



Missouri Department of Higher Education and Workforce Development

# OWD Issuance 02-2020

Release Number—Program Year

Release Date:  
July 30, 2020

Effective Date:  
July 30, 2020

Expiration Date:  
Continuous, until further notice

**SUBJECT:**

## WIOA Dislocated Worker and Adult Work Experience Policy

**ATTACHMENTS:** None

*This Issuance is Official Policy of the Missouri Office of Workforce Development*

**ISSUING AUTHORITY:**

Mardy Leathers  
Director  
Missouri Office of  
Workforce Development

**THIS ISSUANCE REQUIRES CREATION OR ALTERATION OF A CORRESPONDING LOCAL POLICY**

**KEYWORDS:**

Transitional Job, OJT, Pre-apprenticeship, WIOA, Work Experience, Adult and Dislocated Worker.

**THIS ISSUANCE AFFECTS:**

Missouri One-Stop Delivery System (MJC/AJCs)  
WIOA Title I Local Areas/Local Boards/Local Plans  
WIOA Title I In-State Funding  
WIOA Title I Performance/Accountability  
WIOA Title I One-Stop Delivery/Service Providers  
WIOA Adult Employment/Training  
WIOA Dislocated Worker Employment/Training  
State of Missouri Workforce System Procedures

**FOR THE ATTENTION OF:**

OWD State Professional Staff  
One-Stop frontline staff  
Chief Elected Officials  
Local Fiscal Agents  
Local WDB Directors  
One-Stop Operators  
One-Stop Functional Leaders  
Service Providers  
Local Equal Opportunity Officers  
Local Quality Assurance Monitors

**RESCISSIONS:**

DWD Issuance 07-2016, Change 1, Statewide Transitional Jobs Policy, March 23, 2017.

**REFERENCES:**

Workforce Innovation and Opportunity Act (WIOA), Pub. Law 113-128, Sec.134(d)(5) [29 U.S.C. 3174(d)(5)].  
U.S Department of Labor, Employment and Training Administration, Training and Guidance Letter ([TEGL 19-16](#))  
Submitted under the Workforce Innovation and Opportunity Act (WIOA),” March 1, 2017.

- 1) WIOA sec. 134(c)(2)(A)(xii)(VII), Internship or Work Experience for Adults and Dislocated Workers
- 2) [20 CFR § 680.180](#) - What is an Internship or Work Experience for Adults and Dislocated Workers?
- 3) [20 CFR 680.170](#), [680.180](#), [680.530](#), [681.600](#).
- 4) [TEGL 12-09](#), Joint Guidance for States Seeking to Implement Subsidized Work-Based Training Programs for Unemployed Workers

[20 CFR Part 680](#)—Adult and Dislocated Worker Activities under Title I of The Workforce Innovation And Opportunity

Act:

- 1) Subpart A—Delivery of Adult and Dislocated Worker Activities Under Title I of the Workforce Innovation and Opportunity Act, sections 680.150, 680.190, and 680.195;
- 2) Subpart F—Work-Based Training, sections 680.830 and, 680.840; and
- 3) Subpart G—Supportive Services, section 680.900.

**SUMMARY:**

This Issuance is written to transmit the Office of Workforce Development’s (OWD) Guidance on Work Experiences for Adult and Dislocated Worker Participants in accordance with the rules and regulations of Workforce Innovation and Opportunity Act of 2014 (WIOA), the WIOA Final Rule, Training and Employment Guidance Letters (TEGLs) published by the Employment and Training Administration of the U.S. Department of Labor (ETA), and policies of the Local Workforce Development Boards (LWDB).

## **BACKGROUND:**

Work experience is applicable to all WIOA core programs and a valuable tool to engage employers and to support job seekers in overcoming barriers to employment. WIOA Adults and Dislocated Workers Work Experiences are designed to help individuals establish a work history, demonstrate success in the workplace, and develop the skills that lead to entry into and retention in unsubsidized employment.

WIOA Adult and Dislocated Worker’s work experience activity is a contractual exchange between the service provider, employer, and participant. It is not designed to replace an existing employee or position. Local WDBs should develop and place Adult and Dislocated Worker participants in Work Experiences that give participants the ability to learn and apply in-demand skills.

