



Policy Letter #10

TO: All Mid-Carolina Workforce Development Service Providers
FROM: Mid-Carolina Workforce Development Staff
SUBJECT: WIOA Title I Work Experience Opportunities Policy

PURPOSE

The purpose of this policy is to provide information and clarification on guidance regarding the use, documentation, and tracking of Workforce Innovation and Opportunity Act (WIOA) Title I funds in the provision of Work Experience (WEX) opportunities for young adult, adult, and dislocated worker programs.

BACKGROUND

Work Experience (WEX) Training is a planned, structured learning experience that occurs in a workplace for a specified, limited period of time. The purpose of the WEX activity is to provide the WIOA Title I participant with opportunities for career exploration, skill development, and reinforcement of the work ethic.

WEX Training may include paid or unpaid wages and maybe in the private for-profit sector, the non-profit sector, or the public sector. Under WIOA, paid and unpaid youth work experience that has academic and occupational education as a component of the work experience can include a number of activities including summer employment, pre-apprenticeship, internships, job shadowing, and On-the-Job Training (OJT). Adult and Dislocated Worker WEX must be linked to a career goal and based upon the participant's interest and aptitude.

The intent of WEX is not to benefit the employer, although the employer may, in fact, gain from the activities performed by the participant, and in some cases may result in an employment offer. WEX activities shall not reduce current employees' work hours, displace current employees or create a lay-off of current employees, impair existing contracts or collective bargaining agreements, and/or infringe upon the promotional opportunities of current employees as defined in the Fair Labor Standards Act (FLSA).

ACTION

Work Experience (WEX) Assessment and Training Plan

The service provider shall ensure that WEX training for WIOA Title I eligible participants is appropriate based on the needs identified by an objective and comprehensive assessment and as documented in the Individual Employment Plan/Individual Service Strategy (IEP/ISS). The WEX IEP/ISS should clearly indicate how this activity is going to help the participant move from the WEX to unsubsidized employment or on to further training. Documentation of the need for work experience that is tied to and supported by academic and occupational education and the objectives of the work experience must be detailed in the IEP/ISS and WEX Training Plan. However, adults and dislocated worker participants are not required to participate in academic and occupational education activities while enrolled in work experience.

Periodic evaluation of the participant's learning and attainment of skills during the work experience, including information about any incentive payments made, should be documented in the case notes in NCWorks Online. When possible, it is strongly encouraged that the WEX and its associated training components be directly tied to the attainment of a credential and documented in the IEP/ISS. Program providers should use O*NET or other identified programs when developing the competencies to be learned

and evaluated in the WEX. IEP/ISS should include job skills needed, training hours, and estimated start and end date. Youth academic and occupational components must be included.

A Work Experience agreement can be up to 480 hours in length per program year at an appropriate worksite. Approval is required by the Mid-Carolina WDB Director for hours in excess of 480. Youth participants work experience can be up to 480 hours at any one worksite. If an additional WEX learning experience is required, it must be justified in the ISS and not exceed a total of 960 hours per program year for both WEX opportunities. The determination of the duration of the WEX should be based on the academic and occupational competencies the WIOA participant needs to develop or refine and must be specified in the IEP/ISS and WEX Training Plan. Academic skills training could be basic skills education or high school equivalency training. Occupational skills competencies may be gained through the WEX, HRD classes, or through courses specific to the job/career/occupation in which the individual has the work experience.

A WEX Training Plan, if developed in conjunction with the IEP/ISS, allows service providers to monitor and evaluate the WEX. It serves as a baseline when establishing whether the needs of the WIOA participant and the employer's expectations of training and development have been met.

Youth Work Experience Opportunities

Pursuant to WIOA section 129(c)(2)(C), local areas are required to offer youth programs that involve paid and unpaid work experiences that have as a component both academic and occupational education. The educational component may occur concurrently or sequentially with the work experience. Further academic and occupational education may occur inside or outside the worksite.

Young Adult Work Experience 20% Spending Requirement

The local young adult program must expend not less than 20 % of the funds allocated to them to provide in-school and out-of-school youth with paid and unpaid work experience.

The local WIOA Title I Youth program service provider 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 youth financial reporting.

Adult and Dislocated Worker Work Experience

Unlike WIOA Title I Young Adult programs, WIOA Title I Adult and Dislocated Worker programs do not have a minimum expenditure rate. While WEX is used as a resume builder and learning experience for Young Adults, Adult/Dislocated Worker WEX focuses on learning new transferable skills and enhancing employability.

Wages and Stipends

Individuals participating in a work experience opportunity must be compensated at the same rates, including periodic increases, as trainees or employees who are situated in similar occupations by the same employer and who have similar training, experience, and skills. The rates may not be lower than the higher of the federal or state minimum wage.

A flat-rate wage applied to all individuals participating in a paid work experience opportunity (e.g. \$8.00/hour for all participants) would not be allowed if there are trainees or employees who are similarly situated in occupations with the same employer who receives wages that differ from the flat-rate wage.

Participants will not be paid for absences, unworked hours including lunch on or off premises, or recreational activity. All Youth participants that work more than five (5) consecutive hours per day must have a 30-minute meal break. No participant shall work more than 40 hours per week.

In order for the Mid-Carolina Workforce Development Board to monitor the required hours and hourly rate as documented in the worksite agreement, the applicable NCWorks activity code (219/426) must be entered, and bi-weekly timesheets and subsequent payroll records must be uploaded in NCWorks. Applicable case notes are to be entered to include a record of hours worked to ensure the maximum contract hours (480) are not exceeded. ***All supporting documentation must be uploaded within 14 calendar days from the date of the action. Any exceptions must be documented in case notes.***

Selecting Worksite

Matching a WIOA participant with the appropriate worksite is critical to a successful WEX job assignment. Worksite supervisors need to have a clear understanding of the objectives of the WEX job assignment and realistic expectations of the work products and productivity that a WIOA participant may demonstrate. The participant must have adequate supervision, like any other entry-level employee. The worksite must be willing to allow Mid-Carolina WDB Board/service provider staff, the North Carolina Division of Workforce Solutions and/or US Department of Labor to perform onsite monitoring to ensure compliance with the worksite agreement, as well as, to monitor the progress of the participant. No more than 50% of WEX enrollments should be reverse referral.

Service Providers should use discernment when choosing worksites. When choosing employers, analyze the “value-added” contributions an employer is willing to make to the experience for the participant. Examples of such contributions are structured development/refinement of work readiness skills, provision of on-site educational services, and exposure to enhanced skill training and mentoring.

DWS strongly discourages the practice of placing participants in WEXs located at the Board office, Career Center, or administrative entity due to the potential conflicts of interest. Placement at these locations should only be allowed where there is specific documentation in the file that the particular experience meets the participant’s career goals and skill needs and there is no other placement opportunity available.

Skills Analysis/WEX Training Plan Development

An individualized WEX skills analysis must be performed to determine the acquisition of skills that the participant does not already possess. Skills the participant may have acquired from previous work or life experiences are potentially transferable and can be used in every occupation, regardless of the type of work. Transferable skills are unlike job-related skills, which tend to be used only in one type of work.

This analysis will contain occupationally specific skills that the employer requires for competency in the WEX occupation. An analysis of the trainee’s prior work history, transferable work skills, and the job skills gained must be compared to the job skills/job description the employer requires in the WEX occupation. The resulting gap in skills will be the basis for the development of the WEX.

There are a number of assessment tools available that may be used to conduct a skills gap analysis and provide adequate documentation of the process used to develop the Training Plan. These include Prove It! TM, an Internet-based assessment tool used to determine an individual’s level of skills in a particular occupation and to document skill deficiencies, as well as the assessments offered through NCWorks Online, O*NET Online website and www.myskillsmyfuture.org, which have both been developed by the US Department of Labor.

To ensure the work experience is successful for everyone involved, staff must maintain communication with both the participant and employer from the first to the last day. An evaluation should be completed at the midpoint, and at the conclusion of the internship/work experience.

Work Experience Agreement

All WIOA Title I Service Providers will use the worksite agreement provided as Attachment A. The

agreement should be signed by the Service Provider staff and the worksite representative prior to the start of the WEX. A copy of the worksite agreement will be maintained at the worksite and uploaded into the participant record in NCWorks Online.

The purpose of the worksite agreement is to establish a formal training relationship with the worksite, to specify the responsibilities of each party to the agreement, and to provide a successful, enriching WEX learning experience for the WIOA participant.

The following items are the minimum required terms. Other specifications or terms specific to the worksite may be added as needed.

