New Mexico
Workforce Connection
Central Region

Operational Policy NO. OP - 435 Change 1

Subject: **Work Experience – Internship Policy – Adult & Dislocated Worker**
Effective: **PY2018, 6/17/2019**

PURPOSE

To provide policy direction for the implementation of Work Experience – Internships for WIOA eligible adults and dislocated workers. Under this Work Experience Policy, WCCNM defines and provide directions for Internships only. Other types of Work Experience may include: Transitional Jobs, Pre- Apprentice, Apprenticeship and/or Registered Apprenticeship, which if determined to be a need in the region, will have a separate policy.

Internship

For the purposes of WIOA sec. 134(c)(2)(A)(xii)(VII), an internship is a planned, structured learning experience that takes place in a workplace for a limited period of time. Internships and other work experience may be paid or unpaid, as appropriate and consistent with other laws, such as the Fair Labor Standards Act. An internship or other work experience may be arranged within the private for-profit sector, the non-profit sector, or the public sector. Labor standards apply in any work experience setting where an employee/employer relationship, as defined by the Fair Labor Standards Act, exists.

Internships are agreements between the WCCNM , the Internship employer, and the Intern. An Intern is not be used to replace an existing employee or position.

Internship as a WCCNM Paid Participant

Wages are provided by the WCCNM and paid directly to the participant developing an employer/employee relationship. Labor standards apply in any work experience where an employee/employer relationship exists, as defined by the Fair Labor Standards Act. Employers are not monetarily compensated.

As an eligible WIOA Adult and/or Dislocated Worker, students participating in internships may receive supportive services (20 CFR 680.140).

POLICY

An internship must provide a planned and structured learning experience that will contribute to the achievement of the interns employment goals through a measurable training component.

The Internship Worksite Agreement must be signed by all parties prior to the start. This agreement sets forth responsibilities of the Worksite, the Intern's Supervisor and WCCNM. The Internship Worksite Agreement is also required to be maintained in the Worksite's file documentation folder.

The Participant Agreement sets forth the Interns responsibilities of participation in the WIOA Internship Program. The Participant Agreement includes items such as Program Orientation, Nondiscrimination and Equal Opportunity Provisions and Grievance Procedures, Drug Free Act, Individual Employment Plan, Follow Up Services, Standard Release Information, and the FERPA Agreement, etc.

The Internship Learning Plan must also be signed by Worksite Supervisor and the Intern prior to the start. This plan includes: job title, learning plan including responsibilities and specific tasks to be performed, start and end dates and compensation (computation of the anticipated wages to be earned).

A. Student Eligibility

Students must be enrolled in some form of post-secondary educational institution/school and in the last semester and/or within six months from completion of their education, and/or enrolled in another WIOA training program.

All students must meet program eligibility requirements, be enrolled into the respective WIOA program, and have received an assessment (or a copy of the most recent unofficial transcripts) resulting in the development of an Individual Employability Plan (IEP) that documents the participant's need for and benefit from an Internship.

Individuals who have received funding through an ITA, or other WIOA funded training are also eligible for an internship. Funding for training and internship are separate.

B. Employer Eligibility

The Employer:

- Must be registered with the Internal Revenue Service (IRS) and provide their Federal Employer Identification Number (FEIN); [20 CFR 683.280].
- Must have an account with the State of New Mexico Department of Workforce Solutions for Unemployment Insurance; [20 CFR 683.280] and must be current with their taxes, quarterly wage reporting, penalties, and/or interest or related payment plan. UI Tax Id # must to be provided.
- Must be licensed to operate in the State of New Mexico for state taxes NM-CRS and be current with all tax reporting, penalties, and or interest or related payment plans.. NM-CRS # also must be provided.
- Must carry General Liability and Workman's Compensation Insurance (20 CFR 680.280). (although, WCCNM will provide Workman's Compensation Insurance for those Interns that are paid (subsidized) by the program) Copies of Certificates of Insurances must be provided.
- Must have safe and healthy working conditions with no previously reported health and safety violations that have been reported but have not been corrected;
- Does not illegally discriminate in training or hiring practices because of race, color, sex, national origin, religion, physical or mental disability, political beliefs or affiliations or age; [WIOA Sec. 188(a)(2)]
- Shall not terminate the employment of any of their current employees or otherwise reduce its workforce either fully or partially (such as reduction in hours or benefits) with the intention of filling the vacancy with an Intern t or as the result of having an Intern; [20 CFR 683.270]
- Shall not allow the Internship activity to result in the infringement of promotional opportunities of their current employees; [20 CFR 683.270]
- Shall not allow the intern to be involved in the construction, operation or maintenance of any part of any facility that is used, or to be used, for religious instruction or as a place for religious worship. [29 CFR Part 2, Subpart 2]
-

WCCNM Business Consultants will collect the Internship Request Form from a Worksite to determine Worksite eligibility and determine the worksite's needs.

