



Missouri Department of Higher Education and Workforce Development

OWD Issuance 07-2019

Release Number—Program Year

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September 19, 2019
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Continuous, until further notice

SUBJECT:

Workforce Innovation and Opportunity Act (WIOA) Work Experiences for Youth Participants

ATTACHMENTS: None.

This Issuance is Official Policy of the Missouri Department of Higher Education and Workforce Development

ISSUING AUTHORITY:

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Director
Missouri Office of Workforce Development

THIS ISSUANCE MAY REQUIRE CREATION OR ALTERATION OF A CORRESPONDING LOCAL POLICY

KEYWORDS:

Internship, Job Shadowing, OJT, Pre-apprenticeship, WIOA, Work Experience, Youth

THIS ISSUANCE AFFECTS:

Missouri One-Stop Delivery System (MJC/AJCs)
WIOA Title I Local Areas/Local Boards/Local Plans
WIOA Title I Performance/Accountability
WIOA Title I One-Stop Delivery/Service Providers
WIOA Youth Workforce Investment Activities
WIOA Section 188 Nondiscrimination Issues
WIOA Fiscal/Administrative Procedures
State of Missouri Workforce System Procedures

FOR THE ATTENTION OF:

One-Stop frontline staff
Chief Elected Officials
Local Fiscal Agents
Local WDB Chairpersons
Local WDB Directors
One-Stop Operators
One-Stop Functional Leaders
Service Providers
Local Quality Assurance Monitors

RESCISSIONS:

DWD Issuance 11-2015, “Workforce Innovation and Opportunity Act (WIOA) Work Experiences for Youth Participants,” December 22, 2015.

REFERENCES:

Pub. L. 113-128 [[29 U.S.C. 3101, et seq.](#)].

[TEGL 21-16](#), “Third Workforce Innovation and Opportunity Act (WIOA) Title I Youth Formula Program Guidance” March 2, 2017.

SUMMARY:

This Issuance is written to transmit the Office of Workforce Development’s (OWD) Guidance on Work Experiences for WIOA Youth Participants.

BACKGROUND:

WIOA places a priority on quality Work Experiences for Youth participants. Local Workforce Development Boards (WDB) should develop and place WIOA Youth in Work Experiences that support their chosen career pathways, and facilitate their transition into employment and industries that are in-demand. This policy supports that objective.

SUBSTANCE:

With the goal of engaging WIOA Youth participants in meaningful work experiences, federal legislation requires Local Workforce Development Areas (LWDA) to utilize a minimum of 20 percent of their program funding for Work Experiences¹. TEGLs 8-15 and 21-16 provide clarification on allowable expenditures that may be counted towards the work experience requirement.

The work experience must be a planned, structured learning experience that takes place in a workplace for a limited period of time that provides the youth participant with opportunities for career exploration and skill development. **WIOA requires both an academic and an occupational education component in a Youth's work experience.** WDBs must take steps to ensure that work experiences support the participant's education and career goals as identified by the Youth's Individual Service Strategy (ISS). The educational component of work experience can be provided at the worksite or outside of the worksite; may be provided concurrently or sequentially to the youth employment at the worksite². Local programs may determine the most suitable type of educational component for the youth and the entity who will provide it.

Work experiences may be paid or unpaid, and take place in the private sector, non-profit sector, or public sector. All Fair Labor Standards Act regulations³, WIOA Section 181(b), Equal Opportunity (WIOA Section 188) guidance, and Child Labor Laws⁴ (when applicable) apply to WIOA Work Experiences. Funds provided for work experiences may not be used to directly or indirectly aid in the filling of a job opening that is vacant because the former occupant is on strike, or is being locked out in the course of a labor dispute, or the filling of which is otherwise an issue in a labor dispute involving a work stoppage.

Every Youth placed in a Work Experience must have:

- Detailed Training Plan, which outlines participant's job duties on the worksite and the skills to be learned.
- Service Notes that describe the timeframe, placement, and progress of Youth. This is imperative to support staff decisions.