1. The WEX employer will agree to adhere to the local Mid-Carolina Workforce Development Board's grievance process if a complaint arises in connection with the WEX participant and/or the training.
2. WEX participants will not be employed to carry out the construction, operation or maintenance of any part of a facility that is used or to be used for sectarian instruction or as a place for religious worship or be required to participate in religious activities.
3. Participants may not enter a WEX position if a member of his/her family is engaged in an administrative capacity with the WEX employer, including a person with selection, hiring, placement, or supervision responsibilities for the WEX trainee.
4. The service provider must certify that neither the employing company nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or excluded from participation by any federal department or agency.
5. A participant may not be trained under a WEX Worksite Agreement at a particular employer if:
 - a. Any other individual is on layoff from the same or substantially equivalent job.
 - b. The employer has terminated the employment of any regular, unsubsidized employee, or otherwise caused an involuntary reduction in its workforce with the intention of filling the vacancy so created with the WIOA participant; or
 - c. The job is created in a promotional line that infringes in any way on the promotional opportunities of currently employed workers.

All paperwork related to the work experience should be uploaded into the participant file in NCWorks, including the training plan and analysis, job description, worksite agreement, progress evaluation(s), timesheets, and proof of payment.

Work Week

Staff must consider appropriate work week hours if and/or when participants are attending school while working. For example, if a participant is attending secondary or post-secondary education it would be ideal to limit the number of work hours in order to not interfere with educational attainment. The specific number of hours the participant has been assigned will be indicated on the signed agreement. **No participant may work more than 40 hours in any week.**

The Service Provider will be responsible for tracking the participant's time to refrain from exceeding the approved contract hours as well as to keep the employer updated on the remaining hours of the participant's contractual agreement. This information should be documented in case notes in NCWorks Online.

REFERENCES

OG 24-2021: Provision of Workforce Innovation and Opportunity Act (WIOA) Work Experience (WEX) Opportunities

CPS 09-2021 Change 1: Workforce Innovation and Opportunity Act (WIOA) Youth Formula Funds

Expenditure Requirements

TEGL 8-15: Second Title I WIOA Youth Program Transition Guidance

TEGL 9-22: Workforce Innovation and Opportunity Act (WIOA) Youth Formula Program Guidance

TEGL 21-16: Third Workforce Innovation and Opportunity Act (WIOA) Youth Formula Program
Guidance

ATTACHMENT

Attachment A: WIOA Work Experience (WEX) Guidelines

Attachment B: WIOA Work Experience Agreement

Attachment C: WIOA Work Experience Trainee Evaluation

Attachment D: Employer Engagement Plan

CREATION DATE



July 2022

REVISION DATE

January 2024

December 2024

June 2025

	NORTH CAROLINA DEPARTMENT OF COMMERCE DIVISION OF WORKFORCE SOLUTIONS
	DWS Operational Guidance Number: OG 24-2021
	Date: September 14, 2021
	Subject: Guidance on the Provision of Workforce Innovation and Opportunity Act (WIOA) Work Experience (WEX) Opportunities
	From:  Chet Mottershead Assistant Secretary for Workforce

Purpose: To provide Local Area Workforce Development Boards (WDBs) guidance regarding the use, documentation, and tracking of WIOA Title I funds in the provision of WEX opportunities for youth, adult, and dislocated worker participants.

This Operational Guidance rescinds Policy Statement PS 10-2017 and clarifies that Local Area WDBs have two years to expend current program year Title I Youth formula funds and attain a 20% expenditure rate. This Operational Guidance and the procedures herein supersede all previous policy, procedures, and guidelines regarding WEX Opportunities.

Background: WEX Training is a planned, structured learning experience that occurs in a workplace for a specified, limited period of time. The purpose of the WEX activity is to provide the WIOA Title I participant with opportunities for career exploration, skill development, and reinforcement of the work ethic.

WEX Training may include paid or unpaid wages and may be in the private for-profit sector, the non-profit sector, or the public sector. Under WIOA, paid and unpaid youth work experiences that have academic and occupational education as a component of the WEX can include a number of activities including summer employment, pre-apprenticeship, internships, job shadowing, and on-the-job training (OJT). Adult and Dislocated Worker WEX must be linked to a career goal and based upon the participant's interest and aptitude.

The intent of WEX is not to benefit the employer, although the employer may, in fact, gain from the activities performed by the participant and in some cases may result in an employment offer. WEX activities shall not reduce current employees' work hours, displace current employees or create a lay-off of current employees, impair existing contracts or collective bargaining agreements, and/or

infringe upon the promotional opportunities of current employees as defined in the Fair Labor Standards Act (FLSA).

Action: Local Area WDBs and/or service providers may use the following guidance and forms provided in the provision of WEX opportunities to adults, dislocated workers, and youth enrolled in WIOA services. All Local Area WDBs must have an approved WEX Policy. At a minimum, policies must include how the WEX hourly wage rate is determined, maximum training hours, assessment method(s), how a participant's need for WEX is determined, a worksite agreement form, a process to evaluate the performance of the WEX participant, and youth policies must state the need for academic and occupational education.

Effective Date: Immediately

Expiration: Indefinite

Contact: DWS Planner

Attachment 1: WIOA Work Experience (WEX) Guidelines

Attachment 2: Sample Work Experience (WEX) Worksite Agreement

Attachment 3: Sample Work Experience (WEX) Agreement: Trainee Evaluation

WIOA Work Experience (WEX) Guidelines

WEX Assessment and Training Plan

The service provider shall ensure that WEX training for WIOA Title I eligible participants is appropriate based on the needs identified by an objective and comprehensive assessment and as documented in the Individual Employment Plan/Individual Service Strategy (IEP/ISS). The WEX IEP/ISS should clearly indicate how this activity is going to help the participant move from the WEX to unsubsidized employment or on to further training. Documentation of the need for work experience that is tied to and supported by academic and occupational education and the objectives of the work experience must be detailed in the IEP/ISS and WEX Training Plan, if one is utilized. However, adult and dislocated worker participants are not required to participate in academic and occupational education activities while enrolled in work experience.

Periodic evaluation of the participant's learning and attainment of skills during the work experience, including information about any incentive payments made, should be documented in case notes in NCWorks Online. When possible, it is strongly encouraged that the WEX and its associated training components be directly tied to the attainment of a credential and documented in the IEP/ISS. Program providers should use either O*NET or other identified programs when developing the competencies to be learned and evaluated in the WEX. The IEP/ISS should include the job skills needed, training hours, and estimated start and end date. Youth academic and occupational components must be included.

The maximum duration of the work experience should be specified per program year. The determination of the duration of the WEX should be based on the academic and occupational competencies the WIOA participant needs to develop or refine and must be specified in the IEP/ISS and WEX Training Plan, if one is utilized. Academic skills training could be basic skills education or high school equivalency training. Occupational skills competencies may be gained through the WEX, Human Resources Development (HRD) classes or through courses specific to the job/career/occupation in which the individual is having the work experience.

A WEX Training Plan, if developed in conjunction with the IEP/ISS, allows service providers to monitor and evaluate the work experience. It serves as a baseline when establishing whether the needs of the WIOA participant and the employer's expectations of training and development have been met.

Youth Work Experience Opportunities

Pursuant to WIOA section 129(c)(2)(C), Local Area WDBs are required to offer youth programs that involve paid and/or unpaid work experiences that have as a component both academic and occupational education. The educational component may occur concurrently or sequentially with the work experience. Further academic and occupational education may occur inside or outside the work site. Work experiences provide the youth participant with opportunities for career exploration and skill development. These experiences may include:

- (1) summer employment opportunities and other employment opportunities available throughout the school year;
- (2) pre-apprenticeship programs;
- (3) internships and job shadowing; and
- (4) OJT opportunities as defined in WIOA Section 3(44) and OJT Operational Guidance.

Recognized best practices for engaging youth in work experiences:

- (1) Programs prepare youth for work experiences through training and guidance in soft skills. Youth programs engage young adults in training or class activities that develop these soft skills. This may include learning about professional work culture, working in teams, interpersonal skills, and communication.
- (2) Some programs also train youth in technical skills or hard skills needed for specific career pathways or work settings. Youth will learn skills specific to an occupational sector.
- (3) Program staff devote significant time to developing and maintaining relationships with employers. Dedicated staff (job developers) may handle all aspects of employer relations, from making an initial inquiry about partnering, to establishing worksite agreements with employers, to responding to any employer concerns during the work experience.
- (4) Programs clearly communicate what is expected of employers, youth, and families before the start of a work experience to include mentoring the youth and providing feedback to the program coordinator. Some programs address the importance of work in life, how the program helps youth make a successful transition to work, what employers expect of workers, and how to appropriately interact with employers.
- (5) Programs carefully match youth to work experience opportunities based on individual interests and skills. Making the right match increases the success of the work experience by ensuring that youth feel motivated from the start to participate fully.
- (6) Programs provide on-going support to youth and employers throughout the work experience. To ensure a work experience is successful for everyone involved, programs maintain communication with both the youth and employers from the first to the last day of the work experience. While some programs have daily or weekly contact with youth to monitor their progress, other programs conduct first-week, midpoint, and last-week work site visits at a minimum.

