

CONEXIÓN

LABORAL

ÁREA LOCAL SURESTE

PUBLIC POLICY NO: 54-A

DATE: November 14, 2024

SUBJECT: Public Policy on Work Experience of the Adult, Dislocated Worker and Youth Programs

ADDRESSED TO: Members of the Local Board, Executive Director, One-Stop Career Center Director, Title I-B Program Director, One-Stop Career Center and Service Providers Officials

PURPOSE: Establish Public Policy to implement Work experience Activity under the Adult, Dislocated Worker and Youth Programs. Also, this policy establishes the use of work agreements and documentation requirements for the Work Experience

JURISDICTION: This Public Policy applies to Southeast Local One-Stop Career Center System integrated by the municipalities of Humacao Juncos, Las Piedras, Maunabo, Patillas, San Lorenzo, and Yabucoa.

I. LEGAL BASE

- Workforce Innovation and Opportunity Act (WIOA), (Public Act 113-128, July 22, 2014) sections 129(c)(2)(C), 129(c)(4), 134, 181, and 188
- 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 – *Guidance on Technical Assistance for the Youth Program Elements* (July 7, 2020)
- 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)
- TEN 13-12 - *Defining a Quality Pre-Apprenticeship Program and Related Tools and Resources*, (November 30, 2012)
- 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)
- Public Policy WIOA-PP-04-2023 – Workforce Development State Board –Work experience under the Adult, Dislocated Worker and Youth Programs

II. DEFINITIONS

1. **Work Centers:** The employers (sponsors) of the for-profit, nonprofit private sector and public sector where the work experience is carried out, which commit themselves through an agreement to help participants to acquire skills aimed at helping them find job opportunities.
2. **Transicional Job:** It provides work experience limited to individuals that present work barriers due to chronic unemployment or an inconsistent work history. It can be an effective solution for individuals that need to obtain an work experience that otherwise they would not be able to obtain. It is aimed at enabling participants to establish a work history and develop skills that allow them to obtain and retain an unsubsidized employment.
3. **Individual Service Strategy (ISS):** This is an individual service plan specifically designed for each participant of the Youth Program that must be directly linked to one or more WIOA execution indicators; indicate the professional pathway (career pathway); include the education and employment goals, objectives of appropriate achievements, and the adequate services for the participant taking into consideration the objetives evaluations conducted. The ISS is used as a basic instrument to document case management as a guidance for the delivery of the adequate combination of services for the youths, including referrals to other programs.
4. **Work experience:** Planned and structured learning experience that is acquired in a work center during a limited time, and is related to the participant's professional pathway. Work experience can be paid or nonpaid, according to the case, and can take place in the public, private or nonprofit sector.

5. **Internship:** Planned and structure learning experience that takes place in a work center during a limited time be it in the public or private sector or a nonprofit place. The internships must be directly aligned with the participant’s professional long-term career pathway. Also, they must be designed to promote the exposure of participants to new careers; develop the skilled possessed previous to the work experience; “soft” skills; the occupational knowledge and the technical competences for the persons that are passing through the education or training to a new industry or occupation, but lack of the necessary experience to obtain a job at the entry level in the corresponding field.
6. **Fair Labor Standards Act (FLSA, for its English acronym):** The Fair Labor Standards Act is the act that establishes norms for the minimum wage, overtime pay, and minors employment, which affects full-time and part-time workers in the private sector and the federal government, as well as in the state and municipal government.
7. **Job shadowing:** It is a type of work experience that is designed to increase the knowledge on occupational careers; help model youth behavior by means of examples; and reinforce in the youths the link and value between the academic classroom learning and job requirements. Job shadowing is a nonpaid temporary exposure to the workplace in an occupational area of interest for the participant. The experience can last from hours to weeks while learning on a job by following (shadowing) the labor day of a competent worker.
8. **Individual Employment Plan (PIE):** It is an individualized career service developed jointly by the case manager/career planner and the participant as an ongoing strategy to identify the employment goals, achievement targets, and the appropriate service combination so that the participant of the Adult, or the Dislocated Worker Programs achieve their goals.
9. **Pre-learning:** It is a program designed to prepare individuals to enroll and succeed in a registered learning program that includes the following elements: (a) training and study plan that is adapted to the skill needs of employers in the state or regional economy; b) access to educational and career counselling and other support direct or indirect services; c) practical and significant learning activities that are related to the education and training such as exploring professional options and the understanding of how these competences acquired in the courses can be applied to a future career; (d) opportunities to obtain at least an industry-recognized credential; and (e) getting associated with one or more registered pre-learning programs that help individuals that complete the pre-learning program get positions in a registered program. For the adults and dislocated workers, pre-learning is considered a training service.
10. **Participant Record Information System (PRIS):** PRIS is the register tool of the participants’ programmatic register information authorized under Title I (Adult, Dislocated Worker and Youth Program) and Title III (Employment Service) of the Workforce Innovation and Opportunity Act (WIOA).
11. **Career or professional pathway (career pathway):** It means a combination of rigorous, high-quality education, training, and other services that adjusts to the qualification needs of the

