



Workforce Innovation and Opportunity Act (WIOA)

Work Experience (WEX) Policy

POLICY NUMBER: P-1007, Rev. 3

REVISION DATE: 7-13-21

Supersedes: WIOA Adult, Dislocated Worker & Youth Program-Work Experience (WEX) Policy & Procedures, Rev. 1, Effective January 1, 2018

PURPOSE

The purpose of this policy is to provide direction for the implementation and documentation requirements of Workforce Innovation and Opportunity Act (WIOA) Title I-funded Work Experiences (WEXs).

The purpose of this policy revision is to:

- Include requirements for the placement of minors ages 17 and younger into WEXs.
- Remove WIOA Title I On-the-Job Training (OJT) placement requirements from this policy and refer the reader to WorkForce Central's On-the-Job Policy & Procedures.
- Implement minor edits to the WEX contracts, including replacing the attachments to this policy with hyperlinks where the contacts can be downloaded.

BACKGROUND

WEXs are planned, structured, and time-limited learning experiences that take place in a workplace via a contractual exchange between WorkForce Central, the WEX Sponsor (WorkForce Central's WIOA Title I Service Provider), the WEX Host Site (the business site where the WEX occurs), and the WEX Intern (an individual enrolled in a WIOA Title I program). A WEX may be paid or unpaid, as appropriate. A WEX may be provided in the private for-profit, non-profit, or public sectors.

WEX Host Sites are not monetarily compensated. Wages are provided by the WEX Sponsor and paid directly to the Intern, developing an employer/employee relationship between the WEX Sponsor and the Intern. Labor standards apply in any WEX where an employee/employer relationship exists, as defined by the [Fair Labor Standards Act](#), [Washington State's Minimum Wage Act](#), and [Washington State's Department of Labor and Industries](#).

Note: WIOA Title I does not discern between "work experience (WEX)" or "internship". The definition of both is the same.

POLICY

WEXs must provide a planned and structured learning experience specific to the unique needs of each Intern. The design of the WEX placement must be in accordance with results of the Intern's documented assessment and recorded on the participant's Individual Employment Plan (IEP-WIOA Title I Adults/Dislocated Workers) or Individual Service Strategy (ISS-WIOA Title I Young Adults) recorded in Washington State's Management Information System (MIS) titled "Efforts to Outcomes" and commonly referred to as "ETO".

WEX contracts must be signed by all parties prior to the start of the WEX placement.

A WEX placement must not replace an existing employee or position. WIOA Title I funds provided for WEXs 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.

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.

Individuals who receive funding through a WIOA Title I-funded Individual Training Account (ITA), cohort, or other WIOA Title I-funded training are also eligible for participation in a WEX. WIOA Title I funding for training and WEXs are separate.

ADULT AND DISLOCATED WORKER WEX

WEXs for WIOA Title I enrolled Adults and Dislocated Workers are defined at [20 CFR 680.180](#).

Note: Transitional jobs are defined at [20 CFR 680.190](#) and are a type of WEX for WIOA Title I enrolled Adults and Dislocated Workers that provide a time-limited, subsidized work experience for individuals with barriers to employment who are chronically unemployed or have inconsistent work history. Transitional jobs must be combined with comprehensive career and supportive services. WorkForce Central has not implemented transitional jobs at this time.

YOUNG ADULT WEX

WEXs for WIOA Title I enrolled Young Adults are defined at WIOA sec. 129(c)(2)(C) and [20 CFR 681.600](#) and include:

- Subsidized employment opportunities during the summer or throughout the school year.
- Job shadowing.
- Pre-apprenticeship programs.
- On-the-Job (OJT) opportunities as defined in WIOA sec 3(44) and [20 CFR 680.700](#). See WorkForce Central's [On-the-Job Training \(OJT\) Policy](#) for further details located on WorkForce Central's website at <https://workforce-central.org/about/policies/>.

Academic and Occupational Education

WEXs for WIOA Title I Young Adults **must** include an academic and occupational education component.

