

# WDD YOUTH PROVIDER HANDBOOK

## CHAPTER 5

### Work Experience

#### Overview

##### Introduction

The Workforce Innovation and Opportunity Act (WIOA) of 2014 enacted a comprehensive youth employment program for serving eligible youth, ages 14-24, who face barriers to education, training, and employment. The WIOA Youth Program focuses primarily on out-of-school youth, requiring local areas to expend a minimum of 75% of WIOA youth funds. WIOA prioritizes work experience through a 20% minimum expenditure rate for the work experience program element.

The WIOA places a priority on providing youth with occupational learning opportunities through work experience. This chapter provides information regarding the Youth Program Element 3 – Paid/Unpaid Work Experience.

##### References

This handbook chapter contains information regarding WIOA regulations, and State directives received from the United States Department of Labor (DOL) and/or Employment Development Department (EDD).

DOL		EDD	
Training and Employment Guidance Letters (TEGL):		Workforce Service Directives (WSD):	
• 13-12	• 19-14	• 17-07	• 20-09
• 13-16	• 21-16		

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# Work Experience

<b>Introduction</b>	<p>Under Workforce Innovation and Opportunity Act (WIOA), a work experience is a planned, structured learning experience that takes place in a workplace for a limited period of time.</p> <p>A minimum of 20 percent (20%) of youth funds must be spent on work experience. Leveraged resources cannot be used to fulfill any part of the 20 percent minimum.</p>
<b>Eligibility</b>	<p>All work experience participants must meet WIOA program eligibility requirements, be enrolled in the respective WIOA program, and have received an assessment resulting in the development of an Individual Service Strategy (ISS), which documents the participant's need and benefit for work experience.</p>
<b>Work experience</b>	<p>Work experience provides Out-of-School (OSY) and In-School (ISY) Youth with an invaluable opportunity to develop workplace skills. Paid and unpaid work experiences and/or internship opportunities must include academic and occupational education.</p> <p>Work experience wages will be the State of California's minimum wage with the Youth working a:</p> <ul style="list-style-type: none"><li>• Minimum of 120 hours and a maximum of 240 hours; overtime is not permitted, and</li><li>• Maximum of eight (8) hours in a day and/or up to 40 hours in a week.</li></ul> <p>Prior Workforce Development Department (WDD) approval from the Youth Staff Analyst must be obtained if more than the minimum wage is to be given for a participant to receive.</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"><li>• Teleworking is an option that can be offered to a youth for work experience.</li><li>• Refer to Youth Handbook Chapter 2 – Eligibility regarding the ISY Waiver and which ISY is eligible to participate in the program.</li></ul>
<b>Work permits</b>	<p>All minors under 18 years of age employed in the state of California must have a permit to work (Education Code [EC] 49160: Labor Code [LC] 1299). A minor enrolled in a Work Experience Education program must obtain a work permit, and his/her employer must possess a permit to employ. The minor must be at least 16 years of age to be enrolled in a Work Experience Education program, with certain exceptions as specified in the Education Code [EC 49113].</p> <p>There is an exception from child labor and compulsory school attendance laws, which is for an emancipated minor who may apply for a "Permit to Employ and Work" without a parent's permission. An emancipated minor may sign, in place of the parent, the "Statement of Intent to Employ Minor and Request for Work Permit-Certificate of Age" (FC Section 7050[e][16]). "Emancipated minor" is defined in FC Section 7002.</p>

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## Work Experience, Continued

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**Work permits, continued**

A permit to employ and work in industries other than entertainment is usually issued by an authorized person at the minor's school. Permits are always required, even when school is not in session. Permits issued during the school year expire five (5) days after the opening of the next succeeding school year and must be renewed.

Permits contain the maximum number of hours a minor may work in a day and week, the range of hours during the day a minor may work, any limitations, and any additional restrictions imposed at the school's discretion.

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**Employer worksite agreement**

Worksite agreement is an agreement made between WIOA Youth Service Provider, and employer worksite for profit business or organization to provide subsidized or unsubsidized internship/work experience to eligible Youth participants.

Youth Providers will be required to create and provide a worksite agreement for employers. Signed Worksite agreements will be maintained by the Youth Providers and made accessible to WDD staff for monitoring and oversight requirements. There must be a worksite agreement for every worksite where a youth is placed.

