

PASSAIC COUNTY WORKFORCE DEVELOPMENT BOARD

Subject: Youth Work Experience

Effective Date: 05/08/26

PURPOSE

To provide comprehensive guidance regarding work experience opportunities for youth under the Workforce Innovation and Opportunity Act (WIOA), including the application of incentives as outlined in New Jersey Workforce Innovation Notice 1-17(Y).

POLICY

The WDB adopts and implements the following Youth Work Experience (WEX) federal regulations and State of New Jersey NJDOL policies and procedures. When these rules differ, the stricter standard providing the most protection to the minor applies. Work experiences are defined as planned, structured learning activities that take place in a workplace for a limited period of time.

Under NJWIN 1-17(Y) and related policies:

- **Educational Component:** Every work experience must include both academic and occupational education components. This means a participant doesn't just do the work; they must also learn the "why" behind their tasks (e.g., a hospital intern learning about phlebotomy alongside their daily duties).
- **Individual Service Strategy (ISS):** Placement must be based on a youth's specific needs identified through an objective assessment and documented in their ISS.
- **Wages and Stipends:**
 - **Paid Experiences:** Participants must be paid at least the New Jersey state minimum wage.
 - **Unpaid/Stipends:** While experiences can be unpaid, WIOA funds may be used to provide incentives or stipends (e.g., fixed payments for living expenses or travel).
- **Worksite Agreements:** A formal written agreement is required between the youth provider, the participant, and the employer (host site) before the start of the program.
- **Supervisor Ratio:** To ensure safety and learning, the maximum allowable supervisor-to-participant ratio is typically 1:12.

Types of Allowed Work Experiences

According to NJWIN guidelines, the WDB can offer several types of work-based learning:

- Summer Employment: Activities primarily during summer months with direct links to academic learning.
- Pre-Apprenticeships: Programs designed to prepare individuals to enter and succeed in a Registered Apprenticeship.
- Internships and Job Shadowing: Short-term opportunities for career exploration.
- On-the-Job Training (OJT): Training provided by an employer to a paid participant while they are engaged in productive work.

Eligibility and Priority

- Youth Ages: Generally, targets youth ages 14–24.
- Funding Mandate: Local areas are required to spend at least 20% of their WIOA youth funds specifically on these work experience activities.
- Focus: Programs prioritize out-of-school youth (OSY) who face barriers such as being a high school dropout, being homeless, or being involved in the justice system.

NJDOL Youth Employment Policies

Workforce Innovation and Opportunity Act (WIOA) Programs

For youth (ages 14–24) facing barriers to employment, NJDOL manages federal WIOA funds to provide structured Work Experience (WEX).

- Prioritization: At least 75% of youth funds must be spent on out-of-school youth (OSY), and at least 20% must be dedicated to work experience activities.
- Program Elements: These experiences must include an educational component (academic and occupational) and can include internships, pre-apprenticeships, or on-the-job training.
- Incentives: Some programs, like the Summer Youth Work Experience Program (SYWEP), provide stipends for participants (e.g., ~\$2,300 for a summer session)

Federal and New Jersey Regulations on Youth Employment

20 CFR 681.600(c) required program elements that local workforce development boards must offer within their regions. Among these elements are paid and unpaid work

experiences, which incorporate academic and occupational education components. The types of work experiences include:

- Summer employment opportunities
- Year-round employment opportunities
- Pre-apprenticeship programs
- Internships and job shadowing
- On-the-job training opportunities

Working Papers (Employment Certificates):

- Requirement: All minors under 18 must have valid working papers for each job they hold.
- Process: Minors must first receive a job offer, then apply online through the NJDOL MyWorkingPapers portal. The process requires the employer's 8-digit code and caregiver approval. New Jersey recently updated its procedures, specifically moving the administration of working papers from schools to the NJDOL as of June 1, 2023.
- Mandatory Breaks: Minors must receive a 30-minute meal break after 6 continuous hours of work.
- Weekly Limit: Minors may not work more than 6 consecutive days in a single week.
- Minimum Wage: Most minors in NJ are entitled to the state minimum wage, though certain exemptions exist for specific roles like summer camp counselors or agricultural workers.