Youth Work Experience – 20% Spending Requirement

Local youth programs must expend not less than 20% of the Title I youth funds allocated to them to provide in-school youth and out-of-school youth with paid and/or unpaid work experiences.

Local WIOA Title I youth 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 youth financial reporting.

The percentage of funds spent on work experience is calculated based on the total local area youth funds expended for work experience, rather than calculated separately for in-school and out-of-school youth. The 20% spending requirement is calculated after administrative costs have been subtracted from the total amount of youth funds. Each year's allocation has a two-year period of performance. Therefore, Local Area WDBs have two years to spend 20% on WEX. Please reference CPS 09-2021 for additional information.

Adult/ Dislocated Worker Work Experience

Unlike WIOA Title I Youth programs, WIOA Title I Adult and Dislocated worker programs do not have a minimum expenditure rate. While WEX is used as a resume builder and learning experience for youth, Adult/Dislocated Worker WEX focuses on learning new transferrable skills and enhancing employability.

Wages and Stipends

Individuals participating in a work experience opportunity must be compensated at the same rates, including periodic increases, as trainees, or employees who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills. The rates may not be lower than the higher of the federal or state minimum wage.

A flat rate wage applied to all individuals participating in a paid work experience opportunity (e.g., \$8.00/hour for all participants) would not be allowed if there are trainees or employees who are similarly situated in similar occupations with the same employer who receive wages that differ from the flat rate wage.

Wage requirements under the FLSA apply to all participants, including youth employed under WIOA. The FLSA applies to the extent that the activities performed in the work experience constitute employment. Local Area WDBs must determine whether work experience constitutes training as opposed to employment. Please contact a Certified Public Accountant for more information.

Choosing a Worksite

Matching a WIOA participant with the appropriate worksite is critical to a successful WEX job assignment. Worksite supervisors need to have a clear understanding of the objectives of the WEX job assignment and realistic expectations of the work products and productivity that a WIOA participant may demonstrate. The participant must have adequate supervision, as any other entry-level employee. The worksite must be willing to allow Board staff, the North Carolina Division of Workforce Solutions and/or U.S. Department of Labor (USDOL) to perform onsite monitoring to ensure compliance with the worksite agreement, as well as, to monitor the progress of the participant.

WDBs should use discernment when choosing worksites. When choosing employers, analyze the “value-added” contributions an employer is willing to make to the experience for the participant. Examples of such contributions are structured development/refinement of work readiness skills, provision of on-site educational services, and exposure to enhanced skill training and mentoring.

The DWS strongly discourages the practice of placing participants in WEXs located at the board office, career center, or administrative entity due to the potential of conflicts of interest. Placement at these locations should only be allowed where there is specific documentation in the file that the particular experience meets the participant’s career goals and skills needs AND there is no other placement opportunity available.

Skills Analysis/WEX Training Plan Development

An individualized WEX skills analysis must be performed to determine the acquisition of skills that the participant does not already possess. Skills the participant may have acquired from previous work or life experiences are potentially transferrable and can be used in every occupation, regardless of the type of work. Transferrable skills are unlike job-related skills, which tend to be used only in one type of work.

This analysis will contain occupationally specific skills that the employer requires for competency in the WEX occupation. An analysis of the trainee's prior work history, transferrable work skills, and the job skills gained must be compared to the job skills/job description the employer requires in the WEX occupation. The resulting gap in skills will be the basis for the development of the WEX.

There are a number of assessment tools available that may be used to conduct a skills gap analysis and provide adequate documentation of the process utilized. These include Prove It! TM, an Internet-based assessment tool used to determine an individual's level of skills in a particular occupation and to document skill deficiencies, as well as the O*NET Online website and www.myskillsmyfuture.org which have both been developed by the USDOL.

The sample WEX Trainee Evaluation Form may also be used at the conclusion of training to document the mastery of the required skills. Completion of the final skills evaluation section of the form signals the successful completion of the WEX.

The Worksite Agreement

There must be a WEX Worksite Agreement between the service provider and the employer that articulates the learning that is to take place, the length of the WEX, and the academic and/or occupational competencies to be obtained. The Worksite Agreement must be completed and signed prior to the start of the WEX. The service provider will use a standardized Worksite Agreement template (sample provided as Attachment 2) developed by the WDB staff. Additionally, the service provider must provide documentation that the employer received formal WEX training.

The purpose of the worksite agreement is to establish a formal training relationship with a worksite, to specify the responsibilities of each party to the agreement, and to provide a successful, enriching WEX job experience for the WIOA participant. A signed original of the Worksite Agreement should be on file at the worksite and the provider should maintain all WEX documents and case notes in NCWorks Online.

The following items are the minimum required terms and conditions of a Worksite Agreement. Other specifications or terms specific to the worksite may be added as needed.

Work Experience (WEX) Contract Requirements

- 1) WEX contracts require that the wages paid to participants be at least the prevailing entry wage for any specific occupation in the community.
- 2) The employer must comply with requirements of the Civil Rights Act with respect to equal opportunity in employment for the WEX position, as well as comply with all federal, state, and local laws.
- 3) The WIOA Service Provider or WDB must have Workers' Compensation Insurance coverage and make federal and state tax withholdings as required by law, as applicable. In addition, the individual trainee payroll tax records must be maintained and available for review for a minimum period of three years after the end of the training period. (The North Carolina Workers' Compensation Act requires that all businesses that employ three or more employees, including those operating as corporations, sole proprietorships, limited liability companies and partnerships, obtain Workers' Compensation Insurance or qualify as self-insured employers).

- 4) Conditions of employment and training will be in full accordance with all applicable federal, state, and local laws (including but not limited to health and safety laws), and be appropriate and reasonable with regards to the type of work undertaken and the proficiency of the participant
- 5) The employer must certify that the participant will not displace any regular employee of the employer and that no person was displaced as a result of the relocation of the current business within the previous 120 days of signing the WEX Worksite Agreement.
- 6) The WEX employer will agree to adhere to the local WDB's grievance process if a complaint arises in connection with the WEX participant and/or the training.
- 7) WEX participants will not be employed to carry out the construction, operation or maintenance of any part of a facility that is used or to be used for sectarian instruction or as a place for religious worship or be required to participate in religious activities.
- 8) Participants may not enter a WEX position if a member of his/her family is engaged in an administrative capacity with the WEX employer, including a person with selection, hiring, placement, or supervision responsibilities for the WEX trainee.
- 9) The provider must certify that neither the employing company nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or excluded from participation by any federal department or agency.
- 10) A participant may not be trained under a WEX Worksite Agreement at a particular employer if:
 - a) any other individual is on layoff from the same or substantially equivalent job;
 - b) the employer has terminated the employment of any regular, unsubsidized employee, or otherwise caused an involuntary reduction in its workforce with the intention of filling the vacancy so created with the WIOA participant; or
 - c) the job is created in a promotional line that infringes in any way on the promotional opportunities of currently employed workers.

**Workforce Innovation and Opportunity Act (WIOA)
Work Experience (WEX) Worksite Agreement**

This Agreement is made between _____ (WIOA Title I Service Provider) and _____ (WIOA Worksite) a ☐ **public** ☐ **non-profit** or ☐ **private for profit business or organization** to provide subsidized or unsubsidized internship/work experience to eligible youth, adults, and/or dislocated workers participating in the [Local Area Workforce Development Board name] Workforce Development Program, authorized and funded under the Workforce Innovation and Opportunity Act (WIOA). Under this Agreement, participants will be provided a short-term work experience which is valuable and meaningful for both the participant and the organization/worksite.

Work Experience job assignments will be consistent with each WIOA participant's capabilities and interests and in an occupational field or specific job in which he/she has minimal or no prior work experience. WIOA-funded Work Experience job assignments are expected to help individuals gain the skills and experience they need to succeed in the workplace and obtain unsubsidized employment.

Term: This agreement will take effect on _____ [date] and terminate no later than _____ [date].

This Worksite Agreement provides the following assurances:

1. There will be sufficient, meaningful work to keep WIOA participants fully occupied during work hours;
2. Work will be conducted in a safe work environment;
3. There will be adequate full-time supervision of each WIOA participant by qualified supervisors;
4. The Service Provider or WDB will obtain Worker's Compensation Insurance to cover all WIOA participants engaged in internship or work experience at a worksite;
5. The participating Worksite will notify WIOA Service Provider staff if difficulties arise which the Worksite supervisor and participant are unable to resolve. WIOA Service Provider staff will attempt to find a mutually satisfactory solution. The WIOA Service Provider staff and/or Worksite supervisor may recommend termination or transfer of the participant if the situation or problem is not resolved;
6. There will be adequate oversight and review of each participant's time and attendance;
7. There will be sufficient equipment and/or materials provided to carry out assignments;
8. This agreement will be maintained at the Worksite and available for review by federal, state, and WDB representatives;
9. All requirements and regulations governing the WIOA program will be upheld;
10. Worksite supervisors will adhere to existing state and federal labor standards;
11. The participating Worksite has not relocated this establishment and commenced operations in the past 120 days, where the relocation resulted in the loss of employment at the original location;
12. No WIOA participant shall be employed or job opening filled (A) when any other individual is on layoff from the same or any substantially equivalent job, or (B) when the Worksite has terminated the employment of any regular employee or otherwise reduced its workforce with the intention of filling the vacancy so created by hiring a participant whose wages are subsidized under this Act;
13. **Equal Employment Opportunity and Nondiscrimination:** The Worksite assures that no person on the grounds of race, creed, color, disability, national origin, sex, age, political affiliation, or beliefs, will be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under the Workforce Innovation and Opportunity Act;
14. The Local Area WDB will determine payroll responsibility.

