

PROGRESSIVE EMPLOYMENT

DESK REFERENCE

OVERVIEW: Progressive Employment is a continuum of options designed to introduce employers to candidates served by VR. A set-aside fund has been established to provide Training Offsets to participants to offset the cost of travelling to, and participating in, workplace experiences such as job shadows, work experiences, internships and other activities. The purpose of Progressive Employment is to provide candidates with opportunities to explore careers, build skills, develop recent work experience, and establish relationships that will help them secure jobs in the community.

FAIR LABOR STANDARDS ACT (FLSA): This Act provides protection for workers and establishes guidelines for determining whether an “employee-employer relationship” exists. All training programs placing candidates in workplace settings must ensure that they are not violating the spirit and intent of FLSA.

6-POINT TEST: In order to provide guidance to training programs, the US Department of Labor’s Employment & Training Administration has issued the following guidance:

- The training, even though it includes actual operation of the facilities of the employer, is similar to what would be given in a vocational school or academic educational instruction;
- The training is for the benefit of the trainees;
- The trainees do not displace regular employees, but work under their close observation;
- The employer that provides the training derives no immediate advantage from the activities of the trainees, and on occasion the employer’s operations may actually be impeded;
- The trainees are not necessarily entitled to a job at the conclusion of the training period;
- The employer and the trainees understand that the trainees are not entitled to wages for the time spent in training.

In order to ensure we are in compliance with the above considerations, the following rules have been established for Progressive Employment:

1. **All Trainees will be supervised during their placement and are provided training that will make them more competitive in the labor market.** Trainees

will not be simply placed on a production line and told to start producing a product, for example, but rather are provided training from the company that will be transferrable. The more a training placement provides training in areas that are broader than a particular business, the better. For example, training on the Euro3000 lathe, while important to the company for their specific needs, may not be transferrable to other companies or industries. On the other hand, training in measuring and blueprint reading would have applications in a wide range of companies and industries. (Addresses #1, #2)

2. **Placing a Trainee in a workplace CANNOT result in other workers being laid off or having their hours reduced.** In particular, training placements should be avoided in businesses with recent layoffs or downsizings. If the layoff or downsizing happened more than a year previous and the company is now ramping back up, this may be OK, but the issue of replacement should be carefully considered. (Addresses #3)
3. **Progressive Employment placements should not exceed 25 hours per week, unless the case can be made for an exception.** Any Progressive Employment placement that will exceed 25 hours per week needs to be approved by a Regional Manager or the Employment Services Manager. Placements hours should never approach full-time, as it will be seen as an employer/employee relationship. (Addresses #2, #4 and overall employee/employer relationship concerns)
4. **Likewise, Progressive Employment placements should not exceed 8 weeks in duration, unless the case can be made for an exception.** If, for example, a particular skill is highly detailed and difficult to master, an exception to the duration *could* be made upon approval by the Regional Manager or Employment Services Manager. (Addresses #2, #4 and overall employee/employer relationship concerns)
5. **All payments to Trainees will be in the form of Training Offsets (not stipends!) and are intended to offset the cost to the participant to engage in the activity.** Costs to be considered are transportation, meals, childcare coverage etc. The established guideline for offsets is \$10 for up to a half-day of training and \$20 for anything above 4-hours. Again, exceptions can be made on a case-by-case basis. For example, if a Trainee has to travel a significant distance to engage in the activity, a case could be made for a higher daily offset. (Addresses #1, #6)
6. **Trainees and employer need to be informed that the training offsets are not a wage, and are not calculated on an hourly, weekly or other basis.** (Addresses #6)
7. **Employers will be informed that there is no requirement to hire an individual candidate upon completion of the training,** although it is certainly encouraged. (Addresses #5)