industries of the state or regional economy concerned and prepares an individual to succeed in any of a full range of secondary or postsecondary educational opportunities, including registered apprenticeship.

III. BACKGROUND

Work experience (EE) is a programmatic activity that can be offered to the participants, which is identified as a career service for the Adult and Dislocated Worker Programs (section 134(c)(2)(A)(xii)(VII) of WIOA) and as an element of the Youth Program (section 129(c)(2)(C) of WIOA). In turn, EE is conceived as planned and structured learning experience that takes place in a workplace center during a specific and limited period of time. Also, EE may be remunerated or nonremunerated and can be offered in the public, private or nonprofit sector.

Work experience is designed to help people explore careers; establish a work history; demonstrate success in the workplace; and develop those skills that lead to the entry and retention in a nonsubsidized employment. For this reason, work experience must be designed with the objective of increasing the employability of individuals.

The EE activity must be particularly addressed to individuals that:

1. never worked
2. have not had a significant participation in the workforce, or
3. have been unemployed for a long period of time, and whose basic skills and good working habits have been affected.

IV. PUBLIC POLICY

In compliance with WIOA-PP-04-2023 Public Policy, approved by the Local Workforce Development Board on August 17, 2023, we issue the following public policy:

A. Work experience for Adults and Dislocated Workers

The work experience for the adult and dislocated workers is focused on learning new transferable skills and in improving their employability.

1. The adult/dislocated workers EE must be included in the Employment Individual Plan (PIE, for its Spanish acronym), in which reference to the lack of skills and the need of training of the participant must be made.
2. There are various types of EE for adults and dislocated workers, namely:
 - a. Work experiences
 - b. Internships

c. Transitional jobs¹

3. Internships and other types of work experience for adults and dislocated workers do not require other careers or support services, except in the case of transitional employment.
4. There is no minimal percentage of funds for adults and dislocated workers that may be spent in the work experiences.
5. If the Career Planner determines that individualized career services, which include internships and work experiences that are linked to careers, are appropriate for an individual to obtain or maintain an employment, these services will be made available to the participant. The case manager must document the participant's need to complete a work experience and may use previous recent reviews of other CGU/AJC partners' programs to determine if the individualized career services would be appropriate.
6. Work experience cannot be substituted for the On-the-job training (OJT), since these programs are targeted to the eligible persons with different occupational needs, and they aim to different purposes.

B. Youth Program Work Experience Element

1. The activities under the Youth program work experience element provide the eligible participants with opportunities to explore careers and skills development.
2. The activities under the work experience element must be linked to the goals identified in the Individual Service Strategy (ISS, for its English acronym) of the youth, and may include the following:
 - a. Summer job opportunities and other employment opportunities available throughout the school year
 - b. Pre-learning Programs
 - c. Internships
 - d. Job shadowing, and
 - e. On-the-job training (OJT), as defined in section 3(44) of WIOA and Public Policy DDEC-WIOA-04-2022.

C. EE Occupational-academic component

Local areas must offer paid and nonpaid work experiences to those youth that have the academic as well as the occupational education component. The academic and occupational component refers to the contextual learning that accompanies the work experience. It includes the necessary information to understand and work in industries and or specific professions. What follows are examples of the academic and occupational component:

- a. A retail salesperson may require to learn the following professional skills: greet clients, recommend, select and help localize merchandise, calculate sales price, and stock shelves. The main academic skills that must be learned include: marketing strategies, calculating money change, and acquiring product knowledge.
- b. A shelf stocker or stocker may require to learn the following professional skills: completing order receipts, obtaining merchandise from the containers or shelves, reading the orders to determine the size, color or quantity, placing items on the shelves. The academic skills that they must learn include the following: understanding the inventory calculation methods FIFO (first in - first out), understanding the current customers base, Microsoft Office, properly lifting items, and understanding quality standards, among others.

