

Paid Work Experience Policy #P-16-5.22

Date: January 22, 2024

Re: Guidance on Paid Work Experience

Approved: August 4, 2022

Recent Revision: January 22, 2024

Revision Approved: February 8, 2024

References: Workforce Innovation and Opportunity Act (WIOA), Public Law Sections 113-128
20 Code of Federal Regulations § 681.600
20 Code of Federal Regulations § 603 et al.
2 Code of Federal Regulations § 200.112, 200.318, and 2900
20 Code of Federal Regulations § 679.410(a)(3) and (c)
29 Code of Federal Regulations § 570.35
29 Code of Federal Regulations §§ 570.33
ETA Training and Employment Guidance Letter (TEGL) 35-10
ETA Training and Employment Guidance Letter (TEGL) 12-09
Fair Labor Standards Act of 1938, 52 Stat. 1060, 29 U.S.C. 201 et seq
Child Labor Act of October 24, 2012, P.L. 1209, No. 151

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I. **Purpose:**

- A. This policy provides guidance on providing Paid Work Experience to Workforce Innovation Opportunity Act (WIOA) Adults, Dislocated Workers, Youth, and TANF Youth.
- B. This policy is designed to promote the development of productive work habits conducive to sustainable careers and basic work skills for individuals who have never worked, have very limited occupational exposure, or have been out of the labor force for an extended period of time.
- C. Paid Work Experience is a structured learning experience that takes place in the workplace for a pre-designated period of time.

II. **Background:**

- A. Paid Work Experience may be in the private for-profit sector, the nonprofit sector, or the public sector.
- B. Paid Work Experience wages are paid directly to the participant and not the Paid Work Experience employer; employers are not monetarily compensated.

III. **Definitions:**

- A. **Close Relationship:** Identifies the Title I or TANF participant's prior or present social interactions or business dealings with stakeholders of the workforce development system and gives a reasonable

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observer cause to believe that the applicant's access to WIOA program services could be based upon this relationship, as opposed to demonstrated need or unbiased decision.

- B. **Close Family Member**: An individual defined as a parent, step-parent, spouse, domestic partner, child, step-child, foster child, sibling, grandchild, grandparent, or immediate relatives by blood or marriage to include in-laws, cousins, nieces, nephews, aunts, and uncles.
- C. **Stakeholders**: Individuals not related but who have direct or indirect management or responsibility for overseeing the WIOA workforce system, including WIOA and TANF executive staff, supervisors, local elected officials, Title I contractors and vendors, LWDB and subcommittee members, Title I employees, and career services center staff.
- D. **A Regular School Week**: The five days beginning with Monday and ending with Friday during a time of year when school is in session.

IV. **Wages:**

- A. Participants in a Paid Work Experience will be compensated by the SCPa Works contracted vendors, and vendors will invoice SCPa Works monthly for reimbursement.
- B. Paid Work Experience does not include the provision of health care, 401K, paid time off, or sick leave.
- C. Paid Work Experience participants will receive at least the PA State minimum wage.

V. **Participant Eligibility:**

- A. All Paid Work Experience participants must meet WIOA/TANF program eligibility requirements and be enrolled into the respective WIOA/TANF program, must have received an assessment, must have an Individual Service Strategy (ISS) or Individual Employment Plan (IEP) that documents a need for or benefit of Paid Work Experience that directly matches the participant's long-term employment goal.

VI. **Employer Eligibility:**

- A. The contracted vendor must approve all worksites before participants begin training.
- B. Employers must be registered with the Internal Revenue Service (IRS) and carry Workman's Compensation Insurance.
- C. Employers must be licensed to operate in the State of Pennsylvania and provide a Federal Employer Identification Number (FEIN).
- D. Employers must not have a record of previously reported health and safety violations that have not been documented as corrected or resolved.
- E. Paid Work Experience supervisors and alternate supervisors must have Child Abuse clearances, FBI background checks, and State background checks.
 - 1. Copies of clearances will be retained with the Paid Work Experience Agreement.
 - 2. The Employer must pay for these clearances.
- F. Employers must be ADA compliant.
- G. Employers will not terminate the employment of current employees or otherwise reduce the workforce, such as reduction in hours or benefits, with the intention of filling the vacancy with a Paid Work Experience participant or as the result of having a Paid Work Experience participant.
- H. Employers, vendors, and LWDB staff will not discriminate in training/hiring practices because of race, color, sex, national origin, religion, physical/mental disabilities, political beliefs/affiliations, or age.
- I. All Employers must be aware of the Child Labor Provisions of the Fair Labor Standards Act. (Reference: <https://www.dol.gov/agencies/whd/fact-sheets/43-child-labor-non-agriculture>)

