



Orange County Workforce Development Board
Work Experience (WEX) Policy


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Effective:
 January 28, 2026

SUBJECT:

Information Notice No. 26-OCWDB-04
 Supersedes Information Notice No. 25-OCWDB-02

APPROVED:

Nancy Cook, 
 Director of Workforce and Economic Development

PURPOSE

This policy provides guidance for the implementation of subsidized or unsubsidized work-experience activities for participants funded under WIOA Title I Youth and/or Adult/Dislocated Worker. These work-experience opportunities are intended to advance participants' career readiness, employability, skills development, and transition to unsubsidized employment.

EFFECTIVE DATE

This policy is effective on the date of issuance.

REFERENCES

- Workforce Innovation and Opportunity Act of 2014 (Public Law 113-128), Sections 129, 134, 181 and 188
- Title 20 Code of Federal Regulations (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
- OCWDB Policies: Adult & Dislocated Worker Eligibility, WIOA Youth Eligibility, Transitional Jobs, Worksite Monitoring, Equal Opportunity and Nondiscrimination

BACKGROUND

Work Experience (WEX) is a planned, structured learning activity within a workplace for a limited duration. It supports career exploration, skill development, workplace exposure, and the development of good work habits. WEX provides meaningful training for participants with limited or no work history, gaps in employment, or other barriers that prevent access to unsubsidized employment. WEX can be paid or unpaid and may be hosted by public, private non-profit, or private for-profit employers.

WEX placements must not replace or displace employees and must align with the participant's Individual Employment Plan (IEP) or Individual Service Plan (ISP).

DEFINITIONS

Barrier to Employment – A condition or circumstance that inhibits a participant's ability to secure or maintain employment, such as lack of work history, skill deficiencies, or personal circumstances affecting employability.

Business Solutions (OCWDB Business Services Unit) – Orange County Workforce Development Board (OCWDB) program unit responsible for facilitating the WEX. Specific activities include but are not limited to employer vetting, worksite approval, compliance, monitoring, and coordination with Service Providers.

Displacement – Any reduction in hours, wages, benefits, or personnel resulting from a WEX placement. WEX may not result in displacement.

Employer / Host Work Site – The approved business or organization providing training and supervision to a WEX participant. Maybe a public, private non-profit, or private for-profit employer.

Employer of Record – The entity responsible for payroll, workers' compensation, and related employer obligations. May be the OCWDB/County, Service Provider, or another designated intermediary.

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

Paid Work Experience – A WEX placement where the participant receives wages for hours worked.

Position (WEX Position) – The specific approved role offered to a WEX participant which must meet OCWDB criteria and align with WEX learning objectives.

Service Provider – The contracted entity responsible for participant eligibility determination, case management, referrals, monitoring, and recordkeeping.

Unpaid Work Experience – A learning-focused placement such as job shadowing in which the individual performs no or minimal productive work and receives no wages.

Work Experience (WEX) – A structured, time-limited training opportunity at an employer worksite, paid or unpaid, designed to build work readiness, occupational skills, and career awareness.

Work Readiness/Employability Skills – Foundational workplace behaviors such as punctuality, communication, teamwork, problem-solving, adaptability, and professionalism.

Worksite Agreement – A formal contract executed among the employer, the Service Provider, OCWDB (or designee), Employer of Record, and the participant outlining responsibilities, schedule, job duties, safety requirements, wages (if applicable), and terms.

POLICY

Work experience (WEX) should align with the participant's long-term employment goals and help the participant gain the competencies and experience needed to meet local employer demands. WEX programs provide exposure to professional work environments and promote good work habits for individuals with limited or no work history or those returning to the labor force.

Work Experience opportunities can be paid or unpaid at an employer/host site. 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 by the Employer of Record. Employers hosting a work site 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.

Employer Eligibility

WEX is not an employer entitlement program. Employers must meet all OCWDB requirements, including:

- Be operational and producing revenue for a minimum of twelve months.

- Must be located within OCWDB service area.
- Comply with all applicable federal, state, and local laws, including nondiscrimination requirements, and safety regulations.
- Maintain active business registration, valid UI and tax standing, and Workers' Compensation coverage.
- Not be debarred from federal funding.
- Provide adequate supervision (up to 100% of the time).
- Ensure WEX placements do not displace existing staff or fill vacancies normally staffed by employees.
- No WEX placements in prohibited industries (e.g. cannabis business).
- Adhere to workforce caps: WEX positions may not exceed 25% of the employer's full-time employee count. Employers with fewer than four employees may be eligible to host one WEX participant.
- No more than 25% of an employer's workforce can be subsidized by WIOA when there are more than four regular employees. Businesses with fewer than four employees may be eligible for one WIOA trainee across all work-based training programs.
- Adhere to annual cap: No Employer may exceed 15 WEX participant placements annually.
- Priority of service will be given to veteran owned businesses and businesses that are in the priority industries for the local workforce area as defined in the Comprehensive Economic Development Strategy (CEDS) report.

