



## Arkansas Workforce Center at Little Rock

### LRWDB Program Directive

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**LITTLE ROCK WORKFORCE DEVELOPMENT BOARD**

5401 South University Ave, Ste 146, Little Rock, AR 72209

Tel: 501-682-0228/ TDD: (800) 250-6691

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<b>POL 2019 Registered Apprenticeship</b>	<b>Registered Apprenticeships Policy</b>
Date of Issuance/Impact	POLICY IMPACT
May 23, 2019	<b>One Stop Career Center Operator</b>
Effective Date	Revision Date
Immediately	

## **PURPOSE**

The purpose of this policy is to describe and to detail the regulations concerning registered apprenticeships in accordance with the Workforce Innovation and Opportunity Act of 2014 (WIOA), the WIOA Final Rule, Training and Employment Guidance Letters (TEGLs) published by the Employment and Training Administration of the U.S. Department of Labor (ETA), and Arkansas Workforce Development Board policies.

### **Definition of Registered Apprenticeship**

The LRWDB defines registered apprenticeship programs (RA) as a training service that may be provided with Adult and Dislocated Worker funds [TEGL 19-16]. The LRWDB also provides RA for out-of-school Youth (OSY) when the work experience (Program Element 3) is appropriate [TEGL 13-16].

RA combines paid on-the-job training with related instruction to progressively increase workers' skill levels and wages. RA also aligns with the LRWDB's business-driven model that provides a way for employers to recruit, train, and retain skilled workers [TEGL 13-16].

The LRWDB recognizes apprenticeship programs that are authorized as part of the U.S. Registered Apprenticeship System through the National Apprenticeship Act of 1937 (29 U.S.C. 50 et seq.). These programs are registered with the Office of Apprenticeship (OA), which in conjunction with State apprenticeship agencies, is responsible for registering apprenticeship programs that meet Federal and State standards, issuing certificates of completion to apprentices, encouraging the development of new programs, protecting the safety and welfare of apprentices, and assuring that all programs provide high-quality training [TEGL 13-16].

The LRWDB also facilitates pre-apprenticeship as a category of work experience (Program Element 3) for Youth, designed to prepare an individual to enter and succeed in an apprenticeship program [WIOA § 129(c)(2)(C)(ii); 20 CFR 681.480; TEGL 21-16].

### **Components of RA Programs**

The LRWDB asserts that all RA programs must consist of the following five core components [TEGL 13-16]:

- **Business Involvement**

Since businesses are the foundation of RA programs, they are to be involved in their design and execution [TEGL 13-16].

- **On-the-Job Training (OJT)**

Every RA must include structured OJT conducted by an experienced mentor. Training should be developed by mapping skills and knowledge that apprentices need to learn over the course of the program to be fully proficient at the targeted job(s) [TEGL 13-16]. Such training may or may not be supported with WIOA contracts.

OJT contracts may be entered into with RA program sponsors or participant employers for some or all of the OJT portion of the program. When such contracts are written, the LRWDB abides by all federal, state and local policies and guidelines concerning OJT reimbursements and the maximum allowable length of OJT assignments [20 CFR 680.330 (d) & 740; TEGL 13-16]. Depending on the length of the RA program and related local policies, the OJT may last for some or all of the RA training [20 CFR 680.740(a)]. Even though the cost of training may be subsidized by WIOA funds, a participant in RA is considered to be employed [TEGLs 10-16 & 13-16].

- **Related Instruction**

Classroom-style training should complement OJT and refine technical and job-related academic skills. Such training may or may not be supported with WIOA contracts. Such instruction may be provided by 2-year and 4-year colleges, technical schools, apprenticeship training schools, or businesses. Instruction may be provided at a school, online or at a work site.

Entities that carry out programs registered under the National Apprenticeship Act (29 U.S.C. 50 et seq.) automatically qualify to be on the state Eligible Training Provider (ETP) list [TEGL 13-16; 20 CFR 680.330, 20 CFR 681.590, 680.410, 680.450, & 680.470]. However, each RA program must request to be on the list [20 CFR 680.470(a)].

Such training may or may not be supported with WIOA contracts. ITAs may be used to support the related instruction component of an RA program for apprentices [20 CFR 680.330(a); TEGL 13-16].

- **Rewards for Skill Gains**

Apprentices are considered to be employed when they begin their RA training. Apprentices should receive pay increases as their skills and knowledge increase. Progressive wage gains reward and motivate apprentices as they advance through their training and become more productive and skilled [TEGL 13-16].

- **National Occupational Credential**

Every graduate of a RA program must receive a nationally-recognized or federally-recognized credential (i.e., Certificate of Completion), which is issued the Department of Labor (DOL) or a federally-recognized Arkansas apprenticeship agency. Some programs also offer interim credentials as apprentices master skills along a career pathway [TEGL 13-16].

