WORK EXPERIENCE

This policy applies to WIOA Title I Adult, Dislocated Worker, TAA 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 summers 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 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 someone 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 youth service elements that must be made available to 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 after subtracting the administrative costs must be spent on work experiences for in-school and out-of-school youth. This 20 percent may include staff time that is utilized 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 who have been 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 to 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 and 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.

SUMMER OPPORTUNITIES

Summer opportunities are work experiences that take place between May 15 and Sept. 15, not prior to May 15 and not after Sept. 15. Job service offices are not required to offer summer youth employment opportunities as summer employment is no longer its own program element under WIOA. However, summer opportunities are encouraged as they are included in the 20 percent WIOA Youth expenditure priority.

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, gain work history and references. A Work Experience must be for a limited period of time and may not exceed 500 hours.

In determining an appropriate length of time consideration should be given to the skill requirement of the position, the academic and occupational skills level of the participant, prior work experience, the participant’s Employment Plan and the Job Service budget. More than 500 hours 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 are limited to 25 hours a week to avoid shared responsibility under the Affordable Health Care Act. Employment specialists must ensure worksites and participants are aware of this and monitor timecards accordingly. Participants can work less than 25 hours per week. This should be determined based on the participant’s schedule.

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 hrs a week and pay him separately. This is not allowed.

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 workers 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 law excludes work experiences from the definition of employment for purposes of 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, 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](http://www.onetonline.org) can provide suggestions for the training outline descriptions.
- **Conditions and Assurances** *(Form 10A)* signed by all parties.
- **W-4 form** located at [www.irs.gov](http://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](http://www.uscis.gov) and supporting documentation. DLR staff should complete the Employer Verification section.
- For participants under the age of 18, The Work Experience Guidelines and Emergency Contact *(Form 14)* and the BOA Minor Release and Consent *(Form 15A)* are required.
- For participants 18 and over, the BOA Release and Consent *(Form 15B)* is required.
- All documentation required for monitoring should be uploaded to the SDWORKS documents section.
- **Work Experience Timecards** *(Form 18)* should be 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 reflective of 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, SSN Last Four, Month, and Date fields on the Work Experience 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 to track 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.

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<th>8-22</th>
<th>23-37</th>
<th>38-52</th>
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<td>:15</td>
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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 9a.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. Work experience participants will be made aware of any change to this schedule in advance by the Employment Specialist.

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If the Employment Specialist is not able to obtain a timecard signature by either the business or the participant within two weeks of the last week worked, explain in the participant’s case notes. The job service office manager should 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 type of training that is beyond 30 days. The Work-Based Training Plan Agreement and Monitor (Form 19) will be used to monitor a Work Experience.

To ensure the service is meeting the needs of the participant, the expectation of the training provider and the items outlined in the training plan, the Employment Specialist is required to monitor the training service on a monthly basis. The purpose is to evaluate the progress to date and to identify issues that may be a concern to any party to ensure a successful training.

It is encouraged for job service staff to provide a certificate of appreciation to employers of 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 void the open voucher. Once the open voucher is voided, create a new Obligation Voucher. The required uploaded documents from the voided 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 workman'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 DLR within three business days from the injury.

- DLR must communicate with the worksite in order to complete the Employer/Employment sections of the form.
- 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 the First Report of Injury to submit.