

## 5340POL Work Experience Training

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This policy provides guidance for the Olympic Workforce Development Council (OWDC) Service Providers implementation of Work Experience (WEX) with Workforce Innovation and Opportunity Act (WIOA) Title IB Adults, Dislocated Workers, and Youth participants.

1. **A WEX is a planned, structured, and time-limited learning experience** within a workplace via a contractual exchange between a WEX Sponsor (WIOA Title IB service provider the organization that oversees the WEX placement, serves as the employer-of-record for WEX Interns and provides support to the WEX Intern and WEX Host Site to ensure/support a positive experience), the WEX Host Site (the business site where the WEX occurs), and the WEX Intern (an individual enrolled in a WIOA Title IB program who is participating in the WEX activity).
2. **A WEX contributes to the achievement of the Interns employment goals** through a measurable training component. It is designed to assist individuals to establish a work history, demonstrate success in the workplace, and develop the skills that lead to entry and retention in unsubsidized employment.
3. **A WEX may not be used to replace an existing employee or position at the host site.**

### WEX Timeframe

There are no WIOA Title IB regulations governing the amount of time a WEX Intern may be placed in a WEX position.

When determining the duration of a WEX position, the following must be considered:

1. Objectives of the WEX, as defined by the Intern's employment and training goals.
2. Length of time necessary for the Intern to learn the skills identified in their learning plan.
3. The WEX Host Site has enough meaningful work activities for the Intern.
4. WEX Sponsor's budget.

### WEX Host Site Criteria

All WEX Host Sites interested in supporting a WEX position in partnership with OWDC WIOA Title IB Adult, Dislocated Worker, and Youth programs must meet the below criteria.

1. Registered with the Internal Revenue Service (IRS) as a for-profit or not-for-profit agency, have an account with the Washington State Employment Security Department for Unemployment Insurance, and carry Worker's Compensation Insurance(20 CFR 683.280).
2. Licensed to operate in the State of Washington and provide their: Federal Employer Identification Number (FEIN), Employer Identification Number (EIN) or in the case of a Sole Proprietorship/Single Member (LLC) Social Security Number for the business and taxation purposes.
3. Ensure job safety and healthy working conditions as specified by the Occupation Safety and Health Administration.
4. Prohibit the Intern's involvement in the construction, operation, or maintenance of any part of any facility that is used, or to be used, for religious instructions or as a place for religious worship.
5. Do not discriminate in training or hiring practices because of race, color, sex, national origin, religion, physical or mental disability, political beliefs or affiliations, or age.
6. Do not allow the WEX activity to result in the infringement of promotional opportunities of their current employees.

### WEX Agreement

A WEX Agreement between the WEX Sponsor, WEX Host Site, and WEX Intern is required prior to implementation of a WEX. The agreement must outline the purpose of the WEX, identification and requirements of all parties, compensation rates, and job tasks and duties.

1. 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.

2. 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.
3. WEX agreements must be signed by all parties prior to the start of the WEX.

### **Compensation**

Wage requirements under the Fair Labor Standards Act (FLSA) apply to all participants including youth employed under WIOA.

A WEX may be paid or unpaid, as appropriate in the private, for-profit, non-profit, or public sectors.

1. **WEX Host Sites are not monetarily compensated.** When a WEX activity is paid, the wages are provided by the WEX Sponsor (Employer-of-Record) and paid directly to the Intern, developing an employer/employee relationship between the WEX Sponsor and the Intern.
2. **When determining the hourly wage for WEX Intern, the following should be taken into consideration:** objectives of the WEX, type of work performed during the WEX, the skill set required, the skill set of the Intern and the WEX Sponsors budget.
3. **Participants enrolled in a paid WEX will be compensated at comparable rates of pay for the other individuals employed in similar occupations by the same employer.** In no case will participants be paid lower than current, local minimum wage, or the Washington State minimum wage, as applicable based on the location of the WEX site where the employer is located, and the participant is working.
  - a. WEX Interns are not authorized to work overtime or paid for vacation time, lunch breaks, or holidays recognized by the service provider as a “paid holiday”.
4. All Washington State employers are required to provide paid sick leave to their employees, unless the employer only has workers who are exempt from Chapter 49.46 RCW-Minimum Wage Act, which includes paid sick requirements.