VII. **Disallowed Activities, Engagements, and Conflicts of Interest:**

- A. WIOA or TANF participants cannot be immediate family members of the business owner or the direct supervisor of the business that is providing the employment experience to the participant.

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VIII. Youth Labor Restrictions; Commonwealth of Pennsylvania Child Labor Act, No. 151, Sec. 3(C):

- A. **Age restriction:** No individual under 14 years of age in Pennsylvania may be employed.
- B. Child Labor Act of the Commonwealth of Pennsylvania:
 - 1. **Work restrictions for participants ages 14-15:**
 - a. During the summer, 14- and 15-year-old participants may only work between 7:00 a.m. and 9:00 p.m. and no more than eight (8) hours a day, or 40 hours a week.
 - b. During a regular school week, minors 14 and 15 years of age may not be employed before 7 a.m. or after 7 p.m.
 - c. A minor age 14-15 may not be employed for more than three hours on a school day or more than eight hours on a day when there is no school.
 - d. The minor ages 14-15 may not be employed for more than 18 hours during a regular school week, and not more than 40 hours during a week when school is not in session.
 - 2. **Work restrictions for participants ages 16-17:**
 - a. During the summer, 16- and 17-year-old participants may only work between 6:00 a.m. and 1:00 a.m., and no more than 10 hours a day, or 44 hours a week.
 - b. During a regular school week, minors 16 years of age or older may not be employed before 6 a.m. or after 12 midnight during a regular school week, and may not be employed for more than eight (8) hours in a single day or more than 28 hours per week during the regular school week.
 - 3. A minor may refuse any request to work that exceeds 44 hours per week without being penalized or removed from employment.
 - 4. Minors may not work more than six consecutive days and must be allowed a 30-minute meal period on or before five consecutive hours of work.
- C. The following are examples of prohibited jobs for participants ages 14-15:
 - 1. Working in any of the Hazardous Orders or in most occupations involving transportation, construction, warehousing, communications and public utilities.
 - 2. Processing, mining, in any workroom or work place where goods are manufactured or processed, in freezers, or in meat coolers.
 - 3. Operating any power-driven machinery, except office machines.
 - 4. Peddling, sign waving, or door-to-door sales activities.
 - 5. Working from ladders, scaffolds, or substitutes.
 - 6. Catching or cooping live poultry.
- D. The following are examples of jobs that 14- and 15-year-olds may hold:
 - 1. Most office jobs, retail, and food service establishments.
 - 2. Bagging groceries, stocking shelves, and cashiering.
 - 3. Intellectual or creative occupations such as musician, artist, and performer.
 - 4. Limited kitchen work involving the preparation of food and beverages.
 - a. Youth may cook over electric/gas grills, but not over an open flame, and may cook with deep fryers equipped with a device that automatically lowers the baskets into hot oil/grease and automatically raises the baskets from the hot oil or grease.
 - 5. Cleaning cooking equipment and surfaces (not otherwise prohibited), filter, transport, and dispose of grease with temperature of surfaces, containers, and grease not exceeding 100°F.
 - 6. Properly certified 15-year-olds may work as lifeguards and swimming instructors at traditional swimming pools and water amusement parks.

IX. Occupations Banned from WIOA/TANF Paid Work Experience Eligibility

- A. **The Hazardous Occupations Orders (HO):** The FLSA establishes an 18-year minimum age for nonagricultural occupations that the Secretary of Labor finds and declares to be particularly hazardous for 16- and 17-year-old minors, or detrimental to their health or well-being. Child Labor Regulation No.

