

Skill Enhancement and Career Exploration Work Experience Program (WEP) Procedures

The purpose of the WEP is to assist MFIP participants experiencing difficulties in obtaining or maintaining public or private sector unsubsidized complete employment. Participants engaged in the WEP will be placed in an unsubsidized work experience placements that will provide participants with work activities to develop new skills and enhance current skills, while providing an opportunity to gain work experience in a supportive work environment that builds confidence and gives participants an opportunity to explore other career options. Upon completion of the WEP, participants will have acquired new skills, enhanced current skills, improved their soft-skills and be better prepared for competitive public and private sector unsubsidized employment.

The following WEP procedures are general operational procedures approved by DHS. When operating your agency's WEP use the MFIP Employment Services Manual issued 02/2012, Unpaid Employment Activities 9.3 through 9.9 policies and procedures and Workforce Solutions' MFIP program policy and procedures as your guide to operating your program. These procedures are subject to change at the discretion of DHS and Workforce Solutions.

Program Eligibility:

Unpaid work experience is an option if the participant agrees to participate or the unpaid work experience meets following criteria:

- The participant has been unable to obtain or maintain paid employment in the competitive labor market and there are NO paid work experience programs available. And
- The unpaid work experience provides specific skills or experience that cannot be obtained through other work activity options where the participant lives or is willing to live.
- The skills or experience result in higher wages than the participant would earn without the unpaid work experience.

Paid work is the ultimate goal for everyone in the program. However, unpaid work may be a necessary intermediate step that provides a work experience and core activity hours that count toward the participation requirement. See §16.3 (TANF Participation Rate). MFIP is designed to put participants on "the most direct path to unsubsidized employment". **MFIP Employment Service Manual, Issued 02/2012 Unpaid Employment Activities 9.3.**

WFS Authorized WEP Forms:

Worksite Agreement

The Worksite Agreement is a non-financial agreement between the Worksite Employer and the ES Provider describing how to work together to provide a skill enhancement and career exploration unpaid work experience placement for MFIP participants. The Worksite Agreement is a mandatory agreement that must be signed by the worksite and MFIP ES Provider prior to

placing the participant at the worksite. The body of Worksite Agreement contains standard program language that may not be altered without the permission of Workforce Solutions. ES Providers may include your agency name and logo at the top of the form and in highlighted areas. [Work Experience Program Forms\MFIP Worksite Agreement 10.2012 Final.doc](#)

MFIP Work Experience Activity Verification Form

This form will be used after the Worksite Agreement has been signed and the participant is placed at a work experience worksite. This form is a general release of information allowing the employer to share the participant's proposed work schedule and job duties, certify safety compliance, and displacement information. Each participant assigned to a worksite will must have this form placed in their file or filed with the Worksite Agreement prior to worksite placement. The body of this form contains standard program language that may not be altered without the permission of Workforce Solutions. ES Providers may include your agency name and logo at the top of the form and in highlighted areas. [Work Experience Program Forms\MFIP WORK EXPER. AGENCY VERIFICATION FORM Revised 10.2012FINAL.docx](#)

Monthly Timesheet

Timesheets are required to document work experience hours and compliance with Fair Labor Standard Act (FLSA) hours. All participants engaged in a work experience activity must submit a monthly timesheet signed by the worksite supervisor and themselves to their work experience representative or their MFIP job counselor. Timesheets must be received by the 5th working day of the month. ES providers must maintain copies of timesheets in the participant's file for audit purposes. MFIP job counselors are required to notify their work experience representative of any change in the participant's FLSA hours by the 5th working day of the month. ES Providers may alter this form to meet the needs of your agency. Also, be reminded that ES Providers must monitor worksite activity a minimum of twice a month. [Work Experience Program Forms\Work Experience Program Monthly Timesheet 10.2012 Final.xlsx](#)

Work Experience Program Referral Form

ES Providers may create their own in-house Work Experience Program Referral form by using the attached form as a guide in preparing an agency specific form. The following procedures are optional and the process may be different for each agency:

- Job counselors will use this form to refer participants to the Work Experience Program.
- Job counselors must complete the referral form and calculate the FLSA maximum number of hours for each work experience referral, and send the referral form to the designated in-house work experience representative.
- Job counselors are responsible for calculating monthly FLSA hours and reporting changes to the designated work experience representative prior to the 5th working day of each month the participant is engaged in the WEP.
- Upon assignment to a work experience worksite, the work experience representative will notify the job counselor by case note, the work

experience start date, work schedule, job title, and the employer contact information. [Work Experience Program Forms\Work Exp. Sample Referral Form 10.2012.docx](#)

The above forms will be used during the implementation of Phase One of the Work Experience Program. Prior to the implementation of Phase Two (July 2013), forms and program procedures may be modified based on best practices.

