

**West Central Arkansas Workforce Development Board**  
**Larry Carr, Chairman**  
**P O Box 6409, Hot Springs, AR 71902**

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**Adult and Dislocated Worker Work Experience**

**Policies and Procedures**

**Purpose**

To provide policy direction and guidance for the implementation of Work Experiences (WEXs) for WIOA eligible Adults and Dislocated Workers as an individualized career service within Career Services. WIOA provides for a workforce system that is job-driven. The WEX program provides work experience to assist individuals in establishing a work history, demonstrate success in the workplace, and develop skills that lead to stable employment.

**References**

ADWS Policy 1.2	CFR 680.190	TEGL 19-16, Change 1
ADWS Policy 3.1	CFR 680.830	WIOA Sec. 116(b)(2)(A)(i)
ADWS Policy 3.8	CFR 680.840	WIOA 134(c)(2)(A) (xii)(VII)
CFR 680.170	CFR 683.270	WIOA Sec. 188(a)(2) and (3)
CFR 680.180	CFR 683.280	

**Policy**

A Work Experience (WEX) opportunity may be provided as an individualized career service to enrolled Adults and Dislocated Workers who have met the priority of service requirements. The WEX must be part of the individual employment plan.

The WEX worksite may be in the private-for-profit sector, the non-profit sector, or the public sector. An internship or other work experience may be paid or unpaid, as appropriate. The WIOA service provider furnishes wages, which are then directly disbursed to the participant. This established an employer-employee relationship between the service provider and the participant undergoing work experience. Labor standards apply in any WEX where an employee/ employer relationship exists, as defined by the Fair Labor Standards Act. Employers are not monetarily compensated. A WEX is not designed to replace an existing employee or position. A WEX must not impair existing contracts for services or collective bargaining agreements. A WEX participant may not be employed or assigned to a job if:

- 1) Any other individual is on layoff from the same or any substantially equivalent job;
- 2) The employer has terminated the employment of any regular, unsubsidized employee or otherwise caused an involuntary reduction in its workforce with the intention of filling the vacancy so created with the WIOA participant; or
- 3) The job is created in a promotional line that infringes in any way on the promotional opportunities of currently employed workers as of the date of the participation.

**Policy Guidelines**

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**A Work Experience (WEX) may consist of:**

- Planned and structured learning experience that takes place in a workplace for a limited period of time. The WEX will contribute to the achievement of the participant's employment goals listed in the individual employment plan through a measurable training component.
- Individuals establish a work history, demonstrate success in the workplace, and develop the skills that lead to entry into and retention in unsubsidized employment.
- Agreements signed by all parties prior to the start of the WEX.
- A single WEX Agreement written for group training with a single training site provided the working conditions, job description, training plan, wage rates and terms of the Agreement are the same for all participants covered by the Agreement.
- WEX agreements may be modified. All modifications must be in writing and signed by all parties prior to the effective date of the modification. Verbal modifications of WEX agreements are not valid.

**Types of Work Experiences:**

Option A: Work Experience – Paid work experience is a planned, structured learning experience that takes place in a workplace for a limited period of time, and is often needed for individuals with barriers to employment in order to enter or re-enter the workplace. Work Experience is for organizations who agree to train individuals with barriers to employment and to help them find unsubsidized jobs. Career advisors will help identify businesses, determine eligibility, and needed services for participants, and provide case management and follow-up services. Wages to be paid will be proposed by the employer, but they may be negotiated by the employer and the program provider as appropriate. All regulations and guidance in ADWS Policy No. WIOA I-B – 3.8 must be followed.

Option B: Paid Internships – Paid internship is a type of work experience and therefore is a planned, structured learning experience that takes place in a workplace for a limited period of time and leads to a career. Interns in this program must be unemployed individuals who are determined eligible for the Adult or Dislocated Worker program. Interns must be attending occupational classes in the fields of their internships. The occupational training must lead to a recognized credential. Career advisors are responsible for determining the eligibility of participants for the program, their eligibility for training services, the eligibility of the training program, and the appropriateness of the training program and the workplace for the participant. Each intern will be paid up to 20 hours per week for up to one year while working in a position that provides training in a field for which the intern is attending occupational

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training. The coordination of funding and the rate of pay to the intern will be determined before the contract is issued to the employer. ADWS Policies WIOA I-B – 3.3 (Occupational Skills Training) and 3.4 (Work Experience) must be followed.