## **SUBSTANCE:**

A WIOA Work Experience is a planned, structured learning experience that takes place in a workplace for a limited period of time<sup>1</sup>. Employers are critical partners that provide significant growth opportunities for adults and dislocated workers through work experiences that give them the ability to learn and apply in-demand skills. Work experiences may be paid or unpaid, and take place in the private sector, non-profit sector, or public sector.

- **Participant Eligibility**

All Adults and Dislocated Worker participants must meet program eligibility requirements, be enrolled into the respective WIOA program, and have received an assessment resulting in the development of an Employment Plan (EP) that documents the participant’s need for and benefit from a Work Experience. Participants who have received funding through an ITA, cohort or other WIOA funded training are also eligible for Work Experience.

- **Various Types of Work Experiences**

- **Regular Work Experience**-A planned, structured learning experience that takes place in a workplace for a limited time. Work experience may be paid or unpaid, as appropriate and may be arranged within the private for profit sector, the non-profit sector or the public sector. Work experience must be related to the participant’s career pathway.
- **Internships**-A planned, structured learning experience that takes place in a workplace for a limited time. An internship may be arranged within the private for profit sector, the non-profit sector or the public sector. Internships must be directly in-line with the participant’s long-term career pathway goal.
- **Transitional Jobs**- A “transitional job” is a work-based learning activity that provides a time-limited work experience, wages-paid and subsidized, in the public, private, or non-profit sectors<sup>2</sup>. Transitional Jobs serve individuals with barriers to employment because of chronic unemployment or inconsistent work history, as determined by the Local WDB. These jobs are designed to enable an individual to establish a work history, to demonstrate work success in an employee–employer relationship, and to develop skills that lead to unsubsidized employment.

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<sup>1</sup> [20 CFR 680.180.](#)

<sup>2</sup> [20 CFR 680.190.](#)

- Local areas may use up to 10 percent<sup>3</sup> of their combined adult and dislocated worker allocations for transitional jobs. Career services and supportive services are required to be provided as part of any transitional jobs strategy.
- Transitional Jobs programs must have, at a minimum, three components:
  - Paid Work Experience of a fixed duration (e.g., three days per week or maximum hours);
  - Career and Individualized Career Services (e.g., soft skills); and
  - Supportive Services (e.g., employment-focused; retention support).
- Transitional Jobs program participants earn a paycheck, learn workplace skills, and receive mentoring and support that addresses barriers to employment retention. Unlike On-the-Job Training (OJT), there is no assumption that the individual will be retained in the transitional job after the experience is completed; however, retention, where appropriate, is preferred for the benefit of the worker and the employer.<sup>4</sup>
- Each Local WDB must develop a Transitional Jobs policy if it chooses to use Transitional Jobs as a part of its service-delivery strategy. This policy must identify the amounts for reimbursements (up to 100 percent of the wage), what supportive services must be included, and the limits on the duration of the transitional job. This policy is contingent on the Local WDB having an established policy to define and identify individuals who are “chronically unemployed” or “have an inconsistent work history.” The local Transitional Jobs policy must identify appropriate employers (public, private, or nonprofit) that can provide quality experiences through which individuals can achieve unsubsidized employment. Additionally, Local WDBs are encouraged to use partnerships and collaborations to promote successful outcomes. DOL encourages targeting individuals who are long-term unemployed, ex-offenders, or who are currently receiving or who have exhausted their TANF benefits. DOL also encourages Local WDBs to determine if it is locally appropriate to combine Transitional Jobs with job-readiness training

- **Worksite Employer Eligibility**

Employers must be licensed to operate in Missouri, be in good standing and must provide their Federal Employer Identification Number (FEIN). Additionally, employers must adhere to the following requirements;

- Must have safe and healthy working conditions with no previously reported health and safety violations that have been reported but have not been corrected; and
- Must be compliant with all Equal Opportunity (EO) regulations; does not illegally discriminate in training or hiring practices because of race, color, sex, national origin, religion, physical or mental disability, political beliefs or affiliations or age<sup>5</sup>; and
- Shall not terminate the employment of any of their current employees or otherwise reduce its workforce either fully or partially (such as reduction in hours or benefits) with the intention of filling the vacancy with a Adults and Dislocated Worker participant or as the result of having a Adults and Dislocated Worker participant<sup>6</sup>; and
- Shall not allow the Adult and Dislocated Worker activity to result in the infringement of promotional opportunities of their current employees<sup>7</sup>; and
- Shall not allow the participant to be involved in the construction, operation or maintenance of any part of any facility that is used, or to be used, for religious instruction or as a place for religious worship<sup>8</sup>.

