



## Workforce Innovation and Opportunity Act (WIOA)

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### Work Experience (WEX) Policy

**POLICY NUMBER: P-1007, Rev. 5**

**REVISION DATE: August 30, 2022**

**Supersedes:** Work Experience (WEX) Policy, Revised August 12, 2022

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#### 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, commonly referred to as “WEXs”.

The purpose of this policy revision is to:

- Add policy guidance for the provision of Transition Jobs for eligible individuals enrolled in WIOA Title I Adult and Dislocated Worker programs.
- Clarify WIOA Title I Youth (Young Adult) job shadows are unpaid WEX activities.
- Remove WorkForce Central funding and duration limits for WEXs.
- Clarify minimum and maximum pay ranges for WEXs.
- Include circumstances when a business may be disqualified as a WEX Host Site.
- Replace references to “WEX Host Site Contracts” with “WEX Host Site Agreement”.
- Update WEX Host Site Agreement, Intern Contracts, and Intern Evaluation Forms.

#### BACKGROUND

WEXs are planned, structured, and time-limited learning experiences that take place in a workplace via a contractual exchange between a 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 who is participating in the WEX activity). 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. When a WEX activity is paid, the 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 Host Site Agreements and Intern 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 WEX activities are separate.

## **ADULT AND DISLOCATED WORKER WEX**

WEXs for individuals enrolled in WIOA Title I Adults and Dislocated Worker programs are referenced in [20 CFR 680.180](#) and are defined as paid, planned, structured learning experiences that take place in a workplace for a limited period of time as outlined in this policy.

**Transitional Jobs**, defined at [20 CFR 680.190](#) are a type of WEX for individuals enrolled in the WIOA Title I Adult or Dislocated Worker programs. Transitional jobs are considered an individualized career service and are time-limited and wage-paid work experiences that are 100% subsidized. These jobs are in the public, private, or non-profit sectors and are only available for [individuals who experience systemic barriers to employment](#) and who are chronically unemployed or have inconsistent work history.

- **Chronic unemployment** is defined as any individual who has been unemployed for a duration of 15 or more of the 26 weeks prior to program enrollment and/or experiences frequent episodes of unemployment, despite being able and willing to work.
- **Inconsistent work history** is defined as any individual who in the 12 months prior to program registration, has lacked steady, full-time, permanent employment. Examples include, but are not limited to:
  - Seasonal employment
  - Temporary employment
  - Employment that is part-time (less than 34 hours/week)
  - Periods of employment of less than 10 consecutive weeks
  - Interruptions with employment or challenges obtaining employment due to spouse's military assignments.

Transitional jobs must be combined with comprehensive career services and supportive services and be designed with the intent to establish a work history for the individual, demonstrate success in the workplace, and develop skills that lead to entry into and retention in unsubsidized employment. Procedures for the provision of supportive services are in WorkForce Central's Supportive Service policy located at WorkForce Central's [Policy Library](#).

There is no requirement that the employer retains the individual upon completion of the transitional job; however, retention, where appropriate, is preferred for the benefit of the worker and employer.

WorkForce Central may use up to 10% of their combined total of WIOA Title I Adult and Dislocated Worker allocations for transitional jobs. Staff and infrastructure improvements are not allowable transitional job expenses. Comprehensive career services and supportive services, which are required to be provided as part of any transitional job strategy are not subject to the 10% cap described in 680.195.

## YOUNG ADULT WEX

WEXs for WIOA Title I enrolled Young Adults are defined at WIOA sec. 129(c)(2)(C), [20 CFR 681.600](#), [TEGL 21-16](#), and in this policy, and include:

- **Subsidized employment opportunities** during the summer or throughout the school year, defined as paid, planned, structured learning experience that take place in a workplace for a limited period of time. Work experiences provide young adults with opportunities to for career exploration and skill development.
- **Job shadow:** An unpaid WEX 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 young adult. 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 programs:** 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) opportunities.** OJTs are a “hire first” program where the young adult is an employee of the business who is conducting the training and the business intends to retain the employee on a permanent, full-time position at the conclusion of the OJT. See WorkForce Central's On-the-Job Training (OJT) Policy located on WorkForce Central's [Policy Library](#) for further details.