The length of training and skills/competencies required for mastery of an occupation are set by industry. RA programs may be time-based (i.e., require a specific number of hours of OJT and related instruction). RA programs may also be competency-based and reflect mastery of key skills at an apprentice's own pace. Other RA programs may be a hybrid of time-based and competency-based [TEGL 13-16].



### Participant Eligibility for RA Programs

To be eligible for RA, an individual must first qualify for the respective WIOA program: Adult, Dislocated Workers or Out-of-School Youth [TEGL 19-16]. In general, eligibility requirements for training stipulate that - after an interview, evaluation, or assessment and after career planning – an individual:

- Is unlikely or unable to obtain or retain employment that leads to self-sufficiency, or wages comparable to or higher than wages from previous employment, though career services alone
- Is in need of training services to obtain or retain employment leading to self-sufficiency, or wages comparable to or higher than wages from previous employment, and
- Has the skills and qualifications to participate successfully in training services criteria [WIOA § 134(c)(3)(A)(i)(I); 20 CFR 680.210(a) & 680.220(a); TEGL 19-16].

The case file must contain a determination of need for training services as determined through the interview, evaluation, or assessment; career planning using local labor market information; and training provider performance information, or other career services received. If career services are not provided before training, the case manager must document the circumstance that justified such a determination [20 CFR 680.220(b)].

A contract for the OJT portion of a RA may be written for an unemployed individual as long as the general and training eligibility requirements are met and the contract meets OJT policy requirements. When an OJT contract is written for an employed worker to participate in an RA program, the following eligibility requirements for employed workers must be met:

- a. Individual must not be receiving a wage leading to self-sufficiency (or wages lower than wages previous employment) before the OJT contract
- b. Individual must expect to receive a wage leading to self-sufficiency (or wages comparable to or higher than wages from previous employment) because of the OJT, and
- c. The OJT must be related to the introduction of new technologies, introduction to new production or services procedures, upgrading to new jobs that require additional skills, workplace literacy, or other appropriate purposes identified by the LRWDB [20 CFR 680.210, 680.720, & 680.740].

For the purpose of determining eligibility for workplace training or services, employment status is determined at the time of eligibility determination for the training. An individual who is in the military, is in an RA program, or is self-employed is considered employed [TEGLs 10-16 and 13-16].



The Final Rule makes no distinction between an applicant who is working at another location and wants WIOA assistance to enter an RA and an applicant who is already participating in an RA and wants WIOA assistance to continue. However, an applicant or participant who is employed in RA training at the time of application is usually either working in a job that leads to self-sufficiency, or the RA job does not lead to a job that provides economic self-sufficiency because it is the same job. Therefore, that applicant or participant does not qualify for WIOA training, and supportive services are not to be provided unless the participant is participating in a WIOA-approved activity or service.

The LRWDB follows the same guidelines for employed workers as OJT, but incumbent worker training may be an option for upskilling apprentices who already have an established working or training relationship with an RA program [TEGL 19-16].

#### **Allowed Assistance for RA Programs**

Supportive services may be provided for Adult and Dislocated Worker participants in RA and who demonstrate a need for such services [20 CFR 680.330(b); TEGL 13-16].

Since needs-related payments may not be provided to employed participants [20 CFR 680.940 -950] and participants in RA programs are considered to be employed from the first day of their RA training [TEGLs 10-16 and 13-16], the LRWDB does not provide needs-related payments to individuals in RA programs.

#### **Youth**

LRWDB youth programs make the 14 Program Elements available, as appropriate, to youth who have the skill level, academic level, and interest to participate in that activity [20 CFR 681.460].

Pre-apprenticeship is a category of Program Element 3, work experience [WIOA § 129(c)(2)(C)(ii); 20 CFR 681.460(a)(3)(ii)]. The LRWDB determines whether a youth participant receives such services based on each participant's objective assessment and individual service strategy [20 CFR 681.460(b)].

A pre-apprenticeship includes the following elements [20 CFR 681.480]:

- Training and curriculum that aligns with the skill needs of employers in the local (Little Rock) or state (Arkansas) economy
- Access to educational and career counseling and other supportive services, directly or indirectly
- Hands-on, meaningful learning activities that are connected to education and training activities, such as exploring career options, and understanding how the skills acquired through coursework can be applied toward a future career
- Opportunities to attain at least one industry-recognized credential

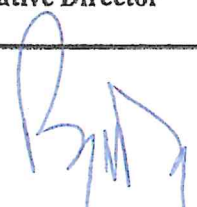
- A partnership with one or more RA programs that assists in placing individuals who complete the pre-apprenticeship program in an RA program.