Option C: Unpaid Internships – Unpaid internship is a type of work experience and therefore is a planned, structured learning experience that takes place in a workplace for a limited period of time and leads to a career. Interns in this program must be unemployed individuals who are determined eligible for the Adult or Dislocated Worker program. Interns must be attending occupational classes in the fields of their internships. The occupational training must lead to a recognized credential. Career advisors are responsible for determining the eligibility of participants for the program, their eligibility for training services, the eligibility of the training program, and the appropriateness of the training program and the workplace for the participant. Each intern may work up to 20 hours per week for up to one year while working in a position that provides training in a field for which the intern is attending occupational training. The coordination of funding and the rate of pay to the intern will be determined before the contract is issued to the employer. ADWS Policies WIOA I-B – 3.3 (Occupational Skills Training) and 3.4 (Work Experience) must be followed.

**Compensation:** Participants enrolled in a paid WEX will be compensated at the comparable rates of pay for other individuals employed in similar occupations by the same employer. In no case will participants be paid lower than the current minimum wage, as applicable based on the location of the WEX site where the employer is located, and the participant is working.

- WEX participants are not authorized to work overtime.
- WEX participants will not be paid for vacation time, lunch breaks, or holidays recognized by the service provider as a “paid holiday.”
- When determining the hourly wage for a WEX participant, the following considerations should be taken into consideration. This list is not intended to be all inclusive:
  - Comparable rates of pay for other individual employed in similar occupations by the same employer.
  - Objectives of the WEX.
  - Type of work performed during the WEX.
  - Skill set of the participant.
  - Skill set required for the WEX; and/or
  - Service provider budget.

**WEX Funding/Duration Limits:**

- WEX is subject to a maximum 40 hours a week. If the participant does not work 40 hours in a given week, the remain time not worked cannot be carried over to the next week.
- Internships will be based on individual activity requirements.
- The maximum funding limit on WEX will be \$8000.
- The maximum duration of WEX allowed will be 12 weeks, unless an extension is requested

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by the worksite. If the worksite submits a signed agreement to hire the participant, an additional 4 weeks of training may be extended. The extension must be approved by the Administrative Entity.

- WEX that is developed specifically for a person with a disability may be written for a period of time necessary for the participant to achieve the competencies listed in the WEX Learning Plan

**WEX Review and/or Monitoring:**

- WIOA program staff must ensure regular and on-going review of the WEX. The career advisor's review may be done through meeting with worksite supervisor and participant to review the participant's progress in meeting training plan objectives.
- Any deviations from the WEX agreement should be dealt with promptly.
- The WIOA program operator's oversight of the WEX participant's training and payroll records may be reviewed by Federal, State and local fiscal and program monitors. These entities will have the right to access, examine and inspect any site where any phase of the WEX program is being conducted.
- The service provider will maintain its records and accounts in such a way as to facilitate the audit. Records must be maintained for three (3) years after the data validation has been completed by the State.

**Other items:**

- Before a participant can be placed at a worksite where he/she has immediate family (biological, in-law, or adopted), approval must be granted in writing/e-mail by the WIOA Coordinator of WCAPDD, Inc. For purpose of this provision, the terms "immediate family" shall include, spouse, parent, son, daughter, brother, sister, grandparent, or grandchild.
- Services performed for wages paid as part of a work-training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision are exempt from UI contribution coverage. Since the wages are exempt from coverage, they cannot be used to set up an unemployment insurance claim.
- Since no policy can be all inclusive, any additional items, requirements or decisions for WEX not addressed in this policy must be approved in writing/e-mail by the Program Services Coordinator.

**Transitional Jobs:**

WIOA permits local areas to offer transitional jobs which are limited work experiences, that are

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subsidized and for those individuals with barriers to employment because of chronic unemployment or inconsistent work history. There are limits on the amount of funds local areas may use. WCAWDA has not authorized the use of this activity at this time.

*Any discrepancies arising between WCAWDB policy and or procedures with federal and state provisions due to current or future revisions will default to the current minimum federal and state regulations and guidance available. WCAWDB policy and or procedures may set forth stricter requirements than provided by federal and state guidance, but in no case will WCAWDB policy and or procedures not meet minimum federal and state policy.*

Larry Carr  
Larry Carr, Chair

4-14-22  
Date

Approved on: 4-14-22

WDB is an equal opportunity employer and provider of employment and training services. Auxiliary aids and services are available upon request to persons of disability.