



Montana Department of LABOR & INDUSTRY

1 Division: Workforce Services Division
2 Category: WIOA
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5 Policy No.: 04-20

Youth Work Experience (WEX) Policy

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8 **Background:** The Workforce Innovation and Opportunity Act (WIOA) prioritizes Youth Work Experience
9 (WEX) for enrolled youth. Youth WEX is a planned, structured learning experience that takes place at a worksite
10 and provides an opportunity for skills developments as appropriate. The duration of the work experience is
11 limited and based on the needs of the participant. A work experience worksite may be in the private for-profit
12 sector, the non-profit sector, or the public sector.

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14 **Scope:** This policy applies to all service providers operating a WIOA Title 1 Youth Program, the WIOA Title 1
15 Youth Program Manager, WIOA fiscal officer, and the WIOA monitoring team. The policy is effective January 1,
16 2023.

17 Policy:

18 A. General Program Eligibility and Participant Placement Options

- 19 • WEX may be full-time or part-time depending on the needs of the participant and service provider
20 funding.
 - 21 ○ Full-time participation is defined as working 32 – 40 hours per week, not to exceed 40 hours
22 per week. Overtime hours and overtime pay are not permitted.
- 23 • To establish a WEX, service providers have two options:
 - 24 ○ Standard WEX – The service provider is the employer; paying the participant’s wages,
25 withholding taxes, and paying Workers’ Compensation premiums.
 - 26 ○ Alternative WEX – The worksite is the employer; paying the participant’s wages, withholding
27 taxes, and paying Workers’ Compensation premiums. The employer invoices the service
28 provider to receive reimbursement.
- 29 • WEX may serve as a stepping stone to unsubsidized employment and is an important step in the
30 development of career pathways for youth.
- 31 • Local youth programs must expend not less than twenty (20) percent of their funds allocation to provide
32 in-school and out-of-school youth with paid and unpaid work experience.
- 33 • WEX must include academic and occupational education. The education component may occur
34 concurrently or sequentially to the WEX.
- 35 • WEX requires that integrated education and training occur concurrently and contextually with workforce
36 preparation activities and workforce training for a specific occupation or occupational cluster for
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38 educational and career advancement. Participants are not required to master basic academic skills
39 before moving on to learn career-specific technical skills.

- 40 • There are four (4) categories of Youth WEX:
 - 41 ○ Summer employment opportunities and other employment available throughout the school year;
 - 42 ○ Pre-apprenticeship programs;
 - 43 ○ Internships and job-shadowing; and
 - 44 ○ On-The-Job Training (OJT) – please refer to the WIOA OJT Policy.
- 45 • This WEX policy addresses only the requirements for summer employment opportunities and other
46 employment available throughout the school year.

48 B. Service Provider and Employer Responsibilities

50 1. Relevant Employment Law

51 The WEX establishes a relationship between the employer and the employee. Service providers and employers
52 must:

- 53 • Comply with the Fair Labor Standards Act;
- 54 • Provide youth under eighteen (18) years of age with a work schedule that complies with child labor laws;
- 55 • Provide Workers' Compensation coverage; and
- 56 • Withhold Social Security and federal and Montana state income taxes.
 - 57 ○ Exception: Montana state law excludes WEX from the definition of employment for purposes of
 - 58 unemployment insurance compensation (UI). Therefore, employers do not pay UI on WEX wages
 - 59 and WEX participants do not earn wage credits.
- 60 • Pay WEX participants an hourly wage for hours worked. Payment may be in ¼ hour increments. Wages
61 are considered a work-training or educational allowance. Each participant will receive a wage based on:
 - 62 ○ Applicable federal or state minimum wage; or
 - 63 ○ The same rates as worksite trainees or employees in similar occupations or with similar training,
 - 64 experience, and skills, whichever is higher.
 - 65 ○ Exception: Based on local community wages, providers may pay participants more than the
 - 66 minimum wage. However, the wage must be commensurate with, not higher than, other
 - 67 worksite employees doing the same job.
- 68 • Provide WEX participants with the same benefits and working conditions as the other employees
69 performing similar work; for the same length of time

70 2. Required WEX Documents

71 a) A Memorandum of Agreement is required for each worksite. The agreement must be completed prior to
72 placement of a participant at a worksite. Employers may choose from the following documents:

- 73 • WEX Youth Memorandum of Agreement; or
- 74 • WEX Youth Alternative Memorandum of Agreement.
- 75 • WEX agreements are set up annually, based on program year (i.e., July 1st through June 30th).
- 76 • One agreement per worksite will cover all participants who are placed at that location.

77 b) Union Concurrence documentation occurs after an informal consultation with the appropriate labor
78 organization.

- 79 • The WEX Union Concurrence Form will be completed when a worksite has a union. If there is not
80 collective bargaining agreement in place, a note on the Union Concurrence Form, such as N/A, is
81 enough.
- 82 • The Union Concurrence Form must have the signature of the case manager and worksite authorized
83 signatory regardless of whether there is a collective bargaining agreement in place.
- 84 • A copy of the Union Concurrence Form must be kept with each Memorandum of Agreement, even when
85 a collective bargaining agreement is not applicable.

86 c) A WEX Youth Training Summary Form must be completed for each job performed at a worksite.

- 87 • There may be multiple summaries tied to a worksite depending on the number of job titles.
88 • Like the Memorandum of Agreement, the Training Summary must be completed prior to placement of a
89 participant at a worksite.
- 90 d) Timesheets must be completed at the end of the scheduled work period and align with the participant's
91 performance of work elements outlined on the Training Summary.
- 92 • Timesheets must document pay period start and end dates; dates and hours worked by the participant;
93 and a complete job duties/tasks section. Job duties/tasks must match those on the Training Summary.
- 94 • Timesheets must be signed and dated by both the participant and the supervisor.
- 95 • The supervisor must complete the evaluation section of the timesheet; and
- 96 • The individual signing as supervisor must be listed on the Training Summary as an authorized signatory.
- 97 e) Worksite supervision must be documented on the WEX Youth Bi-weekly Contact Record.

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99 3. MIS Documentation

100 a) WEX case notes must include:

- 101 • How the worksite was determined;
102 • Expected WEX duration; and
103 • Worksite information (worksite supervisor).

104 b) Individual Payment Authorizations must be set up for each pay period, supported by participant timesheets,
105 and must document:

- 106 • Pay period dates or end date; hours worked for the pay period; and costs, including both gross wages
107 and fringe benefits related to WEX.
108 • Only in extraordinary circumstances may more than one pay period be combined on a single payment
109 authorization.
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111 Monitoring and Technical Assistance:

- 112 • A formal monitoring will be conducted by the entity designated by SWIB.
113 • The WIOA Title I Youth program manager(s) will provide technical assistance to case managers.

114 References:

- 115 • [MCA 39-51-204 1m - Montana UI WEX exclusion](#)
116 • [WIOA Section 181 \(a\)\(1\)\(A\) WEX Wage Rate](#)
117 • [TEGL 23 -14 Expansion of Youth Work Experience](#)
118 • [TEGL 08 -15 Allowable Expenditures for Youth WEX Activities](#)
119 • [TEGL 21-16 Further Defines Youth WEX Program Elements](#)
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