Workforce One Coding:

The WEP will use two Workforce One Core activity codes: **Community Service Program** and **Unpaid Work Experience**.

The following provides a brief explanation of when the Workforce One activity codes should be used:

- **Unpaid Work Experience** code will be used for participants engaged in an internship with a public, non-profit or private sector employer. Non-profit and private sector placements will be used as an alternative when a specific skill set cannot be obtained through other activities or through placement at a government or non-profit worksite. Job counselors are required to document the purpose of the placement and the skill set obtained in the participant's Workforce One case note file. The employer must also attest to the specific skill set obtainment by submitting a job description or other documentation.
- **Community Service Program** code will be used for participants engaged in a work experience placement at a government or not-for-profit agency. Community service placements must fulfill a useful public purpose and the work assignment must enhance the participant's employability. Job counselors are required to identify and document how the work experience assignment will fulfill a useful public purpose and document how the work assignment will enhance the participant's employability in the participant's Workforce One case note file.
- Unpaid Work Experience placements are limited to 3 months. An additional 3 months may be added at the agency discretion upon completion of an evaluation of the participant's skill set/obtainment and consultation with the employer. The purpose of the extension must be documented in the participant's Workforce One case note file.
- Workforce One coding instructions: [Work Experience Program Forms\MIS instructions for the new Work Experience Program \(WEP\).msg](#)

Fair Labor Standard (FLSA)

Participants who are engaged in work experience or community service program activities are subject to the provisions of the Fair Labor Standards Act (FLSA). When developing a work schedule for a participant in an unpaid work experience, volunteer or Community Work Experience Programs position, hours are determined by dividing the participant's actual MFIP grant (both cash and food portions) by the federal minimum wage \$7.25/hour.

It's the job counselor's responsibility to determine the FLSA hours based on the above formula prior to the start of a work experience assignment and to monitor the allowable FLSA hours monthly.

NOTE: Use the actual amount of the participant's MFIP grant after applying a sanction, when applicable.

For example, a participant's MFIP grant is \$400. Divide by \$7.25/hour. The maximum number of hours the participant is permitted to work in an unpaid employment activity during the month is 55. Always round down to the nearest whole number of hours.

For additional information on "Deeming" FLSA hour, please refer to the **MFIP EMPLOYMENT SERVICES MANUAL ISSUE DATE 02/2012 UNPAID EMPLOYMENT ACTIVITIES 9.3**

Occasionally though, a participant expresses interest in voluntarily exceeding the maximum hours that are allowed under the FLSA. When this situation arises it is important that the participant is informed of the following:

- The activities included in the participant's employment plan are required. The participant cannot substitute time spent in the additional voluntary job for the required activities in the employment plan.
- The maximum number of hours the participant could be required to work in an unpaid job is determined by dividing the participant's MFIP grant (both the cash and food portions) by the federal minimum wage.
 - o The maximum number of hours allowed under the FLSA will not change until the participant's MFIP or DWP grant amount changes;
 - o Employment counselor should make changes to the participant's employment plan with the correct number of hours when the participant's MFIP grant amount changes.

Any additional time the individual chooses to voluntarily work in any unpaid job is not associated in any way with the MFIP or DWP programs.

- o The additional volunteer time the participant wishes to work is a free choice the participant is free to make on his or her own. It is not required or otherwise

approved by the participant's employment counselor. Therefore, the county/provider cannot sanction a participant for failing to follow through with the additional volunteer assignment.

- o The additional volunteer time will not be included in the participant's employment plan;
- o The participant will not be compensated for the additional volunteer time, including any additional support services;
- o No additional child care will be available for the additional volunteer time;
- o The participant's activity log/time sheet should only include required work activity hours. The additional volunteer time should not be entered on an activity log/time sheet.
- o In the event the participant records hours from the additional volunteer job on his/her time sheet, the employment counselor should identify the additional voluntary time, and record a case note to explain the additional hours;
- o Do not time track these additional volunteer hours.

NOTE: This guidance does not apply to participants who are sentenced to court ordered community service. For participants engaged in court ordered community service record the required hours in the employment plan and enter a case note that the hours in the plan are for court ordered community service.

