



## CWP Policy/Procedure Transmittal

**Policy and Procedures Transmittal Number:** 22-07

**Effective Date:** August 29, 2022

**To:** CWP Staff and Subrecipient Staff

**From:** Julie Watson, Compliance & Accountability Administrator

A handwritten signature in blue ink, appearing to read 'Julie Watson', is positioned to the right of the 'From:' field.

**Issue Date:** August 30, 2022

**Subject:** CWP Work Experience Policy Revision

With this transmittal, CWP issues revised CWP Work Experience policy and procedures. The policy regarding the frequency of monitoring worksites with youth participants has changed. Section E.3.j.ii.a) of the Work Experience policy now specifies that worksites with participants under the age of 18 must be monitored weekly.

In addition to being attached to this transmittal, CWP Work Experience policy and procedures can be found as policy number 2-60 in Section 2 of the CWP online policy and procedures manual at <https://capitalworkforce.org/policies/>.

Questions regarding CWP's Work Experience policy revision should be addressed to Angelica Heron, CWP's Youth Services Manager, at [aheron@capitalworkforce.org](mailto:aheron@capitalworkforce.org).

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## A. Definitions

**Work experience:** A planned, structured learning experience that takes place in a workplace for a limited period of time. Subsidized employment, transitional employment and paid internships are types of work experience.

**Employer of Record:** The entity that serves as the employer for payroll, tax and Workers' Compensation Insurance purposes and for compliance with CWP's Policy and Procedures while the employee performs work for a different entity. For purposes of these policies and procedures, the employer of record is either CWP or CWP's subrecipient providing the work experience activity.

## B. General Provision

Work experience as administered by CWP is short-term, subsidized employment in the public, private or non-profit sectors where wages are paid by the employer of record (either CWP or CWP's subrecipient) and working conditions are consistent with the Fair Labor Standards Act as well as all applicable state and federal labor laws and regulations.

## C. Policy

### 1. Participant

- a. CWP's provision of work experience is used to address several work readiness and job search needs. Work experience activities provide:
  - i. Opportunity to develop good work habits and work skills for customers who have no or limited work experience.
  - ii. Opportunity to explore different work interests and try new skills and abilities in a work setting.
  - iii. Opportunity to develop and document success in the work place that will facilitate future job search efforts and employment retention.
  - iv. Opportunity to develop and expand a professional network.
- b. Work experience activities are assigned to participants based on the outcome of their career assessment.
- c. Generally, work experience placements are related to CWP's targeted employment sectors and/or the participant's individualized employment plan.
- d. The specific work experience assignment is coordinated with other program elements within the participant's overall employment plan or service strategy.
- e. Work experience is limited in duration, with the exact time limit determined by program goals and/or limitations.
- f. No participant is assigned to work for more than 40 hours per week. Minors and participants of specific programs have additional restrictions on their weekly hours and work schedule. See section D.6 of these policies for additional work restrictions for minors.  
In accordance with CT State Statute 31-51ii, participants assigned to seven and one-half (7½) or more consecutive hours are provided with a meal period of at least 30 consecutive minutes at some point in time after the first two hours and before the last two hours of the shift.

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- g. Participants are paid no less than the Connecticut minimum wage, but the pay rate may be higher based on individual program requirements and resources.
- h. Participants are paid for only the hours actually worked. Participants are not paid for time when they are out sick, on vacation, or for holidays, or for meal periods as defined at section C.1. g. of these policies.
- i. If participants are allowed to work overtime (exceeding 40 hours in a pay week), they must be paid the required overtime rate; however, CWP will not reimburse the service provider for the overtime pay.
- j. Participants are not allowed to “voluntarily” work additional hours without pay.
- k. The employer of record covers participants on its workers’ compensation policy, and pays their payroll taxes.
- l. Participants are provided in advance with their rights and responsibilities pertaining to the work experience activity.
- m. No participant is placed in a worksite where a member of that participant’s immediate family is directly supervised by or directly supervises that participant.

