

**Southern Nevada Workforce Investment Board
General Policies and Procedures
SUMMER EMPLOYMENT & WORK EXPERIENCE (INTERNSHIP)**

EFFECTIVE DATE: May 1, 2009

NUMBER: 3.11Y

Supersedes all youth references in SNWIB General Policies and Procedures No. 3.11r#1 (5/2005) and No. 3.11r (7/1/2000)

AUTHORIZATION: SNWIB Manager

I. BACKGROUND:

Youth work experiences are intended to assist youth who are disconnected from education and the workforce.ⁱ Funds may be used to pay wages, stipends and/or related benefits for work experience provided that the individual objective assessment and individual service strategy indicate that work experiences are appropriate.ⁱⁱ

Work experiences and internships are similar in their structure, and for the purposes of this agreement are synonymous. Proper attention should be given to development of the work experience and whether it constitutes an employment relationship per the Fair Labor Standards Act as this will require additional mandates regarding wage and employment laws.

II. DEFINITION FOR A SUMMER YOUTH EMPLOYMENT AND WORK EXPERIENCE

- a) Work experiences are planned, structured learning experiences that take place in a workplace for a limited period of time. As provided in WIA section 129(c)(2)(D) and § 664.470, work experiences may be paid or unpaid.
- b) Work experience workplaces may be in the private, for-profit sector; the non-profit sector; or the public sector.
- c) Work experiences are designed to enable youth to gain exposure to the working world and its requirements.
- d) Work experiences are appropriate and desirable activities for many youth throughout the year.
- e) Work experiences should help youth acquire the personal attributes, knowledge, and skills needed to obtain a job and advance in employment.
- f) The purpose is to provide the youth participant with the opportunities for career exploration and skill development and is not to benefit the employer, although the employer may, in fact, benefit from the activities performed by the youth.
- g) Work experiences may be subsidized or unsubsidized.

III. ELEMENTS OF SUMMER YOUTH EMPLOYMENT AND WORK EXPERIENCE:

Summer Employment and Work Experience can include the following elements:

- a) Instruction in employability skills or generic workplace skills such as those identified by the Secretary's Commission on Achieving Necessary Skills (SCANS);
- b) Exposure to various aspects of an industry;

- c) Progressively more complex tasks;
- d) Internships and job shadowing;
- e) The integration of basic academic skills into work activities;
- f) Supported work, work adjustment, and other transition activities;
- g) Entrepreneurship;
- h) Service learning;
- i) Project-based community service learning opportunities not conducted at an employer worksite;
- j) Paid and unpaid community service; and/or
- k) Other elements designed to achieve the goals of work experiences.

IV. ON-THE-JOB TRAINING (OJT)

In most cases, on-the-job (OJT) training is not an appropriate work experiences activity for youth participants under age 18. Local program operators may choose, however, to use this service strategy for eligible youth when it is appropriate based on the needs identified by the objective assessment of an individual youth participant and provided it is approved by SNWIB in advance as there are additional requirements for the use of OJT experiences. iii.

V. PROVISIONS & GUIDELINES FOR WAGES^{iv}

Provisions for wages under the amendments to the Fair Labor Standards Act (FLSA) apply to all youth participants employed under WIA. Effective July 24, 2009; minimum wage will increase to \$7.25 per hour.

Although there is no maximum hourly wage required by SNWIB, proper care should be taken to assess the appropriate training wage and/or stipend. The hourly wage should not exceed that which is common for like training /entry-level positions in the industry.

Federal income taxes must be withheld at an appropriate rate as determined by the client's W-4. Employer of record must provide each youth with a W-2 form at the end of each calendar year as required by law. No allowances are made to pay trainees for holiday, overtime, or sick leave pay.

Depending on the facts, FLSA regulations may apply only to the workplace portion, and not to the classroom portion, of summer employment. Any hours spent in classroom training as part of a summer employment opportunity may or may not fall under the FLSA. Any questions regarding whether an individual trainee placement constitutes an employee/employer relationship, or whether an employee's time spent in training is compensable, please contact the Wage and Hour Division at 1-866-4-USWAGE, or at <http://www.dol.gov/esa/WHD> or consult with SNWIB staff for guidance.

Program may provide wages or stipends to youth in a classroom-based component of a summer employment opportunity. However, the program must develop a policy guiding the payment of classroom based stipends and wages and submit this to SNWIB for review.

