



## Work-based Learning Employer Manual

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# Employer Expectations

## Work-Based Learning

- Work-based learning (WBL) is **formalized learning** with instruction occurring at the school and at a community-based setting with an employer in the geographical region of the school.
- WBL is a **collaborative endeavor** between a student, his/her parent/guardian, an employer, and the school that engages students in real-world activities.
- Through school involvement and defined learning, students have the opportunity to earn **school credit** for the supervised WBL.

Academic knowledge and skills learned through years of classroom instruction are **applied to real life situations**. The **workplace** is considered an **active learning environment** where students:

- acquire new knowledge and skills
- learn by doing
- constantly improve their abilities

## Benefit to Employers

Employers play an active role in shaping the quality of their future workforce when they participate in work-based learning activities. WBL can help business and industry in the following ways:

- Expose young people to your industry (especially those positions that are difficult to fill)
- Teach young people about the needs and expectations of business
- Improve morale and skill level of your workers through their interaction with young people
- Extra hands with projects you haven't had time for
- Create a positive link between education and business
- Build your future workforce.
- Remember why you love what you do.

## The employer's and worksite supervisor's responsibilities

- **A supervisor**, who is a positive role model, is assigned to the student at the worksite.
- Follow all federal and state **child labor laws**. (These can be provided upon request)
- Provide **workers' compensation** for the student for all paid hours worked (for paid experiences).
- Pay at least the state **minimum wage** for hours worked by the student (for paid experiences)
- **Sign and implement the Individual Training Agreement and Training Plan**. (samples included)
- **Provide instruction** in the competencies identified in the training plan and **document the student's progress**.
- Conduct **progress reviews** with the student (which may include parent, guardian and school personnel) and provide copies of those reviews to the school.
- Treat a student as a regular employee.
- **Ensure that no student is excluded** from participation in the program on the basis of race, color, creed, religion, sex, national origin, age, disability, or marital status, in regard to public assistance or any other protected groups under state, federal or local Equal Opportunity Laws.
- **Protect a student from sexual harassment**.

- Provide a student with **safety training**, safe equipment, and a safe and healthful workplace that conforms to all health and safety standards of federal and state law (including the Fair Labor Standards Act, OSHA, and MN Child Labor Laws).
- Properly train a student on the **safe operation of any equipment** prior to use.

Minnesota Department of Education-Employer's Guide to Work-Based Learning Activities

The role of the supervisor in any work-based learning experience is a very important one. The experience may be a young person's first exposure to a workplace that may seem very foreign to him or her. Also, it may be the first time an employee has had contact with a student in a workplace setting. The employer/supervisor has a lot of expertise to share and will guide the young person in learning both technical and core employability skills competencies. A work-based learning experience can be very rewarding for both the student and the adult.

### \*Basic strategies the employer/supervisor can use to have a meaningful experience with a student:

1. **Get to know the young person** – Ask a student about their career dreams, goals, strengths, limits, and needs. This information will help the employer identify what kinds of activities will be most beneficial to the student. *For example, in a job shadowing experience where a young person has a general interest in a health career, they should spend time in a variety of departments within a healthcare facility.*
2. **Emphasize safety and health at all times** – Young people are often not aware of the dangers in the workplace, and will need instruction in general safety rules, machine safety and required health precautions. Frequent reminders to the student are important to their health and well-being.
3. **Provide opportunities for the student to make some decisions regarding the work-based learning experience** – A student's level of involvement may be increased through allowing the young person to express their choices and interests.
4. **Teach the student about workplace culture** – As a new experience for a young person, they need to learn about the culture of the business/organization, such as the rules, customs and standards.
5. **Be a positive role model** – A young person is easily influenced by what is occurring around them. As a role model, the employer/supervisor should use proper techniques and practices, including respectful language.
6. **Be clear with directions/instructions** – Young people need to learn about the organization's policies as soon as possible. A workplace orientation should be provided, preferably the first day of the experience. Directions and instructions for tasks or use of equipment need to be clear and straightforward.
7. **Provide information on careers to the young person** – The work-based learning experience is an ideal opportunity for the student to understand the knowledge and skills necessary to pursue work in a particular career field. The employer/supervisor's perspective will not only assist the young person to make an informed career choice but better understand the relevance and importance of education.

Adapted from: \* Thuli, K.J., and Hong, E. (1998). Employer Toolkit, Washington, DC: National Transition Alliance for Youth with Disabilities, Academy for Education Development.

## What makes a great internship experience:

- Whenever possible, have the students engage in *hands-on activities*. If most of what they will be doing includes observation, have them rotate to different departments or people so that they get some different perspectives.
- Give *honest feedback*; If the young person displays inappropriate behavior, speak with them.
- When possible, include the student in *company activities*, including staff meetings.
- *Make sure the student knows who to report to*. If their immediate supervisor is not available, make sure they know what to do.
- *Have projects* for the student to work on that involve problem solving, initiative and critical thinking.
- If possible or practical, set up a *work station* for the student.
- *Communicate* any issues regarding student *attendance* right away. I don't know that they are absent unless someone notifies me!
- *Challenge the student*- it is OK for them to fail!

