



## A G E N D A

### Orange County Workforce Development Board

January 29, 2025

10:00 A.M.

**Location:**

OC Workforce Solutions Center (South)  
28202 Cabot Road, Suite 100  
Laguna Niguel, CA. 92677

The Orange County Workforce Development Board shall not hold a meeting unless the number of members participating constitutes a quorum of the Board.

This agenda contains a brief description of each item to be considered. Except as provided by law, no action shall be taken on any item not appearing in the agenda. Members of the public who wish to speak on an item(s) may complete a Speaker Request Form(s) identifying the items prior to the beginning of the meeting. To speak on a matter not appearing on the agenda, but under the jurisdiction of this Advisory Board, you may do so during Public Comments. Speaker request forms must be completed prior to the beginning of the meeting, the reading of the individual agenda items and/or the beginning of Public Comments. When addressing the Board, it is requested that you state your name for the record. Address the Board as a whole through the Chair. Comments to individual Members or staff are not permitted. Speakers are limited to three (3) minutes.

Materials/handouts can be requested up to 72 hours in advance of the meeting by visiting <https://workforce.ocgov.com/oc-workforce-development-board>.

This WIOA Title I financially assisted program or activity is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. TDD/TTY users, please call the California Relay Service (800) 735-2922 or 711. If you need special assistance to participate in this program, please contact [info@ocworkforcesolutions.com](mailto:info@ocworkforcesolutions.com) at least 72 hours prior to the event to allow reasonable arrangements to be made to ensure program accessibility.

**AGENDA:**

1. CALL TO ORDER: Anna Lisa Lukes, Chair
2. PLEDGE OF ALLEGIANCE
3. BOARD MEMBER ROLL CALL: OC Community Services Representative
4. PUBLIC COMMENT:  
At this time, members of the public may address the Board regarding any items within the subject jurisdiction, provided that no action is taken on off-agenda items unless authorized by law. *(Comments shall be limited to three (3) minutes, unless the Chair pre-identifies a different time at the start of meeting for all public speakers).*

**PRESENTATION:**

5. COUNTY LEGISLATIVE PROCESS  
Theodore Knapp, Government and Legislative Affairs Manager of OC Community Resources/Strategic Operations and Professional Standards

**ACTION ITEM:**

6. WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA) LOCAL AREA SUBSEQUENT DESIGNATION & RECERTIFICATION  
*Recommendation: Authorize the OCWDB Board Chair to sign the WIOA Local Area Subsequent Designation and Recertification application and authorize staff to submit to the State.*
7. REGIONAL AND JOINT-LOCAL PLANS FOR PROGRAM YEARS (PY) 2025-28 – DRAFT  
*Recommendation: Approve the draft Regional and Joint-Local Plans for PY 2025-2028, authorize staff to make any non-substantive updates, including changes based on public comments received.*
8. POLICY UPDATES
  - A. OCWDB Transitional Jobs Policy
  - B. OCWDB Work Experience (WEX) Policy*Recommendation: Approve OCWDB Policies A and B and authorize staff to make non-substantive changes.*

**INFORMATIONAL ITEM(S):**

9. DIRECTOR’S REPORT: Nancy Cook, Director

10. CHAIR REPORT: Anna Lisa Lukes, Chair

**DISCUSSION ITEM(S):**

11. OPEN DISCUSSION

*At this time, members of Board may comment on agenda or non-agenda matters provided that NO action may be taken on off-agenda items unless authorized by law.*

**ADJOURNMENT**

**NEXT MEETINGS:**

OCWDB Full Board – April 30, 2025

Location - TBD

DISCLAIMER: No member of the Orange County Workforce Development Board (OCWDB) shall sign a letter or make a statement purported to represent the position of OCWDB as a body. Letters or verbal statements of support or opposition on any issue shall only be made or signed by the Chair of OCWDB and shall be submitted to the Advisory Board for pre-approval. The policy of the Board of Supervisors does not allow OCWDB or its Chair to sign a letter of position on any matters pertaining to legislation. OCWDB members may write personal letters or speak as individuals stating personal positions but may not do so as representing the position or opinion of OCWDB and/or the County of Orange.

**Item #6 – ACTION**

Workforce Innovation and Opportunity Act Local Area Subsequent Designation and Recertification  
Recommendation Summary  
January 29, 2025

**BACKGROUND:**

The Workforce Innovation and Opportunity Act (WIOA) requires Local Workforce Development Areas to complete the Subsequent Designation and Recertification process to maintain eligibility for federal funding. This process ensures effective performance, fiscal integrity, and alignment with WIOA's goals.

The Orange County Workforce Development Board (OCWDB) is responsible for reviewing and submitting the application to the state to ensure the continued delivery of workforce development services.

Approval of the application will secure the continued delivery of workforce services in Orange County for the period of July 1, 2025 – June 30, 2027.

**RECOMMENDATION(S):**

Approve and support staff's recommendation to submit the WIOA Local Area Subsequent Designation and Recertification application, which has been signed by the Chairman of the Board of Supervisors, authorize staff to make any non-substantive updates as needed, and authorize the OCWDB Board Chair to sign the application for submission to the State.

**ATTACHMENT(S):**

1. WIOA Local Area Subsequent Designation & Recertification application

**Local Area Subsequent Designation  
and  
Local Board Recertification Application  
for  
Program Year 2025-27**

**Local Workforce Development Area**

Orange

**Application for Local Area Subsequent Designation and Local Board Recertification**

This application will serve as your request for Local Workforce Development Area (Local Area) subsequent designation and Local Workforce Development Board (Local Board) recertification for Program Year (PY) 2025-27 under the *Workforce Innovation and Opportunity Act* (WIOA).

If the California Workforce Development Board (CWDB) determines the application is incomplete, it will either be returned or held until the necessary documentation is submitted. Contact your [Regional Advisor](#) for technical assistance or questions related to completing and submitting this application.

Completed applications must be submitted by **5 p.m. on Monday, March 3, 2025**, to the CWDB at [PolicyUnit@cwdb.ca.gov](mailto:PolicyUnit@cwdb.ca.gov).

Orange

Name of Local Area

1300 S. Grand Ave., Building B

Mailing Address

Santa Ana, CA, 92705

City, State, ZIP

2/26/2025

Date of Submission

Nancy Cook

Contact Person

714-480-6420

Contact Person's Phone Number

**Local Board Membership**

The WIOA Section 107(b)(2)(A) through (E) states the requirements for nominating and selecting Local Board members.

1. Provide the names of the individuals appointed for each membership category listed below.
2. Attach a roster for the current Local Board.

**Category: Business** – WIOA Section 107(b)(2)(A) requires that business members constitute a simple majority of the Local Board, and WIOA Section 107(b)(3) states that the chairperson shall also be a member under this category. Specifically, a majority of the Local Board’s business members shall constitute the following representatives under this membership category:

- Owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority
- Representatives of businesses, including small businesses or business organizations
- Individuals appointed by those who have been nominated by local business organizations and business trade associations

List the Local Board’s business members and identify the chairperson by typing CHAIR after their name:

**Local Board Business Members**

<b>Name</b>	<b>Title</b>	<b>Entity</b>	<b>Appointment Date</b>	<b>Term End Date</b>
Anna Lisa Lukes	Chief Executive Officer	The Lukes Network	10/17/2023	1/4/2027
Tod Sword	Economic Development Consultant	Southern California Edison	9/26/2023	9/25/2025
Mike Daniel	Regional Director	Small Business Development Center (SBDC)	9/26/2023	1/6/2025
George Boutros	Government Affairs Manager	Orange County Business Council	11/28/2023	1/4/2027
Karen Caswelch	Chief Executive Officer	Archytas Automation	2/27/2024	1/4/2027
Bea Felix-Micalizio	Human Resources Manager	Providence Mission Hospital	3/26/2024	1/6/2025
Rajesh Jha	Chief Executive Officer	SimInsights	9/26/2023	9/25/2025
Robert Knowles	Senior Director of Global Technical Training	Edwards Lifesciences	2/27/2024	1/6/2025
Carlos Oregon	Chief Executive Officer	Thinkbox Technology Group	2/27/2024	2/26/2026
Tawny Lee Washington	Director of Human Resources	Marriot Vacations Worldwide	12/3/2024	12/2/2026

**Category: Labor** – Not less than 20 percent of the Local Board members shall be representatives from the Local Area’s workforce (WIOA 107[b][2][B]) who:

- Shall include representatives of labor organizations (for a Local Area in which employees are represented by labor organizations) who have been nominated by local labor federations or (for a Local Area in which no employees are represented by such organizations) other representatives of employees. California Unemployment Insurance Code (CUIC) Section 14202(b)(1) further requires and specifies that these representatives shall amount to not less than 15 percent of the Local Board membership and be subject to the following:
  - a. For a Local Area in which no employees are represented by such organizations, other representatives of employees shall be appointed to the board, but any Local Board that appoints representatives of employees that are not nominated by local labor federations shall demonstrate that no employees are represented by such organizations in the area.
  - b. Shall include a representative, who shall be a member of a labor organization or a training director from a joint labor-management apprenticeship program, or if



no such program exists in the area, such a representative of a state-approved apprenticeship program in the area, if such a program exists.

- May include representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment, including organizations that serve veterans or that provide or support competitive integrated employment for individuals with disabilities.
- May include representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth.

List the Local Board’s labor members:

**Local Board Labor Members**

Name	Title	Entity	Appointment Date	Term End Date
Doug Mangione	Business Representative	International Brotherhood of Electrical Workers, Local Union 441	10/17/2023	1/4/2027
Gloria Alvarado	Executive Director	Orange County Labor Federation	9/26/2023	1/4/2027
Andrew Fahmy	Executive Director	Orange County United Way	11/28/2023	1/4/2027
Randy Wetmur	Business Agent	Ironworkers 416	9/26/2023	9/25/2025

**Category: Education** – WIOA Section 107[b][2][C] requires that each Local Board include members who represent entities that administer education and training activities in the Local Area. Specifically, the Local Board shall have education representatives under this membership category from the following entities:

- Eligible Title II adult education and literacy providers
- Institutions of higher education providing workforce investment activities

Members may be representatives from local educational agencies and community-based organizations with demonstrated experience and expertise in addressing the education or training needs of individuals with barriers to employment.

List the Local Board’s education members:

**Local Board Education Members**

Name	Title	Entity	Appointment Date	Term End Date
Steve Curiel	Principal	Huntington Beach Adult School	9/26/2023	9/25/2025
Kathy Boyd	Director of Instructional Services	Orange County Department of Education	9/26/2023	1/6/2025
William Hewitt	Consultant	Saddleback College	9/26/2023	9/25/2025

**Category: Economic and Community Development** – WIOA Sections 107[b][2][D] and [E] require each Local Board to include governmental, economic, and community development representatives under this membership category from the following entities:

- Economic and community development organizations
- The state’s employment service office under the Wagner-Peyser Act
- Programs carried out under Title I of the federal Rehabilitation Act

A Local Board may have representatives from transportation, housing, and/or public assistance agencies; philanthropic organizations; and/or an individual or representatives of entities determined to be appropriate by the local Chief Elected Official (CEO).

List the Local Board’s economic and community development members:

**Local Board Economic and Community Development Members**

Name	Title	Entity	Appointment Date	Term End Date
Rob Claudio	Deputy Division Chief	California Employment Development Division	9/26/2023	9/25/2025
Sherri Han-Lam	District Administrator	California Department of Rehabilitation	9/26/2023	9/25/2025

**Performed Successfully**

The Local Area hereby certifies that it has performed successfully, defined as having an Individual Indicator Score of 50 percent or higher in PY 22-23 or PY 23-24, as described in Workforce Services Directive (WSD) WSD20-02, *Calculating Local Area Performance and Nonperformance* (September 18, 2020).

