



## WORK EXPERIENCE PROCEDURE FOR CRF PROGRAM

**Procedure Number: 2270**

**Effective Date:** April 4, 2024

This procedure is specifically designed for Work Experiences for the Community Reinvestment Fund Grant. Workforce Snohomish encourages the use of work experiences as a tool to help more job seekers become employed and move along career pathways. WFS may administer work experiences directly or issue a subaward to a community service provider to deliver them to participants.

Work experiences may be provided in the public, non- profit or private sectors. Work Experiences fall into two broad categories:

- **Work Based Training** defined as On-the-Job Training; and
- **Work Based Learning** defined as Internships.

### **General Requirements for all Work Experiences**

Work Experiences will only be provided to eligible and fully enrolled into the CRF program. Job seekers engaged in Work Experiences may be employed or unemployed.

- Provide job seekers with the information needed to make informed choices about their employment future and the Work Experiences necessary to support that future (e.g. skills assessment, labor market conditions and trends, training vendor performance). Such activities must be documented in case notes.
- Work Experience expenses must be ***reasonable, allowable and necessary*** to the job seeker's completion of services defined in the service plan in order to reach employment goals on a path to self-sufficiency.
- Participation in a Work Experience shall be for a reasonable length of time, based on the needs of the job seeker as documented in the service plan.
- Work experiences typically require the establishment of a contract or agreement with the business providing the experience, clearly stating roles, responsibilities, and expectations. Such agreements are specifically described in the procedures below.
- **Fair Labor Standards Act (FLSA) requirements apply to all Work Experiences.**
  - Job seekers enrolled in a paid work experience shall be paid an hourly wage at the same rate as similarly situated workers or trainees, but not less than the higher of the minimum wage prescribed under the FLSA or applicable State or

local minimum wage laws.

- Job seekers engaging in work experiences must not displace other workers.
- Failure to apply the FLSA may result in disallowed costs, audit findings and even legal action.
- Work Experiences may be combined with other services as needed to meet the needs of the job seeker. Work Experience expenses must be tracked separately from other expenses that are part of a job seeker participant support costs.
- All providers and their staff will avoid organizational and personal conflicts of interest as per the [Workforce Snohomish Conflict of Interest Policy](#) in the development and monitoring of Work Experiences

### **Additional Procedures Specific to Work Based Training**

Work Based Training is a “learn and earn” strategy; the job seeker is employed and earns a wage during the period that they are in training. There is an expectation that the job seeker will be retained upon completion of the Work Based Training.

- ***On-the-Job Training (OJT)*** is a “hire first” program where a business is reimbursed up to 90% of the wage rate of a new worker (defined as hired not more than 30 days prior to enrollment) for a set period of time to provide the training necessary for the worker to become fully skilled to perform the requirements of and be retained in a new job. OJT may also be provided for businesses to train current workers who are not earning a self-sufficient wage or wages comparable to or higher than wages from previous employment, to prepare these workers for the introduction of new technologies, introduction to new production or service procedures, upgrading to new jobs that require additional skills, workplace literacy, or other appropriate purposes.

While the reimbursement provided via OJT is based on a rate of reimbursement for job seekers wages during the training, OJT is not a wage subsidy program. The rate is only used as a mechanism to determine what the business will be paid for the training it provides.

Providers must use a WFS approved OJT Contract, to establish all on-the-job training assignments. The contract must include:

- Clarification that reimbursement to the business is to cover the extraordinary cost of training and supervision of the OJT participant. The business does not have to document this cost.
- A training plan with objectives that the job seeker must meet to complete the training.
- An attachment documenting the method used to determine the length of the OJT. The length of the contract includes the length of the training as well as an agreed upon retention period.
- The length of the training period is the time required for the job seeker to become proficient in the occupation for which the training is being provided. Consideration must be given to the skill requirements of the occupation, work history, academic and occupational skill levels of the participant.
- The rate of reimbursement and total amount the business will be reimbursed for

training.

- Total reimbursement for the OJT should not exceed \$25,000.
- A single contract may be used for several OJT trainees with a single business, provided the working conditions, job description, training plan, wage rates, and terms of the contract are the same for all participants covered by the contract.
- If a provider is administering the funds a Participant Responsibility form for each job seeker participating in an OJT must be completed.
- OJT contracts cannot be for occupations that
  - Do not require specific occupational training for employment;
  - Rely on tips, commission, or piecework as the principal source of compensation;
  - Are intermittent or seasonal occupations;
  - Are related to political, electoral, or partisan activities.