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3 also bans 14- and 15-year-olds from performing any work proscribed by the (HOs). There are currently 17 HOs which include a partial or total ban on the occupations or industries they cover.

1. **HO 1. Manufacturing or storing explosives:** Bans explosives, but permits work in retail stores selling ammunition, gun shops, trap/skeet ranges, and police stations.
2. **HO 2. Driving a motor vehicle or work as an outside helper on motor vehicles:** Bans operating motor vehicles on public roads and working as outside helpers on motor vehicles, except 17-year-olds may drive cars or small trucks during daylight hours for limited times and under strictly limited circumstances (*see [Fact Sheet #34](#)* on the Department of Labor and Industry website in this series for information about on-the-job driving).
3. **HO 3. Coal mining:** Bans most jobs in coal mining.
4. **HO 4. Occupations in forest fire fighting, forest fire prevention, timber tract, forestry service, and occupations in logging and sawmilling operations:** Bans forest fire fighting; forest fire prevention, extinguishing fires; timber tract management; logging; and sawmills.
5. **HO 5. Power-driven woodworking machines:** Bans the operation of most power-driven woodworking machines, including chainsaws, nailing machines, and sanders.
6. **HO 6. Exposure to radioactive substances and ionizing radiation:** Bans employment of minors where they are exposed to radioactive materials.
7. **HO 7. Power-driven hoisting apparatus:** Bans operating, riding on, and assisting in the operation of most power-driven hoisting apparatus such as forklifts, non-automatic elevators, skid-steers, skid-steer loaders, backhoes, man lifts, scissor lifts, cherry pickers, work-assist platforms, boom trucks, and cranes. Does not apply to chair-lifts at ski resorts or electric and pneumatic lifts used to raise cars in garages and gasoline service stations.
8. **HO 8. Power-driven metal-forming, punching and shearing machines:** Bans the operation of certain power-driven metal-working machines but permits the use of most machine tools.
9. **HO 9. Mining, other than coal:** Bans mining at metal mines, quarries, aggregate mines, underground work in mines, work in open cut mines, open quarries, and sand/gravel operations.
10. **HO 10. Power-driven meat-processing machines, slaughtering and meat packing plants:** Bans the operation of power-driven meat processing machines, meat slicers, saws, and meat choppers. Prohibits minors from cleaning such equipment, including the hand-washing of the disassembled machine parts. This ban also includes the use of this machinery on items other than meat, such as cheese and vegetables. HO 10 also bans most jobs in meat and poultry slaughtering, processing, rendering, and packing establishments.
11. **HO 11. Power-driven bakery machines:** Bans the operation of power-driven bakery machines such as vertical dough/batter mixers; dough rollers, rounders, dividers, and sheeters; and cookie or cracker machines. Permits 16- and 17-year-olds to operate certain lightweight, small, portable, countertop mixers and certain pizza dough rollers under certain conditions.
12. **HO 12. Balers, compactors, and power-driven paper-products machines:** Bans the operation of all compactors and balers and certain power-driven paper products machines such as platen-type printing presses and envelope die cutting presses. Sixteen- and 17-year-olds may load, but not operate or unload, certain scrap paper balers and paper box compactors under very specific guidelines (*see [Fact Sheet #57](#)*).
13. **HO 13. Manufacturing of brick, tile and related products:** Bans most jobs in the manufacture of brick, tile and similar products.
14. **HO 14. Power-driven circular saws, band saws, guillotine shears, chain saws, reciprocating saws, wood chippers, and abrasive cutting discs:** bans the operation of, and working as a helper on, the named types of power-driven equipment, no matter what kind of items are being cut by the equipment.

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15. **HO 15. Wrecking, demolition, and ship-breaking operations:** Bans most jobs in wrecking, demolition, and ship-breaking operations, but does not apply to remodeling or repair work which is not extensive.
 16. **HO 16. Roofing operations and work performed on or about a roof**—bans most jobs in roofing operations, including work performed on the ground and removal of the old roof, and all work on or about a roof (*see Fact Sheet #74*)
 17. **HO 17. Trenching and excavation operations:** Bans most jobs in trenching and excavation work, including working in a trench more than four feet deep.
- B. The regulations provide a limited exemption from HOs 5, 8, 10, 12, 14, 16 and 17 for apprentices and student-learners who are at least 16 years of age and enrolled in approved programs.
- C. The term "operation" as used in HOs 5, 8, 10, 11, 12 and 14 generally includes the tasks of setting up, adjusting, repairing, oiling or cleaning the equipment.

