

WORK EXPERIENCE

This policy applies to WIOA Title I Adult, Dislocated Worker, and Youth participants except where noted otherwise.

A Work Experience is a planned, structured learning experience in a workplace for a limited period of time. Work experience may be paid or unpaid, as appropriate. A Work Experience provides participants with opportunities for skill development and must include academic and occupational education concurrently or sequentially. The education component can be documented on the Training Plan and during monitors.

A Work Experience can include:

- internships not limited to summer months,
- internships during summer months (Youth only),
- Pre-Apprenticeship programs (see Pre-Apprenticeship [Policy 5.30](#)),
- Job Shadows (see Job Shadow [Policy 5.24](#)),
- On-the-Job training opportunities (see On-the-Job Training [Policy 5.28](#)) – *WIOA Youth only, this is considered a "training service" for WIOA Adults or Dislocated Workers; and*

A Work Experience should be related to the participant's long-term employment goal. The assessment process and development of the Employment Plan will help to identify appropriate worksites for each participant. The assessment process may identify concerns or issues that should be addressed prior to or concurrently with a work experience. Such situations may include completing the GED, attending work-readiness workshops, completing a preliminary skills-building program, etc... Make appropriate referrals if such issues are identified.

The employer provides supervision and training to the participant as outlined in the Work-Based Training Plan Agreement [Form 19](#). For WIOA Youth participants, it is encouraged to identify a worksite mentor the participant can meet with on a structured basis with questions or concerns. The mentor should be comfortable offering guidance, support, and encouragement to develop the competence and character of the participant. Ideally, this relationship will develop into adult mentoring lasting one year or longer.

Labor standards apply in any Work Experience with an employee/employer relationship, as defined by the Fair Labor Standards Act or applicable State law.

YOUTH EXPENDITURE PRIORITY

A Work Experience is one of the 14 WIOA Title I Youth service elements that must be available to Title I Youth participants. Work experiences are arranged by DLR job service office staff in conjunction with a business in the community. A Work Experience is established on an individual basis.

Twenty percent of a state's total youth allotment must be spent on work experiences for in-school and out-of-school youth after subtracting the administrative costs. This 20% may include staff time to develop or manage a Work Experience as identified in the Youth Priority [Policy 4.5](#).

If staff are providing case management for a non-WIOA funded work experience service (ex. Vocational Rehabilitation funded work experience), it is appropriate to enter this service into SDWORKS and charge time to the youth Work Experience time codes.

PARTICIPANT ELIGIBILITY

Individuals hired by a worksite and subsequently referred to a DLR job service office are not to be considered for the Work Experience activity. The worksite should commit to the individual and believe the individual is fully capable of performing the tasks required with little or no assistance.

WORKSITE ELIGIBILITY

A Work Experience may take place in the private for-profit sector, the non-profit sector, or the public sector.

The Work Experience provides individual assistance for the participant, not a subsidized placement program for employers. Although the employer may indirectly receive a benefit, the purpose of a Work Experience is not to benefit the employer.

A Work Experience under WIOA, must not be entered into with an employer who has received payments under previous work-based services if the employer has exhibited a pattern of failing to provide a positive work experience. This includes those employers for On-the-Job trainings where a participant was not provided continued long-term employment, wages, benefits, and working conditions that are **not** equal to those provided to similarly situated employees.

LENGTH OF PROGRAM

A Work Experience is not intended for long-term skill building within the occupation but rather as an entry step for the participant to explore the occupation, develop their skills, and gain work history and references. A Work Experience must be for a limited period of time.

WIOA Title I Adult and Dislocated Worker programs are limited to 500 hours per calendar year.

WIOA Title I Youth programs are limited to 800 hours per calendar year.

In determining an appropriate length of time, consideration should be given to the skill requirement of the position, the participant's academic and occupational skills level, prior work experience, the participant's Employment Plan, and the Job Service budget.

Additional hours above program limits may be approved by the appropriate Labor Program Specialist if the situation warrants. Approval or denial will be documented in the participant's SDWORKS Notes. Ensure participants do not go over their allotted hours for a Work Experience.

Hours

Work experiences for Title I Adult and Dislocated Worker programs are limited to 25 hours per week.

Work experiences for Title I Youth programs are limited to 39 hours per week. Participants must not exceed 40 hours as overtime cannot be paid. Timecards exceeding 40 hours must be referred to the Youth LPS and may discontinue the work experience opportunity. Hour limits apply to the full sum of hours worked by a participant. More than one Work Experience occurring at the same time cannot exceed 39 hours in total.

The employer cannot hire the individual and pay for additional hours separate from the Work Experience during the Work Experience. **Example:** *Joe is on a Work Experience at XYZ company 25 hours a week, and the company wants to hire him on the side for an extra 10 hours a week and pay him separately.*

WAGES

Participants in a Work Experience will be hired by the DLR and compensated by DLR. DLR covers a participant's wages, Federal Insurance Contributions Act (FICA), and worker's compensation. DLR does not offer Work Experience participants benefits such as health care, 401K, paid time off, etc.

Participants will receive at least the federal minimum wage. Wages will be paid at the prevailing entry-level wage for the job as determined by the participant, worksite, and Employment Specialist. All determinations must be fully documented in SDWORKS case notes.

