



WIOA Title I Program Policies

## Work Experience (WEX) Policy

**POLICY #:** *P-WIOA-1007, Rev. 7*

**EFFECTIVE:** *June 4, 2024*

**SUPERSEDES:** *Work Experience (WEX) Policy P-1007, Rev. 6, issued March 15, 2023*

### PURPOSE:

This policy provides direction for the implementation of Workforce Innovation and Opportunity Act (WIOA) Title I funded work experiences, commonly referred to as “WEX”.

This policy is revised to:

- Add WEX intern eligibility.
- Update transitional job requirements for the WIOA Title I Adult and Dislocated Worker programs in alignment with Washington State Employment Security Department (ESD) Policy 5623, “Transitional Jobs” released February 28, 2024.
- Remove requirements for pre- and post-assessments and intern evaluation forms.
- Add Definitions.
- Update the WEX Host Site Agreement and create one WEX Intern Agreement.
- Correct citations and references.
- Non-substantive edits for clarity.

### BACKGROUND:

WEXs are planned, structured, and time-limited learning experiences that occur in a workplace via a contractual exchange between a WIOA Title I service provider (“WEX sponsor”), the business where the WEX occurs (“WEX host site”), and the WEX intern. A WEX may be paid or unpaid, as appropriate, and may be provided in the private, for-profit, non-profit, or public sectors.

WEX host sites are not monetarily compensated for mentoring an intern. 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 and the intern. Labor standards apply in any WEX where an employee/employer relationship exists, as defined by the [Fair Labor Standards Act](#) and [Washington State’s Minimum Wage Act](#).



## 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 align with the results of an intern's documented assessment and individual employment plan for WIOA Title I Adult and Dislocated Workers or the individual service strategy (ISS) for WIOA Title I Youth (Young Adults) and recorded in the State's management information system (MIS) commonly referred to as "ETO".

WEX host site agreements must be signed by WorkForce Central's Business Solutions and the WEX host site and WEX intern agreements must be signed by the WEX host site, WEX sponsor, and WEX intern prior to the start of any WEX placement.

A WEX internship must not replace an existing employee or position. WIOA Title I funds may not be used to directly or indirectly aid in the filling of a vacant position as a result of the former employee being on strike or is 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.

### WEX Intern Eligibility

WIOA Title I participants interested in WEX services must be eligible to work in the U.S. and provide appropriate [I-9](#) or work authorization documentation prior to starting a WEX. Applicable I-9 or work authorization documents are required for establishing the employer-employee relationship between the WIOA Title I service provider (WEX Sponsor) and the WEX intern. However, I-9 or work authorization documents are not required to be uploaded into the participant's ETO record. Instead, as discussed in DOL [TEGL 10-23](#), the WIOA Title I career advisor will enter a case note stating they visually reviewed the participant's work authorization documentation and confirmed the participant is eligible to work in the U.S..

### WIOA Title I Funded Adult and Dislocated Worker Work Experience and Transitional Jobs

- **Work Experience:** WIOA Title I-funded Adult and Dislocated Worker WEXs are referenced in [20 CFR 680.180](#) and are defined as paid or unpaid, planned, and structured learning experiences that occur in a workplace for a limited 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 a time limited (up to one year) and 100% subsidized paid work experience designed to enable individuals who experience chronic

unemployment or have inconsistent work histories gain demonstrated work success and develop skills that lead to unsubsidized employment. Transitional 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 histories.

- **Chronic unemployment** is defined as any individual who self-attests to having 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 self-attests to have lacked steady, full-time, or permanent employment in the 12 months prior to program enrollment. Examples include, but are not limited to:
  - Seasonal employment
  - Temporary employment
  - Part-time employment (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 at least one (1) comprehensive career service and one (1) supportive service. Additional career, supportive, and follow-up services may be provided as needed.

There is no requirement for the WEX host site to retain the intern at the completion of the transitional job, however, retention where appropriate, is preferred.

Transitional jobs funds are authorized for wages paid to the intern and the cost of supportive services provided to interns while engaged in a transitional job. Transitional jobs funds cannot be used for case management, employer outreach and engagement, or infrastructure improvements related to transitional jobs.

WorkForce Central may use up to 10% of their combined total of WIOA Title I Adult and Dislocated Worker allocations for transitional jobs. Comprehensive career services and supportive services that are required as part of any transitional job strategy are not subject to the 10% cap described in [20 CFR 680.195](#).