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**Youth work experience plan**

Youth Providers must complete a youth work experience plan between the Provider and the participant before the youth is provided work experience. The plan should include, but not limited to the following:

- Duration of the work experience (120 or 240 hours).
  - Schedule for the work experience.
  - Which employer is going to provide the work experience?
  - Whom will the youth report to at the worksite?
  - Address and phone number for the worksite.
  - What skills will the youth learn or obtain from the work experience.
  - What are the goals for the youth, if any?
  - What is expected of the youth at the worksite?
  - Payroll and timecard requirements.
  - The youth's rights and expectations regarding the work experience.
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**Employer of record**

The Youth Providers will be the Employer of Record for any youth participating in paid work experience. Exception only applies to the following:

- When youth is in a full apprenticeship program, or
  - When in an On-the-job (OJT) training, or
  - Approved by WDD Staff Analyst, in compliance with WIOA contract Section II – Provider Responsibilities and sub-section C – payments of benefits and wages.
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**Work experience categories**

WIOA identifies four (4) categories of work experience:

1. Summer employment opportunities and other employment opportunities available throughout the school year (activity code 400),
  2. Pre-apprenticeship (activity code 437)/Apprenticeship (activity code 432) programs,
  3. Internships and Job Shadowing (activity code 408/409), and
  4. OJT training, may only be provided to youth participants aged 18-24 (activity code 428).
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## Work Experience, Continued

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### Summer employment

Summer employment opportunities provide subsidized wages for youth at selected employers during the summer and throughout the school year. These experiences extend learning to include job readiness and provides supports for youth who participate. These summer employment opportunities provide valuable work experience and increase skill development which increases future opportunities for youth.

Youth Providers are not required to offer summer youth employment opportunities, as it is no longer its own program element under WIOA. Summer employment is incorporated into the work experience program element.

Youth Providers are encouraged to offer summer employment opportunities as it is included in the 20 percent WIOA Youth expenditure priority.

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### Pre-apprenticeship/ Apprenticeship

**Pre-apprenticeship:** Prepares youth to enter and succeed in an apprenticeship program. Pre-apprenticeship programs include 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 connected to education and training activities.
- Opportunities to attain at least one (1) industry-recognized credential.
- A partnership with one (1) or more registered apprenticeship programs that assists in placing youth who complete the pre-apprenticeship program in a registered apprenticeship program.

**Apprenticeship:** Registered Apprenticeship Programs (RAPs) are an employer-driven, “earn while you learn” model that combines OJT/on-the-job learning (OJL) with job-related instruction in curricula tied to the attainment of industry-recognized skills standards.

WIOA Youth program includes RAP as a viable training option for youth 16-24 that provides both a living wage and a pathway to the middle class. This program element also emphasizes training that aligns with in-demand industry sectors and occupations, which is a key component of RAP programs.

All Registered Apprenticeship programs consist of the following five core components:

- Direct business involvement,
  - OJT,
  - Related instruction,
  - Rewards for skill gains, and
  - National occupational credential.
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## Work Experience, Continued

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### Internship and job shadowing

Internship is a temporary, unpaid exposure to the workplace in an occupational area of interest to the participant and may last anywhere from a few hours to a week or more.

Job shadowing is the experience of following a person in his/her job for a few hours, a day, or a few days. This is an opportunity for the participant to learn about the career he/she would like to go into as a profession.

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### OJT

OJT means training provided by an employer to a paid participant while engaged in a job that meets the following criteria:

- Provides knowledge/skills essential to the performance of the job.
  - Provides reimbursement to the employer of up to 50 percent of the wage rate of the participant or up to 75 percent in circumstance of extraordinary costs of providing the training and additional supervision related to the training.
  - Is limited in duration to the occupation for which the participant is being trained, taking into account the content of the training, the prior work experience of the participant, and the service strategy of the participant as appropriate
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### Virtual work experience

Virtual work experiences are allowable under the WIOA Youth Program. Virtual work experiences can offer more flexibility and broaden work experience opportunities, particularly in rural areas. Virtual work experience can also promote equity and access for youth who might not otherwise have the opportunity for certain types of work experiences.

WIOA section 681.600 states work experiences must take place in a workplace, the Department of Labor (DOL) clarified that this includes a virtual workplace when remote work experiences are possible and practical.

