

COMMONWEALTH OF VIRGINIA  
VIRGINIA COMMUNITY COLLEGE SYSTEM

**WORKFORCE INVESTMENT ACT**

**VIRGINIA WORKFORCE LETTER (VWL) #08-11**

**TO:** LOCAL WORKFORCE INVESTMENT BOARDS (WIBs)  
**FROM:** WORKFORCE DEVELOPMENT SERVICES  
**SUBJECT:** ADULT AND DISLOCATED WORKER WORK EXPERIENCE GUIDANCE  
**DATE:** MAY 11, 2009

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**PURPOSE**

To provide guidance to the local workforce investment areas on the provision of work experience to eligible adults and dislocated workers under the Workforce Investment Act.

**REFERENCES**

Public Law 105-220 134(d) (c).

Title 20 Code of Federal Regulations Section 662.200.

Fact Sheet #13: Employment Relationship Under the Fair Labor Standards Act. United States Department of Labor, Employment Standards Administration, Wage and Hour Division.

School-to-Work: elaws – Fair Labor Standards Act Advisor. U.S. Department of Labor.

**GUIDANCE**

WIA outlines intensive services in section 134(d) (3) (c) and Title 20 Code of Regulations (CFR) Section 662.200. 20 CFR Section 662.200 clarifies that work experience and internships are an allowable intensive service for adults and dislocated workers. The purpose of this communication is to provide local workforce areas guidance on this intensive service.

WIA defines work experience as a planned, structured learning experience that takes place in a workplace for a limited period of time. Work experience and internships may be paid or unpaid, as appropriate. These intensive services are short term and pre-vocational in nature and includes activities such as development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills and professional conduct, to prepare individuals for unsubsidized employment or training. A work experience or internship site may be located in the private for profit sector, the non-profit sector, or the public sector.

Local workforce investment boards and service providers should ensure that work experience and internships are appropriate based on the needs identified by the individual's comprehensive assessment. Work experience and internships should be limited and based on a service strategy identified in an Individual Employment Plan, and combined with other services. These activities will be of limited duration, based on the needs of the individual participant. Local Boards are responsible for developing policies on the use and duration of both paid and unpaid work experience and internships, as an intensive service strategy.

Labor standards will apply in any work experience where an employee/employer relationship, as defined by the Fair Labor Standards Act, exists. Because work experience and internships are pre-vocational services, the relationship between the WIA participant and the employer that volunteers to provide the site for the work experience or internship activity for the WIA program does not constitute an employer/employee relationship. WIA payments to participants in work experience and internships are incentives for progress and attendance in an intensive service, not compensation for work performed for an employer.

Local Boards will monitor and evaluate the effectiveness of work experience and internships in responding to the needs of participants and the results on participant outcomes.

If you have any additional questions, contact Joe Holicky at ([jholicky@vccs.edu](mailto:jholicky@vccs.edu)) or 804-819-1692.