Work Activities

A written job description **must** be attached to this Agreement. The job description must include:

- (1) Accurate description of required duties and responsibilities;
- (2) Hourly wage for position;
- (3) The days and hours to be worked (not to exceed 40 hours per week).

If the WIOA participant's job duties at the Worksite change, the Worksite agrees to notify the WIOA Service Provider immediately so that this agreement may be modified.

Time and Attendance and Rate of Pay

Accurate time and attendance records will be kept by the Worksite supervisor for each WIOA participant. Records will reflect the time actually worked by the participant. **Participants will not be paid for time not engaged in work duties, including absences, lunch periods, vacation time, or holidays.**

Monitoring

It is mutually understood and agreed that the WIOA Worksite may be monitored by the [Local Area WDB], NCDWS , and/or the USDOL. The WIOA Service Provider will monitor the Worksite based on a planned schedule at least once during the term of this agreement. The Worksite supervisor will maintain current and accurate time and attendance records and will cooperate fully to provide staff with worksite information or records as required in a timely fashion.

Supervision

Worksite supervisors must be experienced in the work to be performed by the WIOA participant and in supervising entry-level employees. Worksite supervisors should encourage and expect participants to demonstrate, good work habits, satisfactory job performance, and positive attitudes about work.

Authorized Signatures:

Worksite Representative

Print Name

Signature

Date

Print Title

Worksite Business Name and Address: _____

* This form is a reference and can be used as a guide if you have other forms you prefer to use.

[Insert WDB Name Here]

**[Insert Work Experience Provider Name Here]
Work Experience (WEX) Agreement**

Section 1: General Information

Please complete the following:

Trainee Name:		Job Title:	
O*NET Code:	SVP Code:	Hourly Starting Wage: \$	Hourly Ending Wage: \$
Maximum Training Hours:	Worksite Name:	Worksite Address:	
Trainee Supervisor:	Title:	Phone/Email:	
Employer Representative Name:	WIOA WEX Agency Representative:	WIOA WEX Agency Representative Contact Info:	
Pay Schedule: Weekly <input type="checkbox"/> Monthly <input type="checkbox"/> Bi-Weekly <input type="checkbox"/> Other <input type="checkbox"/>	Pay Day: Period Covered:	Ratio Of Trainees To Supervisor:	

* This form is a reference and can be used as a guide if you have other forms you prefer to use.

[Insert WDB Name Here]
 [Insert WEX Provider Name Here]
Work Experience (WEX) Agreement: Trainee Evaluation

Trainee Name:

Supervisor Name:

Company Name:

Section 1: Evaluation

Job Skills Objectives	Midpoint Evaluation of Skills	Midpoint Evaluation Date	Final Evaluation of Skills	Final Evaluation Date
	Mastered objective <input type="checkbox"/> Satisfactory progress <input type="checkbox"/> Unsatisfactory progress <input type="checkbox"/>		Mastered objective <input type="checkbox"/> Satisfactory progress <input type="checkbox"/> Unsatisfactory progress <input type="checkbox"/>	
	Mastered objective <input type="checkbox"/> Satisfactory progress <input type="checkbox"/> Unsatisfactory progress <input type="checkbox"/>		Mastered objective <input type="checkbox"/> Satisfactory progress <input type="checkbox"/> Unsatisfactory progress <input type="checkbox"/>	
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	Mastered objective <input type="checkbox"/> Satisfactory progress <input type="checkbox"/> Unsatisfactory progress <input type="checkbox"/>		Mastered objective <input type="checkbox"/> Satisfactory progress <input type="checkbox"/> Unsatisfactory progress <input type="checkbox"/>	

Section 2: Authorized Signatures

Midpoint Evaluation

<i>I hereby certify that the above information is accurate.</i>	
Employer Signature:	Date:
Supervisor Signature:	Date:
Trainee Signature:	Date:

Final Evaluation

<i>I hereby certify that the above information is accurate.</i>	
Employer Signature:	Date:
Supervisor Signature:	Date:
Trainee Signature:	Date:


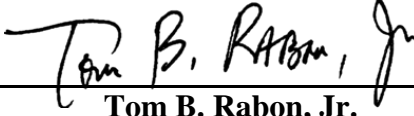
Section 3: Comments (please explain any unsatisfactory evaluation items)

* This form is a reference and can be used as a guide if you have other forms you prefer to use.

Operational Guidance: OG 24-2021

Attachment 3

Page 1 of 1

	NCWorks Commission
	NCWorks Commission Policy Statement Number: CPS 09-2021, Change 1
	Date: May 10, 2023
	Subject: Workforce Innovation and Opportunity Act (WIOA) Youth Formula Funds Expenditure Requirements
	From:  <hr/> Tom B. Rabon, Jr. Chair, NCWorks Commission

Purpose: To inform Local Area Workforce Development Boards (WDBs) of the requirements to meet the mandated 20% work experience rate for local WIOA Title I Youth formula funds and the mandated expenditure rate of at least 75% for local Youth formula funds used to serve out-of-school youth (OSY), unless a waiver has been granted. This change provides an updated list of allowable costs that may be included in work experience expenditures, in accordance with Training and Employment Guidance Letter (TEGL) 9-22, that was issued March 2, 2023.

This Commission Policy Statement (CPS) rescinds CPS 09-2021 and the procedures herein supersede all previous policy, procedures, and guidelines regarding Youth Formula Funds Expenditure Requirements.

Background: The North Carolina Department of Commerce, Division of Workforce Solutions (DWS), has oversight responsibilities for the WIOA, Public Law No. 113-128. These responsibilities include management of resources appropriated to the state to maximize use of funds to address success of workforce development efforts.

Operational implementation of the WIOA, youth program began on July 1, 2015, with all provisions taking effect July 1, 2016. WDBs are required to meet the 20% minimum work experience rate and a minimum 75% OSY expenditure rate using local youth formula funds made available April of each Program Year (PY), unless a waiver has been granted. Expenditure information must be reported in the Monthly Financial Report (MFR) in Workforce Information System Enterprise (WISE).

WIOA section 129(c)(4) and TEGL 21-16 prioritize work experiences with

the requirement that WDBs must spend a minimum of 20% of non-administrative local formula funds on work experience. Under WIOA, paid and unpaid work experiences that have as a component academic and occupational education may include the following four categories: summer employment opportunities and other employment opportunities available throughout the school year; pre-apprenticeship programs; internships and job shadowing; and on-the-job training opportunities.

Training and Employment Guidance Letter Nos. 8-15 and 9-22 provide further discussion of allowable expenditures that may be counted toward the work experience expenditure requirement and articulates that program expenditures on the work experience program element can be more than just wages paid to youth in work experience. Administrative costs are not subject to, nor included in, the 20% minimum work experience expenditure requirement. Allowable work experience expenditures include the following:

- Wages/stipends paid for participation in a work experience;
- Staff time working to identify and develop a work experience opportunity, including staff time spent working with employers to identify and develop the work experience;
- Staff time working with employers to ensure a successful work experience, including staff time spent managing the work experience;
- Staff time spent evaluating the work experience;
- Participant work experience orientation sessions;
- Employer 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 youth for a work experience;
- Expenses for a registered apprenticeship/pre-apprenticeship that occur before the youth exits the WIOA program; and,
- Supportive services that enable participation in work experience.

In addition, the WIOA section 129(a)(4) states not less than 75% of WIOA youth funds are required to be spent on OSY, unless a waiver has been granted. WIOA youth programs will provide a needed continuum of services to help disconnected youth navigate between the educational and workforce. It is critical that WDBs adjust and incorporate the best strategies for recruiting and serving OSY.

Action:

It is expected that each WDB will meet the 20% minimum work experience expenditure rate and the minimum 75% OSY expenditure rate, unless a waiver has been granted, at the end of each fund availability period as identified in the WDB Plan. Virtual work experiences are allowed and encouraged, especially in rural areas. The work experience activities and academic

component must be documented in the youth's Individual Service Strategy (ISS) and case notes that are entered in NCWorks.gov. Local WDBs should incorporate this guidance and update related policies, as appropriate.