**Note** – Report your “performance score” rather than the “adjusted level of performance.”

**PY 22-23 Scores**

<b>Indicator</b>	<b>Adults</b>	<b>Dislocated Workers</b>	<b>Youth</b>
Employment Rate 2 <sup>nd</sup> Quarter After Exit	65.8%	72.7%	67.1%
Employment Rate 4 <sup>th</sup> Quarter After Exit	65.4%	69.6%	64.4%
Median Earnings	\$8,267.66	\$11,014.81	\$4,135.56
Credential Attainment	79.1%	77.0%	23.2%
Measurable Skills Gain	43.0%	41.2%	36.3%

**PY 23-24 Scores**

<b>Indicator</b>	<b>Adults</b>	<b>Dislocated Workers</b>	<b>Youth</b>	<b>Overall Indicator Score</b>
Employment Rate 2 <sup>nd</sup> Quarter After Exit	61.9%	63.7%	63.6%	63.0%
Employment Rate 4 <sup>th</sup> Quarter After Exit	57.0%	64.9%	67.3%	63.0%
Median Earnings	\$7,790	\$11,388	\$5,111.32	\$8,096.44
Credential Attainment	65.6%	74.2%	23.2%	54.3%
Measurable Skills Gain	71.6%	63.6%	53.6%	62.9%
Overall Program Score	64.0%	66.6%	51.9%	60.8%

**Sustained Fiscal Integrity**

The Local Area hereby certifies that it has not been found in violation of one or more of the following during PY 22-23 or PY 23-24:

- *Final determination of significant finding(s)* from audits, evaluations, or other reviews conducted by state or local governmental agencies or the Department of Labor identifying issues of fiscal integrity or misexpended funds due to the willful disregard or failure to comply with any WIOA requirement.
- Gross negligence – defined as a conscious and voluntary disregard of the need to use reasonable care, which is likely to cause foreseeable grave injury or harm to persons, property, or both.
- Failure to observe accepted standards of administration – Local Areas must have adhered to the applicable uniform administrative requirements set forth in Title 2 *Code of Federal Regulations* (CFR) Part 200 (Uniform Guidance).

Certify No Violation:

**Engaged in Regional Planning**

*Engaged in regional planning* is defined as participating in and contributing to regional planning, regional plan implementation, and regional performance negotiations. The Local Area hereby certifies that it has participated in and contributed to regional planning and negotiating regional performance measures in the following ways:

The Orange County Workforce Development Board (OCWDB) has been working diligently with its regional partners (Anaheim and Santa Ana Workforce Development Boards) to create a strategic vision that supports regional economic growth and economic self-sufficiency for the communities that we serve. The OCWDB has played a key role in developing regional policies and aligning the local policies of all three workforce boards to ensure consistent service delivery to clients in the Orange Region. Our regional joint mission includes goals for preparing an educated and skilled workforce, as well as performance accountability measures based on WIOA performance. OCWDB has worked hard in establishing a no-wrong-door system by creating unified regional policies and procedures. As a region, the three boards hosted a regional career expo where 165 employers and resources welcomed over 600 job seekers. OCWDB continues to identify opportunities to coordinate efforts and expand the established sustainable partnerships that benefits all three regional partners. OCWDB participated in the following:

- Coordinated and participated in the quarterly OC Workforce Leadership Council meetings with the mandated partners that were added due to the State revisions to the State Plan.
- Shared responsibility for drafting the new Regional and Joint Local Plan.
- Coordinated and co-hosted the Joint Community Public Hearing meetings.
- Participated in the Regional Industry Sector initiative meetings (Mfg., Medical, Hospitality/Tourism/Retail, and IT sectors).

## Local Area Assurances

Through PY 25-27, the Local Area assures that:

- A. It will comply with the applicable uniform administrative requirements, cost principles, and audit requirements (WIOA Section 184[a][2] and [3]).

Highlights of this assurance include:

- The Local Area's procurement procedures will avoid the acquisition of unnecessary or duplicative items, software, and subscriptions (in alignment with Uniform Guidance Section 200.318)
- The Local Area will maintain and provide accounting and program records, including supporting source documentation, to auditors at all levels, as permitted by law (Uniform Guidance Section 200.508).

Note that failure to comply with the audit requirements specified in Uniform Guidance Subpart F will subject the Local Area to a potential cash hold (Uniform Guidance Section 200.339).

- B. All financial reporting will be done in compliance with federal and state regulations and guidance.

Highlights of this assurance include the following:

- Reporting will be done in compliance with WSD 19-05, *Monthly and Quarterly Financial Reporting Requirements* (December 4, 2019).
- All close-out reports will comply with the policies and procedures listed in WSD16-05, *WIOA Closeout Requirements* (July 29, 2016).

Note that failure to comply with financial reporting requirements will subject the Local Area to a potential cash hold. (Uniform Guidance Section 200.339)

- C. Funds will be spent in accordance with federal and state laws, regulations, and guidance.

Highlights of this assurance include the following:

- The Local Area will meet the requirements of the *CUIC Section 14211* to spend a minimum of 30 percent of the combined total of WIOA Title I adult and dislocated worker formula fund allocations on training services.
- The Local Area will not use funds to assist, promote, or deter union organizing (WIOA Section 181[b][7]).

- D. The Local Area will select America's Job Center of California<sup>SM</sup> operator(s) through a competitive procurement process, such as a Request for Proposals, unless designated or

certified as an operator with the agreement of the local CEO and the Governor (WIOA Section 121[d][2][A] and 107[g][2]).

- E. The Local Area will collect, enter, and maintain data related to participant enrollment, activities, and performance necessary to meet all CalJOBS<sup>SM</sup> reporting requirements and deadlines.
- F. The Local Area will comply with the nondiscrimination provisions of WIOA Section 188 and Title 29 CFR Part 38, including the collection of necessary data.
- G. The Local Area will engage in and contribute to regional planning and regional plan implementation (for example, the Local Area has participated in regional planning meetings and regional plan implementation efforts, and the Local Board and local CEO have reviewed and approved the regional plan and two-year modifications).
- H. The Local Area will participate in regional performance negotiations.
- I. The Local Area will comply with CWDB policies and guidelines, legislative mandates, and/or other special provisions as may be required under federal law or policy, including the WIOA or state legislation.
- J. Priority shall be given to veterans, recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient for receipt of career and training services funded by WIOA Adult funding (WIOA Section 134[c][3][E] and *Training and Employment Guidance Letter* [TEGL] 10-09, and TEGL 19-16).

**Item #7 – ACTION**

Regional and Joint-Local Plans for Program Years (PY) 2025-28  
Recommendation Summary  
January 29, 2025

**BACKGROUND:**

The Workforce Innovation and Opportunity Act (WIOA) mandates the development of Regional and Joint-Local Plans to guide workforce strategies in alignment with federal and state priorities. These plans, developed on a four-year cycle, address labor market trends, stakeholder engagement, and strategies to support economic growth.

The draft Regional and Local Plans for PY 2025-2028 will be released for a 30-day public comment period and require Orange County Board of Supervisors (BOS) approval before submission to the California Workforce Development Board (CWDB). The plans are designed to align with the vision and goals of the State Plan, enhancing service delivery, addressing workforce needs, and ensuring compliance with WIOA to maintain funding eligibility.

The final submission, with electronic signatures from the OCWDB Board Chair and BOS, must be submitted to CWDB no later than April 27, 2025.

**RECOMMENDATION(S):**

Review and support staff's recommendation to approve the draft Regional and Joint-Local Plans for PY 2025-2028, authorize staff to make any non-substantive updates as needed, including changes based on public comments received, and authorize the Board Chair to sign the final plans for submission to the BOS for final approval and subsequent submission to the State.

**ATTACHMENT(S):**

1. Draft Regional and Joint-Local Plan

# Planning for a Stronger Workforce



## Workforce Development Boards Unified Local and Regional Plans

The Orange Workforce Alliance (OWA)—a collaboration between the Anaheim, Orange County, and Santa Ana Workforce Development Boards—is inviting feedback from the workforce development boards on the draft PY 2025-28 Unified Local and Regional Plans.

The Anaheim, Orange County, and Santa Ana Workforce Development Boards have collaboratively developed the PY 2025-28 Unified Local and Regional Plans in alignment with the Workforce Innovation and Opportunity Act (WIOA) and State planning guidance.

The Orange Workforce Alliance Regional Plan outlines a comprehensive vision of our region's economy and workforce landscape. It focuses on innovative, collaborative strategies designed to achieve key regional goals and objectives.

The Unified Local Plan ensures operational alignment with the Regional Plan's strategic objectives, fosters coordination with local partners, and highlights effective service delivery strategies to meet the needs of our community.

- > The Anaheim Workforce Development Board (AWDB) provides services in the City of Anaheim.
- > The Orange County Workforce Development Board (OCWDB) provides services to 32 cities and unincorporated areas.
- > The Santa Ana Workforce Development Board (SAWDB) provides services in the City of Santa Ana.

### Unified Local and Regional Plans



### Plan Feedback Form



Visit <https://orangeworkforcealliance.com/document-library/>





**Item #8 – ACTION**

Policy Updates  
Recommendation Summary  
January 29, 2025

**BACKGROUND:**

**A. Transitional Jobs Policy**

Subrecipients of WIOA fund are required to offer Transitional Jobs for Adult and Dislocated Worker participants that require assistance to get back into the workforce. Transitional Jobs are time-limited and wage-paid work experiences that are subsidized up to 100 percent.

- The policy revisions include the state and local eligibility criteria for individuals to be eligible for Transitional Jobs and wage compliance stating all transitional jobs must be paid at an hourly rate determined by the County of Orange based on an analysis of minimum wage and local fair labor standards. The final determined rate will be included on the Work Site Agreement

**B. Work Experience (WEX) Policy**

Subrecipients of WIOA fund are required to offer Work Experience activities that provide participants opportunities for career exploration and skill development. WEX is a planned, structured, contractual learning experience in a workplace for a limited period of time.

- The policy revisions include prohibitions on Displacement and an update to the work hour limitations. Employers cannot use WEX participants to replace regular employees or positions. This ensures that WEX participants are integrated fairly into the workforce. Updated monthly hour limitation for participants to 150 hours per month.

**RECOMMENDATION(S)**

Review and support staff’s recommendation to update OCWDB Policies A and B as outlined above, including any non-substantive changes and updates, including references in related forms and other policies, as applicable.

**ATTACHMENT(S): Redline & Clean Drafts for each policy**

1. Transitional Jobs Policy
2. Work Experience (WEX) Policy

# Transitional Jobs Policy

Redline and Clean Version

Information Notice No. 25-OCWDB-01

Supersedes Information No. 20-OCWDB-11



# OC Community Resources

Date: ~~April 8, 2020~~ January 29, 2025

DYLAN WRIGHT  
DIRECTOR  
OC COMMUNITY RESOURCES

CYMANTHA ATKINSON  
ASSISTANT DIRECTOR  
OC COMMUNITY RESOURCES

~~JOANNE VEEDOR~~  
~~VACANT~~  
DIRECTOR  
ADMINISTRATIVE SERVICES

~~MONICA SCHMIDT~~  
~~ANDI BERNARD~~  
INTERIM DIRECTOR  
OC ANIMAL CARE

JULIA BIDWELL  
DIRECTOR  
OC HOUSING & COMMUNITY  
DEVELOPMENT

RENEE RAMIREZ  
DIRECTOR  
OC COMMUNITY SERVICES

~~PAM PASSOW~~  
~~STACY BLACKWOOD~~  
DIRECTOR  
OC PARKS

JULIE QUILLMAN  
COUNTY LIBRARIAN  
OC PUBLIC LIBRARIES

To: WIOA Subrecipients of the Orange County  
~~Workforce~~  
Development ~~Board~~ ~~Area~~

From: ~~Carma Laey~~ Nancy Cook  
Director of Workforce ~~and Economic~~ Development

Subject: WIOA Transitional Jobs Policy  
Information Notice No. ~~250-OCWDB-01XX14~~  
~~Supersedes Information No. 20-OCWDB-11~~

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## PURPOSE:

To provide guidance to Orange County Workforce Development Board providers regarding the provision of the Transitional Jobs (TJ) activity.

## EFFECTIVE DATE:

This ~~notice~~ ~~policy~~ is effective on the date of issuance.

## REFERENCES:

- ~~Workforce Innovation and Opportunity Act, Public Law 113-128~~
- ~~Title 20 Code of Federal Regulation (CFR) 20 C.F.R. §§ Parts 680.190, 680.195, and 683.275~~
- ~~USDOL, Training and Employment Guidance Letter No. 19-16, Operating Guidance for the Workforce Innovation and Opportunity Act, Guidance on Services provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act (WIOA) and the Wagner-Peyser Act Employment Service (ES), as amended by title III of WIOA, and for Implementation of the WIOA Final Rules, (March 1, 2017)~~
- ~~Fair Labor Standards Act of 1938, 52 Stat. 1060, 29 U.S.C. 201-203 et seq.~~

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## BACKGROUND:



1300 SOUTH GRAND  
BLDG. B, SECOND FLOOR  
SANTA ANA, CA 92705

Transitional jobs are a type of work experience activity that is considered an Individualized Career Service. Transitional Jobs are time-limited and wage-paid work experiences that are subsidized up to 100 percent. These jobs are in the public, private, or nonprofit sectors and are ~~only~~ available for individuals with barriers to employment who are chronically unemployed or have an inconsistent work history, as determined by this policy ~~and its attachments~~. Local areas may use up to 10 percent of Adult and Dislocated Worker formula funds for Transitional Jobs.