The academic and occupational education component refers to the contextual learning that accompanies a WEX. It includes information necessary to understand and work in specific industries and /or occupations. To illustrate, Department of Labor Employment and Training Administration (DOLETA), through [TEGL 21-16](#), provided the following examples of how to incorporate occupational and academic education into a WEX:

- If a youth is in a WEX 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.
- Whereas 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.

The academic and occupational education component of the WEX may occur concurrently or sequentially to the WEX, inside or outside of the WEX work site, be provided directly by the WEX Host Site, or be

provided separately in a classroom or through other means. The academic and occupation components of the WEX must be clearly documented on the WEX Young Adult Intern Training Contract.

WEX Sponsors have the flexibility to determine the appropriate type of academic and occupational education necessary for a specific work experience.

Types of WEXs for Young Adults

[TEGL 21-16](#) provides the following WEX descriptions for Young Adults:

- **Job Shadow:** A job shadow WEX is where a Young Adult can learn about a job by walking through a workday as a shadow to a competent worker. The job shadow must be in an occupational area of interest to the participant. Young Adults witness firsthand the work environment, employability and occupational skills in practice, the value of professional training, and potential career options. A job shadow can be anywhere from a few hours to a day, to a week or more. Job shadowing is designed to increase career awareness, help model Young Adult behavior through examples, and reinforce in the Young Adult the link between academic classroom learning and occupational work requirements.
- **Pre-apprenticeship Program:** A pre-apprenticeship program is designed to prepare individuals to enter and succeed in an apprenticeship program, provide instruction and/or training to increase math, literacy, and other vocational and pre-vocational skills needed to gain entry into a Registered Apprenticeship program. Pre-apprenticeship includes 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 that are connected to education and training activities, such as exploring career options, and understanding how the skills acquired through coursework can be applied toward a future career.
 - Opportunities to attain at least one industry-recognized credential, and
 - A partnership with one or more registered apprenticeship programs that assists in placing individuals who complete the pre-apprenticeship program in a registered apprenticeship program.

ITAs may finance pre-apprenticeship training in preparation for formal Registered Apprenticeship if the pre-apprenticeship program is on [WA State's Eligible Training Provider List \(ETPL\)](#).

- **On-the-Job Training (OJT):** OJTs are a “hire first” program where the trainee is an employee of the business conducting the training. See WorkForce Central's [On-the-Job Training \(OJT\) Policy](#) for complete OJT details.

WEX Placement Requirements for Minors (Youth ages 17 and Younger)

The laws and rules governing the hiring and placing of youth ages 17 and below (minors) into a WEX are found at the [WA State Department of Labor & Industries' website](#).

Minor Work Permits

WorkForce Central's Business Solutions Team in collaboration with the WEX Sponsor must ensure the following documents are obtained:

1. [Minor work permit endorsement including Industrial Insurance endorsement](#). Business licenses with these endorsements must be posted on the WEX Host Site and with the WEX Sponsor.
2. Completed [parent/school](#) or [summer authorization](#) form. Before a minor can begin working, the youth's parent or legal guardian and their school (when in session) must complete the applicable

authorization form. A copy of the signed authorization form must be retained by the WEX Host Site and WEX Sponsor and uploaded in the applicable WEX service touchpoint in ETO.

Rest and Meal Breaks

Minors must be allowed a paid rest break that is free from duties. Youth ages 16-17 years are entitled to an uninterrupted meal break of at least 30 minutes if they work more the five (5) hours a day, are entitled to at least a 10-minute paid rest break for each four (4) hours worked and must be allowed a rest period no later than the end of their third hour shift.

Minors cannot waive their rest or meal break requirements.

Young Adult 20% WEX Expenditure Requirement

Local WIOA Title I Young Adult programs must expend not less than 20% of the WIOA Title I funds allocated to them to provide Young Adult participants with paid and unpaid work experiences. Local WIOA Young Adult programs must track program funds spent on paid and unpaid work experiences, including wages and staff costs for the development and management of work experiences, and report such expenditures as part of the local WIOA Title I Young Adult financial reporting. 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.