If, at the end of the availability period of the PY for youth formula funds, WDBs have not expended at least 75% of their non-administrative youth funds on OSY, unless a waiver has been granted, and/or have not expended at least 20% of their non-administrative youth formula funds on work experience activities, then DWS has the authority to implement the processes and procedures in the Local Workforce Board Sanctions and Appeal Policy, which may be found on the North Carolina Department of Commerce website. The final WISE PY MFR, due in August each year reflecting expenditures through June 30, will determine if WDBs have met the required expenditure rates.

For additional assistance, WDB Directors may contact their assigned DWS Planner.

Effective Date: Immediately

Expiration: Indefinite

Contact: DWS Planner

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION WIOA/Youth
	CORRESPONDENCE SYMBOL OWI-DYS
	DATE November 17, 2015

ADVISORY: **TRAINING AND EMPLOYMENT GUIDANCE LETTER WIOA NO. 8-15**
OPERATING GUIDANCE for the WORKFORCE INNOVATION AND
OPPORTUNITY ACT (referred to as WIOA or the Opportunity Act)

TO: STATE WORKFORCE AGENCIES
STATE WORKFORCE ADMINISTRATORS
STATE WORKFORCE LIAISONS
STATE AND LOCAL WORKFORCE BOARD CHAIRS AND DIRECTORS

FROM: PORTIA WU *Portia Wu for*
Assistant Secretary

SUBJECT: Second Title 1 WIOA Youth Program Transition Guidance

- 1. Purpose.** To provide guidance and planning information to states, local workforce areas, and other recipients of Workforce Innovation and Opportunity Act (WIOA) Title I youth formula funds on the activities associated with the implementation of WIOA.

WIOA was signed into law on July 22, 2014. WIOA is designed to help job seekers access employment, education, training, and support services to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy. WIOA supersedes the Workforce Investment Act of 1998 and amends the Wagner-Peyser Act and the Rehabilitation Act of 1973, as amended (Rehabilitation Act). In general, the Act took effect on July 1, 2015, the first full program year after enactment, unless otherwise noted.

The Departments of Labor and Education proposed a set of regulations for implementing WIOA through the posting of five Notice of Proposed Rulemaking (NPRMs) documents. These NPRMs were open for public comment until June 15, 2015, and both Departments received several hundred comments. The Federal agencies now are reviewing, analyzing, and considering the comments received. The final WIOA rules will be issued in 2016.

In order to continue implementation prior to the final rule, the Department is issuing a series of WIOA Operating Guidance documents in the form of Training and Employment Guidance Letters (TEGLs). These Operating Guidance documents on WIOA will inform the workforce system on how to begin the important planning and organizational work necessary to comply with the WIOA statutory requirements. The Operating Guidance TEGLs will

RESCISSIONS None	EXPIRATION DATE Continuing
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provide a framework for program activities until the regulations are finalized. This TEGL is one in a series of WIOA Operating Guidance.

2. **References.** See Attachment.
3. **Background.** Title I of WIOA outlines a broad youth vision that supports an integrated service delivery system and provides a framework through which states and local areas can leverage other Federal, state, local, and philanthropic resources to support in-school youth (ISY) and out-of-school youth (OSY). Title I of WIOA affirms the Department's commitment to providing high-quality services for all youth and young adults beginning with career exploration and guidance, continued support for educational attainment, opportunities for skills training in in-demand industries and occupations, such as pre-apprenticeships or internships, and culminating with a good job along a career pathway, enrollment in postsecondary education, or a Registered Apprenticeship. All of the Department's youth-serving programs continue to promote evidence-based strategies to assist in achieving high-levels of performance, accountability, and quality in preparing young people for the workforce.

On March 26, 2015, the Department published TEGL No. 23-14 providing guidance on WIOA youth program transition. This issuance is the second of two TEGLs that address key provisions in WIOA and provides guidance to assist states and local areas in transitioning to WIOA youth program implementation.


With the shift under title I of WIOA to expend at least 75 percent of funds on OSY, the Department expects the cost per participant under WIOA to increase as many OSY require more intensive and costly services. Consequently, fewer participants might be served under the WIOA youth program due to the more intensive and costly services for the increased emphasis on the OSY population.

4. **Resolution of Apparent Conflict between TEGL No. 23-14 and TEGL No. 38-14.** TEGL No. 23-14 and TEGL No. 38-14 contain language that appear to conflict. TEGL No. 23-14 states that "ISY and OSY expenditure rates are tracked and reported based on a specific program year's (PY) allotment. For the PY 2014 WIA youth allotment, including unobligated PY 2014 funds carried over to PY 2015, the 30 percent OSY expenditure minimum will still apply." TEGL No. 38-14 states that "PY 2013 and PY 2014 state and local formula funds that have not been obligated by grantees in PY 2013 and PY 2014 (i.e., "carry-in" funds) will become subject to WIOA, effective July 1, 2015. This means that the funds will assume the requirements of those portions of WIOA that are effective July 1, 2015." The language in TEGL No. 38-14 does not apply to the OSY expenditure requirement for PY 2014 funds. All PY 2014 funds carried over to PY 2015 still retain the 30 percent OSY expenditure minimum as stated in TEGL No. 23-14.
5. **Eligibility.** WIOA Section 129(a)(1) provides new eligibility criteria for the WIOA youth program. To be eligible to participate in the WIOA youth program, an individual must be an OSY or an ISY.

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION WIOA/Youth
	CORRESPONDENCE SYMBOL OWI/DYS
	DATE March 2, 2023

ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 09-22

TO: STATE WORKFORCE AGENCIES
STATE WORKFORCE ADMINISTRATORS
STATE WORKFORCE LIAISONS
STATE AND LOCAL WORKFORCE BOARD CHAIRS AND DIRECTORS

FROM: BRENT PARTON 
Acting Assistant Secretary

SUBJECT: Workforce Innovation and Opportunity Act Title I Youth Formula Program Guidance

1. **Purpose.** To provide guidance and planning information to states, local workforce areas, and other recipients of Workforce Innovation and Opportunity Act (WIOA) Title I youth formula funds on the activities associated with the implementation of WIOA.
2. **Action Requested.** Share with all staff who administer the WIOA Youth program. States and local areas should review their youth program policies and procedures to comply with this guidance.
3. **Summary and Background.**
 - a. Summary – This guidance addresses the Employment and Training Administration (ETA's) priorities for youth programs, and further clarifies WIOA Youth program policies. It also provides information to help states and local areas improve services, supports, and outcomes for youth, particularly opportunity youth (out-of-school and out-of-work youth), by integrating equity and job quality principles into program design and service delivery as well as elevating youth voice and addressing mental health.
 - b. Background – This is the first WIOA Youth program guidance since the COVID-19 pandemic required states and local areas to shift service delivery strategies and develop innovative approaches to serving youth. Since then, ETA has set priorities for programs serving youth as well as a vision for coordination and impact, many based on lessons learned from the pandemic and best practices used in states and local areas. This guidance highlights different ways to meet the evolving needs of youth participants. Section 4 includes important policy clarifications that States and local areas need to be aware of when developing and implementing the WIOA Youth program.

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REFERENCE

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION WIOA/Youth
	CORRESPONDENCE SYMBOL OWI-DYS
	DATE March 2, 2017

ADVISORY: **TRAINING AND EMPLOYMENT GUIDANCE LETTER WIOA NO. 21-16**
OPERATING GUIDANCE for the WORKFORCE INNOVATION AND
OPPORTUNITY ACT

TO: STATE WORKFORCE AGENCIES
STATE WORKFORCE ADMINISTRATORS
STATE WORKFORCE LIAISONS
STATE AND LOCAL WORKFORCE BOARD CHAIRS AND DIRECTORS

FROM: Byron Zuidema
Deputy Assistant Secretary

SUBJECT: Third Workforce Innovation and Opportunity Act (WIOA) Title I Youth
Formula Program Guidance

1. **Purpose.** To provide guidance and planning information to states, local workforce areas, and other recipients of WIOA Title I youth formula funds on the activities associated with the implementation of WIOA.

WIOA became law on July 22, 2014 and supersedes Titles I and II of the Workforce Investment Act of 1998 (WIA), and amends the Wagner-Peyser Act and the Rehabilitation Act of 1973. The Departments of Labor and Education published a set of regulations for implementing WIOA. These WIOA Final Rules were made public on July 1, 2016, and the rules covering the Title I youth formula program became effective on October 18, 2016.

2. **References.** See attachment 1.

3. **Background.** Title I of WIOA outlines a broad youth vision that supports an integrated service delivery system and provides a framework through which states and local areas can leverage other Federal, state, local, and philanthropic resources to support in-school youth (ISY) and out-of-school youth (OSY). Title I of WIOA affirms the Department of Labor's (DOL) commitment to providing high-quality services for youth, beginning with career exploration and guidance, continued support for educational attainment, opportunities for skills training, such as pre-apprenticeships or internships, for in-demand industries and occupations, and culminating with employment, enrollment in postsecondary education, or a Registered Apprenticeship.