X. Duration and Funding Limits for Participation:

- A. Paid Work Experience should not extend beyond a **12-week period**.
1. If a WIOA/TANF Summer Youth participant fulfills less than 12 weeks of Paid Work Experience within the summer months, vendors may request that the balance of the time allotment be extended into the regular school year.
- B. Vendors determine the dollar amount per participant that is spent on Paid Work Experience activity.
1. For participants enrolled in the WIOA Adult/Dislocated Worker programs, the grant dollars used for the Paid Work Experience will be awarded from the total Adult/Dislocated Worker funding amount allocated for training dollars within a lifetime.
 2. For participants enrolled in the WIOA or TANF Youth programs, grant dollars expended for Paid Work Experience will not affect the WIOA Adult/Dislocated Worker lifetime funding limit if the participant should continue with Title I programming as a WIOA-eligible Adult or Dislocated Worker, and be re-enrolled into such programming in the future.
 3. Participants are paid for the hours worked and documented on the timesheet.
 4. Participants cannot be paid for lunch breaks or vacation time.
 5. Paid Work Experience participants are not permitted to work overtime under any circumstance.

XI. Paid Work Experience Agreement:

- A. The Paid Work Experience Agreement must be used for Paid Work Experience assignments.
- B. Paid Work Experience agreements must be signed before starting the Paid Work Experience.
- C. Paid Work Experience agreements may be modified in writing.

XII. Documentation required in the case record for all Paid Work Experience Participants:

- A. Paid Work Experience details must be recorded in CWDS case notes to include the assessment, recommendations from the case management staff, and any wage and hour determinations.
- B. Paid Work Experience requires the following documentation:
1. Work-Based Training Plan Agreement
 2. Career Scope Assessment
 3. Grievance Procedure signed and dated
 4. Individual Employment Plan
 5. I-9 acquisition
 6. W-4 tax document acquisition
 7. Training Plan supporting linkage to academic and occupational learning that takes place onsite
 8. Job Description
 9. If an individual is between the ages of 14-17 they are required to have a work permit.
 10. If the individual is 17 and dropped out of High School, a letter from the home district

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11. All copies of the work permits or letters will be retained in the participant's file.
12. Weekly time sheets are required to be completed by the employer
13. Bi-weekly progress reports completed by the employer





XIII. Compliance Monitoring:

A. Worksites may be monitored for compliance through on-site visits and/or remote desk reviews which will include, at a minimum, the review of payroll & time records, employer and participant surveys, participant progress reports, ADA compliance and participant file eligibility.

XIV. Accident or Injury at a Worksite

A. If an incident or accident occurs at a Paid Work Experience worksite and involves a WIOA/TANF participant, an incident report must be completed and sent to SCPa Works.

XV. Summary of Changes: This policy is reviewed every 180 days by the SCPa Works Policy Department for necessary changes, edits, updates, and revisions.

Date of Change:	Changed by:	Summary of Change(s):	Effective Date
02/01/2022	Saranne Miller 	Annual policy review/revision; edited banned occupations section V, revised lifetime allocation section VII(B), and updated citations to reflect federal and state compliance.	8/4/2022
07/13/2022	Saranne Miller 	Reiterated Commonwealth of Pennsylvania Child Labor Act, No. 151 in section VIII of this policy, and removed outdated DOL content. Added dollar amounts to wage descriptors.	8/4/2022
07/14/2022	Saranne Miller 	Added the request to extend summer hour allotment into the regular school year for youth participants.	8/4/2022
01/18/2024	Saranne Miller 	Section X specific dollar amounts removed and replaced with vendor autonomy statement (X.B.) as per Programs Department. Removed ETPL requirement as per Programs Department.	02.08.2024

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