

Department of Public Health and Human Services	<b>SECTION:</b>  PROGRAM DESCRIPTION
WoRC GUIDELINES MANUAL	<b>SUBJECT:</b>  Work Experience (WEX)

**Reference:** 45 CFR 261.30-.36 & .70; ARM 37.78.103, .206, .216, .801, .807, and.810  
TANF 701-3

### **CODING: WORK EXPERIENCE (WEX)**

Work EXperience is a training placement at a work site. Work Experience placement (WEX) is a primary activity. A participant may complete all primary hours in a WEX placement if appropriate. If placement at a WEX site is determined appropriate upon entry, it can occur upon enrollment.

### **WEX PLACEMENT:**

The WEX placement is a formal job site experience and training, which develops or enhances the participant's basic work habits and/or improves specific work skills. All placed WEX participants have a detailed training plan listing specific tasks/duties and on-site supervision. The WEX training plan and employability plan outlines the negotiated times and days the participant is to attend the work site training. All WEX placements are evaluated when the placement ends, whether the placement ends due to successfully completing the training or non-compliance. If the participant fails to show at the WEX site, only sporadically shows, and/or is asked to leave, the end of placement evaluation is important in order to establish if this behavior is a pattern or an exception. All WEX extensions beyond three months must have central office/monitor approval.

A WEX placement assists participants with little or no work history gain needed skills and local references, provides meaningful on-site training for participants, offers an opportunity for the participant to earn a current performance recommendation, and assists participants in learning skills needed to balance home and employment schedules.

The WEX placement takes into account the unique goals of the participant and the site sponsor. All parties understand the WEX participant is not paid nor is the participant entitled to a job at the WEX site after training is completed.

**NOTE:** Internships or practicums that are required course work for and directly related to a certificate or degree cannot be allowed to count as WEX placement.

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Participants must be open and receiving TANF in order to be placed in a WEX placement site.



**NOTE: Placing a WEX participant in a religious organization is allowable if the participant is performing non-sectarian activities.**

WEX participant placements are evaluated for:

- The individualized needs of the participant and how they match the proposed WEX site and training plan;
- Transportation needs to and from the WEX site; and
- The time necessary to achieve the training goals;
- Placement is usually for three months, but an extension is allowed if new and/or additional skills are included in the updated training plan and with WoRC monitor approval.

WEX site placements are developed where site sponsors agree that:

- The WEX scheduled hours are meaningful and appropriate for the agency/business;
- The hours are not disruptive to the daily operation of the agency/business; and
- Site supervisors have sufficient time to provide oversight to the WEX participant and complete individual responsibilities.

#### **LEAD AGENCY RESPONSIBILITIES:**

The WoRC WEX Coordinator/WoRC Case Manager must:

- Develop and promote a wide array of level one and level two sites as defined in the SDA plan;
- Allow a WEX placement in a religious organization when the participant performs non-sectarian activities;
- Initially assess the participant's 'match' to the WEX site in regards to the participant's training needs and the WEX site's requirements;
- Be skilled in developing detailed training plans which clearly identify specific tasks and duties in which the participant is to engage;
- Track weekly participation through timesheets received directly from the site;
- Monitor all WEX sites or placements **at least monthly through a face to face visit** with the respective site supervisor; with more frequent phone contact; and
- Complete quarterly Worker's Compensation reports and submit by email to Lorrie Cofer, DPHHS Central Office.

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### **WEX SITE SPONSOR RESPONSIBILITIES:**

The sponsor agrees to provide:

- Orientation to established work rules and regulations including safety training;
- A meaningful assignment the participant is capable of learning/performing,
- Supervision and the necessary equipment and training to help the participant complete the task;
- An evaluation is required on a monthly basis or any time the training ends.

In addition the WEX site sponsor agrees to the following conditions:

- To treat all participants in the same manner;
- To treat all participants under the same rules of work as other employees;
- To treat all participants the same as other trainees/employees for safety and job performance requirements;
- To inform all participants of site rules, including safety training, at the time of initial placement;
- To give participants requested time for job interviews, Job Service appointments, and/or time to meet with employment and training providers.