Transitional Jobs are differentiated from other types of work experiences by the following characteristics:

- Transitional Jobs are a paid, subsidized work experience, unlike other types of work experience that may be unpaid.
- Transitional Jobs are meant to establish work history while developing skills, whereas the purpose of other types of work experience may be to explore various career options or to assess the participant's employability.

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Transitional Jobs must be combined with comprehensive career services and supportive services.

~~Because Transitional Jobs are a type of Work Experience, the requirements delineated in the policy letter on Work Based Learning and Work Experience for Adults and Dislocated Workers, including the requirement for the local Provider to establish a worksite agreement, apply to Transitional Jobs.~~

~~However, Transitional Jobs are differentiated from other types of work experiences by the following characteristics:~~

- ~~Transitional Jobs are a paid, subsidized work experience, unlike other types of work experience that may be unpaid;~~
- ~~Transitional Jobs are meant to establish work history while demonstrating success in an employer-employee relationship and developing skills, whereas the purpose of other types of work experience may be to explore various career options or to assess the participant's employability; and~~
- ~~Transitional Jobs must be combined with the provision of comprehensive career services and supportive services, which is not mandated for other types of work experiences.~~

Similar to other types of work experience, neither the employer-of-record nor the host employer where the Transitional Job participant performs his or her work duties is required to employ the participant after the conclusion of the Transitional Job (however, retention, where appropriate, is preferred for the benefit of the worker and employer).

~~Local areas may only use up to 10 percent of adult and dislocated worker formula funds for Transitional Jobs. Also, national dislocated worker grant (NDWG) funding may be spent on Transitional Jobs in accordance with any requirements, limitations, or maximum expenditure amounts related to Transitional Jobs that apply to each such grant.~~

**Definitions**

~~The state defines Chronically Unemployed or Inconsistent Work History as: individuals as these~~

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who meet one or more of the following criteria:

- Has never held a full-time job (30+ hours per week) for more than 13 consecutive weeks.
- Has held more than three jobs in the 52 weeks prior to application.
- Has been unemployed for the 13 consecutive weeks or longer prior to application.
- Has been unemployed 27 weeks or more prior to application.

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The Local Area defines Chronically Unemployed or Inconsistent Work History as:- individuals who meet one or more of the following criteria;

~~Chronically Unemployed~~ means an individual meets one of the following criteria:

1. ~~Low income (as defined in Informational Notice No. 17OCDB-0824-OCWDB-04-70 Percent LLSIL and Poverty Guidelines Policy/WIOA Adult and Dislocated Worker Programs - Participants Eligibility Requirements Attachment I);~~
2. ~~Having a work history showing primarily minimum wage employment;~~
3. ~~Currently claiming and/or having exhausted unemployment insurance (UI) benefits;~~
4. ~~Is on parole or probation, or has been released from prison/jail within the 12 months prior to application;~~
5. ~~Currently employed but that employment is seasonal, temporary, employment is less than 10 weeks in length;~~
6. ~~An individual who is working part time but desires full time employment, or who is working in employment not commensurate with the individual's demonstrated level of educational and/or skill achievement;~~
7. ~~Individuals who fall below the self-sufficiency threshold found in Self-Sufficiency Information Notice No. 20-OCDB-0124-OCWDB-03~~

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~~Inconsistent Work History~~ means an individual meets one of the following criteria:

- ~~Has never held a full time job (30+ hours per week) for more than 13 consecutive weeks.~~
- ~~Has been fired from a job within the 12 months prior to application.~~
- ~~Has been unemployed for 15 or more of the 26 weeks prior to application.~~

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~~Has held more than three jobs in the 52 weeks prior to application Has been unemployed for the 13 consecutive weeks prior to application.~~

~~Has been unemployed for 15 or more of the 26 weeks prior to application.~~

~~Individuals with barriers~~ For purposes of this policy, individuals who meet one or more of the criteria listed in Attachment I to this policy letter or anyone who certifies that they have been directly impacted by the opioid crisis.

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~~Individual with a disability:~~ An individual who:

1. ~~Has a physical or mental impairment that substantially limits one or more major life activities of the individual;~~
2. ~~Has a record of such an impairment; or~~
3. ~~Is regarded as having such an impairment.~~

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**POLICY**

Local criteria to participate in a transitional job for Orange County Adult and Dislocated Worker programs, are individuals who;

- ~~Meet the eligibility criteria for an Adult or Dislocated Worker, depending on funding source.~~
- ~~Meet the definition for Chronically Unemployed or have Inconsistent Work History as defined above.~~

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**Local Provider Requirements**

**Participant Eligibility**

To be eligible for a Transitional Job, participant must:

- ~~1. Be enrolled in the WIOA Adult or Dislocated Worker Program;~~
- ~~2. Participated and completed an Assessment;~~
- ~~3. Have a completed an Individual Employment Plan (IEP);~~
- ~~4. Received or currently receiving Basic Career Services triggering participation in WIOA or Individualized Career services;~~
- ~~5. Be chronically unemployed or have an inconsistent work history as defined by this policy~~
- ~~6. Have a barrier to employment (listed in Attachment I)~~

**Appropriate Host Employers**

~~Employers willing to work with participants in Transitional Job activities may be from the private for-profit sector, private non-profit sector, or the public sector. As Transitional Jobs are structured to help participants achieve success in the workplace and develop the skills needed to obtain or retain unsubsidized employment, the employer must be able to provide supervision and appropriate feedback to the participant at regular intervals during the course of the activity. Employers must be willing to participate in monthly on-site monitoring visits conducted by the Provider to evaluate the employer and the participant performance.~~

~~There is no expectation that the employer will retain the participant at the completion of the transitional job. However, if the employer is interested in hiring the participant after the Transitional Job activity has completed, and additional training is needed, an OJT may be developed that follows the area's OJT policy.~~

~~The employer of record may be the host employer, a training provider, a partner organization, the OCDB, or the OCDB designee.~~

~~An employer will NOT be eligible to participate as a WIOA transitional jobs placement site if:~~

- ~~1. The employer has any other individual on layoff from the same or substantially equivalent position;~~
- ~~2. The transitional job would infringe upon the promotion of or displacement of any currently employed worker or a reduction in their hours;~~
- ~~3. The same or a substantially equivalent position is open due to a hiring freeze;~~
- ~~4. Employers must also be compliant on their state and federal business taxes;~~
- ~~5. Other employer limitations found in delineated in the policy letters on Work Based Learning and Work Experience for Adults and Dislocated Workers.~~

**Transitional Jobs Worksite Agreement.**

~~Transitional Jobs will require a written, signed agreement between OCDB, the host employer/employer of record, the Provider, and the Participant. That agreement will follow the guidelines in the delineated in the policy letters on Work Based Learning and Work Experience~~

~~for Adults and Dislocated Workers.~~

**Wages and Benefits**

Participants will be compensated at the same pay rates as similarly situated trainees or employees. ~~All transitional jobs must be paid at an hourly rate determined by the County of Orange based on an analysis of minimum wage and Local Fair Labor Standards Act. The final determined rate will be included on the Work Site Agreement. All Transitional Jobs must pay at least minimum wages a minimum \$17.00 per hour. Any exceptions to the wages or hours must be approved by the Director.~~ Participants must ~~also~~ be covered either by state workers' compensation or by relevant on-site insurance. If an entity other than the Orange County Workforce Development Board (OCWDB) or its designee, The County of Orange, is the employer of record, the entity is entitled to a reimbursement of 100% of the wages. If the OCWDB, or its designee, The County of Orange, is the employer of record, the participant's wages will be paid at 100%. The wage rate and reimbursement rate will be clearly ~~spelled out~~ identified in the worksite agreement.

**Length of Agreement**

The length of a Transitional Job agreement will vary based upon the number of hours worked per week. If a position is full-time (meaning 30 ~~or more~~ hours per week), the maximum length of the agreement is 26 calendar weeks. Any part-time position (less than 30 hours) has a maximum of 52 weeks. ~~An -26-week~~ extension may be granted if the participant is an individual with a disability who requires more time to establish a sufficient work history and to develop employable skills.

**~~Complementary Services~~**

~~Transitional Jobs must be combined with Basic Career Services triggering participation in WIOA or Individualized Career services and supportive services if needed by the participant; participants must not be enrolled in Transitional Jobs without receiving these other WIOA services. The WIOA services provided to Transitional Jobs participants may include Job Readiness.~~

**Reporting**

~~All participants must be eligible and enrolled in WIOA (either the local adult or dislocated worker program or a discretionary grant), and any data about them that is required to be reported must be entered into the CALJOBS. Transitional Jobs participants may also be co-enrolled in other state-funded WIOA programs.~~

**Monitoring**

~~Through the State's monitoring system and during the onsite monitoring review of the local area, the state's program and fiscal monitors will review the local area's Transitional Jobs implementation, including participant file review and testing of actual expenditures, for compliance with all applicable federal and state laws, regulations, and guidance letters (including this guidance letter). Any findings will be addressed through the State's monitoring resolution process.~~

**ACTION**

Bring this policy to the attention of all affected staff and ~~all~~ relevant parties.

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**INQUIRIES**

If you have any questions regarding this policy, please ~~contact your Contract Administrator at 714 480-6500~~ email [info@ocworkforcesolutions.com](mailto:info@ocworkforcesolutions.com).

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**ATTACHMENT**

Attachment I: Transitional Jobs—Barriers to Employment



**ATTACHMENT I: WIOA Populations with Barriers to Employment**

Type	Definitions
Displaced homemaker	<p>An individual who has been providing unpaid services to family members in the home and who:</p> <ol style="list-style-type: none"> <li>Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment; and who either:               <ol style="list-style-type: none"> <li>Has been depending on the income of another family member but is no longer supported by that income; or</li> <li>Is the dependent spouse of a member of the Armed Forces on active duty and whose family income is significantly reduced because of a deployment, a call or order to active duty, a permanent change of station, or the service-connected death or disability of the family member.</li> </ol> </li> </ol>
Low-income individual	<p>An individual who:</p> <ol style="list-style-type: none"> <li>Receives, or in the past six months has received, or is a member of a family that is receiving or in the past six months has received, assistance through SNAP, TANF, SSI, or State or local income-based public assistance;</li> <li>Is in a family with total family income that does not exceed the higher of the poverty line or 70 percent of the lower living standard income level;</li> <li>Is a homeless individual or homeless child or youth;</li> <li>Receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), (does not include students in school districts participating in the Community Eligibility Provision (CEP) Healthy, Hunger Free Kids Act of 2010);</li> <li>Is a foster child for whom State or local government payments are made; or</li> <li>Is an individual with a disability whose own income meets the eligibility income requirement of clause (2) but who is a member of a family whose income does not meet this requirement.</li> </ol>
Indian, Alaska Native, and Native Hawaiian	<p>An individual who meets the definition of the term:</p> <ol style="list-style-type: none"> <li>"Indian" as defined in subsections (d), (e), and (l) of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b);</li> <li>"Alaska Native" as defined in subsections (b) and (r) of section (3) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b), (r)); or</li> <li>"Native Hawaiian" as defined in section 7207 of the Native Hawaiian Education Act (20 U.S.C. 7517).</li> </ol>
Individual with a disability	<p>An individual who:</p> <ol style="list-style-type: none"> <li>Has a physical or mental impairment that substantially limits one or more major life activities of such individual;</li> <li>Has a record of such an impairment; or</li> <li>Is regarded as having such an impairment.</li> </ol>

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Older individual	An individual who is age 55 or older.	Formatted ...
Ex-offender	<p>An adult or juvenile who:</p> <ol style="list-style-type: none"> <li>1. Is or has been subject to any stage of the criminal justice process and for whom workforce services may be beneficial; or</li> <li>2. Requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.</li> </ol>	Formatted ...
Homeless individual	<p>An individual who lacks a fixed, regular, and adequate nighttime residence including:</p> <ol style="list-style-type: none"> <li>1. An individual who: <ol style="list-style-type: none"> <li>a. Is sharing housing with others due to loss of housing, economic hardship, etc.;</li> <li>b. Is living in a motel, hotel, trailer park, or campground due to the lack of alternative adequate accommodations;</li> <li>c. Is living in an emergency or transitional shelter;</li> <li>d. Is abandoned in a hospital; or</li> <li>e. Is awaiting foster care placement.</li> </ol> </li> <li>2. An individual who has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; or</li> <li>3. Migratory children who qualify as homeless because the children are living in circumstances listed above.</li> </ol>	Formatted ...
Individual who is in, or has aged out of, the foster care system	<p>An individual who:</p> <ol style="list-style-type: none"> <li>1. Is in the foster care system;</li> <li>2. Has aged out of the foster care system;</li> <li>3. Has attained age 16 and left foster care for kinship guardianship or adoption;</li> <li>4. Is a child eligible for assistance under the John H. Chafee Foster Care Independence Program; or</li> <li>5. Is in an out of home placement.</li> </ol>	Formatted ...
Individual who is an English language learner, has low levels of literacy, or faces substantial cultural barriers	<p>An individual who:</p> <ol style="list-style-type: none"> <li>1. Has limited ability in reading, writing, speaking, or comprehending the English language and whose native language is a language other than English or who lives in a family or community environment where a language other than English is the dominant language;</li> <li>2. Is unable to read, write or speak English at a level necessary to function on the job, or in the individual's family, or in society; or</li> <li>3. Perceives themselves as possessing attitudes, beliefs, customs or practices that influence a way of thinking, acting, or working that may serve as a hindrance to employment.</li> </ol>	Formatted ...
Type	Definition	Formatted ...

