

Unpaid Work Experience for Job Exploration, Assessment and Training



Date effective: 3/1/17
Revisions: 3/14/17, 3/27/17, 5/10/21
Review Date: 5/15/23
HRC Review: 12/7/22

Applies To: Career Services Programs

Policy Number: 6.2.1.02
Regulatory Reference: 115 CMR 5.09
USDOL 14(c) Ch 64

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Unpaid job exploration, assessments or training can be an effective strategy for individuals to gain work-related experience, however such activities must be undertaken carefully, with a clear understanding of their purpose. Everyone involved (staff, individual/guardian and job-site) should understand what is permissible from a legal perspective, as well as practical considerations regarding the appropriate use of volunteer or unpaid work experiences. There are rules to ensure that people with disabilities are being treated fairly, that their rights are not being violated, and that all applicable fair labor laws are being followed.

Under provisions from the United States Department of Labor, individuals with disabilities can spend a limited number of hours engaged in unpaid work experiences at an employer's place of business, so long as it is clearly documented that it is for the purpose of job exploration, assessment or training.

Very thoughtful consideration must be given before engaging in this type of activity within Communitas to avoid the appearance of impropriety. Prior approval from the Director of Human Resources is required for internal volunteer or unpaid work activities with individuals of the Career Services program, to ensure compliance with state and federal labor laws regarding unpaid work.

The use of any unpaid work must be clearly tied to the goals and objectives of the individual's ISP, and documented on an Individualized Plan of Employment. IPEs must:

- Specify the individual's preferred area or type of employment, as identified by a job interest survey
- Clearly outline those skills and tasks that will be taught, and state a rationale for how they support the long-term goal of paid employment
- Clearly state number and frequency of hours identified for this specific work experience (ex; "3 hours per week, for 30 weeks, totaling 90 hours")
- Outline needed staff supports, as well as any other supports identified to assist the individual in being successful in this work experience
- Be revisited monthly to assess whether the activity is leading towards the individual's goal.

There are 7 USDOL criteria that must be met prior to engaging in any unpaid work experience activity or program:

1. The individual is a person for whom competitive employment is not currently viable, and the individual will need extensive on-going support to succeed in paid employment
2. Time spent at the place of business is conducted under the general supervision of Career Services staff and is for job exploration, assessment or training activities.
3. The individual must have a specific goal of employment in the community, and there must be a written Individualized Plan for Employment. The IPE must contain skills-specific goals, time-limited strategies, and be based upon employment interests of the individual.
4. The individual's work-training cannot result in an "immediate advantage" to the business. Immediate advantage to the business would include the following, which are *not* permitted:
 - a. Displacement of regular (paid) employee
 - b. Filling of vacant position with work-trainee instead of regular employee
 - c. Relieving regular employee of assigned duties
 - d. Individual performs services that, although not ordinarily performed by an employee, are of clear benefit to the business
 - e. The work-trainee is under the direct supervision of employees of the business, rather than Communitas Career Services employees
 - f. The activities are being conducted to accommodate the labor needs of the business rather than the training needs of the individual, as documented on their IPE
 - g. The individual's IPE fails to specifically limit the time spent at any one employer site, or in any specific job classification
5. The unpaid work experience should comply with the following hour limitations;
 - a. 5 hours per job experience for vocational exploration, or identifying types of employment an individual might enjoy
 - b. 90 hours per job experience for vocational assessment, or evaluating and individual's overall employment skills and interest in or suitability for specific occupations
 - c. 120 hours per job experience for vocational training, or development of skills for a specific occupation, with the expectation that the individual will seek employment in that occupation
6. The individual is not entitled to employment after the unpaid work experience is completed. However, if the individual is hired by the business;
 - a. they cannot be considered as an unpaid trainee at that point, unless working in a different, clearly distinguishable occupation
 - b. they must be paid a comparable rate to others in that position, and it must not be less than the minimum wage
7. Documentation is available to show that the individual is enrolled in a community-based placement program, and that there is no expectation of payment.