



Work Experience for Adults & Dislocated Workers Policy

Approval Date: September 5, 2025

Purpose

The purpose of this policy to provide guidance on paid and unpaid work experience for the adult and dislocated worker programs under Title I of the Workforce Innovation and Opportunity Act (WIOA) administered by Greater Cleveland Works.

Definitions

Work experience: a planned, structured learning activity that takes place in a workplace setting for a limited period of time.

Background

Work experience is a planned, structured learning activity that takes place in a workplace setting for a limited period of time. Work experience is a career service that is provided in order for an individual to obtain or retain employment and is linked to a potential career choice.

Work experience functions as a means for acquiring behavioral competencies and specific occupation or job skills, while also demonstrating the ability to be a valuable employee. The primary intent of work experience is to provide participants with opportunities for career exploration and skill development to gain work readiness skills in preparation for employment. Work experiences should enable adults and dislocated workers to gain exposure to the working world and its requirements. It is a strategy for participants who have little or no work experience or have been disconnected from work to demonstrate their commitment to work in situations where an employer can offer a meaningful experience.

Work experience must be based on identified needs of the adult and dislocated worker. Use of work experience situation must be based on an assessment and identified on the participant's individual employment plan (IEP). A likely candidate for work experience is a participant who is appropriate for long term employment in a particular industry or occupation, but does not have all of the skills or the experience to qualify for entry-level employment in the field.

Work experience may be conducted in the private-for profit, private non-profit and public sectors. It must be clearly distinguishable from public service employment. Public service employment is a prohibited activity under the WIOA. Although a business, public agency or non-profit (hereafter collectively referred to as "work experience provider") may also receive some benefit from work experience in the form of work being done or recruiting a potential new employee, the primary goal of work experience is to benefit the participant.

Work experience may be combined with classroom instruction relating to a particular position, occupation, industry or basic skills and abilities to successfully compete in the local labor market. Work experience is an intermediate employment step toward the long-term goal of moving along a career path.



Work Experience for Adults & Dislocated Workers Policy

Approval Date: September 5, 2025

Employer Eligibility

Greater Cleveland Works seeks employers that are:

- Providing a “learn and earn” opportunity to gain work experience and allow individuals to demonstrate that they can work while gaining skills and/or credentials
- Committed to helping participants
- Able to provide work-skills development
- Willing to retain participants when feasible
- Not debarred, compliant on taxes, clean health & safety record, not displacing other workers, etc. Priority will be given to employers that meet Greater Cleveland Works’ job quality standards

General Work Experience Employer Eligibility - Potentially eligible companies able to participate in work experience contracting include: private for-profit businesses, private non-profit organizations, and public-sector employers.

Paid Work Experience Employer Eligibility - The provider organization with which the individual is enrolled serves as the employer of record and is responsible for ensuring that wages are paid timely and accurately. Non-profit, for-profit, and public entities are eligible to serve as paid work experience sites. A company will not be eligible to host an individual for work experience if:

1. The company has any other individual on layoff from the same or substantially equivalent positions.
2. The paid work experience would infringe upon the promotion or displacement of any currently employed worker or cause a reduction in their hours.
3. The same or a substantially equivalent position is open due to a hiring freeze
4. The employer is a private for-profit employment agency, i.e. temporary employment agency, employee leasing firm, or staffing agency.

Determining “Trainee” Versus “Employee

Work experience may be paid or unpaid. Unpaid work experience is not recognized as a best practice by Greater Cleveland Works. It is expected that work experience will be paid in most cases. Where work experience will be paid wages, the federal Fair Labor Standards Act (FLSA) will apply. WIOA participants are subject to the requirements of the FLSA to the extent that the activities performed in the work experience constitute employment.

Contracted provider staff will determine and obtain pre-approval from Greater Cleveland Works regarding whether work experience is a "training" situation or an "employment" situation. The pre-approval from Greater Cleveland Works must occur prior to the commencement of the work experience activity.



Work Experience for Adults & Dislocated Workers Policy

Approval Date: September 5, 2025

Trainee

In general, the more the training is providing the participants with skills that can be used in multiple employment settings, as opposed to skills particular to one work experience provider's operations, the more likely the participant is a trainee.

Per the Wage and Hour Division of the U.S. Department of Labor, Employment Standards Administration, if all of the following six (6) items exist, the work experience can be considered a "training" situation and an employment relationship does not exist under FLSA:

1. The training, even though it includes actual operation at the facilities of the work experience provider is essentially a training experience similar to a vocational school;
2. The participant is primarily the beneficiary of the experience;
3. Regular employees are not displaced and the experience is closely supervised/observed;
4. The work experience provider that hosts the experience derives no immediate or significant advantage;
5. The participant is not guaranteed a job at the conclusion of the experience; and,
6. There is mutual understanding between the participant and the host agency that the participant is not entitled to wages for this time because the activity is essentially a training experience.

As the participant is a "trainee" and an employment relationship does not exist under the FLSA, the FLSA's minimum wage and overtime provisions do not apply to the participant. Trainee's may be paid a training allowance or stipend for their participation in the training activity. The training allowance or stipend may not exceed the Federal or State minimum wage, whichever is higher.

Employee

If the adult or dislocated worker participants are engaged in the primary operations of the work experience provider and are performing productive work (for example, filing, performing other clerical work, or assisting customers), then receiving some benefits in the form of a new skill or improved work habits is unlikely to make the participant a trainee, given the benefits received by the work experience provider.

If the worksite uses the adult or dislocated worker participants as substitutes for regular full time or part time employees, it is more likely that the participants are employees as opposed to trainees. Also, if the work experience provider would have needed to hire additional employees or require overtime had the participants not performed the work, then the participants are likely employees.