Allowable expenses that count toward the 20% WEX expenditure requirement include:

- Wages paid for participation in a work experience.
- Staff time working to identify and develop a work experience opportunity, including staff time spent working with WEX Host Sites to identify and develop the work experience.
- Staff time working with WEX Host Sites to ensure a successful work experience, including staff time spent managing the work experience.
- Staff time spent evaluating the work experience.
- Intern work experience orientation sessions.
- WEX Host Site work experience orientation sessions.
- Classroom training or the required academic education component directly related to the work experience.
- Incentive payments directly tied to the completion of work experience.
- Employability skills/job readiness training to prepare Young Adults for a work experience.

Expenses that **do not** count towards the 20% WEX expenditure requirement include:

- Leveraged resources.
- Supportive services.

WEX Host Site Development, Eligibility, and Contract

WorkForce Central's Business Solutions Team will work with WEX Sponsors to develop WEX Host Sites that meet the Interns' training needs as defined in the Interns' employment and training plans. The Business Solutions Team will execute WEX Host Site Contracts only with businesses that meet the following minimum compliance requirements:

- Must be registered with the Internal Revenue Service (IRS) and have an account with the Washington State Employment Security Department (ESD) for Unemployment Insurance (UI) and carry Workman's Compensation Insurance.

- Must be licensed to operate in the State of Washington and provide their Federal Employer Identification Number (FEIN).
- If placing youth ages 17 or younger, have a minor work permit and industrial insurance endorsements. See [WA State Department of Labor & Industries' website](#) for details.
- Must have safe and healthy working conditions with no previously reported health and safety violations that have been reported but have not been corrected.
- Does not illegally discriminate in training or hiring practices because of race, color, religion, sex, (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation, or belief, and against beneficiaries on the basis of either citizenship status or participation in any WIOA Title I financially assisted program or activity.
- Shall not terminate the employment of any of their current employees or otherwise reduce its workforce either fully or partially (such as reduction in hours or benefits) with the intention of filling the vacancy with a WEX intern, or as the result of having a WEX intern.
- Shall not allow the WEX activity to result in the infringement of promotional opportunities of their current employees.
- Shall not allow the Intern to be involved in the construction, operation, or maintenance of any part of any facility that is used, or to be used, for religious instruction or as a place for religious worship.

A copy of the [WEX Host Site Contract](#) must be provided to the WEX Sponsor and WEX Intern. The WEX Host Site Contract must be attached to the applicable WEX Intern Training Contract and uploaded into ETO in the applicable WEX service touch point recorded in ETO.

A copy of the [WEX Host Site Contract](#) with the complete list of assurances is included here as an attachment to this policy via a hyperlink and can be downloaded for use. The form must not be altered without prior approval from WorkForce Central.

WEX Intern Training Contracts

The WEX Sponsor will inform the Business Solutions Team of the type of WEX opportunities that will meet their Interns' training needs. The WEX Sponsor will collaborate with the WEX Host Site and the Intern in the development and execution of the WEX Intern Training Contract.

WEX Intern Training Contracts must be completed in their entirety and contain, at a minimum:

- Clear statement of purpose.
- Contact information for all parties to the Contract including where applicable, the WEX Intern, WEX Sponsor, WEX Host Site, and WEX Host Site supervisor.
- Requirements of the WEX Host Site, WEX Intern, and WEX Sponsor.
- WEX start and end dates.
- Interns training position, including:
 - Job title and responsibilities.
 - Wages: Detailed computation of the anticipated wages to be earned and accrual of paid sick leave.
 - Work schedule
 - Required tools, equipment, or uniforms that may be required for the position, if applicable.
- Intern's WEX learning plan that includes skills to be learned and how those skills will be taught.
- Academic and occupational component of the WEX (Young Adult Interns only).
- Pre-assessment.

- Dates and results of mid-evaluation and final evaluation.
- Signature and dates of all parties to the contracts.

WEX Intern Training Contracts 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 Intern Training Contracts are not valid.

One (1) WEX Intern Training Contract may be written for a group of Interns working at a single WEX Host site, provided the working conditions, job description, wage rates, and terms of the contract are the same for all Interns covered by the contract, and the placement aligns with each of the Intern's individual employment and training plan.