## 2. Employer of Record

- a. The employer of record must ensure compliance with the provisions of all applicable federal, state and local employment laws, statutes, ordinances, rules and regulations by all worksites.
- b. The employer of record must provide Workers’ Compensation coverage for all work experience participants.
- c. The employer of record must withhold Social Security, Federal Income and Connecticut State Income taxes.
- d. The employer of record must ensure compliance with section C.3-6. of these policies.
- e. The employer of record must ensure that participants have a safe working environment and ongoing worksite supervision.
- c. The employer of record must ensure time and attendance procedures are established for work experience activities and that participants are paid for all and only hours actually worked.
- d. The employer of record must ensure payroll distribution policies and procedures are established and utilized to ensure paychecks are issued in accordance with section D.3 of these procedures. Direct Deposit is the preferred method of payment.
- e. The employer of record must ensure that paper and electronic payroll records are securely stored according to standard HR practices and must adhere to CWP’s Protecting Personally Identifiable Information (PII) Policy.
- f. The employer of record must ensure that participants of work experience activities are informed of worksite expectations and their rights and responsibilities.
- g. The employer of record must provide each worksite with a document delineating its responsibilities to the participant and to the program.
- h. The employer of record must ensure that a CWP-prescribed worksite agreement is executed for each worksite prior to participants starting work experience at the worksite.

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- i. For work that involves children, the employer of record must establish written guidelines and procedures regarding mandated reporting of suspected abuse and/or neglect and, where applicable, ensure the worksite supervisor implements said guidelines and procedures.

### 3. Worksite

- a. Every worksite is to have a copy of the executed CWP worksite agreement on site.
- b. Every worksite must have supervisory oversight of participants at all times.
- c. Every worksite must adhere to established time and attendance policy and procedures.
- d. Every worksite is to adhere to the health and safety standards described in section C.6. of these policies

### 4. Safeguards to ensure that participants of work experience do not displace other employees

- a. A participant in a program or activity must not displace (including a partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits) any currently employed employee (as of the date of the participation).
- b. A program or activity must not impair existing contracts for services or collective bargaining agreements. When a program or activity would be inconsistent with a collective bargaining agreement, the appropriate labor organization and employer must provide written concurrence before the program or activity begins.
- c. A participant in a program or activity may not be employed in or assigned to a job if:
  - i. Any other individual is on layoff from the same or any substantially equivalent job;
  - ii. The employer has terminated the employment of any regular, unsubsidized employee or otherwise caused an involuntary reduction in its workforce with the intention of filling the vacancy so created with the participant; or
  - iii. The job is created in a promotional line that infringes in any way on the promotional opportunities of currently employed workers.

### 5. Wage and labor standards

- a. Individuals in work experience or individuals employed in activities must be compensated at the same rates, including periodic increases, as trainees or employees who are similarly situated in similar occupations by the same employer and who have similar training, experience and skills. Such rates must be in accordance with applicable law, but may not be less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State or local minimum wage law.
- b. Individuals in work experience or individuals employed in programs and activities must be provided benefits (excluding benefits currently provided through the granted state assistance) and working conditions at the same level and to the same extent as other trainees or employees working a similar length of time and doing the same type of work.
- c. Allowances, earnings, and payments to individuals participating in programs are not considered as income for purposes of determining eligibility for and the amount of income transfer and in-kind aid furnished under any Federal or Federally assisted program based on need other than as provided under the Social Security Act (42 U.S.C. 301 *et seq.*).

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## 6. Health and safety standards that apply to the working conditions of participants in work experience

- a. 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 engaged in programs and activities.
- b. Workers' compensation must be provided to participants in programs and activities on the same basis as the compensation is provided to other individuals in the State in similar employment. Workers' compensation benefits must be available for injuries suffered by the participant in such subsidized employment.