Since pre-apprenticeship programs provide gateways to RA, the LRWDB includes these programs in the requirement that 20% of youth funds must be spent on paid and unpaid work experiences that have academic and occupational education components [TEGL 13-16].

As with RA programs, ITAs are, at times, used to support the related instruction component of the pre-apprenticeship program [20 CFR 680.330(a)]. However, before these programs receive WIOA funds, they must be on the Arkansas eligible training provider list (ETPL). Unlike RA programs, pre-apprenticeship programs are not automatically on the ETPL; but pre-apprenticeship programs may follow the Arkansas state process to be included on the list [20 CFR 680.470(f)].

RA programs may also provide the required occupational and academic component required for Program Element 3 [TEGL 21-16]. Each youth who has been determined eligible either as an In-School Youth or an Out-of-School Youth may receive OJT. OSYs may also receive ITAs for the occupational training part of RA [20 CFR 681.550; TEGL 21-16].

All Youth may receive supportive services, as needed, appropriate, and within the LRWDB's supportive services policy, as Program Element 7 [WIOA § 129(c)(2)(C); 20 CFR 681.460 & 681.570].

<b>Contact Person</b> W. J. Monagle, Executive Director	<b>Expiration Date</b> Indefinite
<b>Authorized By</b> Bryan Day, Chair 	<b>Resolved</b>

Policy Review Date: 5/23/2019



## Arkansas Workforce Center at Little Rock

### LRWDB Program Directive

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**LITTLE ROCK WORKFORCE DEVELOPMENT BOARD**  
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<b>POL 2019 Supportive Services</b>	<b>Statement of Supportive Services</b>
Date of Issuance/Impact	POLICY IMPACT
March 28, 2019 <i>AD</i>	One Stop Career Center Operator
Effective Date	Revision Date
Immediately	



## **PURPOSE**

The purpose of this policy is to describe and to detail the regulations and requirements concerning supportive services, in accordance with the rules and regulations of the Workforce Innovation and Opportunity Act of 2014 (WIOA), the WIOA Final Rule, Training and Employment Guidance Letters (TEGLs) published by the Employment and Training Administration of the U.S. Department of Labor (ETA), and policies of the Arkansas Workforce Development Board.

## **POLICY**

Supportive services are designed to provide a participant with the resources necessary to enable an individual to participate in WIOA Title I-B Adult, Dislocated Worker, or Youth activities [WIOA § 3(59); 20 CFR 680.910(b) 681.570; TEGLs 19-16 & 21-16].

The LRWDB and one-stop operator follow specific procedures for determining the need and funding source for supportive services. The LRWDB recognizes four primary types of supportive services: employability and emergency assistance, childcare and dependent care assistance, transportation assistance, and post-exit assistance.

Other supportive services may include, but are not limited to [WIOA § 3(59); 20 CFR 680.900, 681.460(a), & 681.570; TEGLs 19-16 & 21-16]:

- Linkages to community services
- Assistance with housing
- Needs-related payments
- Assistance with educational testing
- Reasonable accommodations for individuals with disabilities
- Legal aid services
- Referrals to health care
- Assistance with uniforms or other appropriate work attire and work-related tools, including such items as eyeglasses and protective eye gear
- Assistance with books, fees, school supplies, and other necessary items for students enrolled in postsecondary education classes
- Payments and fees for employment and training-related applications, tests, and certifications.

### **Eligibility for Supportive Services**

For any individual to receive supportive services, he or she must meet all eligibility requirements for a WIOA Title I-B program.

The LRWDB, in consultation with its workforce center partners and other community service providers, works to ensure resource and service coordination for supportive

services in the local area [WIOA § 134(d)(2); 20 CFR 680.910; 20 CFR 681.460(c); 20 CFR 681.470; TEGLs 19-16 & 21-16]. Case managers work with the other entities to ensure that participants receive coordinated service to create an appropriate total package [20 CFR 681.470; TEGLs 19-16 & 21-16].

A career counselor, employed by the one-stop operator, determines the need for WIOA supportive services. The career counselor develops an Individual Employment Plan to identify a participant's potential need for supportive service and ability to fully participate in planned activities. The career counselor also determines which, if any, services are paid through WIOA after analyzing the participant's ability to pay for services (using an Income and Expense form) and exploring alternative providers in the community. Supportive services (including Emergency Assistance) are authorized for WIOA funding only when monthly expenses, plus the cost of the supportive service, exceed household income and other resources.

The career counselor may make referrals for Pell Grants, other grants, scholarships, or student loans. The career counselor re-assesses the need for WIOA-funded supportive services as part of the regular quarterly review conducted with each participant receiving training and/or supportive services.

