

PUBLIC POLICY: NO. WIOA-06-2023

DATE: SEPTEMBER, 28, 2023

SUBJECT: PUBLIC POLICY ON WORK EXPERIENCE UNDER YOUTH, ADULT AND DISLOCATED WORKERS PROGRAMS.

REFERENCE: WORKFORCE OPPORTUNITY AND INNOVATION ACT (WIOA).
PUBLIC POLICY WIOA-PP-04-2023 OF AUGUST 17, 2023.

1. INTRODUCTION

Work Experience is a programmatic activity that may be offered to participants, which is identified as a career service for the Adult and Dislocated Worker Programs (Section 134(c)(2)(A)(xii)(VII) of the WIOA Act) and as an element of the Youth Program (Section 129(c)(2)(C) of the WIOA Act). In turn, Work Experience is conceived as a planned and structured learning experience that takes place in a workplace for a specific and limited period of time. In addition, Work Experience may be paid and unpaid and may be offered in the public, private or non-profit sector.

Work Experiences are designed to help individuals explore careers, establish a work history, demonstrate success in the workplace, and develop the skills that lead to entry and retention into unsubsidized employment. For this reason, it must be designed with the objective of increasing the employability of individuals.

The Work Experience activity should be particularly managed at individuals who:


- They have never worked;
- Have not had significant participation in the labor force or
- They have been out of work for a long period of time and their basic skills and good employment habits have been affected.

II. LEGAL BASE

- Workforce Opportunity and Innovation Act (WIOA), (Public Law 113-128, July 22, 2014) sections 129(c)(2)(C), 129(c)(4), 134, 181, and 188.
- Municipal Code of Puerto Rico (Law No. 107 of August 14, 2020, as amended).
- Administrative Bulletin No. OE-2022-034 of June 13, 2022, to Establish the State Labor Development Board and Repeal Administrative Bulletin No. OE-2014-064.
- 20 C.F.R. parts 680, 681, and 683 (August 19, 2016).
- TEGL 19-16 - Guidance on Services provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act (WIOA) and the Wagner-Peyser Act Employment Service (ES), as amended by title III of WIOA, and for Implementation of the WIOA Final Rule, (March 1, 2017).
- TEGL 21-16 – Third Workforce Innovation and Opportunity Act (WIOA) Title I Youth Formula Program Guidance, (March 2, 2017).
- DDEC-WIOA-02-20 - Youth Program Elements Technical Assistance Guide, (July 7, 2020).
- DDEC-WIOA-04-2022 Requirements for Job-Based Training Activities (WBT) under the Workforce Innovation and Opportunity Act (WIOA), (June 1, 2022).
- The Fair Labor Standards Act of 1938 29 U.S.C. § 203 et seq. (FLSA)(1938). - Plan Unified State 2020-2023.
- Child Labor Provisions for Nonagricultural Occupations under the Fair Labor Standards Act U. S. Department of Labor Wage and Hour Division Child Labor Bulletin 101 WH1330 REV 2016.
- TEGL 8-15 - Second Title 1 WIOA Youth Program Transition Guidance, (November 17, 2015).
- TEGL 23-14 - Workforce Innovation and Opportunity Act (WIOA) Youth Program Transition, (March 26, 2015).
- TEGL 13-12 - Defining a Quality Pre-Apprenticeship Program and Related Tools and Resources, (November 30, 2012).
- Policy No. WIOA-PP-04-2023 Work Experience under the Adult, Displaced Workers and Youth Programs Page 2 of 18.
- TEGL 13-16 - Guidance on Registered Apprenticeship Provisions and Opportunities in the Workforce Innovation and Opportunity Act (WIOA), (January 12, 2017).
- TEN 31-16 Framework on Registered Apprenticeship for High School Students, (January 17, 2017).