## D. Procedures

### 1. General

The following procedures apply to all CWP work experience activities. All CWP work experience must comply with the Fair Labor Standards Act in regards to wages paid, hours worked and child labor regulations. Every work experience participant must complete and sign an I-9 in accordance with the Immigration Reform and Control Act prior to starting the work experience activity. Every work experience participant must complete a W-4. Employers of record must issue a W-2 to every participant of work experience.

Each program such as, but not limited to, WIOA Adult, WIOA Youth, JFES, or SYELP, may have program specific work experience procedures. See the specific program section of this policy and procedure manual for work experience procedures that are specific to each program.

### 2. Time and Attendance

The employer of record is to establish time and attendance policies that include the following elements. CWP can provide a time and attendance policy template upon request.

- a. Documentation of Attendance
  - i. Participant's daily time and attendance is recorded by a system that captures actual daily hours including start and stop times. The time and attendance system may be electronic or paper (time cards or time sheets).
  - ii. Meal breaks are unpaid; therefore participants are required to sign out at the start of each meal break and sign in at the end of the meal break. *(A meal break is required for shifts of seven and one-half (7½) or more consecutive hours. A meal break is required to be at least 30 consecutive minutes and is given at some point in time after the first two hours and before the last two hours of the shift.)*
  - iii. If a paper time and attendance system is used, both the participant and the site supervisor are required to sign and date each time card/time sheet after the work period is complete. Time cards/time sheets are never pre-signed or signed by the participant or supervisor before the participant has completed his/her hours for the pay period. If an electronic system is used, it must include a process to record employee and supervisor verification of hours worked.

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- b. **Employer of Record's Attendance Policy**  
The employer of record is to establish policies and procedures that address the following questions and ensure that participants and worksite supervisors implement them as required.
  - i. **Hours and duration of work:** What are the assigned duration, schedule and hours of work?
  - ii. **Tardiness:** What is expected of the participant and site supervisor if the participant is tardy for the work experience assignment?
  - iii. **Absences:** What is expected of the participant and site supervisor if the participant is absent on an assigned work day?
  - iv. **Make-up Time:** Does the employer of record allow for the "make-up" of missed work time? If yes, what are the procedures for making up missed time?

### 3. Standard Wage Issuance

The following procedures apply to all work experience wage issuances.

- a. Every work experience participant is to complete a W-4.
- b. In accordance with Federal and State laws, the employer of record issues a W-2 to every work experience participant.
- c. All participants are paid no less than biweekly via paper check or direct deposit for actual hours of work during the previous week.
- d. Checks, whether paper or direct deposit, are distributed only to the participant to whom they are addressed, or to a representative with written authorization.
- e. The employer of record is to establish a check payment system that includes a process for check disbursement including frequency, method and location.
- f. If paid with paper checks instead of direct deposit, the following procedures are applied:
  - i. Checks are distributed in envelopes to protect confidentiality.
  - ii. Participants sign a distribution log to acknowledge receipt of their checks each week.
  - iii. Checks are never be distributed to any other person (including parents/guardians of minors) without the written permission by the participant on the program's Authorization Form.
  - iv. Any person authorized to pick up a participant's pay check must sign for it.

### 4. Worksite Agreements

- a. The employer of record is to execute a CWP-prescribed worksite agreement between the employer of record and the worksite.
- b. The employer of record is to submit the worksite agreement to the applicable CWP program manager for approval prior to participants starting work experience as a worksite.
- c. See Section 8 of the CWP Policy and Procedures Manual for the Worksite Agreement template.

### 5. Worksite Monitoring

The employer of record is required to conduct worksite monitoring to ensure participants are safe, performing work consistent with their job description, and supervised adequately, and to ensure that all CWP work experience policies and procedures are being followed.