TWO-PARENT CASES

The maximum number of hours allowed under the FLSA is case based (not person based). Use the family's MFIP grant (both cash and food portions) to determine the maximum number of hours the family can participant in unpaid work activities. A two-parent family with both parents engaged in an unpaid work activity, the total of their unpaid work hours cannot exceed the maximum allowed under the FLSA.

ADDITIONAL HOURS OF OTHER CORE AND NON-CORE ACTIVITIES IS ALLOWED

A participant may be engaged in other core and non-core activities without violating the FLSA. The FLSA governs the number of hours we can require or permit a participant to work in an unpaid work activity.

Additional hours of job search/job readiness assistance, education and training, and paid employment may be added to the participant's employment plan without violating the FLSA.

Note: As of August 1, 2011 there is now one exclusion to what meets the definition of a "work activity." Activities or hours a participant participates in for political purposes, which are

defined as “an act that is intended or done to influence, directly or indirectly, voting at a primary or other election” are not countable work activities

For additional information on FLSA hour, please refer to the **MFIP EMPLOYMENT SERVICES MANUAL ISSUE DATE 02/2012 UNPAID EMPLOYMENT ACTIVITIES 9.3**

Injury Protection Program (IPP)

IPP is used to determine payment of any medical claims resulting from an alleged injury or death of a person participating in a county or tribal community work experience program that is approved by the commissioner. Participants engaged in a work experience activity and sustain a work related injury may submit an IPP claim. A claim is not valid if the worksite employer responsible for supervising the work activity cannot verify to the Commissioner the following:

- That appropriate safety training and information (when applicable) is provided to all persons being supervised.
- That all programs involving work by those persons comply with federal Occupational Safety and Health Administration and state Department of Labor and Industry safety standards.

A claim that is not valid because of failure to verify safety training or compliance with safety standards will not be paid by the Department of Human Services or through the legislative claims process and must be heard, decided, and paid, if appropriate, by the local government unit or tribal program responsible for supervising the work of the claimant.

For additional information please refer to the **MFIP EMPLOYMENT SERVICES MANUAL ISSUE DATE 08/2012 INJURY PROTECTION PROGRAM 9.6**

What to do in the event of a workplace injury?

- Ensure that the Worksite Employer has provided immediate medical care to the participant and has informed the ES representative of the of workplace injury within 24 hours.
- Investigate the nature and cause of the injury and immediately complete the **DHS-3995-ENG Injury Protection Program (IPP) First Report of Injury form**. Give the participant, worksite supervisor, and Workforce Solutions Planner a copy of the First Report of Injury form within 24 hours of the incident.
- Do not wait for a medical report before filing the **First Report of Injury form**.
- Depending on the nature of the injury, notify the participant that you will be requesting a diagnosis of injury report from their medical provider and will need the medical provider contact information. The participant will also be required to sign a DHS-3994 ENG medical release of information form. Some workplace injuries may be minor and may not result in additional medical treatment. If the injury is minor and the participant

states no additional treatment is required document the conversation in the participant's Workforce One case note file.

- If the workplace injury requires medical treatment complete **DHS-3996 Injury Protection Program (IPP) Participant Medical Referral and Medical Care Provider Information Letter** and send a copy of the **DHS-3994 –ENG Injury Protection Program (IPP) Participant Information & Authorization to Release Medical Information form** and the **DHS-3997 Injury Protection Program (IPP) Participant Injury Status Report** to the medical provider and Workforce Solutions Planner.
- Maintain contact with the participant to ensure that the participant is progressing during their recovery.
- Upon receipt of the above completed forms, Workforce Solutions will send the forms to the DHS IPP Representative. DHS will review the claim forms, authorize or deny payment and work with the medical provider on payment related issues.
- Workforce Solutions will keep ES Providers informed of the payment or denial of the claim on an as needed bases.
- Upon completion of all the required paperwork ES will work with the Worksite Employer to identify the cause of the accident and ways to prevent future workplace injuries. ES must ensure that the worksite is safe and all safety procedures are in place before the participant returns to work or placing new participant at the worksite.

The following IPP forms are authorized by DHS:

DHS 3979- Notice of Privacy Practice form.

- Participants must receive a copy of this form prior to worksite placement.
<https://edocs.dhs.state.mn.us/lfserver/Public/DHS-3979-ENG>

DHS- 3994-ENG Injury Protection Program (IPP) Participant Information & Authorization to Release Medical Information <https://edocs.dhs.state.mn.us/lfserver/Public/DHS-3994-ENG>

- Data privacy and medical release information for unpaid work experience participants in the case of worksite injury.