<del>Migrant or seasonal farmworker</del>	<del>An individual who is employed, or was employed for the last 12 months, in farmwork of a seasonal or temporary nature, including those whose agricultural labor requires travel to a job site such that they are unable to travel to a permanent place of residence in the same day.</del>
<del>Individual who is with two years of exhausting CALWORKS/TANF eligibility</del>	<del>Recipients of CALWORKS/TANF cash assistance who have received 24 months or more of their maximum 48 months of lifetime cash benefit payments.</del>
<del>Single or Pregnant Parent</del>	<del>As single, separated, divorced, or widowed individual who has primary responsibility for one or more dependent children under age 18 or a dependent with a disability (including a single pregnant woman).</del>
<del>Long term Unemployed Individual</del>	<del>An individual who is a currently unemployed individual that has been unemployed for 27 or more consecutive weeks.</del>
<del>An individual with a substance abuse problem</del>	<del>An individual that has been referred to or is being treated by an agency for a substance abuse problem.</del>
<del>A victim of domestic violence</del>	<del>An individual who has been documented as a victim of a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain control over another intimate partner.</del>
<del>Has serious emotional, medical, or psychological problems</del>	<del>An individual who has serious emotional, medical, or psychological problems that has been documented by a qualified professional.</del>

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DEVELOPMENT

RENEE RAMIREZ  
DIRECTOR  
OC COMMUNITY SERVICES

PAM PASSOW  
DIRECTOR  
OC PARKS

JULIE QUILLMAN  
COUNTY LIBRARIAN  
OC PUBLIC LIBRARIES

# OC Community Resources

**Date:** January 29, 2025  
**To:** WIOA Subrecipients of the Orange County Workforce Development Board  
**From:** Nancy Cook  
Director of Workforce and Economic Development  
**Subject:** WIOA Transitional Jobs Policy  
Information Notice No. 25-OCWDB-01  
Supersedes Information No. 20-OCWDB-11

**PURPOSE**

To provide guidance to Orange County Workforce Development Board providers regarding the provision of the Transitional Jobs (TJ) activity.

**EFFECTIVE DATE**

This policy is effective on the date of issuance.

**REFERENCES**

- Workforce Innovation and Opportunity Act, Public Law 113-128
- Title 20 Code of Federal Regulation (CFR) Parts 680.190, 680.195
- Training and Employment Guidance Letter No. 19-16, Guidance on Services provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act (WIOA) and the Wagner-Peyser Act Employment Service (ES), as amended by title III of WIOA, and for Implementation of the WIOA Final Rules, (March 1, 2017).
- Fair Labor Standards Act, 29 U.S.C. 203 et seq.

**BACKGROUND**

Transitional jobs are a type of work experience activity that is considered an Individualized Career Service. Transitional Jobs are time-limited and wage-paid work experiences that are subsidized up to 100 percent. These jobs are in the public, private, or nonprofit sectors and are available for individuals with barriers to employment who are chronically unemployed or have an inconsistent work history, as determined by this policy. Local areas may use up to 10 percent of Adult and Dislocated Worker formula funds for Transitional Jobs.

Transitional Jobs are differentiated from other types of work experiences by the following characteristics:

- Transitional Jobs are a paid, subsidized work experience, unlike other types of work experience that may be unpaid.
- Transitional Jobs are meant to establish work history while developing skills, whereas the purpose of other types of work experience may be to explore various career options or to assess the participant's employability.



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Transitional Jobs must be combined with comprehensive career services and supportive services. Similar to other types of work experience, neither the employer-of-record nor the host employer where the Transitional Job participant performs his or her work duties is required to employ the participant after the conclusion of the Transitional Job (however, retention, where appropriate, is preferred for the benefit of the worker and employer).

## DEFINITIONS

The state defines Chronically Unemployed or Inconsistent Work History as individuals who meet one or more of the following criteria:

- Has never held a full-time job (30+ hours per week) for more than 13 consecutive weeks.
- Has held more than three jobs in the 52 weeks prior to application.
- Has been unemployed for the 13 consecutive weeks or longer prior to application.
- Has been unemployed 27 weeks or more prior to application.

The Local Area defines Chronically Unemployed or Inconsistent Work History as individuals who meet one or more of the following criteria:

- Low income (as defined in Informational Notice 70 Percent LLSIL and Poverty Guidelines Policy).
- Having a work history showing primarily minimum wage employment.
- Currently claiming and/or having exhausted unemployment insurance (UI) benefits.
- On parole or probation or has been released from prison/jail within the 12 months prior to application.
- Currently employed but employment is seasonal, temporary, employment is less than 10 weeks in length.
- An individual who is working part time but desires full time employment, or who is working in employment not commensurate with the individual's demonstrated level of educational and/or skill achievement.
- Individuals who fall below the self-sufficiency threshold found in Self-Sufficiency Information Notice.
- Has been fired from a job within the 12 months prior to application.  
Has been unemployed for 15 or more of the 26 weeks prior to application.

## POLICY

Local criteria to participate in a transitional job for Orange County Adult and Dislocated Worker programs, are individuals who:

- Meet the eligibility criteria for an Adult or Dislocated Worker, depending on funding source.
- Meet the definition for Chronically Unemployed or have Inconsistent Work History as defined above.

## Wages and Benefits

Participants will be compensated at the same pay rate as similarly situated trainees or employees. All transitional jobs must be paid at an hourly rate determined by the County of Orange based on an analysis of minimum wage and Local Fair Labor Standards Act. The final determined rate will be included on the Work Site Agreement. Any exceptions to the wages or hours must be approved by the Director. Participants must be covered either by state workers' compensation or by relevant on-site insurance. If an entity other than the Orange County Workforce Development Board (OCWDB) or its designee, The County of Orange, is the employer of record, the entity is entitled to a reimbursement of 100% of the wages. If the OCWDB, or its designee, The County of Orange, is the employer of record, the participant's

wages will be paid at 100%. The wage rate and reimbursement rate will be clearly identified in the worksite agreement.

**Length of Agreement**

The length of a Transitional Job agreement will vary based upon the number of hours worked per week. If a position is full-time (meaning 30 hours per week), the maximum length of the agreement is 26 calendar weeks. Any part-time position (less than 30 hours) has a maximum of 52 weeks. An extension may be granted if the participant is an individual with a disability who requires more time to establish a sufficient work history and to develop employable skills.

**ACTION**

Bring this policy to the attention of all affected staff and relevant parties.

**INQUIRIES**

If you have any questions regarding this policy, please email [info@ocworkforcesolutions.com](mailto:info@ocworkforcesolutions.com).

# Work Experience (WEX) Policy

Redline and Clean Version

Information Notice No. 25-OCWDB-02

Supersedes Information No. 23-OCWDB-04



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SANTA ANA, CA 92705  
PHONE:  
714.480.6500/866.500.658

# OC Community Resources

Date: ~~November 14, 2023~~ January 29, 2025

To: ~~All~~ WIOA Subrecipients of the Orange County  
~~Workforce~~ Development Board

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From: Nancy Cook  
Director of Workforce ~~and Economic~~ Development

Subject: Work Experience Policy  
Information Notice No. ~~23-OCWDB-0425-OCWDB-02XX12~~  
~~Supersedes Information No. 23-OCWDB-04, 2322-OCWDB-~~  
~~0206,~~  
~~20-OCWDB-10, 20-OCWDB-13, 17-OCDB-21~~

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## PURPOSE

This policy provides guidance ~~on~~ regarding paid and unpaid Work Experience (WEX) for the Adult, Dislocated ~~Worker~~ Worker, and Youth programs under Title I of the Workforce Innovation and Opportunity Act (WIOA) and ~~other~~ specialized programs, ~~as applicable~~.

## EFFECTIVE DATE

This policy is effective on the date of issuance.

## REFERENCES

- WIOA, (~~Public Law~~ 113-128), Sections 129, 134, 181 and 188
- Title 20 Code of Federal Regulation (CFR) ~~200~~ Parts ~~603, 680.180, 681.590 - 681.610, 681.600 and 681.610~~
- Fair Labor Standards Act of 1938, 52 Stat. 1060, 29 U.S.C. 201 et seq.
- CA Education Code (EDC) 49100 - 49200
- CA Labor Code 1286 (c), 1294.1(b), 1299, 1391- 1392
- ~~USDOL~~, Training and Employment Guidance Letter (TEGL) ~~No~~-12-09, Joint Guidance for States Seeking to Implement Subsidized Work-Based Training Programs for Unemployed Workers-~~(January 29, 2010)~~
- ~~TEGL 21-16~~, Third Workforce Innovation and Opportunity Act (WIOA) Title I Youth Formula Program Guidance
- ~~USDOL~~ TEGL ~~No~~-23-14, WIOA Youth Program Transition-~~(March 26, 2015)~~
- ~~USDOL~~, U.S. Secretary's Commission on Achieving Necessary Skills, A SCANS Report for America 2000, (June 1991)
- ~~I.R.S.~~ Revenue Ruling 75-246, 1975-1 C.B. 24, Scenarios distinguish between amounts paid in connection with training-excludable under general welfare exception and amounts paid in connection with services

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**BACKGROUND**

A Work Experience (WEX) is a planned, structured, contractual learning experience in a workplace for a limited period of time. ~~A Work Experience is a career service that provides participants with opportunities for career exploration and skill development which, must include academic and occupational education concurrently or sequentially, and is linked to a potential career choice.~~

**DEFINITIONS**

~~Individual Employment Plan (IEP)/Individual Service Plan (ISP) – An individualized career service that is developed jointly by the participant and career planner. The plan is an ongoing strategy to identify employment goals, achievement objectives, and an appropriate combination of services~~

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~~case manager. The plan is an ongoing strategy to identify employment goals, achievement objectives, and an appropriate combination of services for the participant to achieve the employment goals, education concurrently or sequentially, and is linked to a potential career choice.~~

**DEFINITIONS**

~~Incentive – Remuneration to participants for successful participation and achievement of expected outcomes as defined in the Individual Education/Employment Plan (IEP).~~

~~Individual Employment Plan (IEP) – An individualized career service that is developed jointly by the participant and career planner. The plan is an ongoing strategy to identify employment goals, achievement objectives, and an appropriate combination of services for the participant to achieve the employment goals.~~

Internship – A system of gaining on-the-job experience by placement in a work environment for a period of time with the goal to build technical and job awareness skills. Internships may be paid or unpaid.

Job shadowing – A short-term unpaid activity which introduces a participant to the workplace and provides exposure to occupational areas of interest to increase career awareness.

On-the-Job Training (OJT) – Training by an employer that is provided to a paid participant while engaged in productive work in a job that:

1. Provides knowledge or skills essential to the full and adequate performance of the job;
2. Is made available through a program that provides reimbursement to the employer of a percentage of the wage rate of the participant; and
3. Is limited in duration as appropriate to the occupation for which the participant is being trained, ~~taking into account considering the content of the training skill requirements of the occupation, the academic and occupational skill level of the participant,~~ prior work experience of the participant, and the ~~service strategy~~ IEP/ISP for the participant.

Transitional Jobs – Transitional jobs are a type of paid work-experience that are time-limited and are designed to enable an individual to establish a work history, demonstrate work success in an employee-employer relationship, and develop the skills that lead to unsubsidized employment. These jobs can be in the public, private, or nonprofit sectors.