III. DEFINITIONS

1. **Work Centers:** Employers (sponsors) in the for-profit, not-for-profit, and public sector where the work experience takes place and who commit by agreement to help participants acquire skills that will help them find employment opportunities.
2. **Individual Service Strategy (ISS):** is an individual service plan designed specifically for each participant of the Youth Program and must be directly linked to one or more WIOA performance indicators, indicate the career pathway, include education and employment goals, appropriate achievement objectives and appropriate services for the participant taking into consideration objective evaluations Made. The ISS is used as a basic tool for documenting case management and as a guide for providing the right mix of services for the youth, including referrals to other programs.
3. **Work Experience:** A planned and structured learning experience acquired in a workplace for a limited period of time, and related to the participant's career path. Work experience may be paid or unpaid, as the case may be, and may take place in the public, private or non-profit sector.
4. **Internship:** A planned and structured learning experience that takes place in a workplace for a limited time and can take place in the public, private or non-profit sector. Internships must be directly aligned with the goal of the participant's long-term career path. In turn, they should be designed to promote participants' exposure to new careers, develop pre-employment, "soft" skills, occupational knowledge and technical competencies for people who are moving from education or training to a new industry or occupation, but who lack the necessary experience to obtain entry-level employment in the relevant field.
5. **Fair Labor Standards Act (FLSA):** The Fair Labor Standards Act is the law that establishes standards for minimum wage, overtime pay, and underage employment, affecting full-time and part-time workers in the private sector and in the federal government, as in state and municipal government.
6. **Job Shadowing:** Is a type of work experience that is designed to increase knowledge about occupational careers, help model young people's behavior through examples, and reinforce in young people the link and value between academic learning in the classroom and the requirements of a job. Work observation is a temporary, unpaid exposure to the workplace in an occupational area of interest to the participant. The experience can last from a few hours to a few weeks and in which you learn about a job by going through the workday in the shadow of a competent worker.

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7. **Individual Employment Plan (PIE):** Is an individualized career service developed jointly by the case manager/career planner and the participant as an ongoing strategy to identify employment goals, achievement objectives, and the appropriate mix of services for the Adult Program or Dislocated Worker Program participant to achieve their goals.
 8. **Pre-apprenticeship:** is a program designed to prepare individuals to enter and have success in a registered apprenticeship program and includes the following elements: (a) training and curriculum that fits the skill needs of employers in the state or regional economy; (b) access to educational and career counselling and other support services, direct or indirect; (c) practical and meaningful learning activities that are related to education and training, such as exploring career options and understanding how the skills acquired in the courses can be applied to a future career; (d) opportunities to earn at least an industry-recognized credential; and (e) a partnership with one or more registered apprenticeship programs that assist in the placement of individuals who complete the pre-apprenticeship program in a registered apprenticeship program program. For adults and displaced workers, pre-apprenticeship is considered as a training service.
 9. **Participant Record Information System (PRIS):** The PRIS is the tool for recording programmatic information for authorized participants under Title I (Youth, Adult, and Displaced Worker Programs) and Title III (Employment Service) of the Workforce Innovation and Opportunity Act (WIOA).
 10. **Career pathway: Means a combination of rigorous, high-quality education, education, training, and other services** that fits the skill needs of the industries of the state economy or regional economy concerned and prepares an individual to succeed in any of a full range of secondary or post-secondary education opportunities, including recorded learning.

IV. WORK EXPERIENCE FOR THE ADULTS AND DISLOCATED WORKERS PROGRAM

The work experience for adults and posted workers focuses on learning new transferable skills and improving their employability.

1. The Work Experience of the posted adults/workers should be included in the Individual Employment Plan (PIE) and in which reference should be made to the lack of skills and the need for training of the participant.

2. There are several types of Work Experience for adults and posted workers:
 - a) Work experiences;
 - b) Boarding schools;
 - c) Transitional jobs.
3. Internships and other types of work experience for adults and displaced workers do not require other career or support services except in the case of transitional employment.
4. There is no minimum percentage of funds for adults and displaced workers that can be spent on work experiences.
5. If the case manager determines that individualized career services, including internships and work experiences that are linked to careers, are appropriate for an individual to obtain or maintain employment, these services will be made available to the individual. The case manager must document the participant's need to complete a work experience and may use recent prior evaluations from other CGU/AJC partner programs to determine if individualized career services would be appropriate.
6. Work experience cannot be replaced by on-the-job training (OJT) activity, as they are aimed at eligible persons with different occupational needs and pursue different purposes.
7. A Posted Worker may have an employment experience after having been out of the labor market for a year or more. However, you cannot be given the Employment Experience in the same occupation you worked.