## 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.

## **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

1. [Minor work permit endorsement including Industrial Insurance endorsement](#). Business licenses with these endorsements must be posted on the premise of the WEX Host Site and with the WEX Sponsor. The WEX Host Site will attest, via the WEX Host Site Agreement, that they have proper minor work permit endorsements posted.
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 Eligibility**

WEX Host Sites must attest that they meet the following criteria prior to hosting an Intern. Attestation is collected via the WEX Host Site Agreement signed between WorkForce Central's Business Solutions Team and the Host Site:

- Are registered with the Internal Revenue Service (IRS)
- Are 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.
- 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.

WorkForce Central's Business Solutions and the eligible WEX Host Site will enter into an agreement that serves as written assurance the business will comply with the conditions listed above. Business Solutions will provide a copy of the WEX Host Site Agreement to the WEX Sponsor who will attach the agreement to the WEX Intern Training Contract and upload both into the WIOA Title I-enrolled individual's WEX service touchpoint recorded in ETO.

Businesses that maintain eligibility and have a pattern of positive WEX placements may continue to host WEX Interns for as long as the business chooses to do so. However, a business may no longer qualify as a WEX Host Site if, after receiving assistance to resolve the matter, one or more of the following occurs:

- Business fails to maintain eligibility (i.e., maintain applicable IRS, UI registrations, licensures, insurance, etc.),

- Business fails to maintain healthy and safe working environments,
- Business fails to provide agreed upon training and oversight,
- Complaints continue to be made against the business, or
- Other compliance requirements are not met.

### **WEX Intern Training Contracts**

The WEX Sponsor will inform the Business Solutions Team of the type of WEX opportunities that will meet an Intern's training needs (i.e., paid internship, unpaid job shadow, transitional job, OJT). 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 Intern, WEX Sponsor, WEX Host Site, and WEX Host Site supervisor.
- Requirements of the WEX Host Site, Intern, and WEX Sponsor.
- WEX activity start and end dates.
- Training position, including (not applicable to job shadows):
  - 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 (not applicable to job shadows).
- Dates and results of mid-evaluation and final evaluation (not applicable to job shadows).
- 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 Training Contracts are not valid.

One (1) WEX Training Intern 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 Young Adult Intern Contract](#) 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. Pre-assessments and evaluations are not applicable for young adults engaged in job shadows.

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**

At a minimum, 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 and not more than wages paid to skilled employees in the same position with the employer as documented on the WEX Host Site Agreement. 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. Compensation is not applicable to job shadow placements as job shadows are unpaid WEX activities.

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.
- Pay range for the position as documented on the WEX Host Site Agreement.
- Duration of the WEX placement.
- 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.

Timesheets, timecards, or other documentation reflecting interns' hours worked, and paystubs, paychecks or other evidence of the interns' wages must be uploaded in ETO according to the directions in WorkForce Central's ETO Data Validation and Documentation Policy located on WorkForce Central's [Policy Library](#).

### **WEX Funding Limit**

WorkForce Central does not limit the funding amount or duration for WEXs, including pre-apprenticeships and on-the-job training for the WIOA Title I Youth (Young Adult) programs. WIOA Title I service providers have discretion to provide WEXs based on individual learning needs, their internal policies, budget limitations, and WorkForce Central's Work Experience (WEX) Policy. Service providers must ensure equitable treatment in the provision of work experiences.

Transitional job WEX placements for WIOA Title I Adult and Dislocated Worker programs is capped at 10% of the WEX Sponsor's combined total of WIOA Title I Adult and Dislocated Worker allocations. Comprehensive career services and supportive services, which are required to be provided as part of any transitional job strategy are not subject to the 10% cap.

### **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**

WIOA Title I service providers must document and record the provision of WEXs in accordance with the policy and procedures outlined in WorkForce Central's ETO Data Validation & Documentation Policy located on WorkForce Central's [Policy Library](#).

### **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
- ESD WIN 1028

**ATTACHMENTS:**

- [WEX Host Site Agreement](#)
- [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 (Aug 30, 2022 16:54 PDT)

Aug 30, 2022

Katie Condit, WorkForce Central CEO      Date

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