The career counselor's determination for the need for WIOA supportive service is recorded in an AJL note. Any determination that a needed supportive services is not available from alternative community providers is also recorded in an AJL note and on an Obligation Request Form.

Supportive services are WIOA-funded only when these services are not available through other agencies. The provision of accurate information about the availability of supportive services, as well as referral to such services, is available as a Basic Career Service [WIOA § 134(c)(2)(A)(iv); 20 CFR 678.430 & 680.900; 680.920; TEGL 19-16]. WIOA funding is generally considered temporary or transitional until other funding resources can be arranged.

#### Adults and Dislocated Workers

The LRWDB is not required to provide supportive services to Adults and Dislocated Workers, but such services are permitted for participants who need such services and meet eligibility requirements.

The primary requirements for an Adult or Dislocated Workers to receive a supportive service are [WIOA § 3(59) & 134(d)(2); 20 CFR 680.140, 680.900 & 680.910; TEGL 19-16]:

- The participant is participating in an activity authorized as a WIOA Title I-B Adult or Dislocated Worker (DLW) career (except follow-up) or training service
- The supportive services are necessary to enable the participant to participate in the activity or training service

- The participant is unable to obtain the needed supportive services through another program providing such services [WIOA § 134(d)(2); 20 CFR 680.910(a)]

### Youth

Supportive services are Program Element 7 of the Youth program, and such services are available to Youth when needed, and in accordance with the local Supportive Service Policy. The LRWDB has the discretion to determine the specific program services a youth participant receives based on each participant's objective assessment and individual service strategy [WIOA §129(c)(2); 20 CFR 681.460].

The primary requirements for a Youth to receive a supportive service are [WIOA § 3(59); 20 CFR 681.570 & 681.580; TEGL 21-16]:

- The participant is participating in an activity authorized as a WIOA Title I-B Youth activity or service, including follow-up services (must be one of the 14 program elements or a follow-up service)
- The supportive services are necessary to enable the participant to participate in the activity or training service
- The participant is unable to obtain the needed supportive services through another program providing such services

### **Needs-Related Payments**

Needs-related payments may be provided to Adults and Dislocated Workers to enable them to participate in training services (but not for participation in Career Services [WIOA § 134(d)(3)(A); 20 CFR 680.930].

Eligibility requirements for an Adult to receive needs-related payments are [WIOA § 134(d)(3)(A); 20 CFR 680.940]:

- Be unemployed
- Not qualify for, or have ceased qualifying for, unemployment compensation
- Be enrolled (registered for classes) in a WIOA Title I-B training service

A Dislocated Worker may be eligible to receive needs-related payments in one of the following two ways [WIOA § 134(d)(3)(A); 20 CFR 680.950]:

1. For DLWs who qualified for unemployment benefits or trade readjustment allowance under TAA
  - Be unemployed
  - Have ceased qualifying for, unemployment compensation or trade readjustment allowance under TAA



- Be enrolled (registered for classes) in a program of WIOA Title I-B training service by the end of the 13th week after the most recent layoff that resulted in a determination of the worker's eligibility for the DLW program, OR if later, by the end of the 8th week after the worker is informed that a short-term layoff will exceed 6 months
2. For DLWs who did not qualify for unemployment benefits or trade readjustment assistance under TA [WIOA § 134(d)(3)(A); 20 CFR 680.950].
- Be unemployed
  - Do not qualify for unemployment benefits or trade readjustment assistance under TAA
  - Be enrolled (registered for classes) in a WIOA Title I-B training service

Needs-related payments may be paid while a participant is waiting to start training classes, provided he or she has been accepted into a training program and enrolled in (registered for) classes, and provided the classes will begin within 30 days. The LRWDB may authorize an extension of the 30-day period to address appropriate circumstances [20 CFR 680.960].

The level of a needs-related payment made to an eligible Dislocated Worker may not exceed the greater of:

- a. the applicable level of unemployment compensation; or
- b. if the DLW did not qualify for unemployment compensation, an amount equal to the poverty line for an equivalent period, adjusted to reflect changes in total family income, as determined by LRWDB policies [WIOA § 134(d)(3)(C); 20 CFR 680.970].

Since participants in registered apprenticeship programs are considered to be employed from the first day of their RA training, the LRWDB does not provide needs-related payments to individuals in registered apprenticeship programs [20 CFR 680.940 -950].

Needs-related-payments are listed as a potential supportive service for Youth in the LRWDB's Services for Youth policy [WIOA § 3(59), 20 CFR 681.570, and TEGL 21-16.

### **Funding Requests**

Requests for supportive services payments to a customer must be approved through the one-stop operator vouchering system. The variety of services the one-stop operator can provide is listed in the organization's Supportive Services Summary and Supportive Services Quick Reference Chart. The chart serves as a sample of services available to customers and is not intended to be all inclusive (i.e., it may include, but is not limited to items listed).


