clear statement of purpose;
 - Identification of all parties, including the WEX participant;
 - Requirements of the employer, participant and WIOA service provider;
 - WEX start and end date;
 - Training job title and responsibilities;
 - Required tools, equipment or uniforms, if applicable;
 - Supportive services, if any, that are needed by the participant;
 - Detailed computation of the anticipated wages to be earned;
 - Concurrence between employer and union when the WEX is under a collective bargaining agreement, if applicable;

- A training plan that is incorporated by reference in the body of the contract; and
 - Signature and dates of all parties to the agreement.
- D. Training Plan- The Training/Work Plan is a signed agreement (completed prior to the start of the WEX) between the worksite supervisor, the participant, and the WIOA Career Advisor that describes the goals and project requirements during the WEX. These signatures ensure that all parties are aware of the conditions of the Training Plan such as duties and responsibilities, schedule, job title, work location, training start and end dates, etc.
- E. Case Notes- should detail WEX plan and give periodic updates that detail case progression, including summaries of post-assessments and evaluations.
- F. Timesheet records- The Career Advisor must make record of each time sheet submitted through VOS case notations accurately stating the time and attendance being submitted for payment. Additionally, all WEX participant timesheets must be submitted to the UCLWDB as part of the monthly participant expenditure support files.

Section V. Monitoring

Service providers must ensure regular and on-going monitoring and oversight of the WEX. Monitoring may include on-site visits and phone/email communications with the worksite supervisor and participant to review the participant's progress in meeting training plan objectives. Any deviations from the WEX agreement require a written modification to the WEX Agreement signed by all parties.

The WIOA service provider'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 worksite and WEX records. The service provider shall maintain its records and accounts in such a way as to facilitate the audit. Records must be maintained for seven (7) years after the conclusion of the WEX.

ATTACHMENTS: None

EFFECTIVE DATE: March 31, 2021

DURATION: Indefinite

CONTACT: For questions regarding this policy, contact Becky Hull, Executive Director, Upper Cumberland Local Workforce Development Board at bhull@ucworkforce.org



Board Chairperson, UCLWDB