Position Eligibility

All WEX positions must:

- Be entry-level and require minimal qualifications.
- Be fully supervised, safe, and compliant with labor and child labor laws.
- Not affect employer profitability or operations.
- Not displace employees, conflict with collective-bargaining agreements, or involve layoffs within the last two years.

Participant Eligibility

Participants must:

- Be currently enrolled in the applicable WIOA program (e.g. WIOA Youth Program). Please see OCWDB Youth Program Participant Eligibility and OCWDB Adult and Dislocated Worker Program Eligibility Policies for program enrollment requirements.
- Demonstrate barriers to employment
- Have interest in the industry.
- Not be immediate family of the worksite employer.
- Be determined suitable by the Service Provider.
- Youth under 18 must comply with work permit requirements.

Participant Referrals

Service Providers must submit a WEX Referral Form, that includes:

- Participant interest and career goals.
- Skills needed and justification for WEX.
- Confirmation of availability for 12-week training period.
- Updated resume.

Business Solutions facilitates employer interviews and selection.

Length of Training

- Standard duration: 12 weeks/ up to 360 hours total.
- 15-30 hours per week (maximum 150 hours/month).
- Participants may not work overtime.
- Exceptions require Program Manager or OCWDB Director approval.
- Waiver requests for hours/extensions require OCWDB Director approval.

Wages

- Participants will be paid at the current California prevailing minimum wage rate, or as determined by the County of Orange.
- Wage rate determined by County of Orange must be stated in the Worksite Agreement.
- Employer of Record may be reimbursed up to 100% of wages.
- Modifications to wage/hours require prior approval.

Worksite Agreement

A Worksite Agreement must be executed before the participants start date and include:

- Parties and contacts.
- Duties, wage, schedule, tools/ equipment.
- Training goals.
- Supervisor list and signatures.
- Nondiscrimination, safety, and monitoring requirements.
- Termination clauses.

A Training & Assessment Plan must be developed before the participant start date.

Assessments

Required assessments include:

- **Initial Assessment** (To be completed within the first 2 weeks)
- **Midway Evaluation** (To be completed around week 5–7)
- **Final Assessment** (To be completed upon completion of WEX)

If performance or behavior issues arise, a Performance Improvement Plan (PIP) may be initiated after formal discussion and documentation with the participant. The PIP outlines deficiencies, expectations, responsibilities, and a reevaluation of the timeline. It must be signed by all parties.

WEX Orientation

A WEX orientation must be held prior to the identified start date and include a representative from the worksite, the employer of record, business services, the service provider, and the participant. During the orientation, all parties will review the core components of the WEX, including but not limited to the start and end dates, work schedule, job duties, and the training plan.

Timecards

- Accurate record of time worked including approval from both the participant and employer must be submitted to Service Provider weekly or bi-weekly, based on payroll schedule.
- Performance comments should be included when submitting timecard.

*Failure to submit timely may delay payment.

Modifications

Modifications may include:

- Adjustments to duration of WEX to accommodate participants learning needs or disabilities to ensure proper skill development.
- Extension request must be made during the Midway Evaluation with justification for the extension.
- All modifications and exceptions require OCWDB Director approval before taking effect.

Termination

A WEX may be terminated by the Participant, Employer, or Service Provider. Five (5) day written notice is required, except for offenses that require immediate termination, including:

- Fraud
- Substance use on site

- Abuse/misuse of property
- Inappropriate internet use
- Fighting/abusive language
- Theft

Business Solutions may terminate WEX for noncompliance, safety issues, falsification, or hostile environments. Participants terminated through no fault of their own may be reassigned.

Exceptions

Any exception to this policy requires written approval from the OCWDB Director.

Unpaid Work Experience

Unpaid WEX is limited to learning-rich activities such as job shadowing where the participant performs no productive work. Activities must comply with Fair Labor Standards Act (FLSA) tests for unpaid training.

Special Grant Work Experience

Programs funded under special grants may have different wage levels or hour limits. These must be documented in the participant file.

Earn and Learn

A structured youth training model allowing stipends for live instruction and project work. Participants may not exceed 30 hours per week.

Transitional Jobs

A related work-based learning activity. See OCWDB Transitional Jobs Policy for full guidance.

ACTION

Bring this policy to the attention of all relevant staff, subrecipients, and partners to ensure full understanding and compliance with federal and state audit resolution requirements.

INQUIRIES

If you have any questions regarding this policy, please email info@ocworkforcesolutions.com.

ATTACHMENTS

Attachment I: Business Eligibility Application

Attachment II: Worksite Evaluation

Attachment III: Worksite Agreement

Attachment IV: Work Experience Assessment Form

Attachment V: Work Experience Modification Request

Attachment VI: Work Experience Performance Improvement Plan

Attachment VII: Work Experience Termination Request Form

Attachment VIII: Work Experience Modification Form

Attachment IX: Candidate Referral Form

Attachment X: Hiring Program Position Information