

Lorain County Workforce Development Board – Area #4

Youth Work Experience Policy

Approved by WIB - May 29, 2014

Amended by WDB – May 31, 2018

Amended by WDB – August 29, 2019

Purpose:

To provide policy direction regarding the use of Workforce Innovation and Opportunity Act (WIOA) funds and Temporary Assistance to Needy Family funds to pay stipends for Work Experience opportunities for Comprehensive Case Management (CCMEP) participants.

Background:

Work experience is a planned, structured learning experience that takes place in a workplace setting for a limited period of time. The use of work experience situations should be based on an assessment and service strategy identified in the Individual Opportunity Plan (IOP).

The primary intent of the work experience element is to provide CCMEP participants with opportunities for career exploration and skill development to gain work readiness skills in preparation for employment. Participants should acquire personal attributes, knowledge and skills needed to obtain a job and advance in employment. Although an employer may also receive some benefit from work experience in the form of work being done or recruiting a potential new employee, the primary goal of work experience is to benefit the participant.

Work experience may be conducted in the private-for-profit, private non-profit and public sectors. Work experience may be combined with classroom instruction relating to a particular position, occupation, industry or basic skills and abilities to successfully compete in the local labor market.

Job shadowing may be provided to participants as a work experience activity. Job shadowing is a short term unpaid activity which introduces a participant to the workplace and provides exposure to occupational areas of interest. A participant experiences the work environment to increase career awareness, observe models of behavior on the job through examples, and receives help in making career decisions. Job shadowing can reinforce the link between classroom learning and work requirements. Job shadowing is limited and allows youth to observe only.

Policy:

The CCMEP work experience assignments will be made at no less than 50 hours and no more than 780 hours for up to a six (6) month term. Extensions considered for approval beyond the first six (6) month term will be made at the discretion of the Director of the Lorain County Workforce

Development Agency. All assignments made will be between five (5) and twenty-six (26) hours per week.

The hours of assignment will be based on a number of factors which will include; looking at the goal of the work experience, past work experience of participant, barriers the participant may have and the complexity of the job tasks to be assigned.

Employer and Employee Relationship

Work experience may be paid or unpaid. It is expected that work experience will be paid in most cases and the federal Fair Labor Standards Act (FLSA) will apply in any situation where an employer/employee relationship exists.

CCMEP participants are subject to the requirements of the FLSA to the extent that the activities performed in the work experience constitute employment. It is the responsibility of the Lorain County Workforce Development Agency, or any providers that may be contracted to provide youth work experience, to determine whether an employer/employee relationship exists.

According to the Wage and Hour Division of the U.S. Department of Labor, Employment Standards Administration, if all of the following six (6) items exist, the work experience can be considered a training situation. The CCMEP participant is not an employee of the employer site if:

1. the training, even though it includes action operation of the facilities of the employer is essentially a training experience similar to a vocational school;
2. the participant is primarily the beneficiary of the experience;
3. regular employees are not displaced and the experience is closely supervised/observed;
4. the “employer” that hosts the experience derives no immediate or significant advantage (and may experience an actual downside);
5. the participant is not necessarily entitled to a job at the conclusion of the experience; and,
6. there is a mutual understanding between the participant and the host agency that the participant is not entitled to wages for this time because the activity is essentially a training experience

If any of the above six (6) conditions are not met, then the CCMEP participant must be considered an employee. If the worksite is relying on the participant to perform real work, i.e. to be productive, then the situation should be recognized as an employer-employee relationship. In this situation, the site employer is the employer of record.

The Lorain County Board of Commissioners has approved an Inter-Agency Agreement with the Lorain County Port Authority (LCPA) who will serve as the employer of record for those

participating in paid work experience. Participants will receive no less than the applicable state or federal minimum wages and will have payroll taxes deducted. The LCPA will be responsible for paying all taxes and providing similar benefits as are available to other employees, including but not limited to payment into the State's Worker's Compensation system.

The Youth Employment Specialist will have a written agreement, called a "Worksite Agreement - Agency Agreement", in place with the employer hosting the work experience participant(s) to ensure compliance with WIOA and TANF applicable regulations. The agreement, including a minor wage agreement, is a written document that will detail the terms and conditions of paid work experience and the expectations of the parties to the agreement. The agreement is between the site employer or host site and the LCWDA.

The Youth Employment Specialist will create a Worksite Agreement - Sponsor Form for all youth assigned to work experience. The Sponsor Form will include the position, duration (including start and planned end date), schedule, remuneration, tasks, duties, supervision, health and safety standards and other conditions of work experience such as consequences of not adhering to the agreement and termination clause. A copy of the signed Sponsor Form will be provided to the worksite, to the youth participating in the work experience and a copy will be kept in the participant's case file to be available for audit and monitoring purposes. The case file will also include:

- a copy of the Comprehensive Assessment and Individual Opportunity Plan supporting the need for work experience
- an analysis of the cost and duration of the work experience
- time sheets and performance evaluations

The Youth Employment Specialist will be responsible for obtaining bi-weekly time sheets from the host sites that will be used to calculate the wages for those participants engaged in paid work experience. The time sheets will also include a section to allow for the host site to provide an on-going performance evaluation of the progress the participant is making that will be used for monitoring purposes.

The Youth Employment Specialist will assure that the health and safety standards established under Federal and state law will be followed. The designated staff will also assure that health and safety standards otherwise applicable to working conditions of employees are equally applicable to working conditions of participants in the CCMEP.

The Youth Employment Specialist will ensure compliance with child labor laws as outlined in the Fair Labor Standards Act (FLSA), Ohio Revised Code (ORC) Chapter 4109, "Employment of Minors," and "Ohio Administrative Code (OAC) 4101:9-2, "Employment of Minors in Occupations Hazardous or Detrimental to Health and Well-Being".

The Youth Employment Specialist will also be responsible for conducting an interview with the youth engaged in work experience at the mid-point and end of their assignment to get feedback that will be used for monitoring the host sites fulfillment of the expectations as established in the Worksite Agreement. A copy of the documents will be kept in the participants file and made available for audit and monitoring purposes.