### **Documentation Requirements for Transitional Jobs**

The following documents are required for transitional jobs:

- A list of employers that can host transitional jobs (compiled and retained by WorkForce Central’s Business Solutions team).
- Transitional job host site and intern agreements.
- The participant’s self-attestation of chronic unemployment or inconsistent work history.

### WIOA Title I Funded Youth (Young Adult) Work Experience

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 include:

- **Subsidized (or unpaid) employment opportunities** that provide structured learning experiences in a workplace for a limited period. Work experiences provide young adults career exploration and skill development opportunities.
- **Job shadow:** An unpaid WEX where a young adult can learn about a job of interest by walking through a workday as a shadow to a competent worker. Young adults witness firsthand the work environment, employability, and occupational skills in practice, the value of professional training, and potential career opportunities. A job shadow can be anywhere from a few hours to a full day, to a week or more. Job shadowing is designed to increase career awareness, help model young adult behavior through examples, and reinforce the link between academic classroom learning and occupational work requirements.
- **Pre-apprenticeship programs:** A pre-apprenticeship program provides instruction/and or training to increase math, literacy, and other vocational and pre-vocational skills necessary for entrance 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.
  - A partnership with one or more registered apprenticeship programs that assists in placing pre-apprenticeship graduates in a registered apprenticeship program.

Individual training accounts (ITAs) may be used for out-of-school youth engaged in pre-apprenticeship training if the program is on the Washington State’s [Eligible Training Provider List \(ETPL\)](#).

- **On-the-job training (OJT):** OJTs are a “hire first” training 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 (OJT) Training Policy located on WorkForce Central’s [Policy Library](#) for details.

### WIOA Title I Youth (Young Adult) Academic and Occupational Education Requirements

WIOA Title I Youth (Young Adult) work experiences must include an academic and occupational education component which 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, the Department of Labor Employment and Training Administration (DOL ETA), through TEGE 21-16 provided the following examples of how to incorporate occupational and academic education into a WEX:

*If a youth is in a WEX at a hospital, the **occupational education** could be learning about the duties of different types of hospital occupations such as a phlebotomist, radiology technician, 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 younger (minors) into a WEX are found at the [WA State Department of Labor & Industries](#) website. The following must be considered when placing a minor in a WEX:

- [Minor work permit endorsement including industrial insurance endorsement:](#) Employers who host work experiences for youth ages 17 or younger must have a

business license with the minor work permit and industrial insurance endorsements posted on the premise of the WEX host site and a copy provided to the WEX sponsor. The WEX host site will attest, via the WEX host site agreement, that they have proper minor work permit endorsements posted.

- Completed [parent/school](#) or [parent summer authorization](#) form: Before a minor can begin working at a WEX, the youth's parent or legal guardian, their school (when in session), and the WEX sponsor (as the employer of record) 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 the third hour of the shift. Minors cannot waive their rest or meal break requirements.

### **WIOA Title I Youth (Young Adult) 20% WEX Expenditure Requirement**

Local WIOA Title I youth programs must expend not less than 20% of the WIOA title I youth funds allocated to them on youth work experiences. Local WIOA Title I youth programs must track program funds spent on paid and unpaid work experience, 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 youth program 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. Leveraged resources do not count towards the 20% WEX expenditure requirement.

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 managing the work experience.
- Staff time monitoring 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.
- Supportive services necessary for participation in the work experience.
- Incentive payments directly tied to the completion of the work experience.
- Employability skills/job readiness training to prepare young adults for work experiences.

### 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 signed WEX host site agreement between WorkForce Central's Business Solutions team and the host site.

- The business is registered with the Internal Revenue Service (IRS).
- The business is licensed to operate in the State of Washington and provide their Federal Employer Identification Number (FEIN).
- The business has enough work to keep the intern fully engaged and learning and will provide adequate supervision at all times.
  - Note: While not prohibited, businesses are discouraged from supervising immediate family members.
- If placing youth ages 17 and younger, the business has a minor work permit and industrial insurance endorsements. See [WA State Department of Labor & Industries](#) website for details.
- The business has safe and healthy working conditions with no unresolved reported health and safety violations.
- The business does not illegally discriminate in the 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 based on citizenship status or participation in any WIOA Title I financially assisted program or activity.
- The business will 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.
- The business will not allow the WEX activity to infringe upon promotional opportunities of their current employees.
- The business will 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 team 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 signed WEX host site agreement to the WEX sponsor who will attach the agreement to the WEX intern training contract and upload both into the applicable WEX service touchpoint in the State’s management information system (MIS) commonly referred to as “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 registration, 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.
- Other compliance requirements are not met.