### **Participant Eligibility**

All WEX Interns must meet WIOA Title IB program eligibility in compliance with OWDC Eligibility Policy and Documentation Requirements (1600POL Records and Documentation Retention) and

1. Be enrolled into the respective WIOA program.
2. Have received an assessment resulting in the development of an IEP or IPP that documents the participant’s need for and benefit from WEX. Individuals who have received funding through an Individual Training Account, cohort or other WIOA funded training are also eligible for a WEX.

#### **Participant File Documentation requirements:**

- a. Comprehensive assessment identifying a WEX as an appropriate service.
- b. Completed IEP or IPP documenting the WEX services and outcomes, including learning plan.
- c. WEX Agreement (completed prior to the start of the WEX)
- d. Timesheets and case notes

### **Adult and Dislocated Worker WEXs**

WEX for Adults and Dislocated Workers are defined at 20 CFR 680.180. Unlike the WIOA Title IB Youth, Adult and Dislocated Worker programs do not have a minimum expenditure rate.

### **Youth WEXs**

WIOA identifies four categories of youth work experience:

- a. Summer employment opportunities and other employment opportunities available throughout the school year.
- b. Pre-Apprenticeship programs.
- c. Internships and job shadowing.
- d. On-the-Job Training (OJT).

1. **Youth WEX MUST include an academic and occupational education component.** The educational component may occur concurrently or sequentially with the work experience, and the academic and occupational education component may occur inside or outside the worksite. The academic and occupational education components refer to the contextual learning that accompanies a work experience. It includes the information necessary to understand and work in specific industries and/or occupations.
2. **WIOA Youth programs must expend not less than 20% of the funds allocated to them to provide youth participants with paid and unpaid work experience.**
  - a. WIOA Youth programs must track program funds spent on paid and unpaid work experiences and report such expenditures as part of the local WIOA Youth WEX requirements. The percentage of funds spent on work experience is calculated based on the local area youth funds expended for work experience rather than calculated separately for in-school and out-of-school youth. Local area administrative costs are not subject to the 20% minimum expenditure requirement.
  - b. Expenditures on supportive services that enable youth to participate in WEX activities count toward the requirement to expend at least 20 percent of youth formula grants on work experience (5602 (Rev5) Supportive Services and Needs-Related Payments and TEGL 9-22 Youth Formula Program Guidance).
3. Allowable expenditures that count toward the work experience expenditure requirement and program expenditures on the work experience program element can be more than just wages paid to youth.
4. Expenditures that do not count towards the 20% minimum WEX requirement include: Leveraged resources.

### **WEX Monitoring**

WIOA program staff must ensure regular and on-going monitoring and oversight of the WEX.

1. 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.
2. The WIOA program operator's oversight of the WEX Interns 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.

### **REFERENCES**

Assisting Victims and Survivors of Human Trafficking, Washington Information Notice, [WIN 0144](#)  
[Department of Labor Employment and Training Administration](#) (DOL ETA) 20 CFR Parts 603, 651, 652, 676, 677, 678, 680.180 and 681.600. Workforce Innovation and Opportunity Act; Final Rule.  
 Eligibility Policy and Handbook, [WorkSource System Policy 1019 \(Rev10\)](#)  
 Fair Labor Standards Act of 1938, 29 U.S.C. §201 Et seq. (2024) [Wages and the Fair Labor Standards Act | U.S. Department of Labor \(dol.gov\)](#).  
 Guidance on Services provided through the Adult and Dislocated Worker Programs under WIOA and WP. Training and Employment Guidance Letter ([TEGL 19-16](#)).  
 Human Trafficking: The Role of the Public Workforce System in the Delivery of Services and Referrals to Victims of Trafficking, Training and Employment Guidance Letter, [TEGL 9-12](#).  
 Records and Documentation Retention Policy, OWDC 1600POL.  
 Supportive Services and Needs-Related Payments, [Workforce Innovation and Opportunity Act 5602 \(Rev5\)](#)  
 Workforce Innovation and Opportunity Act (WIOA) Sec.129(2)(C) and 134(c)(2)(A)(xii)(VII).