**POLICY AND PROCEDURES AND PROCEDURES**

~~WEX is a type of work experience training program which is listed under the 14 youth service elements. As part of one of the elements, it must be made available to all registered participants and offered throughout the program year.~~

~~The primary purpose of WEX is to help participants understand proper workplace behavior and what is necessary in order to attain and retain employment. Work Experiences aim to equip participants(s) with the personal attributes, knowledge, and skills needed to secure a job and advance in their careers. Work Experience can serve as a stepping stone to unsubsidized employment and is an important step in the process of developing a career pathway. All Work Experiences should expose participants to realistic working conditions and tasks as much as possible.~~

~~These work experiences are arranged in conjunction with OCWDB Business Solutions, and local businesses and established on an individual basis. OCWDB Business Solutions is encouraged to identify a worksite mentor who can meet with participants regularly to address questions and concerns. The mentor should be someone who is comfortable offering guidance, support and encouragement to help participants develop the competencies and characteristics needed for long-term success in the workplace.~~

A ~~Work Experience~~WEX must ~~be related to align with~~ the participant's long-term employment goals. The assessment process, ~~along with the -and~~ development of the ~~Individual Employment Plan (IEP/ISP,)~~ helps to identify appropriate worksites for each participant. Work experiences should help the participant gain the competencies and experience needed to meet local employer demands. ~~When~~ determining ~~anthe~~ appropriate ~~duration of a WEX, factors such as~~length of time, ~~consideration should be given to the~~ skill requirement ~~foref~~ the position, the ~~participants~~ academic and occupational skills level ~~of the participant~~, prior work experience, and their ~~participant's~~ IEP/ISP ~~should be considered~~. The assessment process may identify concerns or issues that should be addressed prior to, or concurrently with a ~~Work Experience~~WEX. Service Provider ~~Case Managers-staff~~ must make appropriate referrals if such issues are identified.

~~Work Experience is~~WEX programs are designed to promote the development of good work habits 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. Work ~~e~~Experiences should enable adults, dislocated workers, and youth to gain exposure to the working world and its requirements.

Work Experience ~~opportunities is can be~~ paid or unpaid and may ~~be provided include, but is not limited to, internship and job shadowing. It may be~~ in the private for-profit sector, the non-profit sector, or the public sector. ~~These experiences include, but are not limited to, internships and job shadowing. -It is~~They are not designed to replace an existing employee or position. ~~WEX~~ork Experience wages are paid directly to the ~~Work Experience participant-participant~~trainee and not the ~~Work Experience~~ employer. Employers are not monetarily compensated. Work experiences ~~, including internships,~~ in the private for-profit sector must be structured so as not to appear to be subsidizing private for-profit operations. The work of the participant should not materially impact the profit margin of a private-for-profit company.

#### **Participant Eligibility**

~~All Work Experience participants~~To be eligible, ~~participants~~ must meet WIOA program eligibility requirements, be enrolled into the respective WIOA program, and have received an assessment resulting in the development of an IEP/ISP that documents the participant's need and benefit of having ~~Work Experience~~work experience. ~~WA Work e~~Experiences ~~are~~is not intended for long-

term skill building within the occupation, but rather as an entry step for the participant to explore the occupation, develop their skills, gain work history and references. A likely candidate for ~~W~~work Experience~~WEX~~ is a participant who is appropriate for long term employment in a particular industry or occupation but does not have all of the skills or the experience to qualify for entry-level employment in the field. The education component must be documented on the Training Plan, ~~Individual Employment Plan (IEP/ISP)~~ and in CalJOBS ~~for those programs that utilize it.~~

Non-WIOA Funded participants must adhere to the participant eligibility standards as identified by the funding source.

### **~~Determining "Trainee" versus "Employee"~~ Paid Work Experience**

~~Work experience may be paid or unpaid. Although WEX may be paid or unpaid, it is expected to be that work experience will be paid in most cases, and Therefore, the federal Fair Labor Standards Act (FLSA) will apply in any situation where an employer/employee relationship exists. WIOA participants are subject to the requirements of the FLSA to the extent that the activities performed in the work experience constitute employment.~~

~~According to the Wage and Hour Division of the U.S. Department of Labor, Employment Standards Administration, if all of the following six (6) items exist, the work experience can be considered a "training" situation and an employment relationship does not exist under the FLSA:~~

- ~~1. The training, even though it includes actual operation of the facilities of the work experience provider is essentially a training experience similar to a vocational school;~~
- ~~2. The participant is primarily the beneficiary of the experience;~~
- ~~3. Regular employees are not displaced, and the experience is closely supervised/observed;~~
- ~~4. The work experience provider that hosts the experience derives no immediate or significant advantage (and may even be adversely impacted);~~
- ~~5. The participant is not guaranteed a job at the conclusion of the experience; and~~
- ~~6. There is mutual understanding between the participant and the host agency that the participant is not entitled to wages for this time because the activity is essentially a training experience.~~

~~If the participant is a "trainee" and an employment relationship does not exist under the FLSA, the FLSA's minimum wage and overtime provisions do not apply to the participant.~~

~~If the participant is engaged in the primary operations of the ~~W~~work Experience~~WEX~~ provider and is performing productive work (for example, filing, performing other clerical work, or assisting customers), then the participant is receiving some benefits in the form of a new skill or improved work habits and is unlikely a trainee. If the worksite uses the participant as a substitute for regular full time or part time employees, it is more likely that the participants are is an employees as opposed to trainees. Also, if the ~~W~~work Experience~~WEX~~ provider would have needed to hire additional employees or require overtime had the participants not performed the work, then the participants is are likely an employees.~~

### **Unpaid Work Experience**

Unpaid ~~W~~work Experience activities provide participants with valuable ~~exposures~~ participants to a professional the working environment without the expectation of monetary compensation and an individual does not expect payment for tasks performed. An employer and employee relationship must not exist, which means that all six conditions listed in the

~~Determining "Trainee" versus "Employee" section of this policy letter must be met.~~ The use of unpaid ~~W~~work ~~E~~xperience should be limited.

Unpaid ~~W~~work ~~E~~xperience may include job shadowing, ~~where~~ ~~A~~ participants experiences the work environment to increase career awareness, observe models of behavior on the job through examples, and receives help in making career decisions. Job shadowing can reinforce the link between classroom learning and work requirements. Job shadowing is limited and allows participants to observe only.

If the employer is providing job shadowing opportunities whereby the participant learns certain functions under ~~the~~ close and constant supervision of regular employees, but performs no or minimal work, this type of activity is more likely to be a bona fide training program. However, if the participant receives the same level of supervision as employees, this would suggest an employment relationship.

**Youth Work Experience- Funding Requirements**

~~Service Providers must spend at least 30% of their overall WIOA youth funding, after subtracting the administrative costs, on- Work Experience (WEX)-activities, including participant wages as well as staffing costs associated with the development and management of Work Experience, even if the Work Experience is unpaid. Allowable expenditures beyond wages may include the following:~~

- ~~1. Staff time spent identifying potential work experience opportunities,~~
- ~~2. Staff time working with employers to develop the work experience,~~
- ~~3. Staff time spent working with employers to ensure a successful work experience,~~
- ~~4. Staff time spent evaluating the work experience,~~
- ~~5. Classroom training or the required academic education component directly related to the work experience,~~
- ~~6. Orientation sessions for participants and employers,~~

~~Work ExperienceEF expenditures shall coincide with specific WEX-budgeted line items and shall be tracked and reported on the monthly Service Provider invoices.~~

**Work Experience Duration**

~~The duration of the WEX shall begin with 12 weeks. If a modification/extension is needed, Orange County Workforce Development Board (-OCWDB) Business Solutions staff will review the request on a case-by-case basis. A Modification Form (Attachment V) must be completed and signed by all parties for proper approval. Extensions may not exceed 10 months and/or 600 hours. A tracking sheet shall be maintained by the Service Provider to ensure that actual WEX hours do not exceed the allowable limit.~~

~~The OCWDB Business Solutions and Service Provider must ensure compliance with child labor laws and ensure that youth participants under 18 years old obtain a work permit (unless not required to have one). The employer must possess a valid Permit to Employ and Work and comply with all applicable federal and state child labor laws for participants under 18 years of age. Proof of age and parental consent must be given for both paid and unpaid Work Experience. See Youth Employment Summary Chart (Attachment IV) for additional information.~~

~~Special projects may require an exemption to both WEX limitations on hours and wage levels for some or all participants. -The Orange County Director of the Orange County Workforce and Economic Development Division may approve WEX waivers. Waiver request must be submitted in writing. Participants may not exceed the 600-hour600-hour limit PRIOR to the date of waiver approval.~~

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### Special Grant Work Experience

~~Special grant programs may be implemented that require different Work Experience hours and funding levels may be implemented. If staff are providing case management services for a non-WIOA funded Work Experience services (ex. Social Services Agency (SSA) Employment Preparation Program (EPP), or Vocational Training Program (VTR) funded work experience), it is appropriate to follow the grant requirements and document the staff related cost and the non-WIOA funded contractual requirements in the participant's case file.~~

### Earn and Learn

~~An Earn and Learn program is a specialized occupational skills training program that includes elements required in the WIOA Youth program. The program may be done in-person or through a virtual platform. The participant earns a stipend when participating in the "live" classes and when completing projects required for the program. A participant is expected to have a "product" upon completion of the Earn and Learn program. In line with general youth experience guidelines, participants must not exceed thirty (30) hours per week.~~

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### Transitional Jobs

~~Transitional Jobs offers similar opportunities to participants and may use the documents attached to this policy. For additional information and guidance regarding Transitional Jobs refer to the OCWDB Transitional Jobs Policy.~~

## General Work Experience Requirements

### 1. Worksites

- ~~• The OC Workforce Development Board's (OCWDB) Business Solutions are to select worksites based on Orange County's in-demand industry sectors;~~
- ~~OC Workforce Development Board's~~OCWDB DB Business Solutions shall select, develop, and maintain a pool of worksites that provide a wide range of training opportunities to the participants and enhance their skills development;
- The list of worksites shall include the following information:
  - Name and address of employer/worksite
  - Name, position title, email address and phone number of supervisor
  - Status: Active, In Progress, or Inactive
  - For active worksites: name of participants placed, ~~cumulative number of actual~~ hours completed, actual start date and anticipated/actual end date
- Worksites must follow all labor standards applicable to any in any Work Experience WEX that involveswith an employee/employer relationship, as defined by the Fair Labor Standards Act or applicable State law;
- OCWDB Business Solutions will identify and evaluate worksites to determine the appropriateness of utilizing the employer for work experiences. The evaluation components should include provisions of the Wworksite Agreement such as safety, labor law requirements, status of layoffs, etc. In addition, it should evaluate age appropriateness and level of exposure to work readiness and job skills, type of supervision available, as well as review the previous work experience placements at the same location.

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Potential worksite employers should also demonstrate a commitment to helping participants receive the experience and training needed to meet their goals. As part of participation, these employers should be willing to work closely with OCWDB Business Solutions, especially since participants have barriers to employment. Proper worksite

supervision should be one of the factors that are reviewed prior to placement of the participant in the activity.

Individuals who have been hired by a worksite and subsequently referred to OCWDB Business Solutions are not to be considered for the ~~Work Experience~~WEX activity. The worksite should commit to the individual training with the belief that the individual is fully capable of performing the tasks required with little or no assistance.

~~A Work Experience (WEX) WEX Agreement~~ must not be executed with an employer who has received payments under previous work-based services and ~~the employer~~ has exhibited a pattern of failing to provide a positive ~~w~~Work ~~e~~Experience. This includes those employers for On-the-Job Trainings (OJT) where a participant was not provided continued long-term employment, wages, benefits, and working conditions that are not equal to those provided to similarly situated employees.