V. WORK EXPERIENCE FOR THE YOUTH PROGRAM

Activities under the Work Experience element of the Youth Program provide eligible participants with career exploration and skill development opportunities. Activities under the work experience element should be linked to the goals identified in the youth's Individual Service Strategy (ISS) and may include the following:

- Summer employment opportunities and other employment opportunities available throughout the school year;
- Pre-apprenticeship programs;
- Boarding schools;
- Job shadowing; and

- On-the-Job Training (OJT) as defined in section 3(44) of the WIOA Act and public policy DDEC-WIOA-04-2022.

A. 20% spending requirement

The Local Area must use at least 20% of its annual allocation per formula from Youth Program funds to provide "in-school youth" and "out-of-school youth" with paid and unpaid work experiences during the period (two years) at the local level. Local Boards must track funds spent on work experiences, including salaries and personnel costs for the development and management of work experiences, and report such expenditures as part of Youth Program expenditure reports.

B. DURATION OF THE ACTIVITY

A. Youth Program

The duration of the Work Experience for the Youth Program will be based on the needs of the participant and will be subject to the job description of the Occupation and the availability of the budget that is in effect in the fiscal year. In the **Youth Program In** will be able to carry out 80 hours of work and 20 hours of workshops. In the **Out-Youth Program**, they will be able to carry out 720 hours of work and 30 hours of workshops. These workshops should reinforce your personal and professional skills that will enable you to grow professionally.

In the case of the hours to do Internships and Internship in the private sector and / or government, 275 hours will be planned for the **Youth Program In**. These may be requested according to the need of the young women duly certified by the school director and / or authorized person. The Race Planner must fundamental the request in the files of the Participant's Case Management.

However, the Program Area in agreement with the Single Management Center and the Local Board Officer may create different types of maximum hours limits for each activity according to the need of the participant. Always ensuring the good performance of professional evolution of this. Always ensuring the availability of funds in the budget line for such purposes allocated to the Youth Program.

B. Adults and Dislocated Workers Program

The duration of Work Experience for the Adults and Dislocated Workers Program will not exceed the hours required in the Onet' Code according to the occupation to determine the amount. The participant will have a period not exceeding eight (8) months to complete the hours required for such purposes.

1. A work experience should not be offered for the development of long-term skills within the occupation, but rather as an entry step for the participant to explore the occupation, develop their skills, obtain a work history and references. For this reason, Work Experience should not exceed six (6) months to eight (8) months.
2. The duration of a pre-apprenticeship program can vary depending on the program and the sector for which it prepares people.
3. Upon completion of the Work Experience, the participant is expected to be prepared for unsubsidized employment. It will be determined by an evaluation if the participant developed the expected skills, as conceived in the PIE, after which, it will be placed in employment. Otherwise, the latter may receive other service. In such a case, the need for services must be reasonably substantiated in the participant's record. You will not be allowed to participate in the Work Experience activity again.

VI. SELECTION OF THE CENTER OR PLACE OF WORK

1. Placing a WIOA participant with the appropriate workplace is critical to the success of the activity. Workplace supervisors should have a clear understanding of the goals of the Work Experience and realistic expectations of the work outcome and productivity that a WIOA participant can demonstrate. The participant must have adequate supervision, like any other entry-level or entry-level employee.
2. Participants are not authorized to place participants in a Work Experience at the JLDL office, CGU/AJC or local area administrative offices, due to potential conflicts of interest.
3. WIOA funds cannot be used for work experience that promotes or supports the cultivation, manufacture, distribution, and dispensing of medical cannabis (medical marijuana) because the medical use of marijuana has not been accepted in federal jurisdiction and therefore medical cannabis centers in the federal sphere are illegal.

4. On the other hand, section 188 of the WIOA Act prohibits participants from working in the construction, operation or maintenance of a facility that is used mainly for religious instruction or worship. Work placements are permitted in faith-based community organizations, as long as the participant does not engage in inherently religious activities, such as religious worship, instruction, or proselytizing. In addition, Work Experience participants may only be placed in faith-based organizations that do not discriminate against an eligible person seeking help because of their religious convictions.

