

To: Indiana's Workforce System

From: Indiana Department of Workforce Development (DWD)

Date: September 12, 2023

Subject: DWD Policy 2017-10, Change 1
Guidance on WIOA Title I Youth Work Experience

Purpose

The purpose of this policy is to provide guidance to local Workforce Development Boards (WDBs), their operators, and service providers regarding the requirements of the provision of work experience opportunities under the Workforce Innovation and Opportunity Act (WIOA).

Change 1 Summary

Major changes to this policy include the following:

- The *Equity and Quality Youth Work Experiences* section has been added;
- Work Experiences may be virtual when remote work experiences are possible and practical;
- Pre-apprenticeships that include an occupational skills training component can be reported under both the work experience and the occupational skills training program elements;
- Supportive services and pre-apprenticeship/Registered Apprenticeship program activities have been added to the allowable expenditures list; and
- The *Employers/Worksites* section includes updated information on WEX hiring procedures.

Rescissions

DWD Policy 2017-10 *Guidance on WIOA Title I Youth Work Experience*

References

- WIOA Section 129 and 181(b)
- 20 CFR 680.840
- 20 CFR 681.460, 681.480, 681.590, and 681.600
- United States, Executive Office of the President [Joseph R. Biden]. Executive order: 13985 On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government. 20 Jan. 2021. *Federal Register*, vol. 86, no. 14, 25 Jan. 2021, pp. 7009-13.¹
- TEGL 9-22 *Workforce Innovation and Opportunity Act Title I Youth Formula Program Guidance*
- TEGL 21-16 *Third Workforce Innovation and Opportunity Act (WIOA) Title I Youth Formula Program Guidance*
- TEGL 23-14 *Workforce Innovation and Opportunity Act (WIOA) Youth Program Transition*
- DWD Policy 2022-02, Change 1 *Workforce Innovation and Opportunity Act (WIOA) Title I Adult and Dislocated Worker On-the-Job Training (OJT)*
- DWD Policy 2018-01, Change 2 *Youth Program Elements*

¹ [Executive Order On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](#).

Content

WIOA renewed the work experience program element provided under the Workforce Investment Act. Work experience is one of the fourteen (14) required program elements that must be made available to all youth participants and should be offered throughout the program year. However, under WIOA, the work experience program element was given additional emphasis, with an added stipulation of a minimum 20% expenditure rate of a region's allocated amount of overall youth funding for all youth participants. The regulations cite work experience as a critical element that correlates to increased high school graduation rates and success in the labor market.

Equity and Quality Youth Work Experiences

Equity is “the consistent and systemic, fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment.”² Equity in the WIOA Youth program means that program participants have equitable access to services and supports while achieving equitable outcomes.

The integration of equity and job quality principles into the WIOA Youth program is achieved by ensuring youth have access to quality work experiences (in particular paid work experience whenever possible) that have on-ramps to career pathways.

In addition to ensuring youth have access to paid quality work experience opportunities, it is critical that such work experiences be in industries and occupations that put youth on a career pathway to high quality jobs. Creating targeted job opportunities with deliberate focus on equity, exposing youth to careers, and connecting them to social networks in fields where they are underrepresented will help youth enter career pathways that will lead to family-sustaining wages.

Local Youth programs should prioritize equitable outcomes and high-quality work experience opportunities as they serve Indiana's youth.

Work Experience Categories and Characteristics

Work experiences are designed to provide career exploration opportunities and help youth understand in-demand employability skills, while meeting employer expectations that are necessary to attain and retain employment in today's job market. WIOA includes the following four categories of youth work experiences:

Summer employment opportunities and other employment opportunities available throughout the school year. This category is a short-term employment opportunity or work experience, either full or part-time, that is conducted mainly during the summer months or for a similar timeframe during other months of the year. These opportunities could arise as necessary for the youth or could be part of a larger scale summer employment program. Despite these opportunities taking place during the school year, this work experience category is available to both in-school and out-of-school youth.

² As defined by [Executive Order On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](#).

Pre-apprenticeship programs. A pre-apprenticeship³ program is designed to prepare individuals to enter and succeed in an apprenticeship program registered under the National Apprenticeship Act and includes the following elements:

- Training and curriculum that aligns with the skill needs of employers in the economy of the state or region involved;
- Access to educational and career counseling and other supportive services, directly or indirectly;
- Hands-on meaningful learning activities that are connected to education and training activities, such as exploring career options, and understanding how the skills acquired through coursework can be applied toward a future career;
- Opportunities to attain at least one industry-recognized credential; and
- A partnership with one or more registered apprenticeship programs that assists in placing individuals who complete the pre-apprenticeship program into a registered apprenticeship program.