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- a. Monitoring Frequency
  - i. Initial monitoring visit: Every worksite is to be monitored by the employer of record within an initial time frame prescribed by the program administering the work experience. At least one participant is to be present and observed working during this initial monitoring visit.
  - ii. Frequency of onsite worksite monitoring: The frequency of worksite monitoring by the employer of record may vary from weekly to a minimum of once every four weeks depending on several factors: monitoring requirements of the funding source, CWP subrecipient contract requirements, and level of risk to the participant based on the participant's age, the number of participants at the worksite, and the nature of the work at the worksite. The employer of record should contact CWP if it needs assistance determining the level of risk and the frequency of worksite monitoring visits.
- b. CWP Worksite Monitoring Checklist

The initial onsite worksite monitoring visit includes, at minimum, a review of the items on the CWP Worksite Monitoring Checklist. See Section 8 of the CWP Policy and Procedures Manual for the CWP Worksite Monitoring Checklist. The initial worksite monitoring visit includes, but is not limited to, a review of the following:

  - i. Signed worksite agreement is at the worksite.
  - ii. Worksite has adequate security, has a safe environment, is clean and adheres to safety standards.
  - iii. There is clear supervision and oversight in place.
  - iv. Participants have adequate tools and equipment to do their work.
  - v. The work being performed is as described in the worksite agreement.
  - vi. Participants have adequate work to keep them occupied.
  - vii. Participants understand their rights and responsibilities regarding their worksite assignment.
  - viii. Time and attendance policy is being followed.

## **E. Additional Policy and Procedures Pertaining to Youth in Work Experience Activities**

This section contains additional policy and procedures specifically for youth enrolled in paid work experience in CWP's programs.

### **1. Purpose**

Work experience is an activity that provides youth with the opportunity to participate in the working world as an employee, with a job description, work schedule, rights and responsibilities. While the primary purpose of work experience is to help youth acquire career competency, participants perform real work that benefits the worksite, and must be paid. This differs from unpaid internships, wherein the primary purpose is the practice of occupational skills learned in a training program and/or acquisition of required hours for certification or licensure.

### **2. Objectives**

Paid work experience shall be provided to youth with limited or no work history to increase their competitiveness in the job market, to increase their exposure to the world of work and to allow them to explore career opportunities within industry sectors targeted by Capital Workforce Partners.

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- a. Improve long-term employment retention by providing a real-world employment experience for participants that will increase their knowledge of the world of work and improve employment competency.
- b. Develop strategic partnerships within the business communities to ensure that resources and opportunities are accessible in order to help youth gain the skills and competencies necessary to transition into jobs and career pathways in high-growth and high-demand industries.
- c. Provide a reference from the employer for all participants who successfully complete the work experience component.
- d. Build participant resumes by adding real-world employment history in the local labor market.

### 3. Requirements Specifically for Youth Work Experience Activities

- a. Paid work experience must be coordinated with other program elements, including literacy and numeracy instruction, career competency training and occupational skills training.
- b. Work experience placements should be related to the region's targeted industries and/or the youth's education and training experience or plan.
- c. Worksite development should be guided by the needs, interests, aptitudes and skill levels of the youth, and the ability and willingness of worksite management and staff to provide meaningful work and appropriate supervision to youth participants.
- d. A Worksite Agreement in the format prescribed by CWP must be executed for every worksite and submitted to CWP for approval at prior to placing any participant at the worksite.
- e. Participants must be hired as employees of the contractor, who will be the employer of record.
- f. Participants must be paid no less than the Connecticut minimum wage.
- g. Participants must be covered by workers compensation, and payroll taxes must be paid by the employer of record (the contractor).
- h. Work schedules must be flexible to the greatest degree possible to coordinate with other education and training activities, including adult education.
- i. The employer of record is required to conduct worksite monitoring to ensure youth participants are safe, performing work consistent with their job description, and supervised adequately, and to ensure that all CWP work experience policies and procedures are being followed.
- j. Monitoring Frequency
  - i. Initial monitoring visit: Every worksite is to be monitored by the employer of record within the first week of the work experience. At least one participant is to be present and observed working during this initial monitoring visit.
  - ii. Ongoing onsite worksite monitoring:
    - a) Youth participants who are minors (less than 18 years old)