When using virtual work experience, the Youth Provider staff must ensure he/she enters the activity code in CalJOBS and selects “virtual” from the drop-down box (refer to image below).

The screenshot shows a web form with the following fields and labels:

- \* Activity Code:** A text input field with a placeholder "[ Select Activity Code ]".
- \* An actual begin date or a projected begin date is required.** A red asterisk followed by a note.
- Projected Begin Date:** A date input field with a placeholder "(mm/dd/yyyy)" and a "Today" button.
- Actual Begin Date:** A date input field with a placeholder "(mm/dd/yyyy)" and a "Today" button.
- \* Projected End Date:** A date input field with a placeholder "(mm/dd/yyyy)" and a "Today" button.
- Service Provided** (with a link "Virtual/Online (Opens in a new window):"): A dropdown menu currently showing "Virtual/Online (Yes)". A red arrow points to this dropdown.

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# Paid/Unpaid Work Experience

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## Introduction

Work experience may be paid or unpaid as appropriate. Paid/Unpaid work experience provides the youth with opportunities for career exploration and skill development. A work experience may take place, for a limited period of time, in the:

- Private-for-profit sector,
- Non-profit sector, or
- 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.

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## Program element

Paid and unpaid work experience is one (1) of the 14 youth program element. Paid/Unpaid work experience has an academic and occupational education component.

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## Disallowed work experience

Funds provided for work experiences may not be used to directly or indirectly aid in the filling of a job opening that is vacant because the former occupant is on strike or is being locked out in the course of a labor dispute, or the filling of which is otherwise an issue in a labor dispute involving a work stoppage.

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## Wages

Youth placed in paid work experiences shall be compensated at an hourly wage, not less than the State or local minimum wage.

Youth shall be paid wages only for time worked during the work experience as documented on the youth's time sheet. Work experience youth are not authorized to work overtime and shall not be compensated for:

- Vacation,
- Lunch breaks, or
- Holidays recognized by the service provider or employer as a "paid holiday".

Youth Provider must refer to Healthy Workplace Healthy Family Act of 2014 (AB 1522) law for sick leave compensation.

Prior Workforce Development Department (WDD) approval from the Youth Staff Analyst must be obtained if more than the minimum wage is to be given for a participant to receive.

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## Paid/Unpaid Work Experience, Continued

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### Education

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 components or such components may be provided separately in the classroom or through other means.

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 specific industries and/or occupations.

**Example:** Youth is completing work experience in a hospital; the occupational education could be learning about the duties of different types of hospital occupations such as a:

- Phlebotomist,
- Radiology tech, or
- Physical therapist.

The academic education could be learning some of the information individuals in those occupations need to know such as:

- Why blood type matters,
- The name of a specific bone in the body, or
- The function of a specific ligament.

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### Working conditions

Employers must comply with applicable labor laws, including wage and hour provisions, occupational health and safety provisions, and child labor laws. Participants shall not be placed at worksites that are:

- Unsanitary,
- Hazardous, or
- Dangerous to a youth's health and safety.

Youths must be provided the proper equipment and training to safely perform his/her work experience.

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# Worksite Partnerships

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## Introduction

Workforce Innovation and Opportunity Act (WIOA) places a strong emphasis on planning across multiple partner programs to ensure alignment in service delivery. One key goal is to develop effective partnerships across programs and community-based providers to provide youth with:

- Employment,
- Education, and
- Training services.

Effective partnering is pivotal to maximize resources and to align services with career pathways and sector strategies. This section provides information/guidance regarding worksite partnerships for Youth Providers.

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## Strategies

In order to effectively promote and develop career pathways and sector strategies, it is vital that the WIOA six (6) core programs and Youth Providers partner programs work together to ensure a customer-centered approach to service delivery.

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## Work experience

Work experience is one of the fourteen (14) required program elements that must be made available to all registered youth and should be offered throughout the program year. It is a planned, structured learning activity that takes place in a workplace setting for a limited period of time and has an academic and occupational education component.

The primary intent of work experience is to help the youth understand proper workplace behavior and what is necessary to attain and retain employment. Work experiences should help youth acquire the personal attributes, knowledge, and skills needed to obtain a job and advance in employment. Work experience can serve as a steppingstone to unsubsidized employment and is an important step in the process of developing a career pathway for youth. All work experiences should expose youth to realistic working conditions and task as much as possible.