### **Funding Limits and Exceptions**

The LRWDB, in consultation with the one-stop operator, establishes limits on the provision of supportive services, including: a maximum amount of funding, a maximum length of time for supportive services to be available to participants, and procedures for determining exceptions to these limits.

The maximum amount of funding is based on availability of local funds:

- a. For individuals in a WIOA funded training program, a supportive service maximum of \$2,000 during each (12) month period of participation may be received.
- b. For individuals not in a WIOA funded training program, a supportive service maximum of \$1,500 during each (12) month period of participation may be received.
- c. Limited exceptions may be made to the dollar limits of the supportive services with approval of the LRWDB. Reasons for the exception must be documented clearly in program notes. The LRWDB Executive Director has the authority to authorize an additional amount of \$500 per (12) twelve months on behalf of the board. Any amount beyond the additional \$2,500, for those in ITA Training, and, \$2,000 for anyone who is not training, must be taken forth to the board for consideration.
- d. Needs related payments for Youth, Adult or dislocated Worker are to be set at \$500 with the LRWDB Executive Director able to approve an additional \$500 per (12) month period of participant's enrollment.

Post exit supportive services may be provided for up to one year following exit. In most instances, the supportive service payment(s) will be issued to the party providing the supportive service rather than to the participant. Post exit supportive services may include, but are not limited to medical and dental services, transportation and clothing. Employment retention is a high priority and post exit supportive services are used, when necessary, to help persons maintain employment.

<b>Contact Person</b>  W. J. Monagle, Executive Director	<b>Expiration Date</b>  Indefinite
<b>Authorized By</b>  Bryan Day, Chair 	<b>Resolved</b>

Policy Review Date: 3/28/2019



## Arkansas Workforce Center at Little Rock

### LRWDB Program Directive

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**LITTLE ROCK WORKFORCE DEVELOPMENT BOARD**

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**POL 2019 Veterans Priority**

Date of Issuance/Impact

March 28, 2019

Effective Date

Immediately

**Statement of Veterans' Priority of Service**

POLICY IMPACT

One Stop Career Center Operator

Revision Date



## PURPOSE

The purpose of this policy is to outline priority of service for veterans in WIOA Title I-B programs and services in accordance with the Workforce Innovation and Opportunity Act of 2014 (WIOA), the WIOA Final Rule, and Training and Employment Guidance Letters (TEGLs) published by the Employment and Training Administration of the U.S. Department of Labor (ETA).

This policy satisfies the requirement for each WDB to develop policies and procedures to implement priority of service for veterans [TEGLS 10-08 & 19-16].

## POLICY

Veterans and eligible spouses, as defined in ADWS Policy No. WIOA I-B – 2.2, WIOA §§ 3(63), 38 U.S.C. Sections 101, PL 107-288, and TEGL 10-09, receive priority of service for all USDOL-funded job training programs.

1. The LRWDB recognizes that such training programs include WIOA programs [Arkansas State Plan; TEGLs 19-16 & 10-09; 38 U.S.C. 4215; PL 107-288;]. A veteran or eligible spouse must meet each program's eligibility criteria to receive services [38 U.S.C. 4215; 38 U.S.C. 4102A(d); WIOA § 511(gg)(2)(A); 20 CFR 680.650 & 683.230; TEGL 19-16]. Additional details concerning priority are specified in the eligibility requirements for each program.
2. The LRWDB maintains written local priority of service notices and posts them in a way that makes it possible for members of the general public to easily access them [TEGL 10-09]. Points of Entry include reception areas, websites, social media pages, self-service kiosks, informational bulletin boards, and promotional materials.
3. The LRWDB requests that veterans and eligible spouses identify themselves at the point of entry into the system or program to take full advantage of the priority of service [TEGL 10-09]. If veteran or eligible spouse identity is not identified at the point of entry, the status may be identified during the interview and registration process. When an individual is identified as a veteran or eligible spouse, the LRWDB will notify the applicant of his or her priority of service and the full array of employment, training, and placement services available.
4. Veterans priority of service means the right of eligible covered persons to take precedence over eligible non-covered persons in obtaining the full array of employment, training or placement services [TEGL 10-09].