Federal (FLSA) vs. NJ State Hour Restrictions

Federal law sets a floor for protections, but NJ often imposes tighter limits, especially during the school year. [1]

Age Group	Period	Max Hours / Day	Max Hours / Week	Time Restrictions
14-15	School Year	3 hrs. (school days)	18 hrs.	7:00 AM – 7:00 PM
	Summer	8 hrs.	40 hrs.	7:00 AM – 9:00 PM

16-17	School Year	8 hrs.	40 hrs.	6:00 AM – 11:00 PM (later on weekends)
	Summer	10 hrs.	50 hrs.	6:00 AM – 11:00 PM (3 AM for restaurants/amusements)

Prohibited "Hazardous" Work

Both federal and NJ policies strictly prohibit minors from performing dangerous tasks.

- Under 18: Cannot operate power-driven woodworking machines, forklifts, hoisting apparatus, or operating heavy machinery.
- Under 16: Prohibited from manufacturing, mining, most cooking (except with limited electric/gas grills), and using power-driven mowers or cutters.

Federal and NJDOL Definition of a Work Experience

As defined in 20 CFR 681.600, work experience refers to a planned, structured learning activity occurring in a workplace setting for a limited duration. These experiences may take place in the private for-profit sector, non-profit sector, or public sector. It is important to note that labor standards, as defined by the Fair Labor Standards Act or applicable state law, apply wherever an employee/employer relationship exists. According to 20 CFR 680.840, funds allocated for work experiences cannot be used to fill positions vacated due to labor disputes, including strikes or lockouts. Work experiences afford youth participants valuable opportunities for career exploration and skill development. The United States Department of Labor (DOL) Wage and Hour Division website provides additional information regarding the employer/employee relationship.

20 CFR 681.600(a): Labor standards apply to any work experience where an employee-employer relationship exists, as defined by the Fair Labor Standards Act or applicable state law. Consistent with § 680.840, funds must not be used to directly or indirectly facilitate the filling of a job opening that is vacant due to a strike, lockout, or ongoing labor dispute, or where filling the position is otherwise involved in a labor dispute.

The NJDOL NJWIN 1-17(Y) establishes the following standards for providing both paid and unpaid work experiences to youth under the federal Workforce Innovation and Opportunity Act (WIOA).

- For unpaid work experience, WIOA funds may be utilized to provide incentives and/or stipends to youth. The determination of incentives or stipends shall be made by the Passaic County Workforce Development Board. The Passaic County Workforce Development Board does not offer incentives payments.

- Stipends should be reasonable, allocable, and issued through a standardized, uniform payment system. There are two instances when stipends are offered. The first is in the Summer Youth Work Experience Program only for the disabled youth in the Cerebral Palsy program. Because these youth receive SSI payments, we do not pay them a wage that might affect their SSI. Instead, we provide a stipend while in training of \$5 per hour. The second instance involves the subrecipient contracts for youth. Certain youth programs do provide a stipend, and payment is reimbursed by the Passaic County Workforce Development Board as part of the line item submitted by the vendor. Payment stipends are not provided to the youth directly; the vendor will issue payments per agreement.
- Training vs. Employment. The local area must ensure that the youth provider establishes a clear determination regarding whether a work experience constitutes a “training” or “employment” situation. Out of school youth between the ages of 16 to 24 and must have at least one major barrier to employment as defined by the New Jersey Department of Labor & Workforce Development.
- Child Labor Laws. The Passaic County Workforce Development Board ensures full compliance with all applicable federal and state child labor laws. Employers must provide proof of age and parental consent for both paid and unpaid work experiences. Additionally, minors participating in work experiences during school sessions must obtain a valid work permit.
- Written Agreement. The Passaic County WDB is responsible for ensuring that a written agreement exists between the youth provider and the worksite employer or host site to ensure compliance with WIOA and related regulations. This agreement details the terms and conditions of the work experience and outline the responsibilities and expectations of all parties involved (participant, employer, and youth provider). The written agreement must specify:
 - Duration of the work experience
 - Compensation details
 - Tasks and duties assigned
 - Supervision and oversight arrangements
 - Health and safety standards
 - Conditions of work, including consequences for non-compliance and procedures for termination.