Providers **may not** enter into OJT contracts with business that:

- Have previously failed to provide OJT participants with wages, benefits, and working conditions that are equal to those provided to regular workers who have worked a similar length of time and are doing the same type of work.
- Have a pattern of failing to retain workers following completion of OJT contracts. A business that has not retained 2 or more OJT workers in the last year without reasonable cause for termination has a pattern of failing to retain workers.
- Have a high turnover rate or other indicators of a potentially negative work environment.
- Have relocated to the local area in the last 120 days, displacing workers in another state or another part of the state.
- Have laid off the job seeker or other workers from the same position for which the OJT is being provided;
- Are not up to date in unemployment insurance and workers' compensation taxes, penalties, and/or interest or related payment plan.
- Exceed the maximum ratio of one OJT participant to every four regular, unsubsidized workers.
- Intend to have a relative of the OJT participant supervise the OJT position. For the purpose of this policy, "relative" shall include mother, father, son, daughter, grandfather, grandmother, grandson, granddaughter, step-child, foster parent, foster child, mother-in-law, father-in-law, daughter-in-law, son-in-law, sister-in-law, and brother-in-law.
- Plan to train individuals previously employed by the business.

Providers must complete the OJT Employer Billing Information form when establishing an OJT.

- Businesses participating in OJT must maintain adequate time and attendance, payroll, and other records to support any invoice submitted to the sub-recipient. Invoices will be made using the OJT Invoice Progress Report form and supporting documents (i.e. Timesheets) must be submitted at agreed upon intervals, but not less than twice during the contract period – once at the

completion of training and once at the completion of the retention period. Businesses may only be reimbursed for the training period as long as the OJT participant is making adequate progress on the training plan. Reimbursement cannot be made for

- Work performed outside the term of the contract or during periods of work stoppage (e.g., strikes, holidays, vacation, sick leave, weather, or other emergency-related closing).
- Overtime, shift differential, premium pay, and other non-regular wages. This does not preclude a participant from working such hours, only for reimbursing the business based on these activities.
- Providers are prohibited from charging a fee to a participant for referral to or placement into an OJT position.
- Each OJT contract will be monitored by the provider through on-site visits of sufficient regularity to ensure the propriety of reimbursement claims and the provision of training as specified in the contract.

### **Additional Procedures Specific to Work Based Learning**

**Work Based Learning Experiences** must be provided to participants that were hired not more than 30 days prior to enrollment. These are planned, structured experiences that take place in a public, private or nonprofit workplace for a limited period of time to promote the development of good work habits, basic work skills, and, as appropriate, an ethic of service for job seekers who:

- Have never worked,
- Have very limited exposure to the world or work or are entering a new field of work,
- Have been out of the labor force for an extended period of time, or
- Are currently unable to obtain employment due to general economic conditions.

The type(s) of Work Based Learning in which a given job seeker is engaged must be based on the needs and skills of the job seeker and be developmentally appropriate given the job seeker's age, career awareness, and related experiences.

- ***Paid Internships:*** If an intern is engaged in the operations of the employer or is performing productive work (for example, filing, performing other clerical work, or assisting customers), then the fact that the intern may be receiving some benefits in the form of a new skill or improved work habits will not exclude them from the FLSA's minimum wage and overtime requirements because the employer benefits from the interns' work. In such cases the intern should be paid by the employer based on hours worked recorded in a time sheet provided by the employer, and receive pay and other benefits at a level comparable to employees performing similar work. The employer may be the provider or other partner. The total cost of a paid internship should not exceed \$16,000.00, unless otherwise approved by the provider lead. Factors for making such a determination would include the length of the internship and the wages paid to other workers doing the same type of work.

Providers must enter into an Internships Agreement with the business providing the internship. The agreement should describe the length and learning objectives of the internship as well as any requirements of business or intern. It should clearly specify the hourly rate, and how the intern's participation will be tracked (using time sheets and learning objectives for paid interns, only learning objectives for unpaid internships).

Providers should only enter into internships with reputable businesses that clearly understand that internships are a tool to support the job seeker's learning rather than a way to meet specific business needs.

### **Additional Provider Responsibilities**

- Review and approve all Work Experience contracts and agreements.
- Approve any expenditure in excess of the limits set out in this procedure, where such excess expenditures are allowable.
- Maintain a mechanism for obligating and re-obligating funds.
- Maintain records of time and attendance and employer reimbursement.
- Track all Work Experience reimbursement and expenditures by job seeker.
- Ensure all records of eligibility and associated documents, time and attendance records, employer reimbursement information, and all progress reports for a given job seeker are maintained in case notes and participant file; and
- Provide any and all Federal, State, County, and Workforce Snohomish monitors and auditors with access to such records given reasonable notice.