On March 26, 2015, DOL published Training and Employment Guidance Letter (TEGL) No. 23-14 which provided guidance on WIOA youth program transition. On November 17, 2015 DOL published TEGL No. 8-15 which provided additional WIOA youth transition guidance.

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WIOA Work Experience (WEX) Guidelines

WEX Assessment and Training Plan

The service provider shall ensure that WEX training for WIOA Title I eligible participants is appropriate based on the needs identified by an objective and comprehensive assessment and as documented in the Individual Employment Plan/Individual Service Strategy (IEP/ISS). The WEX IEP/ISS should clearly indicate how this activity is going to help the participant move from the WEX to unsubsidized employment or on to further training. Documentation of the need for work experience that is tied to and supported by academic and occupational education and the objectives of the work experience must be detailed in the IEP/ISS and WEX Training Plan, if one is utilized. However, adult and dislocated worker participants are not required to participate in academic and occupational education activities while enrolled in work experience.

Periodic evaluation of the participant's learning and attainment of skills during the work experience, including information about any incentive payments made, should be documented in case notes in NCWorks Online. When possible, it is strongly encouraged that the WEX and its associated training components be directly tied to the attainment of a credential and documented in the IEP/ISS. Program providers should use either O*NET or other identified programs when developing the competencies to be learned and evaluated in the WEX. The IEP/ISS should include the job skills needed, training hours, and estimated start and end date. Youth academic and occupational components must be included.

The maximum duration of the work experience should be specified per program year. The determination of the duration of the WEX should be based on the academic and occupational competencies the WIOA participant needs to develop or refine and must be specified in the IEP/ISS and WEX Training Plan, if one is utilized. Academic skills training could be basic skills education or high school equivalency training. Occupational skills competencies may be gained through the WEX, Human Resources Development (HRD) classes or through courses specific to the job/career/occupation in which the individual is having the work experience.

A WEX Training Plan, if developed in conjunction with the IEP/ISS, allows service providers to monitor and evaluate the work experience. It serves as a baseline when establishing whether the needs of the WIOA participant and the employer's expectations of training and development have been met.

Youth Work Experience Opportunities

Pursuant to WIOA section 129(c)(2)(C), Local Area WDBs are required to offer youth programs that involve paid and/or unpaid work experiences that have as a component both academic and occupational education. The educational component may occur concurrently or sequentially with the work experience. Further academic and occupational education may occur inside or outside the work site. Work experiences provide the youth participant with opportunities for career exploration and skill development. These experiences may include:

1. summer employment opportunities and other employment opportunities available throughout the school year;
2. pre-apprenticeship programs;
3. internships and job shadowing; and
4. OJT opportunities as defined in WIOA Section 3(44) and OJT Operational Guidance.

Recognized best practices for engaging youth in work experiences:

1. Programs prepare youth for work experiences through training and guidance in soft skills. Youth programs engage young adults in training or class activities that develop these soft skills. This may

include learning about professional work culture, working in teams, interpersonal skills, and communication.

2. Some programs also train youth in technical skills or hard skills needed for specific career pathways or work settings. Youth will learn skills specific to an occupational sector.
3. Program staff devote significant time to developing and maintaining relationships with employers. Dedicated staff (job developers) may handle all aspects of employer relations, from making an initial inquiry about partnering, to establishing worksite agreements with employers, to responding to any employer concerns during the work experience.
4. Programs clearly communicate what is expected of employers, youth, and families before the start of a work experience to include mentoring the youth and providing feedback to the program coordinator. Some programs address the importance of work in life, how the program helps youth make a successful transition to work, what employers expect of workers, and how to appropriately interact with employers.
5. Programs carefully match youth to work experience opportunities based on individual interests and skills. Making the right match increases the success of the work experience by ensuring that youth feel motivated from the start to participate fully.
6. Programs provide on-going support to youth and employers throughout the work experience. To ensure a work experience is successful for everyone involved, programs maintain communication with both the youth and employers from the first to the last day of the work experience. While some programs have daily or weekly contact with youth to monitor their progress, other programs conduct first-week, midpoint, and last-week work site visits at a minimum.

Youth Work Experience – 20% Spending Requirement

Local youth programs must expend not less than 20% of the Title I youth funds allocated to them to provide in-school youth and out-of-school youth with paid and/or unpaid work experiences.

Local WIOA Title I youth 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 youth financial reporting.

The percentage of funds spent on work experience is calculated based on the total local area youth funds expended for work experience, rather than calculated separately for in-school and out-of-school youth. The 20% spending requirement is calculated after administrative costs have been subtracted from the total amount of youth funds. Each year's allocation has a two-year period of performance. Therefore, Local Area WDBs have two years to spend 20% on WEX. Please reference CPS 09-2021 for additional information.

Adult/ Dislocated Worker Work Experience

Unlike WIOA Title I Youth programs, WIOA Title I Adult and Dislocated worker programs do not have a minimum expenditure rate. While WEX is used as a resume builder and learning experience for youth, Adult/Dislocated Worker WEX focuses on learning new transferrable skills and enhancing employability.

Wages and Stipends

Individuals participating in a work experience opportunity must be compensated at the same rates, including periodic increases, as trainees, or employees who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills. The rates may not be lower than the higher of the federal or state minimum wage.

A flat rate wage applied to all individuals participating in a paid work experience opportunity (e.g., \$8.00/hour for all participants) would not be allowed if there are trainees or employees who are similarly

situated in similar occupations with the same employer who receive wages that differ from the flat wage.

Wage requirements under the FLSA apply to all participants, including youth employed under WIOA. The FLSA applies to the extent that the activities performed in the work experience constitute employment. Local Area WDBs must determine whether work experience constitutes training as opposed to employment. Please contact a Certified Public Accountant for more information.

Choosing a Worksite

Matching a WIOA participant with the appropriate worksite is critical to a successful WEX job assignment. Worksite supervisors need to have a clear understanding of the objectives of the WEX job assignment and realistic expectations of the work products and productivity that a WIOA participant may demonstrate. The participant must have adequate supervision, as any other entry-level employee. The worksite must be willing to allow Board staff, the North Carolina Division of Workforce Solutions and/or U.S. Department of Labor (USDOL) to perform onsite monitoring to ensure compliance with the worksite agreement, as well as, to monitor the progress of the participant.

WDBs should use discernment when choosing worksites. When choosing employers, analyze the “value-added” contributions an employer is willing to make to the experience for the participant. Examples of such contributions are structured development/refinement of work readiness skills, provision of on-site educational services, and exposure to enhanced skill training and mentoring.

The DWS strongly discourages the practice of placing participants in WEXs located at the board office, career center, or administrative entity due to the potential of conflicts of interest. Placement at these locations should only be allowed where there is specific documentation in the file that the particular experience meets the participant’s career goals and skills needs AND there is no other placement opportunity available.

Skills Analysis/WEX Training Plan Development

An individualized WEX skills analysis must be performed to determine the acquisition of skills that the participant does not already possess. Skills the participant may have acquired from previous work or life experiences are potentially transferrable and can be used in every occupation, regardless of the type of work. Transferrable skills are unlike job-related skills, which tend to be used only in one type of work.

This analysis will contain occupationally specific skills that the employer requires for competency in the WEX occupation. An analysis of the trainee’s prior work history, transferrable work skills, and the job skills gained must be compared to the job skills/job description the employer requires in the WEX occupation. The resulting gap in skills will be the basis for the development of the WEX.

There are a number of assessment tools available that may be used to conduct a skills gap analysis and provide adequate documentation of the process utilized. These include Prove It! TM, an Internet-based assessment tool used to determine an individual’s level of skills in a particular occupation and to document skill deficiencies, as well as the O*NET Online website and www.myskillsmyfuture.org which have both been developed by the USDOL.

The sample WEX Trainee Evaluation Form may also be used at the conclusion of training to document the mastery of the required skills. Completion of the final skills evaluation section of the form signals the successful completion of the WEX.

The Worksite Agreement

There must be a WEX Worksite Agreement between the service provider and the employer that articulates the learning that is to take place, the length of the WEX, and the academic and/or occupational competencies to be obtained. The Worksite Agreement must be completed and signed prior to the start of the WEX. The service provider will use a standardized Worksite Agreement template (sample provided as Attachment 2) developed by the WDB staff. Additionally, the service provider must provide documentation that the employer received formal WEX training.

The purpose of the worksite agreement is to establish a formal training relationship with a worksite, to specify the responsibilities of each party to the agreement, and to provide a successful, enriching WEX job experience for the WIOA participant. A signed original of the Worksite Agreement should be on file at the worksite and the provider should maintain all WEX documents and case notes in NCWorks Online.