### WEX Intern Training Agreements

After establishing the type of WEX to be provided, the WEX sponsor, WEX host site, and the WEX intern will collaborate in the development and execution of the WEX intern training agreement. The WEX intern training agreement must be completed in its entirety and contain, at a minimum:

- Clear statement of purpose.
- Contact information for all parties to the agreement including the intern, WEX sponsor, and the WEX host site.
- Requirements of the WEX host site, intern, and sponsor.
- WEX activity start and end dates.
- Training position (not applicable for job shadows) including:
  - Job title and responsibilities.
  - Wages including 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, when applicable.
- For WIOA Title I youth only-the academic and occupational skills component of the WEX
- Intern’s WEX learning plan including skills to be learned and how those skills will be taught.



- Signature and date of all parties to the agreement.

WEX agreements may be modified. Modifications must be in writing and signed by all parties prior to the effective date of the modification. Verbal modifications are not valid.

One (1) WEX intern agreement may be written for more than one intern 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 interns' individual employment and training plans.

### WEX Timeframe

Transitional jobs for individuals enrolled in the WIOA Title I Adult and Dislocated Worker programs are authorized for up to one year. For all other WEXs, 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, 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 sufficient meaningful work activities for the intern to remain fully engaged.
- WEX sponsor's budget.

### WEX Compensation

At a minimum, interns including minors ages 16-17 years of age engaged in a paid WEX must 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 because job shadows are unpaid WEX activities.

The following should be considered when determining the hourly wage for a WEX intern. This list is not intended to be all inclusive:

- Objectives of the WEX.
- Type of work performed during the WEX.
- Intern's skillset.
- Skillset required for the WEX placement.
- Pay range for the position as documented on the WEX host site agreement.



- Duration of the WEX placement.
- WEX sponsor's budget.

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

WIOA Title I funds cannot pay for:

- Vacation breaks.
- Mandatory lunch breaks.
- A holiday recognized by the WEX sponsor or WEX host site as a "paid holiday".
- Overtime.

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

### WEX Funding Limits

The Department of Labor limits funding for transitional job WEX placements for WIOA Title I Adult and Dislocated Worker programs to 10% of the WIOA Title I service provider's combined allocation of WIOA title I Adult and Dislocated Worker allocations.

There are no federal, state, or local funding limits for all other WEXs. WIOA Title I service providers have discretion to provide WEXs based on the intern's learning needs, the WIOA Title I service provider's internal policies and budget limitations, and WorkForce Central's WEX policy. Service providers must ensure equitable treatment in the provision of work experiences.

### WEX Monitoring

WIOA Title I service providers must ensure regular and ongoing monitoring and oversight of WEX placements. Monitoring may include onsite visits and phone or email communication with the WEX host site and the WEX intern to assess the intern's progress in meeting their learning plan objectives. Any deviations from the WEX intern training agreement must be addressed immediately. Outcomes of the oversight and monitoring of the WEX placement must be documented in case notes recorded in the WEX service touchpoint in ETO.

The WIOA Title I service provider's oversight and monitoring of the WEX placements and payroll records will be reviewed by local compliance monitors and may be reviewed by state and federal monitors and auditors. These entities have the right to access, examine, and inspect any site where



any phase of the WEX activity is being conducted. The WIOA Title I service provider and WorkForce Central's Business Solutions teams must maintain its records and accounts in such a manner as to facilitate the compliance review. Records must be maintained for a minimum of three (3) years after the conclusion of the WEX placement.

### ETO Documentation

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

### DEFINITIONS:

**WEX host site:** A business who hosts a work experience and provides the hands-on learning experiences, mentoring, and supervision of the WEX intern.

**WEX intern:** An individual who is placed in a time-limited and paid on-the-job learning experience with a WEX host site.

**WEX sponsor:** An organization who is responsible for managing and overseeing work experiences.

### REFERENCES:

- WIOA secs. 3(44); 129(c)(2)(C); 134(c)(2)(A); 188(a)(2) and (3)
- 20 CFR 680.170 - 680.190; 20 CFR 680.830 - 680.840
- 20 CFR 681.480; 681.590 - 681.600
- 20 CFR 683.270 – 683.280
- US DOL Wage and Hour Division
- TEGs: 8-15, 13-16, 19-16, 21-16, 10-23
- ESD Policy 5602, Rev. 5
- ESD Policy 5623
- ESD WIN 0128

### ATTACHMENTS:

- [WEX Host Site Agreement](#)
- [WEX Intern Training Agreement](#)

*WorkForce Central is an equal opportunity employer/program.  
Auxiliary aids and services are available upon request for individuals with disabilities.  
Washington Relay Service – 711.*