Work Experience for Adults & Dislocated Workers Policy

Approval Date: September 5, 2025

If the work experience provider is relying on the participant to perform real work, i.e., to be productive, then the situation should be recognized as an employer-employee relationship. In this situation, the site employer is the employer of record. Participants must receive no less than the applicable state or federal minimum wages, related benefits are required and payroll taxes should be deducted. The employer of record will be responsible for paying all taxes and providing similar benefits as are available to other employees.

The Greater Cleveland Works contracted provider, has the option of being the employer of record for the adult or dislocated worker participant. The employer of record is responsible for paying the participant and negotiating with the host site the activities that will be performed by the participant. The host site is the location where work experience tasks will occur.

Work Experience Agreements

Contracted providers must execute Work Experience Agreements with each individual worksite that is utilized. A signed copy of the Work Experience Agreement is given to the worksite to ensure that the expectations are fully understood. The Worksite Agreement may be posted along with other required postings (i.e. Grievance Procedures, Equal Opportunity Is the Law, Abstract of the Child Labor Laws, Minimum Wage Poster and Fact Sheet, etc.). A copy of the Agreement shall be maintained in the individual's case file. Note: agreements should be individualized. While there can be a master agreement containing general work conditions, there needs to be an individualized plan document noting specific goals for that individual.

At a minimum, the Worksite Agreement shall include the following elements:

1. Names and contact information of all parties;
2. Responsibilities and expectations of the participant, and worksite employer;
3. The job title, supervision, duties and goals for work experience participants;
4. Identification of the legal requirements that must be met per the above. In addition, it can include worksite safety requirements and provisions related to the avoidance of sexual harassment;
5. A statement informing the worksite that they will be subjected to worksite monitoring by both State and Local representatives, as well as visitations by Greater Cleveland Works staff to check on the progress of work experience participants;
6. Provisions for termination of the agreement for non-performance and/or failure to meet any of the requirements of the agreement/contract;
7. Duration and remuneration;
8. Other information, relative to the specific work experience activity; and,
9. Signatures and dates from worksite representative and the contracted provider representative.



Work Experience for Adults & Dislocated Workers Policy

Approval Date: September 5, 2025

Workplace Guidelines

1. FLSA - The provisions of the FLSA apply to all individuals engaged as an employee in a paid work experience under WIOA, as do Federal/State hourly minimum wage laws.
2. Unpaid work experiences and internships can be offered in limited cases based on a participant's Individual Employment Plan (IEP), and when combined with other services.
3. Non-Discrimination and Equal Opportunity WIOA Section 188 (a)(2) prohibits discrimination on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief. An organization that accepts a work experience participant is advised of obligations imposed by WIOA Law, and ensures that agency services are provided to all individuals that are eligible, and not discriminate based on circumstances that might limit the population served. For example, a faith-based organization that operates an emergency food distribution center must serve all individuals eligible to receive those services and not discriminate based on a religious preference.

Documentation to be Maintained

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

- An assessment and IEP indicating a need for work experience
- A copy of the Work Experience Agreement, including all attachments to the agreement, such as a training plan
- Time sheets, attendance sheets, and performance records as appropriate
- Documentation of receipt of supportive services received by the participant

Evaluation and Monitoring

Pre-Evaluation of Worksites - The contracted provider or Greater Cleveland Works monitoring staff shall determine the appropriateness of utilizing the employer for work experience. The determination components shall include the key legal provisions of the worksite agreement such as safety, labor law requirements, status of layoffs, etc. In addition, the contracted provider shall determine the level of exposure to work readiness and job skills, type of supervision available, as well as review the previous work experience placements at the same location.

Potential worksite employers must demonstrate a commitment to helping individuals receive the experience and training needed to meet their IEP goals. As part of participation, employers must be willing to work closely with program staff, especially when accepting participants that have barriers to employment. Proper worksite supervision must be one of the factors that is reviewed prior to placement of the participant in the work experience activity.



Work Experience for Adults & Dislocated Workers Policy

Approval Date: September 5, 2025

Worksite Monitoring - Contracted provider staff or Greater Cleveland Works monitoring staff shall periodically monitor the worksite and activities described in the work experience agreement to ensure that the legal and performance requirements, as well as the work experience goals are being met by all parties. Additional items to review when monitoring worksites shall include:

1. Appropriateness of work experience for individuals;
2. Quality of work experience in teaching good work habits or job skills;
3. Quality of outcomes and other benefits to participants; and,
4. Adequacy of work site supervision in assuring compliance to legal requirements and program goals.

Unemployment Insurance (UI) Benefits

An individual receiving work training, such as a WIOA work experience, is not considered “employed” for the purposes of qualifying for Unemployment Insurance (UI) Benefits, even though they might be on a regular payroll, receiving wages, and are considered employed under FLSA. Therefore, a participant completing a work experience and then filing for UI will not qualify for UI on the basis of the work experience. Work experience fulfills the definition of work relief or work training under Ohio Administrative Code (OAC) 4141-5-05, and thus are not covered employment that are required to be reported to the UC program.

Health and Safety Standards

Work experience employers must ensure that participants are to be covered either by state workers’ compensation or by relevant on-site insurance.

Duration and Monetary Limits for Work Experience

An IEP will define the duration of the Work Experience length which will be limited up to six months. Work Experiences must be for at least ten (10) hours but not more than forty (40) hours of work per week. The maximum reimbursement rate per participant is \$5,000.00 if paid with WIOA formula funds. There is no cap for non-WIOA formula funds (i.e. National Dislocated Worker Grant).

Work experience participants will be paid only for hours actually worked. No payment will be provided for any absences, including but not limited to:

- Illness
- Vacation
- Personal reasons
- Employer-observed holidays
- Employer-designated closures or other scheduled time off in accordance with the employer’s policy

Work experience participants are not authorized to work overtime.