WIOA outlines four types of Work Experiences suitable for the development and placement of enrolled Youth and Young Adults. These include: Pre-Apprenticeship programs, On-the-Job Training (OJT), Internships and Job-Shadowing, and Work Experiences available throughout the year, including summer employment.

Pre-Apprenticeship Program

Pre-Apprenticeship is defined⁵ as a program that includes a set of strategies developed to prepare individuals to enter a Registered Apprenticeship program, and has a documented partnership with at least one Registered Apprenticeship program. The U.S. Department of Labor highlights the characteristics required for Pre-Apprenticeship program. They include:

- Training provided to participants based on a curriculum that is consistent with and supported by industry standards and endorsed by the Registered Apprenticeship partner(s). The curriculum is designed to prepare Youth participants to enter one or more Registered Apprenticeship(s) programs.
- Approaches that seek to increase the number of participants that are from under-represented, low-skilled, and disadvantaged populations in a Registered Apprenticeship(s), thereby ensuring after Pre-Apprenticeship(s) completion the participant is considered for, and meets the minimum entry requirements to one or more Registered Apprenticeship program. Policies should include outreach efforts to under-represented populations in a Registered Apprenticeship(s), and educational, and pre-vocational efforts to increase the acceptance rate to a Registered Apprenticeship(s).
- Participants are provided with Supportive Services to increase the likelihood of Pre-Apprenticeship(s) completion.

¹ [TEGL 8-15](#), "Second Title I WIOA Youth Program Transition Guidance" November 17, 2015 and [TEGL 21-16](#) "Third Workforce Innovation and Opportunity Act (WIOA) Title I Youth Formula Program Guidance" March 2, 2017.

² [TEGL 21-16](#),

³ Pub. L. 113-128 [[29 U.S.C. 201, et. Seq](#)]

⁴ U.S. Department of Labor, "[Youth & Labor](#)"

⁵ [20.CFR 681.480](#) and in [TEN 13-12](#), "Defining a Quality Pre-Apprenticeship Program and Related Tools and Resources" November 30, 2012.

- Advocates for the utilization of Pre-Apprenticeship(s) program and Registered Apprenticeship(s) partners as a mechanism to develop a more skilled labor force.
- Training provided to participants that emulates real-life occupational conditions that meets the standards of the Registered Apprenticeship(s) partner, and meets federal and industry supervision and safety requirements. However, this training must not displace any paid employee.
- When possible, collaboration between Pre-Apprenticeship(s) program and Registered Apprenticeship(s) partner leads to direct entry into a Registered Apprenticeship(s) after completion of the Pre-Apprenticeship program(s). This would be documented through a formalized agreement.

Pre-Apprenticeships are a viable method to expose Youth participants to formal training that can lead to in-demand occupations. Although the skilled trades represent industries in which to establish a Pre-Apprenticeship program, WDBs are encouraged to explore relationships with industries not traditionally served through an Apprenticeship model. Participation in a Pre-Apprenticeship may meet the academic and occupational requirement for a Work Experience in those instances where a Youth is required to raise literacy levels to enter a Registered Apprenticeship. OWD supports strong affiliations with economic development agencies, labor management organizations, community colleges, and Registered Apprenticeship partners. Target populations for Pre-Apprenticeship programs are high school graduates, eligible veterans, women and minorities, youth with disabilities, and those with limited work experience or marketable skills.

On-the-Job Training (OJT)

OJT is a Work Experience that consists of occupational training provided to a participant through a contract with an employer. The employer receives reimbursement for the costs associated with the training and supervision of the employee. The Employer may be reimbursed up to 50 percent of the participant's wages while working under the OJT. OJT contracts with an employer should be limited to the duration necessary for the participant to become competent in the skills required to perform the position. In determining the time length of the Youth's OJT assignment, local staff must assess the Youth's interests, skills and abilities, must review the O*NET specific vocational preparation level of the trainee position, the skills and abilities of the Youth, and compare those skills/abilities and knowledge required by the Employer i.e., skills gap analysis. OJT Training Plans should be written based on the participant's career and occupational goals, the ISS, and prior work experience. Local Areas are strongly encouraged to place Youth participants in OJT opportunities that are in high-growth industries, supported by regional Labor Market Information. OJT employer agreements and Training Plans are to be developed, implemented, and monitored in accordance with the guidelines established in the OWD OJT Policy and Procedures Manual⁶.