Expenditures for pre-apprenticeships count toward the work experience expenditure requirement. In addition, if the pre-apprenticeship program includes an occupational skills training component separate from the work experience, WIOA Youth programs may report pre-apprenticeship under both the work experience program element and the occupational skills training program element.⁴

Internships and job shadowing opportunities. An **internship** is a form of learning that integrates classroom knowledge with practical application and skills development in a professional setting. Internships should be viewed as an extension of the participant's educational experience and, where possible, should align with their career interests and pathways. Internships can be paid or unpaid but should align with the Fair Labor Standards Act.

Job-shadowing is a work experience option where youth learn about a job by walking through the workday as a shadow to a competent worker. The job shadowing work experience is a temporary, unpaid exposure to the workplace in an occupational area of interest to the participant. Youth will witness firsthand:

- The work environment;
- Employability and occupational skills in practice;
- The value of professional training; and
- Potential career options.

A **job-shadowing experience** can be anywhere from a few hours to a day, to a week or more. Job-shadowing is designed to increase career awareness, help model youth behavior through examples, and reinforce the link between academic classroom learning and occupational work requirements for the youth and young adult population.

Job shadowing provides an opportunity for youth to conduct short interviews with people in their prospective professions to learn more about those fields and can be thought of as an expanded informational interview. By experiencing a workplace first-hand, youth can learn a great deal more about a career than through research in print publications and on the Internet.

³ As defined in 20 CFR 681.480.

⁴ TEGL 9-22.

On-the-job training (OJT) opportunities. An OJT⁵ is provided by an employer to a paid participant who is engaged in productive work in a job that:

- Provides knowledge or skills essential to the full and adequate performance of the job;
- Provides reimbursement to the employer of 50% (or up to 75% under certain conditions) of the wage rate of the participant for the extraordinary costs of providing the training and additional supervision related to the training; and
- Is limited in duration as appropriate to the occupation for which the participant is being trained, considering the content of the training, the prior work experience of the participant, and the service strategy of the participant, as appropriate.

Work experiences should help youth acquire the personal attributes, knowledge, and skills needed to obtain a job and advance in employment. Work experiences can serve as a steppingstone to unsubsidized employment and are an important step in the process of developing a career pathway for youth. All work experiences should expose youth to realistic working conditions and tasks as much as possible.

Virtual work experiences are allowable under the WIOA youth program.⁶ Virtual work experiences can offer more flexibility and broaden work experience opportunities, particularly in rural areas. They can also promote equity and access for youth that might not otherwise have the opportunity to participate in certain types of work experiences. Therefore, local WIOA Youth programs are permitted to continue to provide virtual work experiences beyond the COVID-19 pandemic. And while WIOA section 681.600 states that work experiences must take place in a workplace, this includes a virtual workplace when remote work experiences are possible and practical.⁷

All work experiences must include some form of academic or occupational learning as a component of the program element, which should be documented through services and case notes through the state's case management system. The academic or occupational learning may occur during or after the work experience, but it must occur within a reasonable timeframe for relevancy in the work experience placement. This may include certifications earned in a pre-apprenticeship/apprenticeship program, employer expectations that would make a participant successful on the job, or specific skills or knowledge needed to perform the daily duties and tasks of a specific career.

Youth work experiences are planned, structured learning experiences that take place for a limited period of time. A work experience can be paid or unpaid and 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 employer/employee relationship, as defined by the Fair Labor Standards Act or applicable state law, exists. Work experiences must be based on identified needs of the individual youth. Use of the work experience program element must be based on an objective assessment of a participant's academic levels, skill levels, service needs, and be identified in the youth's jointly developed Individual Service Strategy (ISS)/ Individual Employment Plan (IEP).⁸

⁵ As defined by DWD's *Workforce Innovation and Opportunity Act (WIOA) Title I Adult and Dislocated Worker On-the-Job Training (OJT)* policy.

⁶ TEGL 9-22.

⁷ Visit <https://youth.workforcegps.org/resources/2020/06/18/13/10/Resources-on-Virtual-Engagement> for technical assistance resources.

⁸ See DWD's *Youth Program Elements, Change 2* for additional ISS/IEP guidance.

NOTE: OJT is not considered “training” for WIOA Youth. It is a work experience.

Expenditures

WIOA’s requirement of a minimum 20% expenditure of the region’s allocated amount of overall youth funding related to work experience program activities allows WDBs to provide work experience activities and services for both in-school and out-of-school youth. In order to ensure that this requirement is met, local WIOA youth programs must track program funds spent on paid and unpaid work experiences. This includes wages and staff costs for the development and management of work experiences. Local youth programs must record such expenditures as part of the local WIOA youth financial reporting.