This could mean:

- The veteran or spouse receives access to the service or resource earlier in time than a non-covered person; or

- If the service or resource is limited, the veteran or spouse receives access to the service or resource before the non-covered person
5. Programs affected by Veterans Priority of Service included but are not limited to:
    - WIOA Adult and Dislocated Worker
    - Wagner-Peyser Employment Service
    - Trade Act Programs
    - National Emergency Grants
    - Senior Community Service Employment Programs (SCSEP)
    - Migrant and Seasonal Farm Worker Program
    - Indian and Native American Program
    - Job Corps
    - WIOA Demonstration Projects
    - Labor Market Information Grants
    - Career One-Stop Electronic Tools
    - Other Internet-based self-service tools operated by DOL program
  6. One-stop career center staff are trained in veteran priority of service requirements, veterans' needs and the resources available to help veterans access the full range of services available in the community services [TEGL 10-09].
  7. For income-based eligibility determinations, the LRWDB does not consider military pay or allowances paid while on active duty or paid by the Department of Veterans Affairs (VA) for vocational rehabilitation, disability payments, or related VA-funded programs as income. This policy applies to both the "low-income individual" requirement of Youth programs, and for the priority of services for "low-income individuals" for Adult funds. [20 CFR 680.650; 20 CFR 683.230; 38 U.S.C. 4213; TEGLs 10-09 & 19-16].
  8. The LRWDB does not include VA benefits for education and training services in the category of "other sources of training grants" listed in 20 CFR 680.230(b) [Comments concerning §680.230 in the WIOA Final Rule; TEGLs 10-09 & 19-16]. Veterans or spouses who are eligible for the GI Bill or other forms of VA-funded education or training are not required to coordinate their entitlement to those benefits with their eligibility for WIOA-funded training. VA-funded training does not need to be exhausted before the veteran or eligible spouse can be enrolled in WIOA-funded training [TEGL 19-16].
  9. The LRWDB includes pension payments in "low income" calculations, whether or not retirement was based on disability [TEGL 10-09].
  10. The LRWDB operates according to the special rules for veterans and their spouses in determining the eligibility of dislocated workers [20 CFR 680.650; 38 U.S.C. 4215; 20 CFR part 1010].

<b>Contact Person</b> W. J. Monagle, Executive Director	<b>Expiration Date</b> Indefinite
<b>Authorized By</b> Bryan Day, Chair	<b>Resolved</b>

**Policy Review Date: 3/28/2019**





## Arkansas Workforce Center at Little Rock

### LRWDB Program Directive

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**LITTLE ROCK WORKFORCE DEVELOPMENT BOARD**  
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<b>POL 2019 Work Experience</b>	<b>Work Experience Policy</b>
Date of Issuance/Impact	POLICY IMPACT
May 23, 2019	One Stop Career Center Operator
Effective Date	Revision Date
Immediately	

## **PURPOSE**

The purpose of this policy is to describe and detail the regulations concerning work experiences for adults, dislocated workers, and youth, including internships and transitional jobs for adults, dislocated workers, and various types of work experiences for youth, in accordance with the Workforce Innovation and Opportunity Act of 2014 (WIOA), the WIOA Final Rule, Training and Employment Guidance Letters (TEGLs) published by the Employment and Training Administration of the U.S. Department of Labor (ETA), and Arkansas Workforce Development Board policies.

## **Definition of Work Experience**

Work experiences (including internships) that are linked to individualized careers are career services that are required to be available for adults and dislocated workers if these services are determined to be appropriate in order for individuals to obtain or retain employment [WIOA § 134(c)(2)(A)(xii)(VII); 20 CFR 680.150(b)]. Although WIOA includes transitional jobs with training activities, they are also individualized career services because the activity is a type of work experience WIOA § 134(c)(3)(D)(viii), [20 CFR 680.180; 20 CFR 680.190; Comments in WIOA Final Rule concerning §680.140]. Paid and unpaid work experience, including internships, is one of the 14 required program funds elements for youth [WIOA § 129(c)(2)(C); 20 CFR 681.460(3)]. At least 20% of WIOA youth funds allocated to the LRWDA must be spent for work experience [WIOA § 129(c)(4); 20 CFR 681.590]. Some work experience activities for adults, dislocated workers and youth have particular required components.

## **Work Experience for Adults and Dislocated Workers**

Work experiences, including internships and transitional jobs, are planned, structured learning experiences that take place at worksites for limited periods of time. Internships and other work experiences may be paid or unpaid, as appropriate and consistent with other laws, such as the Fair Labor Standards Act [20 CFR 680.180; TEGL 19-16]. Wages are subsidized up to 100%. The duration of a transitional job is not to exceed 12 months in total.

Transitional jobs are designed to enable an individual to establish a work history, demonstrate work success in an employee-employer relationship and develop the skills that lead to unsubsidized employment. Employers may include public, private and non-profit entities. In some cases, the program provider may act as employer [Comments in WIOA Final Rule concerning §680.190].