The [WEX Intern Training Contract for Young Adults](#) and the [WEX Intern Training Contract for All Others](#) are included here as an attachment to this policy via a hyperlink and can be downloaded for use. These forms must not be altered without prior approval from WorkForce Central.

WEX Pre-Assessment and Evaluations

A pre-assessment of the Intern's skill set in the areas identified on the Learning Plan must be conducted prior to the start of the WEX and documented on the Learning Plan uploaded into ETO. The pre-assessment must be conducted in collaboration by the WEX Sponsor and the WEX Intern.

Conducting evaluations of WEX Interns' progress during their training is required. Evaluations are centered on the skills and behaviors to be learned as documented on the Intern's Learning Plan incorporated in the WEX Intern Training Contract.

During the WEX placement, the WEX Intern must receive at a minimum, a midpoint evaluation, and a final evaluation. Evaluations must be performed in collaboration by the WEX Host Supervisor, the WEX Sponsor, and the WEX Intern. Additional evaluations may be completed as needed to ensure adequate assessment, learning, and appropriate supervision and supports are provided. Midpoint evaluations, final evaluations, and any additional evaluations must be documented on the WEX Intern Evaluation Form and uploaded into the applicable WEX service touchpoint in ETO.

The [WEX Intern Evaluation Form](#) is included here as an attachment to this policy via a hyperlink and can be downloaded for use. The form must not be altered without prior approval from WorkForce Central.

WEX Timeframe

There are no WIOA Title I regulations governing the amount of time an intern may be placed in a WEX. When determining the duration of a WEX activity, the following must be considered:

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

WEX Compensation

Interns, including minors ages 16-17, engaged in a paid WEX shall be compensated at an hourly wage not less than the state or local minimum wage, whichever is higher. Interns shall be paid only for the hours worked during the WEX as documented on the Intern's WEX time sheet. WEX Interns are not authorized to work overtime.

When determining the hourly wage for a WEX Intern, the following should be taken into consideration. This list is not intended to be all inclusive:

- Objectives of the WEX.
- Type of work performed during the WEX.
- Skillset of the Intern.
- Skillset required for the WEX.
- WEX Sponsor budget.

WEX Interns are entitled to paid sick leave under [Washington State Paid Sick Leave Law](#) which will be accrued at a minimum of one (1) hour for every 40 hours worked. The WEX Host Sponsor is responsible for paying sick leave.

WIOA Title I-funded WEX Interns **shall not be paid** for:

- Vacation breaks.
- Mandatory lunch breaks.
- A holiday recognized by the WEX Sponsor as a "paid holiday".
- Overtime is not authorized.

WEX Funding Limit

The maximum WIOA Title I dollar limit for a WEX placement is \$5,000. WEX Sponsors have the authority to increase the limit by \$1,000 for a total of \$6,000 depending on the Intern's needs. Justification for the increase, and the WEX Sponsor's approval authorizing the WEX increase, must be uploaded into the Intern's WEX service touchpoint in ETO and recorded in case notes. The maximum WEX limit is not an entitlement and is determined based on the hourly wage paid to the Intern and duration of the WEX.

WEX Monitoring

WEX Sponsors must ensure regular and ongoing monitoring and oversight of the WEX activity. Monitoring may include on-site visits and phone or email communication with the WEX Host Site and the WEX Intern to assess the Intern's progress in meeting learning plan objectives. Any deviations from the WEX Intern Training Contract must be dealt with immediately. Outcomes of oversight and monitoring of the WEX activity must be documented in case notes recorded in the WEX service touchpoint in ETO.

The WEX Sponsor's oversight of the participant's WEX activity and payroll records will be reviewed by local compliance monitors and may be reviewed by state and federal monitors and auditors. These entities will have the right to access, examine and inspect any site where any phase of the WEX activity is being conducted. The WEX Sponsor and Business Solutions Team will maintain its records and accounts in such a way as to facilitate the compliance review. Records must be maintained for three (3) years after the conclusion of the WEX.