The percentage of funds spent on work experience is calculated based on the total youth funds expended for work experience rather than calculated separately for in-school and out-of-school youth. WDB administrative costs are not subject to the 20% minimum work experience expenditure requirement. For example, if a WDB received \$1 million in local WIOA youth funds, and spent \$100,000 (10 percent) on administrative costs, the minimum work experience expenditure requirement would be based on the remaining \$900,000. In this case, WDBs would need to spend a minimum of \$180,000 (20 percent) on the work experience program element.

Program expenditures on the work experience program element may include the following:

- a) Wages/stipends paid for participation in a work experience;
- b) Staff time working to identify and develop a work experience opportunity, including staff time spent working with employers to identify and develop the work experience;
- c) Staff time working with employers to ensure a successful work experience, including staff time spent managing the work experience;
- d) Staff time spent evaluating the work experience;
- e) Participant work experience orientation sessions;
- f) Employer work experience orientation sessions;
- g) Classroom training or the required academic education component directly related to the work experience;
- h) Incentive payments directly tied to the completion of a paid or unpaid work experience;
- i) Employability skills/job readiness training to prepare youth for a work experience;
- j) Supportive services⁹ that enable WIOA Youth participants to participate in work experience; and
- k) Expenditures for pre-apprenticeships and Registered Apprenticeship programs.

Some academic services may be covered under other WIOA program elements and would not be counted toward the work experience expenditure requirement. However, as noted in “g” above, some classroom training may be counted in the work experience requirement. If the work experience requires the youth participant to handle cash and the youth struggles with basic financial math, the youth could benefit from remedial math for a short timeframe that may assist in performing the required job duties. The same would be true for a youth who is required to type documents or professional emails and could benefit from remedial English courses that would provide some academic learning but will also benefit them in their occupational pathway.

⁹ Beginning March 2, 2023. Additional data entry guidance is under development.

Payments

Although local Youth programs should prioritize quality employer paid work experiences, some work experiences could be unpaid. Alternative payment strategies include the following:

- Provision of an incentive for completion of a goal or expected outcome based on the ISS/IEP.
- Offer stipends, which would be a fixed, regular payment similar to an allowance.
 - Local WDBs should ensure that any stipend be in alignment with the entry level wage for the occupation or career.

Many participants are “hired on” as employees of the service provider or WDB during their short-term work experience. As the employer of record, the service provider or WDB would be subject to Fair Labor Standards Act, Child Labor laws, health and safety standards and other applicable laws regarding wages, benefits, worker’s compensation, and insurance.

Employers/Worksites

Appropriate and committed worksite locations for work experiences are at the discretion of the local WDB. However, WDBs should seek employers who understand the barriers and needs of the youth participants and are willing to be flexible with their needs. Additionally, employers should work closely with program staff for monitoring the learning goals and outcomes of the participants, as well as assisting them in addressing challenges that may arise during the work experience.

Funds provided to employers for work-based training may not be used to aid in the filling of a job opening, directly or indirectly, which is vacant because the former occupant is on strike or is being locked out during a labor dispute, or the filling of which is otherwise an issue in a labor dispute involving a work stoppage.¹⁰ Funds may not be used to assist, promote, or deter union organizing.

Further, a participant may not be employed if:

- Any other individual is on layoff from the same or any substantially equivalent job;
- The employer has terminated the employment of any regular employee or otherwise reduced the workforce of the employer with the intention of filling the vacancy so created with the participant;
- The job is created in a promotional line that will infringe in any way upon the promotional opportunities of currently employed individuals (as of the date of the participation); or
- The activity will impair an existing contract for services or collective bargaining agreement, and no such activity that would be inconsistent with the terms of a collective bargaining agreement.¹¹

Worksite Agreement

The WDB must ensure that the youth provider has a written agreement to ensure compliance with WIOA and all applicable federal and state regulations. The agreement is a written document that details terms and conditions of a paid or unpaid work experience and the expectations of the parties to the

¹⁰ 20 CFR 680.840.

¹¹ WIOA 181(b).

agreement. The written agreement is between the participant, the site employer or host site, and the youth provider or employer of record.

The written agreement, which may be called a worksite agreement, job site agreement, or host site agreement, must include at a minimum:

- Duration;
- Remuneration;
- Tasks and duties;
- Supervision;
- Health and safety standards; and
- Other conditions of work experience such as consequences of not adhering to the agreement and a termination clause.

The worksite or host site entity, the participant, and the youth provider should all be given a copy of the agreement. The agreement must be available for audit and monitoring purposes.

Action

Local WDBs shall ensure that the guidance contained within this policy is followed regarding the work experience program element for WIOA Youth program participants.

Effective Date

Immediately.

Ending Date

Upon rescission.

Additional Information

Questions regarding the content of this publication should be directed policy@dwd.in.gov.