



BURLINGTON COUNTY WORKFORCE DEVELOPMENT BOARD WIOA YOUTH WORK EXPERIENCE POLICY and INCENTIVE PAYMENTS

DATE: April 14, 2025

PURPOSE

The Burlington County Workforce Development Board, as the Governor’s chosen administrative entity for the Workforce Innovation and Opportunity Act in Burlington County, is authorized to issue interpretations and exceptions as supported by applicable law, rules, and regulations of the Workforce Innovation and Opportunity Act (WIOA).

Since 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. Based on this premise, the following youth work experience policy and procedures are established in accordance with WIOA Section 129, NJWIN 1-17, 20 CFR 681.600, and TEGL 21-16.

BACKGROUND

WIOA Sec. 129 lists the 14 required program elements that every local workforce development board must make available in their area. Included in these are the following: Paid and unpaid work experiences that have academic and occupational education as a component of the work experience, which may include the following types of work experience:

- Internships and job shadowing
- Summer employment opportunities and other employment opportunities available throughout the school year
- Pre-apprenticeship programs
- On-the-job training opportunities

POLICY

With the goal of engaging WIOA Youth participants in meaningful work experiences, the Burlington County Workforce Development Board will utilize a minimum of 20 percent of its program funding for Work Experiences. 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. The Burlington County WDB will take steps to ensure that work experiences support the participants' 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's employment at the worksite. Work experience may be paid or unpaid, and take place in the private sector, non-profit sector, or public sector. All Fair Labor Standards Act regulations, WIOA Section 181(b), Equal Opportunity (WIOA Section 188) guidance, and Child Labor Laws (when applicable) apply to WIOA Work Experiences. Funds provided for work experience 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 participants' job duties on the worksite, education components, and the skills to be learned.
- Service Notes that describe the timeframe, placement, and progress of the Youth. This is imperative to support staff decisions.

Pre-Apprenticeship

Pre-Apprenticeship is defined 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 the 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 who 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 programs. 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.
- 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 meet federal and industry supervision and safety requirements. However, this training must not displace any paid employee.
- When possible, collaboration between Pre-Apprenticeship(s) programs 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, the Burlington County WDB will explore relationships with industries not

traditionally served through an Apprenticeship model. Participation in a Pre-Apprenticeship may meet the academic and occupational requirements for Work Experience in those instances where a Youth is required to raise literacy levels to enter a Registered Apprenticeship. 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.

Apprenticeship

Apprenticeship is an employer-driven, “earn while you learn” model that combines on-the-job training (OJT) with job-related instruction in curricula tied to the attainment of industry-recognized skills standards. The employer typically provides OJT only, but in some cases may also provide RTI. WIOA funds may be used to support the classroom instruction as well as the OJT component. WIOA funds may also be used to provide supportive services to participants that help them succeed in apprenticeship programs.

NJ DOL recognizes two types of apprenticeship programs:

- Registered Apprenticeship Programs (RAPs), and
- Industry Recognized Apprenticeship Programs (IRAPs)

A key distinction between RAPs and IRAPS relates to the state list of Eligible Training Providers (ETPs), as WIOA grants RAPs automatic eligibility for the ETP list and exempts RAPs from ETP reporting requirements. IRAPs are not automatically eligible and may be added to state ETP lists by following the application procedures that all other providers must follow.

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, 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.

The Burlington County WDB will attempt 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 will be developed, implemented, and monitored in accordance with the guidelines established in the Burlington County WDB OJT Policy and Procedures Manual.

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 who successfully complete an OJT Training Plan. The Burlington County WDB will 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 work. OJTs will target Older Youth and Young Adults, recent graduates of post-secondary schools and training programs, and eligible veterans. OJT will not be utilized for Youth who have not reached the age of 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. WIOA Youth can be placed at an internship site in the private, non-profit, and the public sector. It can be a paid or unpaid Work Experience and will follow the U.S. Department of Labor Wage and Hour Division guidelines for unpaid internships, based on the Fair Labor Standards Act and ensure they meet the criteria in the Division's Fact Sheet: <http://www.dol.gov/whd/regs/compliance/whdfs71.pdf>

With an internship, participants are 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 Workforce Development staff. 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 who 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 with 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 expressed an interest. Job shadowing is a temporary, short-term, and 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.

Summer Employment Opportunities

Summer employment opportunities are work experience activities conducted mainly during the summer months. The Burlington County WDB requests that youth vendors 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, 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 are fundamental to success in the workplace.