Transitional jobs are available only to individuals with barriers to employment who are chronically unemployed or have an inconsistent work history, as determined by the LRWDB [WIOA § 134(d)(5); 20 CFR 680.190; TEGL 19-16]. The LRWDB defines "chronically unemployed" as, within the past three years, having a period of total unemployment that exceeds six months in total during any 12-month period. The LRWDB defines "inconsistent work history" as, in the past three years, having two or more jobs that are less than 12 months in duration.

Unlike on-the-job training (OJT), there is no requirement that the employer retain the individual upon completion of the transitional job. Where appropriate, however, retention is preferred for the benefit of the worker and employer [TEGL 19-16]. The LRWDB targets individuals with barriers to employment, including but not limited to, individuals who are long-term unemployed, underemployed and low-income, ex-offenders, persons with disabilities, and individuals who are currently receiving or have exhausted TANF benefits for transitional job opportunities.

Transitional jobs must be combined with comprehensive career services and supportive services (as outlined the LRWDB's supportive services policy) [WIOA § 134(d)(5); 20 CFR 680.195]. Comprehensive career services may include both basic and individual career services and are based on the needs of the participant [Comments in WIOA Final Rule concerning §680.195]. The LRWDB uses no more than 10% of its combined total of Adult and Dislocated Workers allocations for transitional jobs [WIOA § 134(d)(5); 20 CFR 680.195; TEGL 19-16]; comprehensive career and supportive services are not included in the 10% cap [Comments in WIOA Final Rule concerning §680.195]. There is no cap on the percent of adult and dislocated funds that may be spent for other work experiences, including internships [Comments in WIOA Final Rule concerning §680.180]. The LRWDB also uses job readiness training in combination with transitional jobs as deemed appropriate [TEGL 19-16].

### **Work Experience for Youth**

Paid and unpaid work experience is one of 14 program elements that must be available for youth [20 CFR 681.460(a)]. As with adults, a work experience for youth is a planned structured learning experience that takes place in a workplace for a limited period of time [20 CFR 681.600(a)]. Work experience for youth may occur as summer employment, employment during the school year, a pre-apprenticeship program, an internship, job shadowing, or on-the-job training. As with adults, work experience for youth may be paid or unpaid, as appropriate and consistent with other laws, such as the Fair Labor Standards Act. Work experiences provide youth participants with opportunities for career exploration and skill development [WIOA § 129(c)(2)(C); 20 CFR 681.460(3); 20 CFR 681.600-630].

Each Youth work experience must include an academic and occupational education component. The academic and occupational component refers to the contextual learning that accompanies a work experience. The component includes the information necessary to understand and work in specific industries/occupations. The educational component may occur concurrently or sequentially with the work experience. Academic and occupational education may occur inside or outside the work site. The educational component may include workforce preparation, basic academic skills, and/or hands-on occupational skills training connected to a specific occupation, occupational cluster, or career pathway [20 CFR 681.600; TEGL 21-16].



A pre-apprenticeship program is a work experience designed to prepare a youth to enter a registered apprenticeship program. The experience includes five major components [20 CFR 681.480; TEGL 21-19]:

- Training and curriculum that aligns with the skill needs of employers in the economy of the Arkansas or Little Rock
- Access to educational and career counseling and other supportive services, directly or indirectly
- Hands-on, meaningful career options that are connected to education and training activities, such as exploring career options, and understanding how the skills acquired through coursework can be applied toward a future career
- Opportunities to attain at least one industry-recognized credential
- A partnership with one or more registered apprenticeship programs that assists in placing individuals who complete the pre-apprenticeship program in a registered apprenticeship program

The LRWDB defines job shadowing as a work experience option that is designed to increase career awareness, help model youth behavior through examples, and reinforce in youth a link between academic classroom learning and occupational work requirements. Job shadowing work experience is a temporary, unpaid exposure to the workplace in an occupational area of interest to the participant. The experience may last from a few hours to a few weeks. The youth learns about a job by walking through the work day as a shadow to a competent worker to witness firsthand the work environment, employability and occupational skills in practice, the value of professional training, and potential career options [TEGL 21-16].

On-the-job training is defined as work experience for youth; the guidelines and policies for Youth OJT follow those for adults and dislocated workers.

Not less than 20% of the youth funds allocated to a local area (minus area administrative costs) must be spent to provide ISY and OSY with paid and unpaid work experiences. The LRWDB's local youth programs track program funds spent on paid and unpaid work experiences, including wages and staff costs for the development and management of work expenses, and report such expenditures as part of local youth financial reporting. The percentage of funds spent on work experience is calculated as the total amount spent on ISY and OSY work experience divided by the total allocated youth funds (minus administrative costs) [WIOA § 129(c)(4); 20 CFR 681.590].