South Dakota codified law 61-1-36 (5) excludes work experiences from the employment definition for Reemployment Assistance (RA) benefits. Therefore, work experience wages are not subject to payment of RA taxes by the employer, and participants do not earn wage credits during their participation.

DOCUMENTATION

All justifications related to the Work Experience must be recorded in a SDWORKS case note. This **justification note** should include the assessment of need, recommendations from the Employment Specialist, and any wage and hour determinations. All original documentation must be uploaded and maintained in SDWORKS. Prior to starting the Work Experience, the following paperwork must be completed:

- Work-Based Training Plan Agreement [Form 19](#): The training plan will include KeyTrain categories, O*Net Knowledge, Skills, Work Activities, and Context to provide the direct linkage to academic and occupational learning that takes place at the worksite. A job description from the employer and/or www.onetonline.org can provide suggestions for the training outline descriptions.
- Conditions and Assurances Signature Page [Form 10A](#) signed by all parties as an acknowledgment of an agreement to Conditions and Assurances [Form 10B](#)
- Participant Payment Consent [Form 71](#) signed by the participant (or verified already on file)
- W-4 form is located at www.irs.gov. Work experience wages are subject to withholding for Social Security, Medicare, and Federal Income Tax. Annually, DLR will mail a W-2 to the participant's home address in SDWORKS.
- I-9 form located at www.uscis.gov and supporting original documentation. DLR staff should complete the Employer Verification section.
- Medical Release:
 - For participants under the age of 18, the BOA Minor Release and Consent [Form 15A](#) is required.
 - For participants 18 and over, the BOA Release and Consent [Form 15B](#) is required.
- All documentation required for monitoring uploaded to the SDWORKS documents section.
- Work Experience Timecards [Form 18](#) uploaded at the time of the Payment Voucher request.

Ensure all required documentation is complete, legible, and uploaded to the Obligation Voucher in SDWORKS. Include a summary and date of the **justification note** in the comment box on the Obligation Voucher. The approving manager is responsible for ensuring all documentation is uploaded, correct, and legible before authorizing Obligation and Payment vouchers.

Signatures

There must be two signatures from the employer on the Training Plan Agreement [Form 19](#). One of the signatures on the Training Plan Agreement must match the signatory on any Work Experience Timecards [Form 18](#), certifying the information is correct and reflects the employer records, including hours worked and wages paid. Signatures may not always be the employer, but a qualified person in the employer's office as long as it matches one of the signatures on the Work-Based Training Plan Agreement.

Timecards

Complete the Participant Name, SID, Month, and Date fields on the Work Experience and CSA Timecard [Form 18](#). Print a timecard for each week of the Work Experience, changing the month and date for each week as appropriate. Ensure dates are correct or payment cannot be processed. Provide the partially completed timecards to the worksite.

The worksite and participant are responsible for tracking hours worked on a Work Experience Timecard [Form 18](#). The total weekly hours ending on Friday should be rounded to the **nearest** 15 minutes (See table below). The total time for a week must be in 15-minute increments on the timecard.

Minutes	1-7	8-22	23-37	38-52	53-59
Round	:00	:15	:30	:45	:00
Identify on timecard	.00	.25	.50	.75	+1.00

Timecards must be signed by an authorized signatory identified on the Work-Based Training Agreement [Form 19](#) and the participant and returned to the Employment Specialist by 9 a.m. on Monday. The Employment Specialist will use the timecard to complete the payment voucher for a manager to approve before Noon on Wednesday. Payment is processed Wednesday of the following week. The Employment Specialist will make Work Experience participants aware of change to this schedule.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	Timecard submitted to DLR Job Service by 9 a.m. for the previous week		Fully approved payment request sent to Fiscal by Noon.			
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		Payment Committed by DLR.	Payment Processed by our Bank.			

If the Employment Specialist cannot obtain a timecard signature by either the business or the participant within two weeks of the last day worked, explain in the participant's case notes. The job service office manager can sign in the place of the business or participant. This timecard can then be submitted for payment.

Timecards are uploaded to the Payment Voucher in SDWORKS.

MONITORS

Monitors must be completed for any training that exceeds 30 days. The Work-Based Training Plan Agreement and Monitor [Form 19](#) will be used to monitor a Work Experience.

To ensure the service meets the participant's needs the Employment Specialist is required to monitor the training service monthly. The purpose is to evaluate the progress to date and identify issues that may concern any party to ensure successful training.

It is encouraged for job service staff to provide a certificate of appreciation to employers for Work Experiences to provide gratitude on behalf of DLR.

MODIFICATION

If additional funds are needed on an open Obligation Voucher, contact the Administrative Services Division ("Fiscal") to walk through the process of adding funds. The required uploaded documents from the original voucher will remain in the document section. Include the reasons for the additional dollars on the new Obligation Voucher in the comment box. Additional documents are not needed. Include a SDWORKS case note.

FIRST REPORT OF INJURY

As the employer for a Work Experience, DLR covers Worker's Compensation for each participant. If a participant is injured on a Work Experience or summer opportunity, a [First Report of Injury](#) must be completed by the participant and returned to the Youth Labor Program Specialist within three business days from the injury.

- DLR must communicate with the worksite to complete the Form's Employer/Employment sections.
- This form should then be submitted to a Labor Program Specialist, with a copy being provided to the participant.
- DLR staff should follow employer instructions on submitting the First Report of Injury.

**20 CFR §681.590, §681.600, & §681.610
WIOA §129(c)(4)**