- **Employer of Record Requirements**

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<sup>3</sup> [20 CFR 680.195.](#)

<sup>4</sup> [U.S. Department of Labor, Employment and Training Administration, Employment and Training Letter \(TEGL\)19-16, March 1, 2017, p. 4.](#)

<sup>5</sup> [WIOA Sec. 188\(a\)\(2\).](#)

<sup>6</sup> [20 CFR 683.270.](#)

<sup>7</sup> [20 CFR 683.270.](#)

<sup>8</sup> [WIOA Sec. 188\(a\)\(2\).](#)

- The employer of record must carry workers' compensation to the extent available, and if the States workers' compensation law does not apply then insurance coverage must be secured for injuries suffered by the participant in the course of such work experience<sup>9</sup>; and
- Ensure that work experiences will be conducted in a safe and sanitary work environment; and
- Ensure that all work experience participants have adequate worksite supervision; and
- Must conduct a WIOA worksite orientation with the worksite employer and participant prior to the start date; and
- Complete the federal E-verify requirement within three (3) business days of the individual's hire/start date.

- **Maximum Hours**

A WIOA Adult or Dislocated Work Experience is allowable for up to 300 hours. However, Local WDBS may limit duration and the amount for an individual participant to less than the maximum hours. To determine the duration of a Work Experience activity, the following should be considered:

- The duration needed to acquire the skills or knowledge
- The objectives of the work experience
- The quality and benefit of the employer work activity
- The budget of the service provider

If upon completion of the maximum work experience hours the Local WDB determines that participant requires additional hours in order to be successful or to obtain unsubsidized employment, the Local WDB may extend the work experience hours up to an additional 240 hours provided that the following are met and documented.

- Updated Training Plan justifying new hours
- Updated EP
- Statement from the worksite Employer confirming the need for additional hours.

- **Compensation**

Participants enrolled in a paid work experience shall be compensated an hourly wage at not less than the State or local minimum wage. Participants shall be paid only for the hours worked during the work experience and should be documented on the participant's work experience time sheet. Work Experience participants are not authorized to work overtime, paid sick leave, vacation, and holiday.

- **Case management and Documentation**

The following must be completed and documented prior to the start date of the work experience;

- Comprehensive Assessment identifying the need and ability for a successful completion
- Employment Plan (work experience must align with the identified career pathway)
- Worksite Agreement
- Detailed Training Plan
- Time cards/sheets; and
- Case notes<sup>10</sup>

- **Monitoring Requirement**

The WIOA service provider's oversight of the paid and unpaid work experience participant's training and payroll records may be reviewed by Federal, State and local fiscal and program monitors. Such monitoring may include but not limited to on-site visits and phone/email communication with the employer/trainer and participant to review progress and provide technical assistance as needed.

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<sup>9</sup> [20 CFR 683.280.](#)

<sup>10</sup> [OWD Issuance 02-2017, Statewide Case Note Policy.](#)

**TIMELINE:**

**All Missouri Workforce System Staff** – Implementation of these rules.....**Immediate and Continuous**

**INQUIRIES:**

Please direct all questions or comments regarding this Issuance document to [dwdpolicy@dhewd.mo.gov](mailto:dwdpolicy@dhewd.mo.gov). All active Issuances are available at [jobs.mo.gov/dwdissuances](https://jobs.mo.gov/dwdissuances). Expired/rescinded Issuances are available on request.

*For information about [Workforce Development](#) services, contact a [Missouri Job Center](#) near you.*

*Locations and additional information are available at [jobs.mo.gov](https://jobs.mo.gov) or 1-(888)-728-JOBS (5627).*

*Missouri Department of Higher Education and Workforce Development is an [equal opportunity](#) employer/program.*

*Auxiliary aids and services are available upon request to individuals with disabilities. Missouri Relay Services at 711.*