In the case of internships the participant must have completed recently, or will complete soon, a training or education program including and ITA or an occupational skills training in a determined sector. Also, the participant must have a need to acquire a practical work experience in order to be able to access a job position related to their training or education field.

D. 20% expending requirement – Youth work experience element

The Local Workforce Development Boards (JLDL, for its Spanish acronym) must use at least 20% of its annual allocation formula of the youth program funds to provide the in-school and out-of-school youths paid and nonpaid work experience during the two (2) year effective period at a local level. The Local Boards must give follow up to the funds spent in the work experiences, including the salaries and personnel costs for the development and management of the work experiences, and inform of said expenditures as part of the Youth Program expenditure reports.

E. Skills analysis/development of training plan of the work experience activity for Adults, Dislocated Workers and Youthⁱⁱ

1. The Career Planner (Case Manager) must conduct an individualized analysis in order to determine the skills the participant needs to acquire. Skills that the participant may have acquired from previous work experience are potentially transferable and may be

used in any occupation, independently from the type of work. The transferable skills are different from the competences related to the work, which are usually used only in one type of work.

2. The participant's previous work history regarding the skills acquired and transferable must be compared with the work skills/job description that the employer requires for the EE occupation. The resulting skills gap will be the base for the EE development.
3. There are various evaluation tools that the Case Manager can use to conduct an analysis of the skills need and to provide an adequate documentation of the process used to develop the PIE or the ISS. For example, the web pages [O*NET Online](#) and www.myskillsmyfuture.org were developed by the Department of Labor of the United States and include the analysis of the required skills in various occupations.

F. Selection of the center or workplace

1. A combination of public, private, and nonprofit employers, which provides job opportunities throughout the year will contribute to satisfy the participants' needs.
2. Placing a WIOA participant in the appropriate work center is fundamental for the activity to be successful. The work center supervisors must clearly understand the objectives of the EE and the realistic expectations of the work outcomes and the productivity that a WIOA participant may show. The participant must have an adequate supervision, as any other employee at an entry level.
3. Through this policy placing participants in a EE in the office of the JLDL, the CGU/AJC, or the administrative offices of the local area is unauthorized due to possible conflict of interests.
4. The WIOA funds cannot be used for work experience that promotes or supports farming, manufacturing, distribution and dispensing of medicinal cannabis (medicinal marijuana) because in the federal jurisdiction the marijuana medicinal use has not been accepted and, therefore, the medicinal cannabis centers in the federal sphere are illegal.
5. On the other hand, section 188 of the WIOA prohibits participants working in the construction, operation or maintenance of an installation that is used mainly for religious instruction or religious cult.
6. Workforce practices are allowed in faith-based community organizations provided that the participant does not participate in activities inherently religious, such as a religious cult, instruction or proselytism. Also, the employment experience participants can only be placed in faith-based communities that do not discriminate against an eligible person who is looking for help due to their religious convictions.

G. Agreements with the work center sponsor

1. In paid work experiences, it is usually the local area (service provider or workforce development system partner) that disburses payment for working hours to the participant. Therefore, the employer-employee relationship will be between the local area (service provider or partner program) and the participant.
2. The contractual relation between the business, agency, or organization where the EE takes place in the local area (from now on the sponsor) will occur through work agreements, complying with the federal, state, and municipal code, as applicable.
 - a. The purpose of the work center agreement is establishing a formal training relation with a work center; specify the responsibilities of each part of the agreement and provide a successful and enriching EE for the WIOA participant.
 - b. The work center agreement must articulate the learning that will take place, the EE term, and the academic and occupational competences that will be obtained.
 - c. The work center agreement must be completed and signed before the commencement of the EE.
 - d. Documentation evidencing that the work center sponsor received formal training about what the EE means must be provided.
 - e. An agreement for a group of participants that work in the same sponsor workplace can be drawn up, provided that the work conditions, the job description, the work salary, and the agreement terms are the same for all the participants that are covered, and that the job placement adjusts to PIE/ISS and each participant's training.
 - f. The work center and employer/sponsor will present the following documents:
 - Employer's Social Security
 - Liability Insurance – that covers their participants while they are active in the work experience
 - Copy of the Single Permit
 - If the employer is incorporated, a copy of a Good Standing Certificate issued by the Department of State.

