

Frequently Asked Questions about Student Work Experiences

High School Students can begin to seek employment at age 14 in Wisconsin. When it comes to employment for high school students with disabilities, many businesses, families, and school staff have questions about providing these opportunities, including work experiences and internships. These questions might be about safety, liability, and legal considerations. There are protections to ensure that everyone involved is covered.

The Frequently Asked Questions Addressed in this Document:

- ⊙ What are “community employment experiences” for students with disabilities?
- ⊙ Who pays the student’s wages during a paid community employment experience?
- ⊙ How much students should be paid?
- ⊙ Do parents and/or guardians need to give permission for their child to be involved in community employment experiences?
- ⊙ What about liability? Who is responsible if something happens?
- ⊙ If the student is doing work tasks at the jobsite, how do we know if the community employment experience should be paid or unpaid?
- ⊙ Should we have a written agreement in place?
- ⊙ How many hours can a student engage in a community employment experience?

What are “community employment experiences” for students with disabilities?

Community employment experiences, including internships, are opportunities involving local businesses that help youth with and without disabilities learn about jobs and explore career options so they can begin to determine their goals after high school. Community employment experiences can be paid or unpaid. Paid experiences are preferable and should be considered first, however, unpaid experiences can also provide valuable community job training and can be a way for students to gain exposure in an area of strong interest to them.

Unpaid Community Employment Experiences	Paid Community Employment Experiences
<ul style="list-style-type: none"> ✓ informational interviews ✓ job shadows ✓ company tours ✓ volunteer service ✓ student work-skill activities (including assisting with a school-based entrepreneurial venture or completing tasks within the school district) ✓ unpaid work experiences ✓ service learning programs ✓ unpaid internships 	<ul style="list-style-type: none"> ✓ part-time employment (while in school or over the summer – this can be time-limited or ongoing) ✓ employment connected with DVR Youth Transition On-the-Job Training ✓ earning income through a self-employment venture ✓ Employability Skills Certificate Program ✓ WI Cooperative Education Skill Standards Certificate Program ✓ WI Youth Apprentice Program ✓ paid internships

Who pays the student's wages during a paid community employment experience?

For part-time or summer employment, the business typically hires and pays the student directly. There are resources available to assist in providing jobs to students with disabilities. In some cases, the Wisconsin Department of Workforce Development's Division of Vocational Rehabilitation (DVR) may reimburse the business for training wages paid to the student for an agreed upon time period, this is known as DVR Youth On-the-Job Training. In a DVR Youth On-the-Job training arrangement, the student is hired by the business, the business pays the student's wages, and DVR provides reimbursement to the business for at least 50% of the student's wages for up to 500 hours. The details of a DVR Youth On-the-Job Training opportunity would need to be agreed upon with DVR before the student begins working. After the training agreement has ended the student is considered a permanent employee. If the student requires assistance to maintain an acceptable level of performance, supports may stay in place for that student beyond the agreement period.

For Employability Skills Certificate Program, WI Cooperative Education Skill Standards Certificate Program, and WI Youth Apprentice Program, students are directly hired and compensated by the business.

How much should students be paid?

Students should be paid the prevailing and commensurate wage but at least the minimum wage. Student may also be considered "Opportunity Employees." Opportunity Employees are not yet 20 years old and have been in employment status with a particular business for *90 or fewer consecutive calendar days* from the date of initial employment. A link to more information about Wisconsin's Minimum Wage Rates, including the Opportunity Employee Wage, can be found in the resources section of this document.

Use of the DVR Youth On-the-Job Training requires payment of the prevailing wage, which may be more than the minimum wage. Once the training agreement period has ended the prevailing wages will continue to be paid by the business.

Do parents and/or guardians need to give permission for their child to be involved in community employment experiences?

It is best practice for school staff to involve parents and/or guardian(s) in planning community employment experiences. Just like other school or program field trips and activities, schools may ask parent(s) and/or guardian(s) to sign permission slips or consent forms to engage in community employment experiences if the student is under 18 or if the student has a legal guardian. If a student is seeking a paying job, a parent or guardian will need to assist in the completion of a Wisconsin work permit. If the student is over 18 and does not have a legal guardian, the student can provide consent. However, if the student wishes, schools should involve parents or other allies in planning community employment experiences with the student.

What about liability? Who is responsible if something happens?

Every student needs to be covered by liability insurance while doing community employment experiences.

For paid community employment experiences, the business provides the liability coverage just as they would for any employee they hire, *even when DVR is providing reimbursement (even if temporarily) to the business for some or all of the student's wages*. The student's school may also have additional community employment experience (or 'Work-Based Learning') liability coverage that covers all their students (regardless of disability). Schools can provide businesses with a copy of this coverage. In case of injury at the workplace, students in paid community employment experiences would be covered by the business's workers' compensation insurance.

For unpaid community employment experiences, the school (or youth program if one is involved) provides the liability coverage, similar to other school activities such as field trips. Most schools have liability coverage that includes a community employment experience (or 'Work-Based Learning') endorsement. School staff should also verify with parents/guardians that the students involved in community employment experiences have health insurance coverage through a private plan or Medicaid program.

If the student is doing work tasks at the jobsite, how do we know if the community employment experience should be paid or unpaid?

Generally speaking, if the community employment experience is time-limited (e.g. one week, one month, or a specified number of hours) as determined by the IEP team and/or the business in accordance with the Fair Labor Standards Act *and* is primarily for the benefit of training the student on *new skills* (not for the direct benefit of the business), the business is not required to pay the student wages. If the opportunity is to be unpaid, then the expressed purpose of the experience is for the student to gain job skills. Therefore, the benefits to the student should be *clearly defined* in an unpaid work experience.