The following items are the minimum required terms and conditions of a Worksite Agreement. Other specifications or terms specific to the worksite may be added as needed.

Work Experience (WEX) Contract Requirements

1. WEX contracts require that the wages paid to participants be at least the prevailing entry wage for any specific occupation in the community.
2. The employer must comply with requirements of the Civil Rights Act with respect to equal opportunity in employment for the WEX position, as well as comply with all federal, state, and local laws.
3. The WIOA Service Provider or WDB must have Workers' Compensation Insurance coverage and make federal and state tax withholdings as required by law, as applicable. In addition, the individual trainee payroll tax records must be maintained and available for review for a minimum period of three years after the end of the training period. (The North Carolina Workers' Compensation Act requires that all businesses that employ three or more employees, including those operating as corporations, sole proprietorships, limited liability companies and partnerships, obtain Workers' Compensation Insurance or qualify as self-insured employers).
4. Conditions of employment and training will be in full accordance with all applicable federal, state, and local laws (including but not limited to health and safety laws), and be appropriate and reasonable with regards to the type of work undertaken and the proficiency of the participant
5. The employer must certify that the participant will not displace any regular employee of the employer and that no person was displaced as a result of the relocation of the current business within the previous 120 days of signing the WEX Worksite Agreement.
6. The WEX employer will agree to adhere to the local WDB's grievance process if a complaint arises in connection with the WEX participant and/or the training.
7. WEX participants will not be employed to carry out the construction, operation or maintenance of any part of a facility that is used or to be used for sectarian instruction or as a place for religious worship or be required to participate in religious activities.
8. Participants may not enter a WEX position if a member of his/her family is engaged in an administrative capacity with the WEX employer, including a person with selection, hiring, placement, or supervision responsibilities for the WEX trainee.
9. The provider must certify that neither the employing company nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or excluded from participation by any federal department or agency.
10. A participant may not be trained under a WEX Worksite Agreement at a particular employer if:
 - a. any other individual is on layoff from the same or substantially equivalent job;
 - b. the employer has terminated the employment of any regular, unsubsidized employee, or otherwise caused an involuntary reduction in its workforce with the intention of filling the vacancy so created with the WIOA participant; or
 - c. the job is created in a promotional line that infringes in any way on the promotional opportunities of currently employed workers.



**Workforce Innovation and Opportunity Act (WIOA)
Work Experience (WEX) Agreement**

This Agreement is made between _____ (WIOA Title I Mid-Carolina WDB Service Provider), _____ (WIOA Work Experience Participant), and _____ (WIOA Worksite) a ☐ **public** ☐ **non-profit** or ☐ **private for-profit business or organization** to provide subsidized or unsubsidized internship/work experience to eligible youth, adults, and/or dislocated workers participating in the Mid-Carolina Workforce Development Board, Workforce Development Program, authorized and funded under the Workforce Innovation and Opportunity Act (WIOA). Under this Agreement, the participant will be provided a short-term work experience which is valuable and meaningful for both the participant and the organization/worksite.

Work Experience job assignments will be consistent with each WIOA participant's capabilities and interests and in an occupational field or specific job in which he/she has minimal or no prior work experience. WIOA-funded Work Experience job assignments are expected to help individuals gain the skills and experience they need to succeed in the workplace and obtain unsubsidized employment.

Term: This agreement will take effect on _____ [date] and terminate no later than _ _____ [date].

The Worksite provides the following assurances:

1. Only those participants referred to and declared eligible by the WIOA Service Provider as work experience participants will participate under this agreement.
2. Participants will be informed of the supervisor's name, role and responsibilities. WIOA participants will relay any problems that might arise to their appropriate worksite supervisor. The worksite will notify the WIOA Service Provider staff if difficulties arise which the worksite supervisor and participant are unable to resolve. WIOA Service Provider staff and/or worksite supervisor may recommend termination or transfer of the participant if the situation or problem is not resolved.
3. No WIOA participant shall be employed or job opening filled (A) when any other individual is on layoff from the same or any substantially equivalent job, or (B) when the worksite has terminated the employment of any regular employee or otherwise reduced its workforce with the intention of filling the vacancy so created by hiring a participant whose wages are subsidized under this Act.
4. The participating worksite has not relocated to this establishment and commenced operations in the past 120 days, where the relocation resulted in the loss of employment at the original location.
5. Equal Employment Opportunity and Nondiscrimination: The worksite assures that no person on the grounds of race, creed, color, disability, national origin, sex, age, political affiliation, or beliefs, will be executed from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under the Workforce Innovation and Opportunity Act.

6. The WIOA Service Provider is responsible for payroll processing for WIOA participants. Timesheets must be maintained with the documented participant's sign in when reporting to work each day, sign out for lunch, sign in when returning from lunch, and sign out at the completion of the specified number of hours each day as described in the agreement. No one else is allowed to sign a participant in or out.
7. All requirements and regulations governing the WIOA program will be upheld.
8. This agreement will be maintained at the worksite and available for review by federal, state, and Mid-Carolina Workforce Development Board representatives.

Participant provides the following assurances:

1. Participant will report to work and be in place by the scheduled start time for each shift.
2. Participant is not eligible for unemployment insurance after completion of the Work Experience.
3. Participant agrees not to exceed a 40 hour work week.
4. Participant must follow all company policies including:
 - a. Breaks and lunch periods.
 - b. Dress code
 - c. Attendance expectations
 - d. Use of company equipment
5. Participant will maintain contact with WEX staff as agreed upon.
6. Participant will notify their case manager if difficulties arise which the worksite supervisor and participant are unable to resolve.

The Worksite Agrees to:

1. Comply with the Fair Labor Standards Act, current child labor laws and appropriate North Carolina State and Federal Labor Law Standards including ADA and OSHA regulations.
2. Have a contingency plan for inclement weather when the regular worksite is designated as out-of-doors.
3. Provide adequate full-time supervision of each WIOA participant by qualified supervisors. When the regular worksite supervisor is unavailable, an alternate supervisor will be designated.
4. **That the worked hours will not exceed 40 hours weekly.**
5. Provide sufficient, meaningful work to keep WIOA participants fully occupied during work hours.
6. Provide sufficient equipment and/or materials provided to carry out work assignments.
7. Provide a safe and sanitary work environment.
8. Oversee the maintenance and certify as accurate records of participant's time and attendance.
9. Notify the WIOA Service Provider within 24 hours of any accidents, special situations or unusual occurrences.
10. Evaluate each participant as agreed upon and required by the WIOA Service Provider.
11. Provide WIOA participants with appropriate breaks and lunch hours.

The WIOA Service Provider Agrees to:

1. Provide orientation to the work experience participants on program purposes and policies and procedures.
2. Ensure each participant has basic work readiness skills and is ready for work.
3. Provide the worksite with a list of eligible participants who are available to work.
4. Provide the worksite with instructions and procedures forms as may be required.
5. Ensures that the participant will not exceed a 40 hour work week.
6. Assure that the immediate worksite supervisor and their alternates will receive orientation as to their duties and responsibilities.
7. Notify worksite in case of any changes in any participants status and availability to work.
8. Provide labor market information, career exposure activities, counseling and supportive services to the participants as determined to enhance the program for the participant.
9. Pay participant(s) the prevailing wage as set forth by the Mid-Carolina Workforce Development Board Policy.
10. Obtain and maintain worker's compensation insurance to cover all WIOA participants engaged in internship or work experience at the worksite.

DRUG FREE WORKPLACE

The worksite and the WIOA Service Provider shall maintain a policy of a drug free workplace. All enrollees shall sign a certification during the WIOA application process acknowledging that they understand the WIOA Service Providers drug free policy and agree to abide by the provisions of that policy.

PROPERTY DAMAGE AND GENERAL LIABILITY

The Mid-Carolina Workforce Development Board and Mid-Carolina Regional Council shall not be held liable for any person or property damage.

WORK ACTIVITIES

A written job description must be attached to this agreement. The job description must include:

- a. Accurate description of required duties and responsibilities
- b. Hourly wage for positions.
- c. The days and hours to be worked (not to exceed 40 hours per week)

If the WIOA participant's job duties at the worksite change, the worksite agrees to notify the WIOA Service Provider immediately so that this agreement may be modified.

TIME, ATTENDANCE AND COMPENSATION

Accurate time and attendance records will be kept by the supervisor for each WIOA participant. Records will reflect the time worked by the participant. Participants will not be paid for time not engaged in work, duties, including absences, lunch periods, vacation time, and/or holidays.

MONITORING

It is mutually understood and agreed that the WIOA worksite may be monitored by the Mid-Carolina Workforce Development Board local area staff, NC Division of Workforce Solutions, and/or the US

Department of Labor, The WIOA Service Provider will monitor the worksite based on a planned schedule at least once during the term of this agreement. The worksite supervisor shall maintain current and accurate time and attendance records, and will cooperate to provide staff with worksite information or records as required in a timely manner.