Every worksite is to be monitored weekly by the employer of record starting with the first week of the work experience. At least one participant is to be present and observed working during the monitoring visits.
    - b) Youth participants who are 18 to 24 years old

The frequency of worksite monitoring by the employer of record may vary from weekly to a minimum of once every four weeks depending on several factors: monitoring requirements of the funding source, CWP subrecipient contract requirements, and level of risk to the participant based on the participant's age, the number of participants at the worksite, and the nature of the work at the worksite. The employer of record should contact CWP if it needs assistance determining the level of risk and



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the frequency of worksite monitoring visits. At least one participant is to be present and observed working during the monitoring visits.

- k. Employer of record must document worksite monitoring (see section D.5.b of this policy). Worksite monitoring documents are subject to review by CWP and by the state and federal Departments of Labor.
- l. Worksite supervisors must receive an interactive orientation prior to a youth placement at the worksite. Providers are required to use at a minimum, the CWP provided Worksite Supervisor Handbook.
- m. Work experience employer of record must have adequate time and attendance procedures to ensure that participants are paid only for hours actually worked.
- n. Work experience employer of record must have adequate payroll distribution policies and procedures to ensure that paychecks are issued only to the youth employee. Direct Deposit is the preferred method of payment.
- o. Work experience employer of record ensures compliance with the provisions of all applicable federal, state and local employment laws, statutes, ordinances, rules and regulations by all worksites as well as by the provider organization.
- p. Work experience employer of record ensures compliance with the provisions of all federal and state laws and regulations related to minors in the workplace as cited in section E below.

#### 4. Provisions for Minors

A minor is any individual under the age of 18. There are special federal and state employment laws and regulations that apply to minors. The employer of record must strictly adhere to employment laws and regulations pertaining to minors. The employer of record must ensure that worksites where minors are placed are aware of and adhere to these provisions. The special employment provisions for minors are listed below.

- a. Time and Hour Restrictions
  - i. Sixteen (16) and seventeen (17) year olds
    - a) Enrolled in school but during non-school weeks AND Not enrolled in school and Not graduated from a secondary institution
      - 1) No time restriction
      - 2) 8 hours per day
      - 3) 6 days per week
      - 4) No more than 48 hours per week
    - b) Enrolled in school, during school weeks
      - 1) 6 a.m. to 10 p.m.
      - 2) 6 hours per day Monday thru Thursday, 8 hours per day Friday, Saturday and Sunday
    - c) No more than 32 hours per week Under the age of 18 who graduated from high school allowed to work the same daily and weekly hours and times of day as adults.
  - ii. Fourteen (14) and fifteen (15) year olds enrolled in school
    - a) Limited to periods of school vacation.
    - b) 7 a.m. to 7 p.m. (exception: to 9 p.m. for 15 yr olds from July 1 to first Monday in September)
    - c) 8 hours per day
    - d) No more than 40 hours per week

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b. Occupation Restrictions

i. All Minors

No minor under the age of eighteen (18) years shall be employed or permitted to work in any occupation which has been pronounced hazardous to the health by the Department of Public Health or pronounced hazardous in other respects by the Labor Department. For a list of prohibited occupations visit the CT Department of Labor, Wage and Workplace Standards Division webpage at <https://www.ctdol.state.ct.us/wgwkstnd/minors/wg18yrs.htm>.

ii. Fourteen (14) and Fifteen (15) year olds

Minors under the age of 16 years are prohibited from working in manufacturing, mechanical, mercantile (retail), or theatrical industries (except acting) or restaurants or bowling alleys. There are limited exceptions to this law for example, 15 year olds are allowed to work in retail as baggers, cashiers, or stock clerks.