The Employer who receives the participants of the various programs for which the Local Area is subsidizing the activities must be guided by personnel of the Single Labor Management Center on this Public Policy and Work Experiences. (*Annex*)

VII. 20% SPENDING LIMIT FOR WORK EXPERIENCES IN THE PUBLIC SECTOR

A maximum expenditure of 20% of the employment experience funds of each Title I-B program (youth, adults, and dislocated workers) is established for placement in the public sector of the participant's Work Experience and required fringe benefits.

VIII. GENERAL PROVISIONS

1. Participants (adults, displaced workers, and youth) registered in a paid ET will not receive hourly compensation below the state or federal minimum wage, whichever is greater.
2. Participants will be paid only for hours worked, as documented in the attendance record.
3. A participant in any Work Experience activity must not displace any regular employee (as of the date of participation). This includes partial displacement, such as a reduction in working hours (other than overtime), wages, or job benefits.
4. Participants are not allowed to work overtime and cannot be compensated for:
 - a) Sick leave;
 - b) Holiday leave; and
 - c) A holiday recognized by the employer as a "paid holiday".
5. The employer shall provide participants employed in activities under Title I of WIOA with benefits and working conditions at the same level and to the same degree as other apprentices or employees working for a similar period of time and performing the same type of work as apprentices.

6. Work experiences that are used directly or indirectly to aid, promote or deter a trade union organization may not be provided.
7. Work Experiences cannot be provided that are used directly or indirectly to help fill a job that is vacant because the former occupant is on strike, or is blocked in the course of a labor dispute, or their occupation is an issue in a labor dispute involving a work stoppage.
8. Section 181(d) of the WIOA Act states that funds must not be used or proposed to:
 - a) Encourage or induce an enterprise, or part of it a business, to relocate from any location in the United States, if the move results in any employee losing his or her job at the original location;
 - b) No person may be placed in a work experience activity at any enterprise or part of a business that has relocated from any location in the United States, until the enterprise has operated in the new location 120 days or more, if the relocation has resulted in any employee losing their job at the original location.
9. Work Experience may not be used as a subterfuge and/or substitute for employment in the Public Service, subsidized by Title I WIOA funds.
10. The health and safety standards established under state or federal laws applicable to employer/sponsor conditions are equally applicable to participants in programs and activities under Title I of WIOA.
11. No person may be placed in a work experience if a member of that person's immediate family is directly supervised by or supervises that individual.

IX. DOCUMENTATION REQUIRED FOR COLLABORATIVE AGREEMENTS

The Local Area, on December 17, 2021, created Public Policy WIOA-06-2021 "***Public Policy to establish the Employment Experience Activity for Youth Programs. Adults and Dislocated Workers***" and all its amendments. So, for these purposes it must refer to such a document.

X. ACTION REQUIRED

The Executive Officer of the Local Board shall be responsible for informing the Executive Director and the Executive Director of the approval of the Public Policy for the latter to train the staff under their supervision and execute the policy as established.

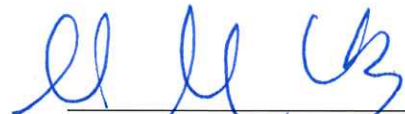
XI. EFFECTIVENESS AND APPROVAL

This Public Policy shall take effect immediately on the date of its approval by the members of the Local Labor Development Board and Board of Directors of Mayors of the Manati-Dorado Local Labor Development Area. Public Policy WIOA-01-2020 signed on April 23, 2020 and all its amendments, Public Policy WIOA-02-2020 signed on April 23, 2020 and all its amendments are repealed.

In Vega Alta, Puerto Rico, today 28 of September of 2023.



Josue Cruz Rivera
President
Local Workforce Development Board



Hon. Maria Vega Pagan
President
Board of Directors of Mayors

Note: In this document the masculine gender will be used to refer to both genders in a way that facilitates the reading of this. This style of writing is not intended to imply the supremacy of one gender over another.

CERTIFICATION ORIENTATION TO EMPLOYERS

I: _____, Program Services Manager and/or staff of the
Designated Center of the Single Management Center _____.

CERTIFY: I certify that the employer was oriented _____ WIOA-06-223
and Work Experiences for the proposal to be submitted under the
de _____ Program.

That the information described here in is faithful and accurate.

GIVEN: In _____, Puerto Rico, today _____ of _____ of 202_.

(Name of Manager)
Manager
Single Labor Management Center _____