## 2. ~~Worksite Agreement & Work-Based Training~~ Work Experience Training and Assessment Plan

- A ~~W~~worksite ~~A~~greement shall be fully executed between worksite, Service Provider, Site Manager, OCWDB staff, Employer of Record representative and participant before a participant is allowed to start.
- A ~~W~~worksite ~~A~~greement template (Attachment I) provided by the OCWDB shall be used.
- ~~A copy of the signed Worksite Agreement (Attachment I), Work-Based~~WEX Training and Assessment Training Plan (Attachment II) and timesheets (See Attachment III: Model Timesheet) will be kept in the participant file, (hard copy and electronically).
- At minimum, the ~~W~~work-site ~~A~~greement shall ~~provide~~include the following:
  - Names and contact information of all parties ← Formatted
  - Names and titles of all employer staff authorized to sign the participant's timesheet
  - Responsibilities and expectations of the participant, the Worksite/Employer and Service Provider staff
  - The job title, wage, detailed list of specific skills to be learned, timeline and benchmarks to be achieved, weekly schedule, and number of hours to be completed with the participant as outlined in the WEX Training and Assessment Plan
  - Requirement that Worksite/Employer will:
    - Regularly submit timesheet of participants ← Formatted
    - Provide regular written evaluation of participants
    - Provide a written job description and responsibilities to participant
  - Identification of the legal requirements that must be met, including worksite safety requirements ← Formatted
  - Statement informing the worksite that they may be subject to worksite monitoring by both the local and State representatives, as well as regular visitations by OCWDB Business Solutions
  - Provision of termination of the agreement/contract for non-performance or failure to meet the requirements of the agreement/contract
  - Non-discrimination and equal opportunity clauses
  - Statement that the activity will not displace employees
  - Statement that participants must not be engaged in sectarian activities
  - Other information, relative to the specific activities
  - Signatures and dates from the Worksite/Employer, Service Provider, Site Manager, OCWDB staff, Employer of Record representative, and participant ← Formatted: Font: (Default) Arial

- A copy of the signed Worksite Agreement (Attachment I), WEX Training and Assessment Plan (Attachment II) and timesheets (See Attachment III: Model Timesheet) will be kept in the participant file.

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- ~~Names and contact information of all parties~~
- ~~Names and titles of all employer staff authorized to sign the participant's timesheet~~
- ~~Responsibilities and expectations of the participant, the Worksite/Employer and Provider staff~~
- ~~The job title, wage, detailed list of specific skills to be learned, timeline and benchmarks to be achieved, weekly schedule, and number of hours to be completed with the participant as outlined in the Work-Based Training Plan (See Attachment II).~~

- ~~Worksite will regularly submit timesheet of participants~~
- ~~Worksite will provide regular written evaluation of participants~~
- ~~Worksite will provide a written job description and responsibilities to participant~~

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- ~~Identification of the legal requirements that must be met, including worksite safety requirements~~
- ~~Statement informing the worksite that they may be subject to worksite monitoring by both the local and State representatives, as well as regular visitations by OCWDB Business Solutions~~
- ~~Provision of termination of the agreement/contract for non-performance or failure to meet the requirements of the agreement/contract~~
- ~~Non-discrimination and equal opportunity clauses~~
- ~~Statement that the activity will not displace employees~~
- ~~Statement that participants must not be engaged in sectarian activities~~
- ~~Other information, relative to the specific activities~~

- ~~Signatures and dates from the worksite, Service Provider, Site Manager, OCWDB staff, Employer of Record representative, and participant~~

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### 3. Wages and Hour Limits

~~(These requirements apply to all programs except for the Youth Program and special grant programs as described in the sections below.)~~

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- ~~Worksite placement is limited to a timeframe of 3three weeks to 12twelve weeks. The exact duration will be based on appropriation for the participant's employment goals, background and skill level as reflected in the IEP/ISP.~~
- ~~OCWDB Business Solutions shall allow for at least 15fifteen hours a week of work, but no more than 30 hours and not to exceed 120-150 hours per month. More than 120-150 hours in a month will require approval from the Orange County Director of Workforce and Economic Development.~~

- ~~Pay an hourly rate of \$17 an hour or at the same rates as similarly situated employees or trainees, subject to the Fair Labor Standards Act,~~

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- ~~Participants will be compensated at the same pay rate as similarly situated trainees or employees. All WEX must be paid at an hourly rate determined by the County of Orange based on an analysis of minimum wage and Local Fair Labor Standards Act. The final determined rate will be included on the Work Site Agreement. Any exceptions to the wages or hours must be approved by the Director. Participants must be covered either by state workers' compensation or by relevant on-site insurance. If an entity other than the Orange County Workforce Development Board (OCWDB) or its designee, The County of Orange, is the employer of record, the entity is entitled to a reimbursement of 100% of the wages. If the OCWDB, or its designee, The County of Orange, is the employer of record, the participant's wages will be paid at 100%. The wage rate and reimbursement rate will be clearly identified in the worksite agreement.~~

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- The maximum allotment for a participant's wage determined by (hourly rate X total number of hours approved) per contract is ~~\$6,800~~. If it is determined necessary for a participant to receive hours or wages exceeding the maximum allotment, the OCWDB Business Solutions must request advance approval from the Orange County Director of Workforce and Economic Development.
- ~~Service Providers may only use up to 10 percent of adult and dislocated worker formula funds for Work Experience and Transitional Jobs.~~
- Availability of additional funding may also be cause for changes and/or exemptions to this policy.
- Rate of pay for special programs may vary depending on contract terms and conditions.

#### 4. Worksite Monitoring

- ~~As part of the worksite approval process, the OCWDB Business Solutions will conduct an on-site visit to complete an initial evaluation of the worksite to ensure worksite appropriateness. Worksite evaluation not required for remote positions.~~
- ~~OCWDB Business Solutions will conduct worksite monitoring with each active worksite at least twice once per program year, per program year and complete WEX Desk Procedure Attachment III: Worksite Monitoring Form. Active worksites shall be monitored by OCWDB staff and the OCWDB Business Solutions to ensure compliance with the Worksite Agreement & Training Plan.~~
- ~~OCWDB Business Solutions will conduct an annual on-site visit to complete the Initial Worksite Evaluation Form to ensure they remain in compliance~~
- ~~Results of the monitoring review shall be documented, filed and made available to the OCWDB, state, or federal staff upon request.~~
- ~~Any worksite that demonstrates a pattern of non-compliance shall not continue as a worksite.~~
- ~~Where a waiver of any OCWDB policy provisions is needed, a formal waiver request must be approved by the Orange County Director of Workforce and Economic Development before any Worksite Agreement is executed.~~

#### 5. Timesheets

- ~~Participants in a work experience will be hired and compensated by the County of Orange Contracted Employer of Record and/or by Third Party Employer of Record.~~
- ~~County of Orange Contracted Employer of Record and/or Third Party Employer of Record covers a participant's wages, Federal Insurance Contributions Act (FICA) and workers compensation. Work Experience WEX participants do not receive benefits such as health care, 401K, paid time off, overtime, etc. The employer of record will be responsible for paying all taxes.~~
- ~~Payroll must be strictly based on timesheets completed by the participants, reviewed and signed by the Supervisor and duly approved by designated Service Provider Staff for payment. (See Attachment III - Model Timesheet).~~
- ~~All timesheets must be kept in the participant's file (hard copy and electronically).~~

#### 46. Work-Based Training-Work Experience Training and Assessment Plan

- A Work-Based Training-A Work Experience Training and Assessment Plan shall be completed for every participant prior to starting any placed in a Work Experience assignment and will accompany the Worksite Agreement.
- The Training Plan portion of the WEX Training and Assessment Plan shall be completed prior to the participants start date.



- The Initial Assessment portion of the WEX Training and Assessment Plan shall be completed within the first two (2) weeks of placement.
- The Final Assessment portion of the WEX Training and Assessment Plan shall be completed at the end of the Work Experience.
- All Work-Based Training Work Experience Training and Assessment Plan documents will be kept in the participants' and employer's file.

#### **Requirements specific to WIOA youth programs**

~~A Work Experience is one of the 14 Youth service elements that must be made available to all registered participants and should be offered throughout the program year. These Work Experiences are arranged in conjunction with OCWDB Business Solutions, and local businesses in the community. Each Work Experience is established on an individual basis.~~

~~The primary purpose/intent of Work Experience/WEX is to help the participant(s) understand proper workplace behavior and what is necessary in order to attain and retain employment. Work Experiences should help aim to equip participants(s) with/acquire the personal attributes, knowledge, and skills needed to obtain secure a job and advance in employment/their careers. Work Experience can serve as a stepping stone to unsubsidized employment and is an important step in the process of developing a career pathway. All Work Experiences should expose participant(s) to realistic working conditions and tasks as much as possible. OCWDB Business Solutions is/are encouraged to identify a worksite mentor who can meet with participants regularly that the participant can meet with on a structured basis, to assist with/address answering questions and addressing concerns. The mentor should be someone who is comfortable offering guidance, support and encouragement to help participants develop the competencies and characteristics needed for long term success in the workplace of the participant.~~

#### **Earn and Learn opportunities**

~~An Earn and Learn program is a specialized occupational skills training program that includes elements required in the WIOA youth program. The program may be done in person or through a virtual platform. The participant earns a stipend when participating in the "live" classes and when completing projects required for the program. A participant is expected to have a "product" upon completion of the Earn and Learn program. In line with general youth experience guidelines, participants must not exceed thirty (30) hours per week and may not exceed \$550.00 per week paid at \$17 per hour.~~

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#### **Youth Work Experience Funding Requirements**

~~Service Providers must spend at least 30% of their overall WIOA youth funding, after subtracting the administrative costs, on Work Experience (WEF) activities, including participant wages as well as staffing costs associated with the development and management of Work Experience, even if the Work Experience is unpaid. Allowable expenditures beyond wages may include the following:~~

- ~~1. Staff time spent identifying potential work experience opportunities.~~
- ~~2. Staff time working with employers to develop the work experience.~~
- ~~3. Staff time spent working with employers to ensure a successful work experience.~~
- ~~4. Staff time spent evaluating the work experience.~~
- ~~5. Classroom training or the required academic education component directly related to the work experience.~~
- ~~6. Orientation sessions for participants and employers.~~

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~~WEF expenditures shall coincide with specific WEF budgeted line items and shall be tracked and reported on the monthly Service Provider invoices.~~

**ork Experience**

The duration of the WEX shall begin with 12 weeks. If a modification/extension is needed, OCWDB Business Solutions will review the request on a case by case basis, and complete a Modification Form (Attachment V) which must be completed and signed by all parties for proper approval. Extensions may not exceed 10 months and/or 600 hours. A tracking sheet shall be maintained by the Provider to ensure that actual WEX hours do not exceed the allowable limit.

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WEX participants must be paid at a rate of \$17 an hour.

The OCWDB Business Solutions and Service Provider must ensure compliance with child labor laws and ensure that youth participants under 18 years old obtain a work permit (unless not required to have one). The employer must possess a valid Permit to Employ and Work and comply with all applicable federal and state child labor laws for if the participant is less than under 18 years of age. Proof of age and parental consent must be given for both paid and unpaid Work Experience. See Youth Employment Summary Chart (Attachment IV) for additional information.

Special projects may require an exemption to both WEX limitations on hours and wage levels for some or all participants. The Orange County Director of Workforce and Economic Development may approve WEX waivers. Waiver request must be submitted in writing. Participants may not exceed the 600 hour limit PRIOR to the date of waiver approval.

**Special Grant Work Experience**

Special grant programs may be implemented that require different Work Experience hours and funding levels. If staff are providing case management for a non-WIOA funded Work Experience services (ex. Social Services Agency (SSA) Employment Preparation Program (EPP), Work Experience (WEX) or Vocational Training Program (VTR) funded work experience), it is appropriate to follow the grant requirements and document in the participant case file the staff related cost and the non-WIOA funded contractual requirements.

SSA durational guidelines include:

1. EPP: Paid work experience may not exceed one year; this includes one initial 6-month term, with the option to extend for two additional 3-month terms.
2. WEX: Paid work experience may not exceed a total of 4 months; this includes one 3-month term, with the option to renew for one additional one-month term.
3. VTR: Unpaid work experience may not exceed 12 months; there is no option to renew with VTR.

**Case File & CalJOBS Documentation**

Documentation will be kept in the participant's file (hard copy and electronically), which should include, at a minimum, the following items:

1. An assessment and IEP/ISP, indicating a need for Work Experience;
2. A copy of the Worksite Agreement Agreement between the participant, the worksite/ or host site, Service Provider, Site Manager, and the OCWDB staff, and Employer of Record representative, including the Work Based WEX Training and Assessment Plan, and any other attachments to the agreement;
3. Time sheets, attendance sheets and performance records, as appropriate; and
4. Documentation of supportive services received by the participant.

**MIS-CalJOBS Requirements**

~~Activities must be coded in CalJOBS using the most appropriate activity codes and must indicate indicating corresponding start and end dates. If applicable, Measurable Skills Gains must be recorded in CalJOBS upon successful completion of activities.~~

**ACTION**

Bring this policy to the attention of all ~~affected~~ staff and ~~all~~ relevant parties.