An OJT employee must never replace an existing employee, and the participant's compensation should be equivalent to other workers employed in the same occupation by the employer but who are not recipients of OJT funding. Permanent, unsubsidized employment is the goal for those that successfully complete an OJT Training Plan. The local program operator must not consider a training agreement with an employer who has previously exhibited a pattern of failing to provide OJT participants with continued long-term employment with wages, benefits, and working conditions that are equal to those provided to regular employees who have worked a similar length of time and are doing the same type of work⁷. An OJT should target Older Youth and Young Adults, recent graduates of post-secondary schools and training programs, and eligible veterans. OJT is not to be utilized for Youth who have not reached age 18 and are not recipients of a high school diploma or its equivalent.

Internships and Job Shadowing

Internships are planned, learned experiences that are designed to be conducted in the workplace for a specific period of time. WIOA Youth can be placed at an Internship site in the private, non-profit, and public sector. It can be a paid or unpaid Work Experience. (There are specific U.S. Department of Labor Wage and Hour Division guidelines for unpaid internships, based on the Fair Labor Standards Act⁸. Only place Youth in unpaid internships that meet the criteria in the Division's Fact Sheet #71 [FS 71; April 2010; <http://www.dol.gov/whd/regs/compliance/whdfs71.pdf>].) With an Internship, participants are

⁶ [OWD OJT Policy and Procedures Manual](#)

⁷ [20 CFR 680.700\(b\)](#)

⁸ Pub. L. 113-128 [[29 U.S.C. 201, et. Seq](#)]

exposed to a work environment, have an opportunity to develop occupational skills, and increase their future employability. Internships allow WIOA Youth to utilize their academic experience in the work environment and prepare themselves for entry-level positions within a specific career pathway. A Training Plan for an Internship should be developed and agreed upon by the participant, employer, and career counselor. An Internship must be designed for a participant based on an identified career and occupational goal as identified in the Youth's ISS. While securing employment following the completion of the Internship is desirable, it is not a requirement. Youth participants that are enrolled in secondary or post-secondary schools or are recent secondary and post-secondary graduates should be targeted for Internships.

Job Shadowing is workplace-based career exploration. It allows the Youth an opportunity to follow and observe a professional employee who is working in the Youth's chosen career field. Job Shadowing is an effective mechanism to enable Youth the opportunity to gain exposure to a specific occupation or industry. Job Shadowing serves as a tool for the Youth participant to provide them a more adequate representation of the knowledge and capabilities required to perform a job and receive practical experience that exposes them to the work environment and the job conditions of an occupation in which they have an expressed an interest. Job shadowing is temporary, short-term, and an unpaid work experience opportunity. Primary targets for Job Shadowing opportunities include high school students, Youth with disabilities, and Youth with limited or no work experience.

Work Experiences, including Summer Employment

Work Experiences, including summer employment opportunities, are available throughout the Program year. These types of opportunities are recorded as one service. Local staff should always seek to place Youth participants in a work experience opportunity that is similar to their career interests or supports the career pathway documented in the Youth's ISS. It is important to note, however, there may be instances where this is not possible or it is a Youth's initial venture into the labor force. In those circumstances, local staff may find it necessary and practical to place the Youth at a worksite where the participant would not only secure work experience while earning wages, but also facilitate the development of job readiness skills that is fundamental to success in the workplace.

ROLES, RESPONSIBILITIES, and REQUIRED ACTIONS:

Effective immediately, all WDB Directors and Missouri Job Center Leadership should inform Frontline Workforce System Staff of these requirements.

All Frontline Workforce System Staff handling WIOA Youth enrollments and posting services into the electronic statewide case management system should immediately apply these requirements.

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. All active Issuances are available at 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 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.