### **MANDATORY FORMS: (MASTER WEX SITE FILE)**

The following are the mandatory forms for each WEX placement.

#### **DPHHS-HCS 776 – Work Experience Site Agreement**

The form is updated annually with detailed information about the specific duties tied to the placement. It must be signed and dated by the Lead Agency and the Site Sponsor. The form is incomplete if any unexplained blank spaces remain without a designation of ‘n/a.’

#### **DPHHS-HCS 727 – Non-Displacement Documentation Form**

This form’s completion ensures that displacement has not occurred (intentional laying off or terminating of workers to create a position). The form is updated annually with clear documentation regarding all contact with an appropriate union, if one exists at the WEX site. If there is no union representing workers at the WEX site, indicate ‘no’ regarding “consultation.”

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Worker's Compensation Information (on-line form only)

The form includes the:

- WEX site's name,
- Address,
- Job title,
- WEX Placement SCOPES code, and
- WEX placement's "probationary" wage.

► WoRC completes and signs the form at the time the master site is first established and again on an annual basis, the form is emailed to Lorrie Cofer, DPHHS Central Office.

### **SCOPES Code Information**

The master WEX site file should include a copy of the relevant SCOPES code information that correlates to the specific placement at the site.

- As of October 1, 2008, only two scope codes can be used. They are 8811 for clerical and all non-clerical will be reported as scope code 9422.

### **WORC PARTICIPANT'S FILE:**

#### **DPHHS-HCS 726 Training Plan**

A detailed listing of the specific training duties is listed. These duties cross-reference with the job description listed on the WEX site agreement, but are more individualized to meet each participant's specific training needs and abilities. The training plan outlines the essential duties to complete and how they will be achieved. The training plan is also used as an evaluation tool to measure progress as needed on a monthly basis or upon the WEX site placement conclusion.

#### **DPHHS-HCS 777 Work Experience Participant Agreement**

The form outlines the WEX placement guidelines agreed to by the participant, the WEX site sponsor and the WoRC lead agency. The participant and WoRC each sign the form.

#### **► Weekly WEX timesheets**

The WEX site supervisor must sign the weekly verification of completed hours. The WEX timesheets must be received directly to the WoRC office from the WEX site.

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### Background Checks:

The National Child Protection Act-Volunteers for Children Act (NCPA-VCA) is the federal law that provides authority for background checks when people have contact in employment or a work experience site with children, the elderly or the disabled. Montana Law (MCA 44-5-301) states that there are no restrictions on the dissemination of public criminal justice information by the state.

Background checks for TANF participants who will be placed in WEX sites involving children, disabled, and/or elderly should be resubmitted only if the last background check was done over a year ago and there has been a break in enrollment.

There are two types of background checks available:

- **Name Based**  
This is limited by accuracy of name, date of birth (DOB) and social security number (SOC) and residency length in the State of Montana.
- **Fingerprint Based**  
Identification by fingerprints matching to FBI records.

**Name Based Results:** This type of background check is used for persons who have been a state resident the majority of the past 5 years. The results of the **in-state** records check will reveal:

- Arrest information and detentions,
- Filing of complaints and indictments,
- Resulting information and dispositions such as sentences, correctional status and release

**Note:** Criminal history record information does not include:

- Wants/Warrants,
- Protection orders,
- Records of driving/traffic offenses,
- Court records,
- Violations of local ordinances,
- Misdemeanors where the individual was not fingerprinted
- Official registries of substantiated abuse and neglect.

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**Fingerprint Based Results:** This type of background check is used for individuals who are new residents to the state and/or who have not resided in Montana for the majority of the prior five years. Information results reported will be the same as Name Based, but also includes national information.