The following expenditures are to be counted toward the 20% work experience requirement [TEGL 21-16]:

- Wages/stipends paid for participation in work experience (including employment costs such as FICA match and workers' compensation insurance)
- Staff time working to identify and develop a work experience opportunity, including staff time spent working with employers to identify and develop the work experience

- Staff time working with employers to ensure a successful work experience, including staff time spent managing the work experience
- Staff time spent evaluating the work experience
- Participant work experience orientation sessions
- Employer work experience orientation sessions
- Classroom training or the required academic education component directly related to the work experience
- Incentive payments directly tied to the completion of work experience
- Employability skills/job readiness training to prepare youth for a work experience

Leveraged resources are not used to fulfill any part of the 20% minimum. Supportive services are considered a separate program element and are not counted toward the work experience expenditure requirement, even if supportive services assist youth in participating in the work experience [TEGL 21-19].

#### **General Requirements for Adults, Dislocated Workers and Youth**

Work experiences of all types may be arranged with the private for-profit sector, the non-profit sector, or the public sector. Labor standards apply in any work experience setting where an employee/employer relationship, as defined by the Fair Labor Standards Act, exists [20 CFR 680.180; 20 CFR 681.600].

Providers of internships, paid or unpaid work experience, or transitional jobs are not subject to the requirements applicable to entities listed on the eligible training provider list, and they are not included on the state list of eligible training providers and programs.

If Arkansas decides to impose performance regulations, the LRWDB must collect required performance data and identify providers that meet required performance levels [20 CFR 680.530]. ITAs may be combined with any types of work experience, with the exception of ISY. In-school youth may not use youth program-funded ITAs. However, ISY between the ages of 18 and 21 may co-enroll in the Adult program and may receive training services through an ITA funded by the Adult program, if the youth's individual needs, knowledge, skills, and interests align with the Adult program [Comments in Final Rule concerning §680.320; TEGL 21-19].

No funds may be provided to employers for work-based training and other work experience to be used directly or indirectly to assist, promote, or deter union organizing [20 CFR 680.830]. No funds may be provided to employers for work-based training and other work experiences to be used directly or indirectly to aid in the filling of a job opening which is vacant because the former employee is on strike, the former employee is being locked out in the course of a labor dispute, or the job is vacant because of an issue in a labor dispute involving a work stoppage [20 CFR 680.840; 20 CFR 681.600].



WIOA funds may not be used for the encouragement or inducement of a business or part of a business to relocate from any location in the United States if the relocation results in any employee losing his or her job at the original location. No individual may be placed in work experience in any business or part of a business that has relocated from any location in the United States until the company has operated at that location for 120 days if the relocation has resulted in any employee's losing his/her job at the original location. To verify that a business that is new or expanding is not relocating employment from another area, the LRWDB and the business must jointly complete and document a standardized Arkansas pre-award criteria form [WIOA § 181(d); 20 CFR 683.260].

A participant in any workforce training activity must not displace any currently employed employee (as of the date of the participation). This includes a partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits. The workforce training activity must not impair existing contracts for services or collective bargaining agreements unless the appropriate labor organization and employer provide written concurrence before the activity begins. The participant may not replace an unsubsidized employee who was laid off from the same or any substantially equivalent job or who was terminated with the intention of hiring the participant. The participant may not be placed in a promotional line that infringes in any way on the promotional opportunities of currently employed workers as of the date of the participation [20 CFR 683.270].

No individual may be placed in a WIOA employment activity if a member of that person's immediate family is directly supervised by or directly supervises that individual [20 CFR 683.200(g)]. The Arkansas State definition of "immediate family" is (1) a spouse and (2) any other person residing in the same household as the participant, who is a dependent of the participant or of whom the participant is a dependent. Dependent means any person, whether or not related by blood or marriage, which receives from the participant, or provides to the participant, more than one-half of his/her financial support.

No funds may be used to pay a participant to construct, operate, or maintain any part of a facility used for sectarian instruction or as a place for religious worship, with the exception of maintenance of facilities that are not primarily used for sectarian instruction or worship and are operated by organizations providing services to WIOA participants [WIOA § 188(a)(3); 20 CFR 683.255(a); [20 CFR 683.255(b); 20 CFR 683.285(b)].

Health and safety standards established under Federal and State law otherwise applicable to working conditions of employees are equally applicable to working conditions of participants. To the extent that Arkansas workers' compensation law applies, workers' compensation must be provided to participants on the same basis as compensation is provided to other individuals in the State in similar employment. If Arkansas workers' compensation law does not apply to a participant in work experience, the LRWDB must secure insurance coverage for injuries suffered by the participant in the course of such work experience [20 CFR 683.280].



<b>Contact Person</b> W. J. Monagle, Executive Director	<b>Expiration Date</b> Indefinite
<b>Authorized By</b> Bryan Day, Chair	<b>Resolved</b>

**Policy Review Date: 5/23/2019**