SUPERVISION

Worksite supervisors must be experienced in the work to be performed by the WIOA participant and in supervising the entry-level employees. Worksite supervisors should encourage and expect participants to demonstrate good work habits, satisfactory job performance, and a positive attitude towards work.

Work activities will be performed under the supervision of the persons(s) listed below:

Lead Supervisor Name	Job Title	Contact Information
Alternate Supervisor Name	Job Title	Contact Information

Physical Address of Worksite:

Worksite Name:	
Physical Address:	
Contact Information:	

WIOA Work Experience Participant is Assigned:

#	Participant Name	Age	Job Title	Telephone #	Start Date	End Date
1						
2						

PARTICIPANT: SIGNATURE INFORMATION

Participant Name (Print)	Participant (Signature)
Parent/Legal Gurdian (Print)	Parent/Legal Gurdian (Signature)
Date Signed:	Date Signed:

AUTHORIZED SIGNATURE INFORMATION

WIOA Service Provider/Career Advisor Name (Print)	WIOA Service Provider/Career Advisor (Signature)
Worksite Authorized Person Name (Print)	Worksite Authorized Person (Signature)
Worksite Alternate Person Name (Print)	Worksite Alternate Person (Signature)
Date Signed:	Date Signed:

Note: If a corporate worksite, the individual must be authorized to sign a legally binding document on behalf of the Corporation.

Program Manager Name (Print)
WIOA Service Provider

(Date)

Program Manager (Signature)
WIOA Service Provider

The above WIOA Program Manager signature indicates that the agreement has been reviewed, the NCWorks file meets compliance, and all the required documents are in place, and the participant is eligible to begin Work Experience.



**Workforce Innovation and Opportunity Act (WIOA)
Work Experience (WEX) Agreement**

MODIFICATION

The Work Experience Worksite Agreement may require changes for which a modification is necessary for a modification include but are not limited to:

- To extend the end of date of training due to illness or equipment failures at the place of business.
- To correct errors in the original job description.
- Cancellation
- To extend the end date in order to ensure satisfactory skill attainment.
- Other (provide specific explanation).

The worksite and the WIOA Service Provider agree that this Work Site Agreement shall be modified as stated:

Except as hereby modified, all other terms and conditions of this Worksite Agreement remain unchanged and in effect. The effective date of this medication is _____. The Worksite and the WIOA Service Provider mutual agree to abide by the terms and conditions stated and hereby execute this modification in keeping with the respective authority.

_____ Participant Name (print)	_____ (Date)
_____ Participant Signature	
_____ Parent/Legal Gurdian Name (print)	_____ (Date)
_____ Parent/Legal Gurdian Signature	
_____ WIOA Career Advisor Name (print)	_____ (Date)
_____ WIOA Career Advisor Signature	

Worksite Authorized Person Name (print)

(Date)

Worksite Authorized Person Signature

WIOA Program Manager Person Name (print)

(Date)

WIOA Program Manager Signature



MID-CAROLINA
Workforce Development Board

Mid-Carolina Workforce Development Board

Work Experience Provider

Work Experience (WEX) Agreement

Section 1: General Information

Please complete the following:

Trainee Name:		Job Title:	
O*NET Code:	SVP Code:	Hourly Starting Wage: \$	Hourly Ending Wage: \$
Maximum Training Hours:	Worksite Name:	Worksite Address:	
Trainee Supervisor:	Title:	Phone/Email:	
Employer Representative Name:		WIOA WEX Agency Representative:	
Contact Info:		Contact Info:	
Pay Schedule: <input type="checkbox"/> Weekly <input type="checkbox"/> Monthly <input type="checkbox"/> Bi-Weekly <input type="checkbox"/> Other	Pay Day: Period Covered:	Ratio of Trainees to Supervisor:	



Mid-Carolina Workforce Development Board

Work Experience Provider

Work Experience (WEX) Agreement: Trainee Evaluation

Trainee Name:

Supervisor Name:

Company Name:

Section 1: Evaluation

Job Skills Objectives	Midpoint Evaluation of Skills	Midpoint Evaluation Date	Final Evaluation of Skills	Final Evaluation Date
	<input type="checkbox"/> Mastered Objective <input type="checkbox"/> Satisfactory Progress <input type="checkbox"/> Unsatisfactory Progress		<input type="checkbox"/> Mastered Objective <input type="checkbox"/> Satisfactory Progress <input type="checkbox"/> Unsatisfactory Progress	
	<input type="checkbox"/> Mastered Objective <input type="checkbox"/> Satisfactory Progress <input type="checkbox"/> Unsatisfactory Progress		<input type="checkbox"/> Mastered Objective <input type="checkbox"/> Satisfactory Progress <input type="checkbox"/> Unsatisfactory Progress	
	<input type="checkbox"/> Mastered Objective <input type="checkbox"/> Satisfactory Progress <input type="checkbox"/> Unsatisfactory Progress		<input type="checkbox"/> Mastered Objective <input type="checkbox"/> Satisfactory Progress <input type="checkbox"/> Unsatisfactory Progress	
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	<input type="checkbox"/> Mastered Objective <input type="checkbox"/> Satisfactory Progress <input type="checkbox"/> Unsatisfactory Progress		<input type="checkbox"/> Mastered Objective <input type="checkbox"/> Satisfactory Progress <input type="checkbox"/> Unsatisfactory Progress	

Section 2: Authorized Signatures

Midpoint Evaluation

I hereby certify that the above information is accurate.

Employer Signature:	Date:
Supervisor Signature:	Date:
Trainee Signature:	Date:

Final Evaluation

I hereby certify that the above information is accurate.

Employer Signature:	Date:
Supervisor Signature:	Date:
Trainee Signature:	Date:

Section 3: Comments (please explain any unsatisfactory evaluation items)



Mid-Carolina Workforce Development Board

Employer Engagement Plan

Background

The Employer Engagement Plan will build and strengthen relationships with Career Centers, employers, and create employment opportunities for job seekers. The Mid-Carolina Workforce Development Board's (MCWDB) Employer Engagement Plan will effectively enhance partnerships and support the workforce development needs of Cumberland, Harnett, Moore, Montgomery and Sampson Counties.

Purpose

Establishing guidelines for engaging employers in Work Based Learning (WBL) programs will ensure a diverse range of employer partners, prevent fraudulent behaviors, promote equitable and effective program outcomes, and address issues related to employer reverse referrals. These procedures apply to all staff involved in employer engagement, program administration, and oversight of WBL programs.

Sub-Recipient's Procedures

- Sub-Recipients will **NOT** allow more than fifty percent (50%) of Work-Based Learning opportunities to be reverse referrals.
- Sub-Recipient's Staff will submit a list of recent graduates and job seekers monthly to the Business Services Team to limit the need for reverse referrals.
- Sub-Recipients will conduct networking with industry associations, Chambers of Commerce, and economic development agencies to identify potential new employers.
- Sub-Recipients will use NCWorks Online to record employer registrations, participant placements, and track program outcomes.
- Sub-Recipients will conduct regular audits and reviews of records to identify and address discrepancies or signs of fraud.
- Sub-Recipients will be required to conduct site visits to verify compliance with program standards, assess the participant's experience, and employer practices.
- Sub-Recipients will require employers to sign the Nepotism and Conflict of Interest policies to ensure merit-based selection.
- Sub-Recipient's staff will conduct regular outreach via emails, phone calls, attend industry events, and host employer information sessions.
- Sub-Recipients will have ongoing communication with employers to ensure understanding and adherence to program requirements.
- Sub-Recipients will provide ongoing support and resources to employers and staff to help them navigate processes and address any issues that arise.
- Sub-Recipients will prioritize current program needs and goals, avoiding excessive reliance on previous employers.

MCWDB Staff Procedures

- MCWDB Staff will be responsible for implementing and enforcing this policy, including employer selection, monitoring, and communication.
- MCWDB Staff will ensure all Sub-Recipient receive training in recognizing and addressing fraudulent behaviors, conducting audits, and managing employer relationships.
- MCWDB Staff will conduct periodic site visits to verify compliance with program standards, assess the participant's experience, and employer practices.

- MCWDB Staff will conduct regular monitoring and audits to ensure compliance with these procedures.
- MCWDB Staff will ensure employers found in violation of program agreements or engaged in fraudulent behaviors receive written notification of the violation and details of the outcome.
- MCWDB will use NCWorks Online to monitor employer registrations, participant placements, and track program outcomes.

The Employer Engagement Plan will be reviewed annually and revised as needed to ensure its effectiveness and alignment with program goals and regulatory requirements. MCWDB will effectively implement these procedures to enhance employer engagement, ensure measures are in place, prevent fraudulent behaviors, and ensure diverse and effective work-based learning opportunities are adequately met.