**REQUESTING A NAME BASED BACKGROUND CHECK:**

Use the “**Request For Background Check**” (online form) to include the necessary information to conduct the background check. Information must include:

- Name
- Date of birth
- Social security number
- List of other names (alias, maiden, prior married, etc)

Email the completed form to Mollye Gauer at [mgauer@mt.gov](mailto:mgauer@mt.gov)

**REQUESTING A FINGERPRINT BASED BACKGROUND CHECK:**

**NOTE: CONTRACTORS WHO PERFORM FINGER PRINTING MUST ATTEND A 4-HOUR TRAINING CLASS WITH THE DEPARTMENT OF JUSTICE (DOJ) AND RECEIVE A CERTIFICATE. SPECIAL FINGER PRINTING KITS WILL BE ISSUED TO THE CONTRACTOR. Contact Molly Gauer at Central Office for information on fingerprint training classes.**

1. Use the “**Fingerprint card**” (provided by the DOJ) to include the necessary information for the State of Montana Identification Bureau to conduct the check.
  - Complete all the data blanks on the card either typewritten or in black ink,
  - The person being fingerprinted must sign the card,
  - The person taking the fingerprints must sign the card,
  - The identity of the person being fingerprinted must be verified (ask to see a photo identification).
2. The cost of a fingerprint background check for volunteers (WEX) is \$28. This is paid to the Department of Justice through supportive services. Make a request on

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SSPR for a vendor payment on the same day the fingerprint information is secured. Follow the TANF policy 704-1.

3. Fill in the VEPA screen as follows:

**Vendor Name:** DOJ/Criminal Records and ID Services

**Address:** PO Box 2011402

**City:** Helena **State:** MT **Zip:** 59620-1402

**Phone Number:** 4064443481

**Date:**

**Federal Tax ID:** 81-0302402

(This is only the DOJ tax id #, not all state vendors)

4. Send the completed fingerprint card to:

HCSO, PAB

Attn: Mollye Gauer

PO Box 202925

Helena, MT 59620-2925

### **WORKER'S COMPENSATION:**

Worker's compensation coverage is provided by the state. WoRC staff develop and monitor the WEX sites, complete all mandatory paperwork necessary with a WEX establishment, track all placements, and file quarterly worker's compensation reports regarding all actual WEX hours. On-site training assignments will not exceed eight hours/day or 40 hours/week. Sites may include the private, public or governmental sector.

► Worker's Compensation hours are reported on a quarterly basis. Worker's Compensation coverage only applies to those hours actually completed at the WEX site. Reports are due on a quarterly basis. The reports are due the 5th of the month following the last day of the quarter. The reports are sent by email to Lorrie Cofer with a cc to the WoRC monitor.

The following information is included in the quarterly report:

- Participants Name ;
- WEX Site/Business Name;
- SCOPES Code

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- Position Title
- Probationary wage;
- Actual placement hours in the WEX-hours do not include excused or holiday hours

► **NON-DISPLACEMENT:**

Establishing non-displacement on a Work Experience Site is necessary prior to establishing a WEX placement. In general, an adult in a family receiving assistance under the TANF program may be placed in a training position at a governmental or not for profit agency, and/or private/for profit business in order to engage in a work experience training activity. It is not allowable for the business to layoff or terminate workers to create a WEX position. This requires consulting to obtain concurrence with the affiliated local union, if one represents the site. The employer is informed of the grievance procedure, as described on page 9 of this section, to resolve complaints of alleged violations of the displacement rule as discussed above.

**Sites are not approved for WEX placement if any one of the following situations exists:**

1. When any other individual is on layoff status from the same or any substantially equivalent job and there is the potential for rehire.
2. In order to establish a WEX vacancy, the employer terminated any regular employee or otherwise caused an involuntary reduction of its workforce.
3. The work site is in a pre-strike or strike status.
4. This placement violates an existing contract for services or a collective bargain agreement, and violates a collective bargain agreement without written concurrence of the labor organization.

Use form HCS-727, the Non Displacement Documentation Form, to document Non-displacement and informed consent of the grievance procedure with the employer.

To prevent an unfair labor advantage, placement in a work site shall last no longer than three (3) months. Only under unique circumstances may a site last beyond three (3) months but no longer than six (6) months and only when an updated training plan shows the extended placement provides additional or different site training, (i.e., specialized skills training, good potential of a hire, etc.) and

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the extension is approved by the contractor's WoRC Monitor.

