Workforce Innovation and Opportunity Act Work Experience and Internship Policy

Background and Purpose
The Workforce Innovation and Opportunity Act (WIOA) offers ‘internships and work experiences that are linked to careers’ as an available individualized career service. WIOA defines internships and work experiences as “planned, structured learning experience(s) that take place in a workplace for a limited period of time.” Philadelphia Works adopts this policy to define internships and work experience as they provide a helpful means for an individual to gain experience that leads to unsubsidized employment and are a way to better serve individuals who face barriers to employment while also allowing Philadelphia Works an opportunity to strengthen pre-existing investments.

Program Requirements
An internship or work experience may be a standalone career service or may be combined with training or other WIOA services. Generally, although all internships and work experience must meet the following requirements, allowances may be offered for special workforce initiatives and programming as they arise.

- Take place in a workplace for a limited period of time defined as a minimum of 8 weeks up to 12 weeks. The exact duration will be set as appropriate for the participant’s employment goals, background and skill level as reflected in the individual employment plan.
- Provide at least 20 hours a week but no more than 37.5 hours a week.
- Help the participant gain the competencies and experience to meet local employer demands.
- Be related to a career choice and provide learning through work-based projects.
- Pay at an hourly wage at the same rates as similarly situated employees or trainees, subject to the Fair Labor Standards Act.
  - Internships must offer a rate of pay that meets at least $9/hour.
  - Work Experiences must offer a rate of pay that meets at least the federal minimum wage of $7.25/hour, effective July 24, 2009.
- The maximum allotment for a participant’s wage is $5,400.

The internship or work experience will be guided by a Worksite Agreement, an agreement between Philadelphia Works, the host employer, the employer of record and the eligible WIOA participant, which will specify the occupational and employability competencies the participant will achieve in the work experience, the relationship and responsibilities of all parties, the evaluation process that will outline the progress of the participant at certain intervals, the training plan for the participant, and other necessary requirements.

1 Because work experience and internships are career services and not training services, this maximum allotment will not count against an individual participant’s training cap of $8,000.
Participant Eligibility
If one-stop center staff determine that individualized career services, which include internships and work experience that are linked to careers, are appropriate for an individual to obtain or retain employment, these services will be made available to the individual. Providers must document the participant’s need for an internship/work experience and may use recent previous assessments by partner programs to determine if individualized career services would be appropriate. WIOA provides a focus on serving individuals with barriers to employment and seeks to ensure access to these populations.

- An ideal candidate for work experience is an individual with a barrier (or barriers) to employment or a priority of service participant (see Philadelphia Works WIOA Priority of Service Policy) who is seeking long-term employment in a particular industry or occupation but does not have the requisite experience to qualify for entry-level employment in the field. An individual is not required to have a high school diploma or its equivalent to qualify for work experience.
- An ideal candidate for an internship is a career seeker who has recently concluded or will soon conclude a training or educational program, including an Individual Training Account or job specific skills training, in a particular industry but possesses a strong need for practical work experience to qualify for entry-level employment in the training or education related field. In order to be eligible for an internship, the individual must have a high school diploma or its equivalent, whether US-based or non US-based.

Supportive Services
Although internships and work experiences are individualized career services, participants are eligible for Supportive Services as if they were enrolled in training, subject to funding availability (e.g., up to the first half of the individual’s length of training for transportation) (see Philadelphia Works WIOA Supportive Services Policy).

Employer Eligibility
An internship or work experience may be within the private for-profit sector, the non-profit sector, or the public sector, ideally within an identified high-priority occupation. The establishment of an Employer of Record will be competitively procured as required by the Philadelphia Works Procurement Policy.

Because internships and work experiences must be planned, structured learning experiences, the entity hosting the intern/work experience must designate an appropriate manager to provide supervision and feedback to the participant at regular intervals during the course of the program.

The employer is under no obligation to offer regular employment to the participant subsequent to the conclusion of the work experience/internship program, although the work experience/internship is intended to provide employers with a pool of technically trained employees from which to fill future positions and reduce recruitment costs.

Participating employers must agree to cooperate with monitoring requirements as required by WIOA and adhere to all other applicable local, state and federal rules, regulations and administrative guidance. Labor standards apply in any work experience setting where an employee/employer relationship, as defined by the Fair Labor Standards Act, exists. Work experience and/or internships will not be made available to directly or indirectly aid in the filling of a job opening which is vacant because the former occupant is on strike, or is being locked out in the course of a labor dispute, or the filling of which is otherwise an issue in a labor dispute involving a work stoppage.
Definitions
“High Priority Occupations” are job categories, within selected industry clusters, that are in demand by employers, have higher skill needs and are likely to provide family-sustaining wages.

“Individual with a Barrier to Employment” means a member of 1 or more of the following populations:

- Displaced homemaker.
- Low-income individuals.
- Indians, Alaska Natives, and Native Hawaiian, as such terms are defined in WIOA section 166.
- Individuals with disabilities, including youth who are individuals with disabilities.
- Older individuals.
- Ex-offenders.
- Homeless individuals (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6))), or homeless children and youths (as defined in section 752(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434(a)(2))
- Youth who are in or have aged out of foster care.
- Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers.
- Eligible migrant and seasonal farmworkers, as defined in WIOA section 167(i).
- Individuals within 2 years of exhausting lifetime eligibility under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).
- Single parents (including single pregnant women).
- Long-term unemployed individuals.
- Such other groups as the Governor involved determines to have barriers to employment.

“Internships or work experiences that are linked to careers” are defined as “planned, structured learning experience(s) that take place in a workplace for a limited period of time.” Specifically, for purposes of this program:

- A “work experience” is defined as: a paid skills-based workplace experience designed to promote participant exposure to new careers, develop pre-employment and soft skills, and build occupational knowledge and technical competencies for individuals who have recent experience but require additional exposure in order to segue to a new industry or occupation.
- An “internship” is defined as: a paid workplace experience which is designed to promote participant exposure to initial or renewed careers and build occupational knowledge and technical skills for individuals who are transitioning from education or training to a new industry or occupation but lack the experience to gain entry-level employment in the applicable field.

References
- Workforce Innovation and Opportunity Act (WIOA), Public Law 113-128, enacted July 22, 2014
- Workforce Innovation and Opportunity Act Regulations, 20 CFR Parts 678, 680, 683
- Training and Employment Guidance Letter WIOA Number 3-15, Guidance on Service Provided through the Adult and Dislocated Worker Program under the Workforce Innovation and Opportunity Act (WIOA or Opportunity Act ) and Wagner Peyser, as Amended by WIOA, and Guidance for the Transition to WIOA Services, July 1, 2015
- Pennsylvania Department of Labor & Industry, Workforce System Policy No. 06-2015, April 7, 2015, Training Expenditure Targets and Definitions of Types of Training for Benchmarks
Contact
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