DHS-3395-ENG Injury Protection Program (IPP) First Report of Injury

- Report to be completed by a worksite staff member/supervisor when a participant in unpaid work experience sustains an injury.
<https://edocs.dhs.state.mn.us/lfserver/Public/DHS-3395-ENG>

DHS-3996-ENG Injury Protection Program (IPP) Participant Medical Referral and Medical Care Provider Information Letter

- Report to be completed by a worksite staff member/supervisor when a participant in unpaid work experience sustains an injury.

<https://edocs.dhs.state.mn.us/lfservlet/Public/DHS-3996-ENG>

DHS-3997-ENG Injury Protection Program (IPP) Participant Injury Status Report:

- A report and diagnosis completed by medical provider of an injured participant in unpaid work experience. <https://edocs.dhs.state.mn.us/lfservlet/Legacy/DHS-3997-ENG>

DHS 3998-ENG Injury Protection Program (IPP) IPP Claim Form

- To be completed by DHS IPP representative when finalizing the review of an injury protection claim for payment or denial.

<https://edocs.dhs.state.mn.us/lfservlet/Legacy/DHS-3998-ENG>

DHS IPP forms can also be found at: <http://mn.gov/dhs/search/?v:sources=mn-dhs-all&render.list-show=10&query=edoc>

UNPAID EMPLOYMENT DOCUMENTATION & VERIFICATION 9.9: MFIP EMPLOYMENT SERVICES MANUAL ISSUE DATE 01/2011

The Employment Services Provider must verify hours of unpaid employment activity in order to count these hours toward the work participation rate.

A time sheet or similar attendance document must be used to document hours a participant is engaged in an unpaid employment activity. The document used to verify hours of participation must include the days and number of hours worked each day. Time sheets or other attendance documents must be submitted to the employment services provider no less than monthly. Verify work hours by reviewing the time sheet or other attendance documents.

Time sheets or attendance documents must be signed by a supervisor in order to be an acceptable form of documentation for unpaid employment activities. When a participant submits an unsigned time sheet or other attendance document, the employment services provider must contact the work site to verify the hours are correct or have the participant obtain the necessary signature in order for the hours to be countable. A signed release of information from the participant must be obtained prior to contacting the unpaid employment activity supervisor. When hours are verified by contacting the work site, an employment services staff person must sign the time sheet or attendance document and enter a case note in the participant's file.

The number of hours a participant provides child care for another MFIP participant who is participating in a community service program must be verified in order for the hours to count towards the work participation rate.

For participants who provide child care to another MFIP participant in a community service program unpaid position, it is necessary to obtain a statement that supports the hours the participant provides child care. Acceptable documentation includes a statement from the participant in a

community services program or another individual who has knowledge of the time spent providing child care. The document used to support the hours must be submitted to the employment services provider no less than every two weeks.

A statement from the MFIP participant who provides the child care is not an acceptable form of verification for this activity. An employment services provider that receives a statement or other document that is not signed by the participant who is participating in the community service program or other responsible individual must confirm with the participant in a community services program that the hours are correct in order for the hours to be countable. The employment services provider must write a case note to document the verification of hours.

DAILY SUPERVISION OF UNPAID EMPLOYMENT ACTIVITIES

Require participants who are engaged in **unpaid employment activities** to be supervised on an ongoing basis no less frequently than daily. Daily supervision means participants have an assigned supervisor they report to daily, preferably at the work site. Supervision includes developing and overseeing the participant's work schedule and assignments. An employer, work site sponsor or other responsible individual, such as an employment services staff person, can provide daily supervision of the participant in an unpaid employment activity.

NOTE: DHS recommends development of a written agreement between the work site and the employment services provider that specifies the party responsible for providing daily supervision of a participant engaged in an unpaid employment activity.

Require participants who are providing child care to another MFIP participant who is participating in a community service program to be supervised on an ongoing basis no less frequently than daily. Supervision may be by a responsible individual, such as an employment services provider staff person. The employment services provider and the participant must develop an agreed upon employment plan that lists the days and hours the participant will be providing child care for another MFIP participant who is in a community service program.

TRACKING UNPAID WORK HOURS (WF1)

Record the actual number of hours the participant is engaged in an unpaid work activity each week. When the total monthly hours **equals** the maximum number allowed under the FLSA, DHS will report the additional "deemed" hours (behind the scene). Do NOT record the "deemed" hours on WF1. See §9.3 (Unpaid Employment Activities).

If you have questions or need additional information, please contact Patricia Yates by email at patricia.yates@co.ramsey.mn.us or by phone at 651.779.5172. Thanks.