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## Worksite agreements

A worksite agreement is a document executed between the Youth Provider and Employer. The worksite agreement is required for employers interested in serving as a workforce training site. All work experience sites must have a worksite agreement. Each worksite agreement must be signed by the employer and participant and maintained by the Youth Provider. Each agreement must contain, at a minimum, the following items for each worksite:

- Contact person name and mailing information,
  - Location, supervisor name and phone number,
  - Days and hours of Operation
  - Hours and wages giving to participant, agreed upon by both parties
  - Duties participant will be completing
  - Mutual terms and conditions
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## Worksite Partnerships, Continued

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### Worksite considerations

Service providers should develop a pre-evaluation tool to determine the suitability of utilizing the employer for work experiences. The evaluation components should include provisions for the worksite agreement safety, labor law agreements, status of layoffs, etc. In addition, it should evaluate age appropriateness and level of exposure to work readiness and job skills, type of supervision available, as well as review the previous work experience placements in the same location.

Potential worksite employers should also demonstrate a commitment to helping youth receive experience and training needed to meet his/her goals. As part of participation, these employers should be willing to work closely with Youth Provider staff, especially since participants will have barriers to employment.

The following is a list of considerations Youth Providers should look for in an employer to partner with as a worksite location for youth:

- Proper worksite supervision should be one of the factors reviewed prior to placement of the participant in the worksite.
- Employers committed to helping participants receive the experience and training required for employment beyond the work experience period.
- Employers willing to work closely with program staff and be flexible in working with youth who have barriers to employment.
- Attention must be given to ensure work experience arrangements do not unfavorably impact current employees and do not impair existing contracts for services or collective bargaining agreements.
- Work experience, including internships, in the private for-profit sector must be structured so as not to appear to be subsidizing private for-profit operations.

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### Not eligible worksite

An employer will NOT be eligible to participate as a WIOA worksite placement if:

- The employer has any other individual on layoff from the same or substantially equivalent position.
- The job would infringe upon the promotion of or displacement of any currently employed worker or a reduction in his/her hours.
- The same or a substantially equivalent position is open due to a hiring freeze.
- Employer must be compliant on state and federal business taxes.
- Employer has received payments under previous work-based services and the employer has exhibited a pattern of failing to provide a positive work experience.

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### Worksite monitoring

Monitoring may include on-site visits, phone/email communication with the employer/trainer, and participant to review the participant's progress in meeting the training objectives. Any deviations from the Worksite agreement should be dealt with promptly.

**Note:** Refer to **WDD Youth Handbook Chapter 10 Audits, Oversight and Monitoring** for additional information.

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# Work Experience Expenditure

Introduction	<p>This section provides information regarding work experience expenditures for the Youth Program.</p>
Funding expenditure	<p>In addition, Youth Providers must spend at least 20 percent of WIOA youth funds on work experience (WIOA Section 129[c][4]). The work experience expenditure rate is calculated after subtracting funds spent on administrative costs. The expenditure rate is not applied separately for In-School Youth (ISY) and OSY.</p>
Expenditure	<p>As explained in 20 CFR § 681.590(b), administrative costs are not subject to the 20 percent minimum work experience expenditure requirement. Leveraged resources <b>cannot be</b> used to fulfill any part of the 20 percent minimum.</p> <p>Allowable expenditures that may be counted toward the work experience expenditure under the program element can be more than just wages paid to youth in work experience. Allowable work experience expenditures include the following:</p> <ul style="list-style-type: none"><li>• Wages paid for participation in a work experience,</li><li>• 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,</li><li>• Staff time working with employers to ensure a successful work experience, including staff time spent managing the work experience,</li><li>• Staff time spent evaluating the work experience,</li><li>• Participant work experience orientation sessions,</li><li>• Employer work experience orientation sessions,</li><li>• Classroom training or the required academic education component directly related to the work experience,</li><li>• Incentive payments directly tied to the completion of work experience, and</li><li>• Employability skills/job readiness training to prepare youth for a work experience.</li></ul> <p>Supportive services are a separate program element and cannot be counted toward the work experience expenditure requirement even if supportive services assist the youth in participating in the work experience.</p>