**PROCEDURE TO ESTABLISH NON-DISPLACEMENT:**

Prior to the beginning of the proposed WEX site placement and paperwork completion, the WoRC Case Manager takes the following steps.

1. Completes the upper section of the Non Displacement Documentation form (HCS 727).
2. Contacts the employer and completes the four question section with the employer regarding potential layoffs, terminations, reduction in force, pending or current strike status, or any existing contract violations and mark 'no' on the form. **A WEX site is not appropriate at the agency if any of the four questions elicits a 'yes' answer.**
3. Has the employer sign the bottom of form HCS 727 and receive a copy of the form to acknowledge his/her awareness of the 'grievance procedure'. (See below)
4. WoRC approves or denies the WEX site based upon information provided by the site.
5. Places a copy of the completed HCS-727 in the WEX Site Master File.

**GRIEVANCE PROCEDURE:**

A grievance procedure to resolve complaints of alleged violations of the displacement rule is available to current employees of a work site who believe a WEX work placement violated the displacement rule. The employee seeks resolution from the WoRC office through the program manager/supervisor. The aggrieved current employee must make an oral or written complaint to the WoRC supervisor within 30 days of the participant's placement on the WEX work site. The WoRC supervisor must offer an opportunity for an informal hearing with the current employee within 15 days of complaint receipt. If a collective bargaining agreement exists between the local union and the employer, those agreement grievance procedures are used to address the complaint. If the WoRC supervisor feels it is appropriate; the participant may temporarily suspend the WEX site during the appeal process. Otherwise, the WoRC supervisor makes a reasonable effort to gather information about the complaint and makes a decision whether or not displacement occurred. If

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appropriate, the WoRC supervisor terminates the WEX placement. If the current employee disagrees with the WoRC supervisor's decision, they may appeal to the WoRC Monitor. The monitor accepts written evidence and arguments from the current employer of the WEX site and the WoRC supervisor. The monitor may hold an oral hearing and must issue a final decision within 30 days of receipt of the appeal.

#### **FILING AN ACCIDENT REPORT (WORKER'S COMP. CLAIM) GENERAL:**

As soon as the WoRC Case Manager is aware of a work related incident at a WEX site incurred by the TANF/WoRC participant, WoRC is required to complete immediately the First Report of Occupational Injury or Occupational Disease (FROI) form-*Worker's Compensation Claim*. This is extremely important because there is a fine for late filing of the report. The process is outlined below:

1. As soon as the WoRC Case Manager is aware of an incident, go to the blank FROI (<http://erd.dli.mt.gov/wcclaims/latestform.asp>) and complete the information on the Microsoft Word document. Include the name, date of birth, SSN#, address, and home phone number of the injured worker/WEX participant. Save the current report under the participant's name, remembering to maintain the blank master form.
2. The WoRC Case Manager must enter the wages of a comparable job (if known), date of hire and whether the injured worker/WEX participant will be off due to the injury. The WoRC Case Manager must fill in the 'start date' and the wages, based upon the WEX.
3. Master site agreement and training plan. Include information about the participants need for time off due to the injury. If this information is not known leave it blank and State Fund will call to get a contact name.
4. Complete the Accident Description with as much detail as possible. For example, if the worker/WEX participant injured a hand, note whether it was right or left. If the WEX participant he/she injured their back, note whether it is the upper, middle or lower back. If the WEX participant fell, state whether the incident occurred during lunch break or work time, on the way to work or returning home after work. At the end of this section, it asks the

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date the employer was notified and to whom the accident was reported. This date is the time the WoRC Case Manager, and not the on-site supervisor, was notified of the incident. The WoRC Case Manager's name is included in this section

5. The WoRC Case Managers completes the Medical section if there is knowledge about whether the worker sought or plans to seek medical attention for the incident.
6. Save the FROI form under the (name of injured worker) and e-mail it to [kbattrick@mt.gov](mailto:kbattrick@mt.gov), and CC your monitor and Del Bock. Signatures are not required at this time. They are obtained at a later date. If there is any reason to question the work related incident, please state the reason in the e-mail to which you attach the FROI form

*For information regarding WEX Assessment please refer to section 3.01.*