All parties involved (host site, participant, and youth provider) must receive a copy of the signed agreement. Additionally, the agreement must be retained and made available for audit and monitoring purposes.

Worksite

- Sites utilized must conform to information requested on worksite agreements, and all worksites must be indicated on the agreement.
- The PCWDC must be informed prior to any site changes. We reserve the right to approve/disapprove such requests.
- The number of participants must conform to the numbers agreed upon by the PCWDC and the worksite on the Request for Participants.
- All machinery and equipment utilized must conform to job description, worksite agreement, and Child Labor Laws.
- The worksite agreement must indicate the agency/organization's status. Participants may not engage in political or religious activities.
- The worksite agreement must clearly indicate the duties and responsibilities of participants during the summer.
- If the site is outdoors, the PCWDC must be informed of the agency/organization's policy for participants during the inclement weather, including:
 - Outline of availability of meaningful work indoors;
 - If youth are sent home due to inclement weather, they will only be paid for hours worked.
- The worksite's contact person and title as well as supervisor(s) shall be indicated on the worksite agreement.
- Work must take place between Monday and Friday unless other arrangements have been made and approved by PCWDC.

Supervision

- The site supervisor or a designated alternate as named in the worksite agreement, must be present during work hours of all participants assigned to such worksite.
- The site supervisor or a designated alternate must possess the necessary abilities and skills to direct and coordinate participants' work assignments.

- All jobs must provide legitimate work experience. This should include, but not be limited to, occupational skills, job responsibilities, appropriate work behavior, planning, working with others, following instructions, communicating and problem solving.
- Adequate supervision must be provided to participants during their regular working hours. This includes any travel between sites, field trips, etc. If participants will be traveling, the PCWDC Counselor/Monitor must be informed.
- The site supervisor must establish a system for participants to contact the site supervisor, within 15 minutes of their start time, if they cannot report to work.
- Supervisor to participant ratio must conform to the worksite agreement. The maximum allowable supervisor to participant ratio is 1:12. PCWDC reserves the right to modify the ratio as deemed appropriate. Reasons may include: type of work, type of site.

Participants

- No youth will be paid by PCWDC unless they have been certified by PCWDC and referred by PCWDC, have working papers and have a PCWDC start date.
- Youth will be paid by PCWDC only for time designated by PCWDC. Participants will be paid only for hours they have worked as indicated on the time sheet.
- Participants' work hours and all signatures must be indicated on time sheets.
- No participant may work more than the number of hours per week determined by PCWDC. Participants will not be paid for any hours exceeding this limit.
- All participants who work a minimum of 5 hours per day must have a minimum one-half hour lunch break per day. Lunch is not to be considered as paid time. It must be indicated on the time sheet.
- Participants are to have comparable working conditions.
- Participants are not to replace laid-off workers.
- Participants may not, under any circumstances, cash their paychecks during the hours for which they are being paid to work.

Time Sheets

- Time sheets are considered legal documents. They may not be filled out in advance.

- Time sheets should only record actual hours worked for PCWDC. Any additional hours agreed upon between youth and AGENCY will not appear on PCWDC time sheet.
- Time sheets must be maintained and checked by the supervisor.
- Should it be discovered that any participant receives payment for time not worked, the result can be the loss of all participants assigned to that site and PCWDC must be reimbursed for those payments.
- Do not use white-out on the time sheets. (Cross out if necessary).

Addressing Worksite Problems

Written warnings will be utilized in conjunction with counseling techniques to develop proper work habits.

The following situations may result in termination of a participant:

- a) Excessive absences: 2 or more in a pay period
- b) Excessive lateness: 2 or more in a pay period
- c) Not calling in when absent or late: 3 times during the work experience program
- d) Not following the rules of the job site.
- e) Inability to meet the standards of the job site as defined in the worksite agreement. (Not able to do the assigned work, inappropriate dress, etc.)

The PCWDC Counselor/Monitor should be informed of any participant who is in jeopardy of being terminated. Terminations will only be implemented by PCWDC.

POLICY REVISION

The WDB Workforce Innovation and Opportunity Act (WIOA) policies are reviewed and amended annually by the WDB to remain in compliance with all federal mandates and state-level policy changes issued by the New Jersey Department of Labor and Workforce Development. Local partners are notified of all changes to WDB policies.