ETO Documentation

The following documents must be uploaded and/or recorded in the Intern's ETO participant record. Instructions for uploading documents into ETO are in WorkForce Central's [ETO Data Validation & Documentation Policy](#) located on WorkForce Central's website:

- Comprehensive Assessment identifying a WEX as an appropriate service.
- Completed ISS/IEP documenting the WEX services and outcomes (can be hard copy uploaded into ETO or documented in case notes).
- WEX Host Site and WEX Intern Training Contracts (executed prior to the start of the WEX), including modified contracts if applicable.
- Pre-assessment, mid-evaluations completed during the WEX placement, and final

assessment/evaluation.

- Legible timecards/timesheets that include:
 - Evidence of lunch breaks,
 - The specific pay period,
 - Documentation of paid sick leave accrual and usage, and
 - Signatures of the WEX Host Site and Intern.
- Case notes describing:
 - How the WEX placement aligns with the Intern's employment and training goals.
 - Name and location of the WEX Host Site.
 - Anticipated duration of the WEX.
 - Job description/duties.
 - Anticipated supportive services needs of the Intern for successful participation in the WEX.
 - Actual start date of the WEX.
 - Progress of the learning plan during the WEX.
 - Outcomes of ongoing monitoring of the WEX by the WEX Sponsor which may include onsite visits and phone/email communications with the WEX Host Site.
 - Pay dates, including last paid workday.
 - Outcome of the WEX.

DEFINITIONS

Intern – An individual who is enrolled in a WIOA Title I program and participates in a WEX.

Learning Plan - A signed agreement between the WEX Host Site, WEX Intern, and WEX Sponsor that describes the goals and project requirements during the WEX. The learning plan is imbedded in the WEX Training Contract.

Final Evaluation - A documented evaluation of the WEX Intern's skills at the end of the WEX. The assessment is intended to show improvement, or lack thereof, during the WEX.

Pre-Assessment - A documented evaluation of the WEX Intern's skills prior to, or at the beginning of the WEX.

Subsidized Work Experience (WEX) - A paid, planned, structured learning experience that takes place in a workplace for a limited period of time.

Transitional Jobs - Provides limited work experience that is subsidized in the public, private, or non-profit sectors for individuals with barriers to employment because of chronic unemployment or inconsistent work history. WorkForce Central is not implementing Transitional Jobs at this time.

Unsubsidized Work Experience (WEX) - An unpaid, planned, structured learning experience that takes place in a workplace for a limited period of time.

Work Experience (WEX) Intern Training Contract - A written agreement between the WEX Host Site, WEX Sponsor, and Intern that outlines the program requirements and expected outcomes.

WEX Host Site – A business in the private for-profit, non-profit, or public sector who provides customized short-term work-based training through a contractual agreement with Business Solutions Team, the WEX Sponsor, and the WEX Intern.

WEX Host Site Contract – A written agreement between the WEX Host Site and Business Solutions Team that certifies mutual understanding and agreement to WEX placement details and includes the required assurances from the WEX Host Site.

WEX Sponsor – The WIOA Title I Service Provider 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 positive workplace training outcomes.

REFERENCES

- WIOA Secs. 3(44); 129(c)(2)(C); 134(c)(2)(A); 188(a)(2) and (3)
- 20 CFR 680.170; 680.180; 680.190; 680.830; 680.840
- 20 CFR 681.480; 681.590; 681.600
- 20 CFR 683.270; 683.280
- US DOL Wage and Hour Division
- TEGL 8-15
- TEGL 13-16
- TEGL 19-16
- TEGL 21-16

ATTACHMENTS:

- [WEX Host Site Contract](#)
- [WEX Young Adult Intern Contract](#)
- [WEX Intern Training Contract \(for all other populations, i.e., Adult, Dislocated Worker\)](#)
- [WEX Intern Evaluation Form](#)

APPROVED



Katie Condit (Jul 13, 2021 13:37 PDT) Jul 13, 2021

Katie Condit, WFC CEO Date

EQUAL OPPORTUNITY - EQUAL ACCESS

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