These minimal required documents apply only when the local area or service provider is who pays the salary to the participants from the different types of work experience, not the employer that acts as a sponsor of the work center.

H. Duration of the work experience activity

1. A work experience cannot be offered for long-term skills development within the occupation, but as an entry step so that the participant explore the occupation, develop their skills, obtain a work history, and work references. For that reason, the EE cannot exceed of six (6) months or 700 hours, what occurs first for the Adult, Dislocated Worker and Out-of-school Youth Programs. Regarding the in-school youths, a maximum of 300 hours is authorized. Exceptions to this activity duration limitation can be made; therefore, all the exceptions must be reasonably backed up in the PIE or ISS.
2. The JLDLs, in light of the Career Planners experience, can establish limits or expand the duration terms herein provided, subject to the clientele's needs to be serviced in their respective local areas; the skills that the participants will acquire through the EE, disposing that in any case the duration of the EE cannot exceed of one year. Each particular case will be referred to the attention of the Local Board or the committee designated by the same.
3. Duration of a pre-learning program can vary according to the program and sector for which the persons will be prepared. Therefore, exceptions to the six-month limit can be considered.
4. Once the EE is completed, it is expected that the participant is prepared to obtain a nonsubsidized employment. It will be determined through an evaluation if the participant developed the expected skills, as conceived in PIE, after which the participant will be placed in a job. On the contrary, the participant can receive other service(s). In such a case, the need for services will be reasonably backed up in the participant's record. **Participating in the EE activity will not be allowed again.**

I. 20% spending limit for work experience in the public sector

Through this policy a 20% maximum spending limit for the work experience funds of each Title I-B program (youths, adults and dislocated workers), will be set for job placement in the public sector.

J. General provisions

1. The participants (adults, dislocated workers and youth) enrolled in a remunerated EE will not receive hourly compensation less than the state or federal minimum wage, whichever is greater. Participants will receive remuneration only for the worked hours, according to what is recorded in the attendance register of the EE participant and the required fringe benefits. Participants will not be authorized to work overtime and cannot be compensated for:

- Sick leave

- Vacation leave, and
 - A holiday recognized by the employer as a “paid holiday.”
2. The employer/sponsor must provide participants employed in activities under Title I-B of WIOA, benefits and working conditions at the same level and the same grade than other novices or employees working for a similar period of time and who are doing the same type of work as them.
 3. The employer/sponsor must provide participants an appropriate working environment which includes, but is not limited to, appropriate health and safety conditions, equipment, materials, etc.
 4. The employer/sponsor must guarantee that has enough work for the participant, that will provide adequate supervision and will cooperate with the Local Area or sub-recipient of the WIOA funds to achieve the goals set for the participant.
 5. Work experiences that are directly or indirectly used to help, promote, or dissuade a labor organization cannot be provided.
 6. Work experiences that are used directly or indirectly to help fill a job position that is vacant, because the former occupant is in strike, or is locked out in a course of a labor dispute, or their occupancy is a problem in a labor dispute that implies a work stoppage.
 7. Work experience cannot harm service contracts or existing collective bargaining agreements, unless the corresponding labor organization and the employer consent in writing before the commencement of the activity.
 8. Section 181(d) of WIOA establishes that funds cannot be used or proposed to:
 - a. Promote or induce an enterprise or part of it to make a transfer from any place in the United States, if the transfer results in the lost of the job of the employee in the original place.
 - b. No person can be placed in a work experience activity in any enterprise or part of an enterprise that has been relocated from any place in the United States until the enterprise has operated in the new place for 120 days or more, and its relocation has resulted in the lost of the job of any employee in the original place.