**INQUIRIES**

If you have any questions regarding this policy, please ~~contact your Contract Administrator at (714) 480-6500-email~~ [info@ocworkforcesolutions.com](mailto:info@ocworkforcesolutions.com).

**ATTACHMENTS**

Attachment I: Worksite Agreement

Attachment II: ~~Work-Based~~ Work Experience Training and Assessment Plan

Attachment III: Model Timesheet

Attachment IV: Youth Employment Summary Chart

Attachment V: Work Experience Modification ~~Form~~

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OC COMMUNITY RESOURCES

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DEVELOPMENT

RENEE RAMIREZ  
DIRECTOR  
OC COMMUNITY SERVICES

PAM PASSOW  
DIRECTOR  
OC PARKS

JULIE QUILLMAN  
COUNTY LIBRARIAN  
OC PUBLIC LIBRARIES

# OC Community Resources

**Date:** January 29, 2025

**To:** WIOA Subrecipients of the Orange County  
Workforce Development Board

**From:** Nancy Cook  
Director of Workforce and Economic Development

**Subject:** Work Experience Policy  
Information Notice No. 25-OCWDB-02  
Supersedes Information No. 23-OCWDB-04, 22-OCWDB-06

## PURPOSE

This policy provides guidance regarding paid and unpaid Work Experience (WEX) for the Adult, Dislocated Worker, and Youth programs under Title I of the Workforce Innovation and Opportunity Act (WIOA) and other specialized programs, as applicable.

## EFFECTIVE DATE

This policy is effective on the date of issuance.

## REFERENCES

- WIOA (Public Law 113-128), Sections 129, 134, 181 and 188
- Title 20 Code of Federal Regulation (CFR) Parts 680.180, 681.590 - 681.610
- Fair Labor Standards Act of 1938, 52 Stat. 1060, 29 U.S.C. 201 et seq.
- CA Education Code (EDC) 49100 - 49200
- CA Labor Code 1286 (c), 1294.1(b), 1299, 1391- 1392
- Training and Employment Guidance Letter (TEGL) 12-09, Joint Guidance for States Seeking to Implement Subsidized Work-Based Training Programs for Unemployed Workers
- TEGL 21-16 Third Workforce Innovation and Opportunity Act (WIOA) Title I Youth Formula Program Guidance
- TEGL 23-14, WIOA Youth Program Transition

## BACKGROUND

A Work Experience (WEX) is a planned, structured, contractual learning experience in a workplace for a limited period of time. It is a career service that provides participants with opportunities for career exploration and skill development which must include academic and occupational education concurrently or sequentially and is linked to a potential career choice.

## DEFINITIONS

Individual Employment Plan (IEP)/Individual Service Plan (ISP) – An individualized career service that is developed jointly by the participant and



1300 SOUTH GRAND  
BLDG. B, SECOND FLOOR  
SANTA ANA, CA 92705  
PHONE: 866.500.6587  
FAX: 714.567.7132

case manager. The plan is an ongoing strategy to identify employment goals, achievement objectives, and an appropriate combination of services for the participant to achieve the employment goals.

Internship – A system of gaining on-the-job experience by placement in a work environment for a period of time with the goal to build technical and job awareness skills. Internships may be paid or unpaid.

Job shadowing – A short-term unpaid activity which introduces a participant to the workplace and provides exposure to occupational areas of interest to increase career awareness.

On-the-Job Training (OJT) – Training by an employer that is provided to a paid participant while engaged in productive work in a job that:

1. Provides knowledge or skills essential to the full and adequate performance of the job;
2. Is made available through a program that provides reimbursement to the employer of a percentage of the wage rate of the participant; and
3. Is limited in duration as appropriate to the occupation for which the participant is being trained, considering the skill requirements of the occupation, the academic and occupational skill level of the participant, prior work experience of the participant, and the IEP/ISP for the participant.

Transitional Jobs – Transitional jobs are a type of paid work-experience that are time-limited and are designed to enable an individual to establish a work history, demonstrate work success in an employee-employer relationship, and develop the skills that lead to unsubsidized employment. These jobs can be in the public, private, or nonprofit sectors.

## **POLICY**

A WEX must align with the participant's long-term employment goals. The assessment process, along with the development of the IEP/ISP, helps to identify appropriate worksites for each participant. Work experiences should help the participant gain the competencies and experience needed to meet local employer demands. When determining the appropriate duration of a WEX, factors such as skill requirement for the position, the participants academic and occupational skills level, prior work experience, and their IEP/ISP should be considered. The assessment process may identify concerns or issues that should be addressed prior to, or concurrently with a WEX. Service Provider staff must make appropriate referrals if such issues are identified.

WEX programs are designed to promote the development of good work habits 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. Work experiences should enable adults, dislocated workers, and youth to gain exposure to the working world and its requirements.

Work Experience opportunities can be paid or unpaid and may be provided in the private for-profit, non-profit, or the public sector. These experiences include, but are not limited to, internships and job shadowing. They are not designed to replace an existing employee or position. WEX wages are paid directly to the participant and not the employer. Employers are not monetarily compensated. Work experiences in the private for-profit sector must be structured so as not to appear to be subsidizing private for-profit operations. The work of the participant should not materially impact the profit margin of a private-for-profit company.

## **Participant Eligibility**

To be eligible, participants must meet WIOA program eligibility requirements, be enrolled into the respective WIOA program, and have received an assessment resulting in the development

of an IEP/ISP that documents the participant's need and benefit of having work experience. Work experiences are not intended for long-term skill building within the occupation, but rather as an entry step for the participant to explore the occupation, develop their skills, gain work history and references. A likely candidate for WEX is a participant who is appropriate for long term employment in a particular industry or occupation but does not have all of the skills or the experience to qualify for entry-level employment in the field. The education component must be documented on the Training Plan, IEP/ISP and in CalJOBS.

Non-WIOA Funded participants must adhere to the participant eligibility standards as identified by the funding source.

### **Unpaid Work Experience**

Unpaid Work Experience activities provide participants with valuable exposure to a professional working environment without the expectation of monetary compensation for tasks performed. The use of unpaid Work Experience should be limited.

Unpaid Work Experience may include job shadowing, where participants experience the work environment to increase career awareness, observe models of behavior on the job through examples, and receives help in making career decisions. Job shadowing can reinforce the link between classroom learning and work requirements. Job shadowing is limited and allows participants to observe only.

If the employer is providing job shadowing opportunities whereby the participant learns certain functions under close and constant supervision of regular employees, but performs no or minimal work, this type of activity is more likely to be a bona fide training program. However, if the participant receives the same level of supervision as employees, this would suggest an employment relationship.

### **Youth Work Experience Funding Requirements**

Service Providers must spend at least 30% of their overall WIOA youth funding, after subtracting the administrative costs on Work Experience activities, including participant wages as well as staffing costs associated with the development and management of Work Experience, even if the Work Experience is unpaid. Allowable expenditures beyond wages may include the following:

1. Staff time spent identifying potential work experience opportunities.
2. Staff time working with employers to develop the work experience.
3. Staff time spent working with employers to ensure a successful work experience.
4. Staff time spent evaluating the work experience.
5. Classroom training or the required academic education component directly related to the work experience.
6. Orientation sessions for participants and employers.

Work Experience expenditures shall coincide with specific budgeted line items and shall be tracked and reported on the monthly Service Provider invoices.

### **Work Experience Duration**

The duration of the WEX shall begin with 12 weeks. If a modification/extension is needed, Orange County Workforce Development Board (OCWDB) Business Solutions staff will review the request on a case-by-case basis. A Modification Form (Attachment V) must be completed and signed by all parties for proper approval. Extensions may not exceed 10 months and/or 600 hours. A tracking sheet shall be maintained by the Service Provider to ensure that actual WEX hours do not exceed the allowable limit.

The OCWDB Business Solutions and Service Provider must ensure compliance with child labor laws and ensure that youth participants under 18 years old obtain a work permit (unless not required to have one). The employer must possess a valid Permit to Employ and Work and comply with all applicable federal and state child labor laws for participants under 18 years of age. Proof of age and parental consent must be given for both paid and unpaid Work Experience. See Youth Employment Summary Chart (Attachment IV) for additional information.

Special projects may require an exemption to both WEX limitations on hours and wage levels for some or all participants. The Director of the Orange County Workforce and Economic Development Division may approve WEX waivers. Waiver request must be submitted in writing. Participants may not exceed the 600-hour limit PRIOR to the date of waiver approval.

### **Special Grant Work Experience**

Special grant programs that require different Work Experience hours and funding levels may be implemented. If staff are providing case management services for a non-WIOA funded Work Experience, it is appropriate to follow the grant requirements and document the staff related cost and the non-WIOA funded contractual requirements in the participant's case file.

### **Earn and Learn**

An Earn and Learn program is a specialized occupational skills training program that includes elements required in the WIOA Youth program. The program may be done in-person or through a virtual platform. The participant earns a stipend when participating in the "live" classes and when completing projects required for the program. A participant is expected to have a "product" upon completion of the Earn and Learn program. In line with general youth experience guidelines, participants must not exceed 30 hours per week.

### **Transitional Jobs**

Transitional Jobs offers similar opportunities to participants and may use the documents attached to this policy. For additional information and guidance regarding Transitional Jobs refer to the OCWDB Transitional Jobs Policy.

### **General Work Experience Requirements**

#### 1. Worksites

- The OCWDB Business Solutions shall develop and maintain a pool of worksites that provide a wide range of training opportunities to the participants and enhance their skills development;
- The list of worksites shall include the following information:
  - Name and address of employer/worksite
  - Name, position title, email address and phone number of supervisor
  - Status: Active, In Progress, or Inactive
  - For active worksites: name of participants placed, actual start date and anticipated/actual end date
- Worksites must follow all labor standards applicable to any WEX that involves an employee/employer relationship, as defined by the Fair Labor Standards Act or applicable State law;
- OCWDB Business Solutions will identify and evaluate worksites to determine the appropriateness of utilizing the employer for work experiences. The evaluation components should include provisions of the Worksite Agreement such as safety, labor law requirements, status of layoffs, etc. In addition, it should evaluate age appropriateness and level of exposure to work readiness and job skills, type of

supervision available, as well as review the previous work experience placements at the same location.

Potential worksite employers should also demonstrate a commitment to helping participants receive the experience and training needed to meet their goals. As part of participation, these employers should be willing to work closely with OCWDB Business Solutions, especially since participants have barriers to employment. Proper worksite supervision should be one of the factors that are reviewed prior to placement of the participant in the activity.

Individuals who have been hired by a worksite and subsequently referred to OCWDB Business Solutions are not to be considered for the WEX activity. The worksite should commit to the individual training with the belief that the individual is fully capable of performing the tasks required with little or no assistance.

A WEX Agreement must not be executed with an employer who has received payments under previous work-based services and has exhibited a pattern of failing to provide a positive work experience. This includes those employers for On-the-Job Trainings (OJT) where a participant was not provided continued long-term employment, wages, benefits, and working conditions that are not equal to those provided to similarly situated employees.

## 2. Worksite Agreement & Work Experience Training and Assessment Plan

- A Worksite Agreement shall be fully executed between worksite, Service Provider, Site Manager, OCWDB staff, Employer of Record representative and participant before a participant is allowed to start.
- A Worksite Agreement template (Attachment I) provided by the OCWDB shall be used.
- At minimum, the Worksite Agreement shall include the following:
  - Names and contact information of all parties
  - Names and titles of all employer staff authorized to sign the participant's timesheet
  - Responsibilities and expectations of the participant, the Worksite/Employer and Service Provider staff
  - The job title, wage, detailed list of specific skills to be learned, timeline and benchmarks to be achieved, weekly schedule, and number of hours to be completed with the participant as outlined in the WEX Training and Assessment Plan (See Attachment II)
  - Requirement that Worksite/Employer will:
    - Regularly submit timesheet of participants
    - Provide regular written evaluation of participants
    - Provide a written job description and responsibilities to participant
  - Identification of the legal requirements that must be met, including worksite safety requirements
  - Statement informing the worksite that they may be subject to worksite monitoring by both the local and State representatives, as well as regular visitations by OCWDB Business Solutions
  - Provision of termination of the agreement/contract for non-performance or failure to meet the requirements of the agreement/contract
  - Non-discrimination and equal opportunity clauses
  - Statement that the activity will not displace employees
  - Statement that participants must not be engaged in sectarian activities
  - Other information, relative to the specific activities



- Signatures and dates from the Worksite/Employer, Service Provider, Site Manager, OCWDB staff, Employer of Record representative, and participant
- A copy of the signed Worksite Agreement (Attachment I), WEX Training and Assessment Plan (Attachment II) and timesheets (See Attachment III: Model Timesheet) will be kept in the participant file.