C. Internship Timeframe

An intern may be placed in an Internship for up to 120 days or less, and up to 29 hours per week or less. When determining the duration of a work experience activity, the following should be considered:

- Objectives of the work experience;

- Length of time necessary for the participant to learn the skills identified in the learning plan;
- The employer having sufficient quantity of meaningful work activities for the participant; and
- Service provider budget.

D. Compensation

Interns enrolled in a WCCNM paid Internship shall be compensated an hourly wage at not less than the State or local minimum, whichever is greater. Interns shall be paid only for the hours worked during the work experience as documented on the Internship Attendance Report & Evaluation Bi-weekly Request form.

Paid Internships shall not include:

2. Sick leave;
3. Vacation breaks;
4. Lunch breaks; or
5. A holiday recognized by the service provider or employer as a "paid holiday".

Interns are not authorized to work overtime.

When determining the hourly wage for an intern, the following considerations should be taken into consideration (this list is not intended to be all inclusive):

- Objectives of the internship;
- Type of work performed during the engagement;
- Skill set of the intern;
- Service provider budget.

PROCEDURES

A. Internship File Documentation

The following internship documents must be located in WCOS, the intern file and/or the supplemental file:

- Comprehensive Assessment (or a copy of the current unofficial transcript) identifying an Internship as an appropriate service;
- Completed IEP documenting the internship services and outcomes;
- Participant Agreement

- Internship Learning plan (completed prior to the start of the Internship);
- Intern Confidentiality Agreement;
- W-4 Employee Withholding Allowance Certificate;
- I-9 Employment Eligibility Verification Certificate (with supporting documents);
- Intern Corrective Action Plan (if applicable);
- Internship Hours & Cost Cap Training Form;
- Intern Bi-weekly Timesheets and Evaluations;
- Intern Evaluation by Supervisor - Final;
- Evaluation by Intern - Final;
- Case notes.

B. Internship Worksite Agreement

Internship Worksite Agreements must contain, at a minimum, the following:

- Responsibilities of the Worksite/Agency, including regulations as described in the WCCNM NO. OP – 435 Policy are followed.
- Information and instructions regarding WCCNM's Workers Compensation coverage for interns in the event of an Intern's illness or injury while on the job.
- Intern Supervisor's Responsibilities including the maintenance of Internship required documents for three years, such as:
- WIOA Required Posters
- WCCNM's Responsibilities
- Signatures of the Worksite and WCCNM Authorized Authority

C. Internship Worksite File documentation:

- Internship Worksite Agreement
- Drug Free Workplace Certification
- Intern Learning Plan
- Internship Confidentiality Agreement
- Intern Orientation Check List
- Internship Attendance Report & Evaluation
- Intern Corrective Action Form (if applicable)
- Internship start and end dates;

A single Internship Worksite Agreement may be written for group training with a single training site provided the working conditions and terms of the Agreement are the same for all interns covered by the Agreement.

D. Monitoring

Service providers must ensure regular and on-going monitoring and oversight of the Internship. Monitoring may include on-site visits and phone/email communication with the worksite supervisor and participant to review the intern's progress in meeting training plan objectives. Any deviations from the Internship Agreement should be dealt with promptly.

The WIOA service provider's oversight of the intern's training and payroll records may be reviewed by Federal, State and local fiscal and program monitors. These entities will have the right to access, examine and inspect any site where any phase of the Internship program is being conducted. The service provider and worksites are required to maintain its records and accounts in such a way as to facilitate the audit. Records must be maintained for three (3) years after the conclusion of the internship.

REFERENCES

- WOIA Sec. 129 (c)(2)(C); 134(c)(2)(A);188(a)(2) and (3)
- 20 CFR 680.170; 680.180; 680.190; 680.195; 680.830; 680.840; 681.600; 683.270 and 683.280.
- US DOL Wage and Hour Division

Applicability:

WCCNM Adult/Dislocated Worker Service Providers

Inquiries:

WIOA Manager at 505-724-3629

This Policy has received approval by the Workforce Connection of Central New Mexico Board and rescinds any policy previously in effect.

WCCNM Board Chair