Policy Letter #10

TO: **All Mid-Carolina Workforce Development Service Providers**

FROM: **Samantha Wullenwaber, Director**

SUBJECT: **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 Adult, Dislocated Worker, and Youth 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

Training Assessment/Suitability Determination

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 WEX 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. For youth participants, academic skills training could include basic skills education or high school equivalency training. Occupational skills competencies may be gained through the WEX, Employability Skills classes or through courses specific to the job/career/occupation in which the individual is having the work experience.

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.

Training Evaluation
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 be documented in the IEP/ISS. Service providers should use either NCWorks Online, O*NET Online website, NCCareers, and www.myskillsmyfuture.org for assessments 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. 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.

Training Duration
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 Workforce Development Board (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, if one is utilized. WEX should be time-limited and focused on helping participants gain meaningful work readiness and occupational skills.

Work-based Learning Requirement for Youth
The work-based learning requirement for Youth WIOA requires Mid-Carolina WDB to expend a minimum of 20% of local formula and of statewide youth funds on work experiences. These activities include paid and unpaid work experiences that have academic and occupational education as a component, and may include:

- Internships
- Job Shadowing
- On-the-job training opportunities
- Pre-apprenticeship programs
- Registered Apprenticeships
- Summer employment opportunities and other employment opportunities available through the school year

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. Business Services and Career Advisors 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
Service providers 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 work experiences.

Service providers 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.

Please reference the WIOA Youth Formula Funds Expenditure Requirement Commission Policy Statement 09-2021, Change 1, 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 transferable skills and enhancing employability.

Wages and Stipends
If a WEX placement creates an employment relationship under the FLSA, participants must be

treated like employees for wage purposes. Individuals participating in a paid 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., $12.00/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 rage wage. Special grants may have specific wage requirements, including minimum or maximum wage limits. If a special grant has a wage requirement, specific guidance will be provided regarding the applicable wage limits.

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. Mid-Carolina WDB must determine whether work experience constitutes training as opposed to employment.

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 a minimum of 20 hours not to exceed 40 hours per week.

In order for the Mid-Carolina WDB to monitor the required hours and hourly rate as documented in the worksite agreement, the applicable NCWorks activity code (219/400/408) 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***.

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 Mid-Carolina WDB Board staff, the North Carolina Division of Workforce Solutions (DWS) 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. No more than 50% of WEX enrollments should be reverse referral from the employer.

Service Providers should use discretion when choosing worksites. The attached WEX worksite checklist must be used to confirm that areas of business practice are suitable for a WEX placement. The purpose of the WEX worksite checklist is for local area staff and company representatives to consider key areas that ensure the commitment to a positive, mutually

beneficial experience. 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 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.

Business Services and Career Advisor staff must utilize Attachment E. This document outlines the maximum number of work experience participants permitted per program year, as well as the expected successful completion rate.

Virtual Work Experiences

Virtual work experiences are allowable under the WIOA youth program. Virtual WEX can offer more flexibility and broaden work experience opportunities, particularly in rural areas. They can also promote equity and access for youth that might not otherwise have the opportunity for certain types of work experience. While WIOA section 681.600 states that work experiences must take place in a workplace, this includes a virtual workplace when remote work experiences are possible and practical.

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. 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 utilized. The O*NET Online website, NCCareers, and www.myskillsmyfuture.org. can be used to assess the trainee's transferable skills.

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. The WEX Trainee Evaluation Form should be used at the midpoint and conclusion of work experience 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.

Participant and Employer Orientation Requirement
Prior to the start of a WEX activity, the participant and employer **MUST** complete an orientation with the Business Services Representative or other designated staff. The orientation **MUST** ensure that the participants and employers understands the requirements, expectations, and responsibilities associated with the WEX activity. At a minimum, the orientation should address the WEX agreement and terms, participant work schedule and duties, supervision and attendance expectations, dress code, timekeeping and documentation requirements, workplace policies and safety procedures, drug policy, participant wages and payment procedures, appropriate workplace conduct, and the process for reporting concerns, changes, or issues that may arise during the activity. The participant, employer, and Business Services Representative or designated staff must sign the Participant Orientation and Employer Orientation document to acknowledge that the requirements have been reviewed and understood. A signed copy of the Participant Orientation and Employer Orientation documentation must be uploaded and maintained in NCWorks.gov prior to the participant beginning the WEX activity.

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 date**. The service provider will use a standardized Worksite Agreement template developed by the Mid-Carolina WDB staff.

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 Mid-Carolina WDB must have Workers' Compensation Insurance coverage that cover the individual on the same basis as the compensation provided to other individuals in similar employment or, if a State workers' compensation law does not apply to a participant in work experience, insurance coverage must be secured for injuries suffered by the participant in the course of such work experience. The WIOA Service Provider or Mid-Carolina WDB must 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.

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 Mid-Carolina 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.

Work experience must be based on an Individual Employment Plan (IEP) or Individual Service Strategy (ISS), and employers must follow the local WEX policy, including supervision, progress tracking, and timesheet verification.