VI. PROHIBITED WORKSITE PLACEMENTS (ARRA Summer Program Only)

Per guideline in the ARRA^v, "none of the funds appropriated or otherwise made available in this Act may be used by any state or local government, or any private entity, for any casino or other gambling establishment, aquarium, zoo, golf course, or swimming pool." Therefore, the use Recovery Act funds to place youth in summer employment or work experiences in any of these facilities is prohibited.

VII. CHILD LABOR LAWS

All applicable State and Federal Child Labor Laws must be understood and adhered to prior to placing a youth in a work experience. The Department of Labor has resources for federal child labor law located at (<http://youthrules.dol.gov>). Including factsheets at (<http://www.dol.gov/esa/whd/regs/compliance/whdfs43.pdf>). There is also a self assessment for employers (http://youthrules.dol.gov/selfassess_nonAgri.htm).

VIII. GENERAL PROVISIONS FOR WORKSITE DEVELOPMENT^{vi}

Work experience is one of core components of youth workforce programming. Participating worksites should be developed that introduce and reinforce the rigors, demands, rewards, and sanctions associated with holding a job. Every effort should be made to match worksites with participants' interests and goals.

It is critical to ensure proper worksite supervision in cooperation with both worksite supervisors and program staff. Employers should be flexible in working with youth who may have barriers. Programs must only use employers that are committed to helping participants receive the experience and training that is required to meet the work readiness goals or other objectives sought for participants. Employers should be selected provided that they are willing to work closely with program staff. Worksite supervision, including participant to staff ratio, is critical.

IV. SUMMER EMPLOYMENT/WORK EXPERIENCE DEVELOPMENT & DOCUMENTATION

Care must be taken when documenting the justification for summer employment activities and work experiences. At a minimum this shall include:

- a) The youth's Individual Service Strategy should indicate that work readiness and/or or work experience are appropriate.
- b) Prior to placement in a paid work experience youth must complete IRS form W4 as well as an I9.
- c) Per the State of Nevada guidelines, work permits are needed for youth between the ages of 14- 18 years.
- d) The employer of record is responsible to maintain Workers' Compensation insurance for trainees who participate in work experience/internship.
- e) Documentation of time card and wages paid should be included in the individual client's file.
- a) Supervisors should be properly trained by program staff and made aware of applicable laws, expectations and components of the training experience, including any expected site visits and/or evaluations. *See Worksite Checklist Template provided by SNWIB.*
- b) Supervisors must be provided with a Medical Release Form for each youth in case of emergency. *See Attachments for Medical Release Form Template provided by SNWIB.*
- c) If there are plans to use the worksite to evaluate the work readiness skills of client, these should be clearly outlined and explained to youth and supervisor during the development of the work experience. This evaluation must include a pre and post-assessment to indicate whether a measurable increase in skills was attained. *See Attachment for Work Readiness Evaluation Template provided by SNWIB.*
- d) A worksite agreement, or contract, must be in place prior to the client beginning any work experience or internship activity. A copy of the agreement must be maintained in the client file. *See Attachment for a Work Experience Agreement Template provided by SNWIB.*

- e) A Work Experience Agreement must indicate the following provisions:
- i. Contact information for the individual responsible at the Youth Agency and at the Host Worksite Organization as well as the youth participant;
 - ii. An outline of the trainee position, duties/task and learning objectives;
 - iii. A term of the agreement including a start and end date;
 - iv. The expected weekly work schedule and total number of hours allowed in the agreement;
 - v. Whether the experience is paid a wage or stipend and the amount of the hourly wage or stipend;
 - vi. The procedures for timecard completion and submission;
 - vii. Schedule of payroll or stipend disbursement;
 - viii. Relevant references to state and federal regulations including those as defined by WIA;
 - ix. Reference to labor standards that apply, as defined by the Fair Labor Standards Act and applicable state or federal child labor laws;
 - x. The provision that the work experience/internship cannot be used to cause the displacement of a regular employee;
 - xi. Expectations and agreements made by all parties; and
 - xii. Signatures of service provider, employer, and participant.

ATTACHMENTS:

- Work Experience Agreement*
- Work Readiness Evaluation*
- Medical Release Form*
- Worksite Checklist*

ⁱ Training and Employment Guidance Letter (TEGL) 14-08 (March 18, 2009)

ⁱⁱ (WIA sec. 129(c)(2)(D).)

ⁱⁱⁱ (WIA sec. 129(c)(2)(D).

^{iv} TEGL 14-08 (page 25)

^v Section 1604 of Division A

^{vi} TEGL pages 27-28