If the student can perform the job tasks independently and the business begins to derive "productive work" from the student (meaning that the business is benefiting from the tasks or assignments being done by the student), schools have an obligation to revisit the working relationship with the business and student. To continue any community employment experiences with this same business, the student must be provided with different responsibilities and tasks to learn.

According to the Fair Labor Standards Act, ALL FOUR of these criteria must be in place for a student to work in an unpaid arrangement with a business:

1. The student is directly trained and continually under the supervision of school staff;
2. No employees at the business have been displaced by the student - i.e. the business cannot lay off or reduce the hours of other employees or chose not to hire if they otherwise would due to the presence of the student;
3. The student is not entitled to a job at the completion of the experience. However, businesses can

- offer employment to students who complete the training; and
4. The business, student, and parent or guardian all enter the arrangement with the understanding that the student is not entitled to wages or other compensation for the time spent in the experience.

If all of these four criteria are not met, the business *must* provide wages to the student as an employee.

Should we have a written agreement in place?

Yes, it is best to have a written agreement in place before starting the community employment experience. Additionally, paid work experiences require Work Permits or Youth Apprenticeship agreements. School staff takes the lead on developing this agreement with input from the business. The agreement should provide specifics on commitments and responsibilities of the business, the student, the school, and the parent/guardian, and is signed by those involved. The DVR Youth Transition On-the-Job Training opportunity has an established agreement form which will be provided by the DVR Counselor. Community Employment Experience Agreements examples can be found in the Resources section of this document.

How many hours can a student engage in a community employment experience?

Job Shadows, Company Tours, Informational Interviewing, Service Learning and Volunteerism	There is no limit to the number of hours that a student can be engaged in these opportunities. Involvement should be determined based on preferences of the student/family and the number and types of opportunities that can be developed.
Unpaid Internships, Student Work-Like Activities and Unpaid Work Experiences	<p>Per the Fair Labor Standards Act: Vocational explorations - 5 hours per job experienced Vocational assessment - 90 hours per job experienced Vocational training - 120 hours per job experienced</p> <p><i>Best practices suggest unpaid employment experiences should be less than 40 hours total and internships should be limited to 10 hours or fewer per week.</i></p>
Paid Employment	<p>State child labor laws prohibit work during times that minors are required to be in school, except for students participating in work experience and career exploration programs approved for credit.</p> <p>State and federal laws do not limit the hours that minors, age 16 or over, may work.</p> <p>14 & 15 year olds can work up to 8 hrs/day on non-school days and 3 hrs/day on school days.</p> <p>For more info: WI Department Workforce Development on Child Labor Laws</p>

Additional Resources

[DOL Fair Labor Standards Act Advisor on School-to-Work experiences](#)

[Wage and Hour Fact Sheets](#)

[Wisconsin Work-Based Learning Guide](#)

[Wisconsin Department of Workforce Development information on Child Labor Laws](#)

[Wisconsin Minimum Wage Rates](#)

Community Employment Experience Agreements Examples

[Agreement Example 1](#) [Agreement Example 2](#) [Agreement Example 3 \(on Page 42\)](#)

Glossary

DVR On-The-Job Training – A direct hire of a student by a business with DVR providing the business reimbursement for at least 50% of the salary and fringe benefits paid by DVR for up to 500 hours. The business provides the student with on-the-job orientation and training. DVR is currently piloting a youth project in response to the Let's Get to Work grant project.

http://dwd.wisconsin.gov/dvr/info_ctr/services/youth_ojt.pdf

Entrepreneurial Venture – a school or community -based enterprise involving students with and without disabilities to sell products or services to the school community and/or broader community. Examples include a school store, coffee cart, hand-made greeting cards, and graphic/printing services.

Informational Interview – A student meets with a business to ask structured questions about the business and/or career field.

Internship - a time-limited, structured experience with an business during which a student completes a set of planned activities, a project, or set of learning objectives designed to give the student an understanding of a particular business or career field. Internships can be paid or unpaid opportunities.

Job Coaching – additional assistance, above and beyond the training and supervision typically provided by an business to an employee, for people with disabilities to learn how to perform job tasks to the business's specifications and learn the soft skills necessary to fully integrate into the workplace.

Job Shadow - A student follows an employee at a workplace for one or more days to learn about a particular job or career field.

Student Work-like Activities – Supervised, unpaid work activities in school for one hour or less per day primarily for an educational purpose that benefits the student. Examples include helping in the cafeteria, collecting recycling, cleaning a classroom, or helping in the school office or library.

Service Learning - “a teaching and learning strategy that integrates meaningful community service with instruction and reflection to enrich the learning experience, teach civic responsibility, and strengthen communities.” ([National Service Learning Clearinghouse](#))

Self-Employment - is working for one's self instead of a business. Self-employed people draw income from a trade or business they operate.

Unpaid Work Experience – a time limited opportunity for a student to learn new work related responsibilities and skills at a workplace. If used for vocational training purposes any one unpaid work experience with a business cannot exceed 120 hours/year. During an unpaid work experience, the student must be learning new skills and the business must not be receiving substantial benefit from the tasks the student is performing.

Volunteerism – Volunteerism is a community services that is performed for non-profit organizations in duties *clearly and often* performed by other volunteers. Volunteerism is not the same as unpaid work experiences or internships. Students may not volunteer for a for-profit business. Volunteering can be used to build skills and get connected to community.