WEX and Pre-Apprenticeship

Pre-apprenticeship programs serve as a vital on ramp to Registered Apprenticeship, especially for individuals who face barriers to employment or need foundational workplace skills. Under WIOA, WEX is a valuable tool that can be used to provide structured, time-limited, and wage-paid work opportunities as part of a pre-apprenticeship. WEX allows participants to build occupational skills, explore careers, and transition into long-term apprenticeships or employment.

WEX is particularly impactful when integrated into a pre-apprenticeship that includes:

- Worksite-based learning aligned with industry needs
- Soft skill and technical training
- Career exploration and mentoring
- Direct connections to Registered Apprenticeship programs

Funding Resources
Mid-Carolina WDB will leverage all available resources, internal and external, to maximize the impact of WBL opportunities for employers and individuals.

- Formula funds – 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.
- Braided funding - Braided funding helps encourage collaboration with partner programs such as apprenticeship, customized training, Career and Technical Education, Employment and Independence for People with Disabilities (EIPD) and others, can help streamline processes, and offer multiple employee training options. Braided funding helps WBL programs stretch their funding to help more employers.
- Other funding grants/opportunities – Eligibility criteria and/or specific training needs may best align with criteria for other workforce grants. Mid-Carolina WDB is encouraged to explore all options to help stretch federal WIOA formula funds.

Reporting
The following must be entered or uploaded in NCWorks:

- the appropriate service codes must be entered for each WEX participant
- all WEX documents (such as the Worksite Agreement, Worksite Checklist, Trainee Evaluations)
- Payroll documentation to support wages and hours
- 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
- case notes relevant to the WEX service

Transitional Jobs Eligibility and Guidance
Transitional jobs are subsidized, time-limited paid work experiences for WIOA Adult or Dislocated Worker participants with barriers to employment, such as those who are chronically unemployed or have inconsistent work histories. Arranged with public, private, or nonprofit employers, these jobs help individuals establish work histories, demonstrate workplace success, and build skills for unsubsidized employment. The program provider acts as the employer during the transitional job.

There is no requirement that the employer retains the participant upon completion of the transitional job; however, job retention is an ideal outcome, where appropriate. Mid-Carolina WDB can pair transitional jobs with comprehensive career services and supportive services. Service providers are encouraged to offer job readiness training alongside these positions.

Job Shadowing Eligibility and Guidance
Job shadowing is a structured, short-term activity where youth spend time one-on-one with an experienced professional, observing daily tasks and asking questions about the job and industry. This hands-on experience provides valuable insights into careers, job responsibilities, work culture, and the skills needed in a real-world environment.

Pre-apprenticeship Eligibility and Guidance
A pre-apprenticeship program is a structured learning initiative that equips individuals with the necessary skills and experience to enter a RAP (Registered Apprenticeship Program).

Pre-apprenticeship programs generally consist of the following:

- Training and curriculum that aligns with the skill needs of employers in the economy of the State or region involved;
- Access to educational and career counseling and other supportive services, directly or indirectly;
- Hands-on, meaningful learning activities that are connected to education and training activities, such as exploring career options, and understanding how the skills acquired through coursework can be applied toward a future career;
- Opportunities to attain at least one industry-recognized credential; and
- A partnership with one or more Registered Apprenticeship programs that assists in placing individuals who complete the pre-apprenticeship program into a Registered Apprenticeship program.

Pre-apprenticeship programs do not have the same automatic Eligible Training Provider List (ETPL) status under WIOA as do Registered Apprenticeship programs according to USDOL (20 CFR § 680.470(f)). Organizations offering pre-apprenticeship training programs that are seeking ETPL status are required to go through the same vetting process and performance reporting requirements as all other training providers in the State.

Funding allocated for WEX and OJT may be used to support hands-on learning opportunities for eligible participants in pre-apprenticeship programs. Pre-apprenticeship programs do not need to be listed on the ETPL to qualify for WEX or OJT activities. However, employers participating in these activities must comply with all applicable WEX and OJT policy requirements.

If a pre-apprenticeship program is included on the ETPL, WIOA Title I funds may be used to cover the related instruction portion for eligible individuals.

Target Populations – Youth and adults with barriers to employment who are identified to need certain skills or credentials in order to successfully enter into a registered apprenticeship program, dislocated workers transitioning to new industries or occupations in need of new skills, other eligible individuals identified by case managers as likely to succeed and have an interest in registered apprenticeship programs.

REFERENCES

OG 07-2025: Work-based Learning Comprehensive Guidance
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 Youth Formula Program Guidance
TEGL 21-16: Third Workforce Innovation and Opportunity Act (WIOA) Youth Formula Program Guidance
TEGL 21-22: Increasing Equitable Service Access and Employment Outcomes for All

Jobseekers in WIOA Programs
TEN 23-23: Quality Pre-Apprenticeship Programs

ATTACHMENTS

Attachment A: Work Experience (WEX) Worksite Checklist
Attachment B: Work Experience (WEX) Agreement
Attachment C: Work Experience (WEX) Trainee Evaluation
Attachment D: Work Experience (WEX) Agreement Modification
Attachment E: Eligible Work Experience (WEX) Per Program Year
Attachment F: Work Experience (WEX) Participant Orientation
Attachment G: Work Experience (WEX) Employer Orientation

CREATION DATE

July 2022

REVISION DATES

January 2024
December 2024
September 2025
March 2026
September 2026