Unpaid Work Experience

Unpaid Work Experience is an activity exposing participants to the work environment, and an individual does not expect payment for tasks performed. The use of unpaid work experience should be limited.

Incentives

20 CFR 681.640 states that incentive payments are permitted for recognition and achievement directly tied to training activities and work experiences. Incentive payments must be:

1. Tied to the goals of the specific program.
2. Outlined in writing in the ISS before the commencement of the program, which may provide incentive payments.
3. Align with the Burlington County WDB's policies, and
4. Are in accordance with and compliance with the requirements contained in 2 CFR part 200.

For example, Federal funds must not be spent on entertainment costs. Therefore, incentives must not include entertainment, such as movie or sporting event tickets or gift cards to movie theaters or other venues whose sole purpose is entertainment. Additionally, there are requirements related to internal controls to safeguard cash, which also apply to safeguarding of gift cards, which are essentially cash.

Incentives must be for the recognition of achievement of milestones in the program, tied to work experience, education, or training. This could include improvements marked by the attainment of a credential or its successful outcome. Use of incentives for recruitment, submitting eligibility documentation, or general participation in the program is not allowed with WIOA funds.

If the work experience is paid work experience, the Burlington County WDB does not allow incentives for the activity.

Worksite/Host Agreement

The Burlington County WDB will ensure that the youth provider has a written agreement to ensure compliance with WIOA and applicable regulations. The agreement is a written document that details the terms and conditions of paid and unpaid work experience and the expectations of the parties to the agreement. The written agreement is between the participant, the site employer, and the youth provider.

The Burlington County WDB will furnish the agreement with appropriate youth providers. Once completed, all parties should be given a copy of the agreement, with the original sent to Burlington County WDB.

The Agreement should not exceed the following:

- Each work experience is limited to a maximum of 160 clock hours and must not exceed 8 weeks in duration.
- Participants must be scheduled for a minimum of 20 hours per week.
- Wages must meet or exceed New Jersey’s minimum wage rate, with total earnings not to exceed \$2,560.00.

The Youth Provider must determine whether the work experience is a “training” or “employment”. A work experience is generally considered "employment" if it involves being paid a salary or wages, receiving benefits like health insurance, and having the right to leave the position. It's considered "training" if it's primarily focused on gaining skills or knowledge for a specific field, may be unpaid or partially paid, and is often part of a structured program like an internship or apprenticeship.

Here's a more detailed breakdown:

- **Key Factors of Employment:**
 - **Compensation:** Receiving a salary, wages, or other forms of payment for work performed.
 - **Benefits:** Often eligible for benefits like health insurance, retirement plans, and paid time off.
 - **Control:** The employer has the right to direct and control the work performed.
 - **Contract:** Typically involves a contract or agreement outlining the terms of employment.
 - **Legal Status:** Considered an employee with rights and protections under labor laws.

Examples: Full-time, part-time, or temporary positions in various industries.

- **Key Factors of Training:**
 - **Learning Focus:** Primarily focused on acquiring skills, knowledge, or abilities for a specific field.
 - **Structured Programs:** Often part of formal training programs like internships, apprenticeships, or educational placements.
 - **Compensation:** May be unpaid, paid a stipend, or paid at a lower rate than employees.

- **Limited Control:** The employer has less direct control over the training activities compared to employment.
- **Duration:** Typically, shorter in duration than employment.

Examples: Internships, apprenticeships, and on-the-job training programs.

Documentation

Documentation of the work experience must be maintained in the participant's record. Documentation must include, at a minimum, the following items:

- An objective assessment and ISS indicating a need for work experience.
- Justification for incentive/wages, and description of type of payment method and amount, if applicable.
- A copy of the agreement between the participant, the work site, and the youth vendor, which includes any attachments to the agreement, such as a training plan.
- Time and attendance sheets, and performance evaluation records.
- Documentation of receipt of incentives and supportive services received by the participant.

Payment

Stipends or wages must be reasonable and allocable and issued through a uniform payment system. Signed time and attendance sheets and performance evaluation updates must be received and reviewed prior to issuing payment to the participant. Wages must be equal to or greater than New Jersey's minimum wage.

Monitoring

The Burlington County WDB is responsible for ensuring oversight of work experiences. The Burlington County WDB will periodically monitor the participant and the worksite to ensure that goals are being met and adherence to this guidance and WIOA law and regulations.

REFERENCES

- WIOA Section 129
- NJWIN 1-17
- 20 CFR 681.600
- 20 CFR 681.640
- TEGL 8-15
- TEGL 21-16