### 3. Wages and Hour Limits

These requirements apply to all programs except for the Youth Program and special grant programs as described in the sections below.

- Worksite placement is limited to a timeframe of 3 weeks to 12 weeks. The exact duration will be based on appropriation for the participant's employment goals, background and skill level as reflected in the IEP/ISP.
- OCWDB Business Solutions shall allow for at least 15 hours a week of work, but no more than 30 hours and not to exceed 150 hours per month. More than 150 hours in a month will require approval from the Orange County Director of Workforce and Economic Development.
- Participants will be compensated at the same pay rate as similarly situated trainees or employees. All WEX must be paid at an hourly rate determined by the County of Orange based on an analysis of minimum wage and Local Fair Labor Standards Act. The final determined rate will be included on the Work Site Agreement. Any exceptions to the wages or hours must be approved by the Director. Participants must be covered either by state workers' compensation or by relevant on-site insurance. If an entity other than the Orange County Workforce Development Board (OCWDB) or its designee, The County of Orange, is the employer of record, the entity is entitled to a reimbursement of 100% of the wages. If the OCWDB, or its designee, The County of Orange, is the employer of record, the participant's wages will be paid at 100%. The wage rate and reimbursement rate will be clearly identified in the worksite agreement.
- The maximum allotment for a participant's wage determined by (hourly rate X total number of hours approved) per contract. If it is determined necessary for a participant to receive hours or wages exceeding the maximum allotment, the OCWDB Business Solutions must request advance approval from the Orange County Director of Workforce and Economic Development.
- Availability of additional funding may also be cause for changes and/or exemptions to this policy.
- Rate of pay for special programs may vary depending on contract terms and conditions.

### 4. Work Experience Training and Assessment Plan

- A Work Experience Training and Assessment Plan shall be completed for every participant placed in a Work Experience assignment and will accompany the Worksite Agreement.
- The Training Plan portion of the WEX Training and Assessment Plan shall be completed prior to the participants start date.
- The Initial Assessment portion of the WEX Training and Assessment Plan shall be completed within the first 2 weeks of placement.
- The Final Assessment portion of the WEX Training and Assessment Plan shall be completed at the end of the Work Experience.
- All Work Experience Training and Assessment Plan documents will be kept in the participant and employer's file.

**ACTION**

Bring this policy to the attention of all staff and relevant parties.

**INQUIRIES**

If you have any questions regarding this policy, please email [info@ocworkforcesolutions.com](mailto:info@ocworkforcesolutions.com).

**ATTACHMENTS**

Attachment I: Worksite Agreement

Attachment II: Work Experience Training and Assessment Plan

Attachment III: Model Timesheet

Attachment IV: Youth Employment Summary Chart

Attachment V: Work Experience Modification



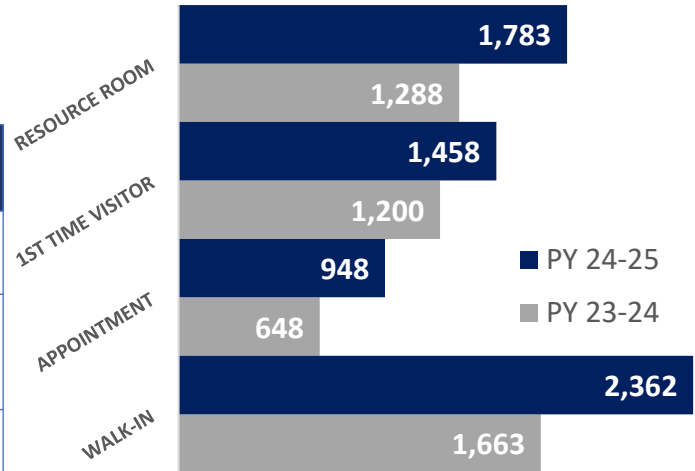
Connecting job seekers and businesses to no-cost services.

## PERFORMANCE DASHBOARD FOR PY 24-25 Q2

### CENTER STATS

**5,430** VISITORS TO CENTERS

CENTER	Q2 PY 23-24	Q2 PY 24-25
BREA VISITORS	2,627	3,603
LAGUNA NIGUEL VISITORS	805	1,827
CENTER CALLS	1,103	2,053



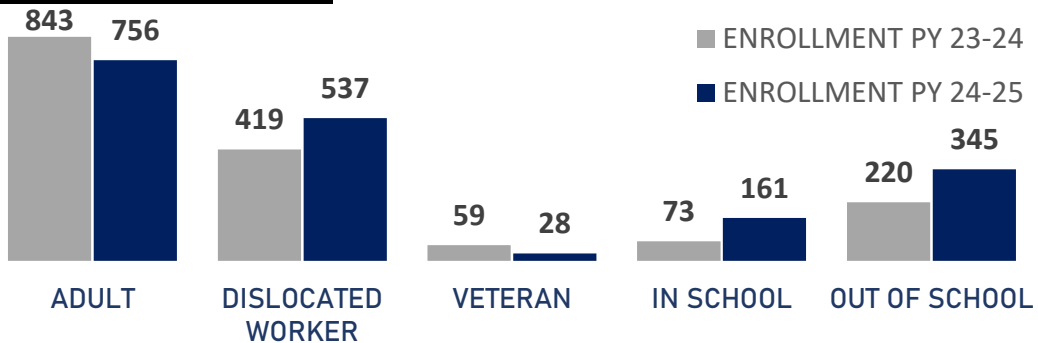
### BUSINESS SERVICES

Q2 PY 23-24

Q2 PY 24-25

Events	Employers	Jobseekers	# of Events/Services	Employers	Jobseekers	# of Events/Services
Hiring Events	33	250	9	69	399	13
Career Fair	70	188	1	160	583	1
WARN Notices	18	987	6	15	1,209	12
WEX Sites	11	5	26	13	33	33
OJT	0	1	-	1	2	-
IWT	0	0	2	2	10	4
<b>TOTAL</b>	<b>132</b>	<b>1,431</b>	<b>44</b>	<b>258</b>	<b>2,236</b>	<b>61</b>

### PROGRAM ENROLLMENTS





# Rapid Response Presentation for Recently Laid Off Workers

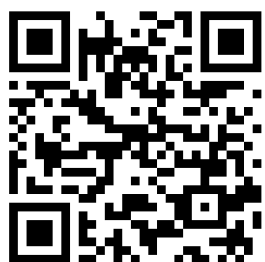


**In the middle of a career transition?**  
Learn how to navigate the resources  
and benefits available to you.

JOIN OUR VIRTUAL WEBINAR THE  
**SECOND WEDNESDAY**  
**OF EACH MONTH**  
**10 AM - 12 PM**

## TOPICS AND PRESENTERS INCLUDE:

- Unemployment Insurance Benefits Assistance  
Presenter: EDD-Unemployment Insurance Team
- Continued Health Care Options and Retirement Plan Information  
Presenter: Certified Financial Planner
- Resume Preparation, Interview Skills Practice, and Career Workshops  
Presenters: EDD-Workforce Team and OC Workforce Solutions
- Educational and Training Opportunities  
Presenters: EDD-Workforce Team and OC Workforce Solutions
- Career Counseling and Job Search Assistance  
Presenter: OC Workforce Solutions



To learn more and register, scan the QR code  
or visit [bit.ly/RapidResponse-OC](https://bit.ly/RapidResponse-OC)

Please register at least 24 hours in advance.

#OCWORKSTOGETHER

Contact the Orange County Business & Economic Development Call Center at  
(714) 480-6500 or [info@ocworkforcesolutions.com](mailto:info@ocworkforcesolutions.com) for questions.



This WIOA Title I financially assisted program or activity is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. If you need special assistance to participate in this program, please call 714-480-6500. TDD/TTY users, please call the California Relay Service at (800) 735-2922 or 711. Please call 48 hours in advance to allow reasonable arrangements to be made for accessibility to this program.





**WORKFORCE  
& ECONOMIC  
DEVELOPMENT**

# REQUEST FOR PROPOSALS NOW OPEN COUNTY OF ORANGE WORKFORCE & ECONOMIC DEVELOPMENT DIVISION

## SPECIAL PROJECTS FOR WORKFORCE DEVELOPMENT SERVICES RFP NO. 012-2751004-CW

Are you an organization ready to foster growth and strengthen Orange County's workforce system? Apply today to assist with Special Projects!



**Seeking services to expand or enhance Workforce Development Services for Fiscal Year 2025-2026**

**ACCESS THE RFP BY SCANNING THE QR CODE  
OR VISIT [BIT.LY/WEDDRFP-SPECIALPROJECTS](https://bit.ly/WEDDRFP-SPECIALPROJECTS)**

Prospective applicants must register with OpenGov to participate.  
Registration is free: [cpo.ocgov.com/doing-business-oc](https://cpo.ocgov.com/doing-business-oc)



### IMPORTANT DATES:

Q&A Period Ends: January 23, 2025, 2 PM  
Optional Letter of Intent Due: January 27, 2025, 2 PM  
RFP Due: February 3, 2025, 2 PM

For more information on contracting with the County of Orange,  
visit [cpo.ocgov.com/doing-business-oc](https://cpo.ocgov.com/doing-business-oc)



SUPERVISOR  
**Doug Chaffee**  
 COUNTY OF ORANGE,  
 SUPERVISORIAL DISTRICT 4



## ATTENTION JOB SEEKERS!

THE COUNTY OF ORANGE, IN PARTNERSHIP WITH FOURTH DISTRICT SUPERVISOR DOUG CHAFFEE AND BREA MALL, A SIMON CENTER, INVITE YOU TO ATTEND THE

# CAREER FAIR



**JANUARY 30, 2025 • 10 AM - 1 PM**  
**BREA MALL**  
 1065 Brea Mall, Brea

### Looking for quality employment?

- Connect with top businesses
- Submit resumes directly
- Interview on the spot
- Streamline the job hunt

*Free registration and parking.*



Register by scanning the QR code or visit  
[bit.ly/2025CareerFairBrea](https://bit.ly/2025CareerFairBrea)

**QUESTIONS?** Contact (866) 500-6587 or [info@ocworkforcesolutions.com](mailto:info@ocworkforcesolutions.com)





# ATTENTION EMPLOYERS!

THE COUNTY OF ORANGE, IN PARTNERSHIP WITH THIRD DISTRICT SUPERVISOR DONALD P. WAGNER, THE CITY OF LAKE FOREST, AND LAKE FOREST CHAMBER OF COMMERCE, INVITE YOU TO ATTEND THE

# CAREER FAIR



**FEBRUARY 20, 2025 • 10 AM - 1 PM**  
**LAKE FOREST COMMUNITY CENTER**  
100 Civic Center Dr., Lake Forest

## Discover your next great hire!

- Connect with top talent
- Review resumes
- Conduct interviews
- Streamline recruiting

*Free registration and parking.*



Register by scanning the QR code or visit [bit.ly/2025CareerFairLF](https://bit.ly/2025CareerFairLF)

**QUESTIONS?** Contact (866) 500-6587 or [info@ocworkforcesolutions.com](mailto:info@ocworkforcesolutions.com)





# ATTENTION JOB SEEKERS!

THE COUNTY OF ORANGE, IN PARTNERSHIP WITH THIRD DISTRICT SUPERVISOR DONALD P. WAGNER, THE CITY OF LAKE FOREST, AND LAKE FOREST CHAMBER OF COMMERCE, INVITE YOU TO ATTEND THE

## CAREER FAIR



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**QUESTIONS?** Contact (866) 500-6587 or [info@ocworkforcesolutions.com](mailto:info@ocworkforcesolutions.com)







# MULTI-INDUSTRY HIRING EVENT



**FEBRUARY 5, 2025 • 10 AM - 1 PM**  
**OC WORKFORCE SOLUTIONS - SOUTH**  
28202 Cabot Rd., Ste. 100, Laguna Niguel

## MEET THE EMPLOYERS!

- All City Management Services
- Cambrian Homecare
- Lifetime Solutions
- New York Life Insurance
- And More!

The views, information, or opinions expressed by the organization(s) mentioned are solely those of the individuals involved and do not necessarily represent those of the County of Orange and its employees.

## REGISTER OR WALK IN



Visit [bit.ly/OCWFSHiringEvent](https://bit.ly/OCWFSHiringEvent) to register and for a full list of participating employers\*

\*Participating employers are subject to change.

**Questions? Contact (866) 500-6587 or [info@ocworkforcesolutions.com](mailto:info@ocworkforcesolutions.com)**



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