9. The EE cannot be used as a subterfuge and or a substitute for employment in the public service funded with Title I of WIOA.
10. A participant in any EE activity must not displace any regular employee (as of the participation date.) This includes a partial displacement, such as a reduction in work hours provided these are not overtime, salaries or work benefits.
11. The EE may not infringe in any way the promotion opportunities of workers currently employed by the employer at the date of participation.
12. The workers/sponsors must observe what is provided in WIOA section 181, *Non-discrimination*.
13. The health and safety norms established under the state or federal laws applicable to the employer/sponsor's conditions are exactly the same that apply to participants under the WIOA Title I programs and activities.
14. Participants will be covered by the Workers' Compensation System Act. If the state workers' compensation law does not apply to the EE participant, the employer shall provide insurance coverage for injuries sustained by the participant in the course of such activity.
15. No person may be placed in a work experience if a member of that person's immediate family is directly supervised by or directly supervises that individual.

K. Requirement for documentation to be included in the participant's file

The documentation of work experience must be maintained in the participant's electronic and physical (as applicable) file. At a minimum, the following documents shall be retained in the participant's file:

1. An objective evaluation and the PIE or ISS, as applicable, indicating the participant's need for work experience.
2. Justification of the incentive/stipend, and description of the type of payment method and amount, if applicable.
3. A copy of the agreement between the participant, the workplace, and the local area, including any attachments to the agreement, such as a training plan.
4. Work itinerary, time sheets and performance evaluations, as appropriate.
5. Documentation of receipt of salaries, incentives, stipends and support services received by the participant.
6. Participant follow-up notes.

All the case documents and notes must be entered into the Participant Record Information System (PRIS).

V. SEPARABILITY CLAUSE

Should any provision of this public policy be challenged by the Court and declared unconstitutional or null, such decision shall not affect, impair or invalidate the remaining provisions of this public policy, but its effect shall be limited to the provision or topic specifically indicated. The nullity or invalidity of any provision or topic shall not affect or impair in any way its application or validity in any other case, except when it is specifically and expressly invalidated for all cases.

VI. CONTRACTING

The contracts shall be worked in faithful compliance with Law No. 18 of October 30, 1975, as amended, Regulation 33: Registration of Contracts of the Office of the Comptroller of the Commonwealth of PR, Circular Letter OC-21-11 of May 12, 2021 issued by the Comptroller of PR, and any other applicable legislation.

VII. COMPLIANCE

Compliance with the provisions and requirements established in this public policy will be evaluated by the Monitor ascribed to the Local Board,c as well as its functions.

At a minimum, the following must be evaluated:

1. The roles of the employer, participant and Local Board staff.
2. Workplace visits and interviews of participants and supervisors by individuals who are not responsible for managing the workplace agreement or participants case management will be included in the monitoring process.
3. Validation of the acquisition of skills and competences by the participants.

The JLDLs must ensure that employers and participants agree to cooperate with monitoring requirements conducted by the State and/or the JLDL and adhere to applicable local, state and federal norms and regulations.

VIII. FAIR PRACTICES AND ACCESSIBILITY

All persons shall have equal opportunity and equal access to services and physical facilities without regard to race, religion, color, sex, age, national origin or ancestry, marital status, parental status, sexual orientation, disability, or veteran status. Staff members will be responsible for ensuring the necessary support for participants with disabilities who have a need for assistance in accessing the CGU/AJC facilities and services.

IX. REQUIRED ACTION

The Local Board Executive Director and the Title I-B Program Director shall be responsible for disseminating this public policy, as well as training the One-stop Career Center System Officials regarding this public policy. In addition, they shall answer all inquiries or requests for information related to this public policy. The Executive Director of the Local Board shall be responsible for sending a copy to the Evaluation Specialist of the Office of Planning, Evaluation, Validation and Statistics of the Workforce Connection Program, no later than sixty (60) days after its approval.

X. AMENDMENT

Public Policy 54, Work Experience, Adult, Dislocated Worker and Youth Program, approved on March 12, 2024, is amended.

XI. VALIDITY

This amendment to the public policy was approved by the Executive Committee of the Southeast Local Board in a virtual meeting held on November 14, 2024, with three (3) members present. It shall become effective on December 2 and shall remain in effect until amended or repealed by the Local Board Executive Committee.

For the record, I hereby sign this public policy in Humacao, Puerto Rico on the ____ day of November, 2024.

Juan M. Méndez Rosa, Atty.
Local Board President

ⁱ A separate public policy is issued relating to this activity.

ⁱⁱ In the particular case of youths, it refers to the activities under the Work Experience element.