## Expectations for the Student

- Show up at the agreed upon time for their shift
- Maintain regular attendance at work and at school
- Inform the employer ahead of time if they are unable to be at work, NOT after the fact.
- Comply with the terms of the training agreement
- Do the assigned tasks to the best of their ability
- Understand that they will be treated as a “regular employee”
- Adhere to all safety rules at the work site
- Adhere to confidentiality laws
- Be teachable
- Work to improve their skills
- Communicate any concerns with the supervisor
- Adhere to all expectations of the employer when at the work site.
- No cell phone use while at work, except in case of emergency!

## Communication

The WBL coordinator will send out a weekly email which will inform the employer of any adjustments to the work week due to the school calendar. This email will also contain the weekly work topic that the student will be focusing on that week.

Please feel free to contact the WBL coordinator at any time, with any concerns that arise with the student or the program. My contact information is included below:

Eli Hill  
WBL Coordinator  
Kennedy Secondary School  
601 Randolph  
Fergus Falls, MN 56537  
ehill@fergusotters.org

## Site Visits

The WBL coordinator will arrange a time to visit the work site to check on the student's progress. These site visits will occur 1-2 times throughout the trimester, depending on the needs that arise during the trimester. These visits allow the coordinator to see how the student is fitting into the work site, to learn about the progress of the student as they work on the goals on their training plan, and to address any concerns that may arise. If there is a need for more frequent visits, this can be arranged.

# Key Components of the Program- Copies on following pages

## Individual Training Agreement

The Individual Training Agreement is a prepared document used to describe the length of the experience, the hours and starting wages (or appropriate documentation for non-paid experiences), and the responsibilities of the student, work-based learning coordinator, employer, worksite supervisor and parent/guardian. This agreement protects all parties engaged in a work-based learning experience. This document requires the signatures of all parties prior to a student beginning at the worksite.

The responsibilities of the student, parent/guardian, school, employer, and supervisor need to be well defined and written in the agreement. In addition, the persons responsible for all areas of safety training need to be identified.

## Individual Training Plan

The Individual Training Plan is a written document identifying the knowledge and workplace skills a student will learn during the work-experience placement. General and specific measurable goals and objectives for the individual student should be determined and reflected in the training plan. This needs to be a fluid training plan that is visited often with new goals and objectives added. Core employability skills should be a vital part of all these plans. The level of competency reached in a variety of areas should be assessed and documented by the employer/worksite supervisor on a student evaluation form. Additionally the training plan should identify the person or persons responsible for teaching the knowledge and skills to be acquired. This may occur at the worksite or during the classroom instruction. Safety training needs to be documented as well.

## Student Performance Evaluation

Students at a worksite need to have regular performance evaluations. This progress report should show evidence of a student's level of competency in the tasks identified in the Individual Training Plan. The evaluation would include documentation of skill and standards attainment. The employer/supervisor will complete a midterm evaluation and an end of semester evaluation. The form is designed to take minimal time on the part of the supervisor.

## Weekly Time Cards and Reports

Each week the students will have a time card to fill out to keep track of the days and hours worked, as well as tasks that were worked on. This form should be signed by the supervisor at the end of the week. It is the responsibility of the student to fill out their time card and have it signed by the supervisor. If this is a paid internship, this report will be filled out in addition to the time card at the place of employment.

# Sample Forms



# ISD 544 WORK-BASED LEARNING

## Individual Training Agreement



Where  
EXCELLENCE  
Is Expected

**Type of Training Agreement:** \_\_\_\_\_ Paid Internship \_\_\_\_\_ Unpaid Internship

**Educational Objective:** \_\_\_\_\_

**Student:** \_\_\_\_\_ **Age:** \_\_\_\_\_

**School:** \_\_\_\_\_ **Telephone Number:** \_\_\_\_\_

**School Coordinator:** \_\_\_\_\_

**Employer/Agency:** \_\_\_\_\_ **Telephone Number:** \_\_\_\_\_

**Employer/Agency Contact Person:** \_\_\_\_\_

**Dates:** The work-based learning will begin on \_\_\_\_\_ and end on \_\_\_\_\_.

**Hours:** The hours of work will be from \_\_\_\_\_ to \_\_\_\_\_ on \_\_\_\_\_ (days of the week).

**Wages:** Starting wages for the student will be \$ \_\_\_\_\_ per hour.

- The employer will determine incremental increases. A probationary period of \_\_\_\_\_ days from the date of initial employment will exist. Continued employment will be based on a performance review.
- This agreement may be terminated for any reason during the probationary period by showing good cause by the student, school district or employer.

**Safety Training:** Training will begin on \_\_\_\_\_ and end on \_\_\_\_\_

Coordinator check box and verify completion date of training. List completion date: \_\_\_\_\_

### Student Agrees to:

- Meet the academic and attendance requirements established by the ISD #544 and employer, including a phone call PRIOR to a student absence.
- Abide by the employer's policies and procedures (e.g. attendance, confidentiality, accountability, safety, rules of conduct, etc.) as well as policies covered in the work-based learning seminar.
- Maintain acceptable performance at school and on the job.
- Participate in progress reviews scheduled with mentors, school personnel and/or parent/guardian; and share information of events or facts relevant to your progress in this program.
- Provide his/her own transportation to the work site.

**Student's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Parent/Guardian of Student Agrees to:**

- Support the student in meeting the requirements of the work-based learning program.
- Direct all questions to the WBL Coordinator and NOT the place of employment.
- Ensure transportation to and from the work site is provided.
- Be will to participate in any progress reviews scheduled with mentors, school personnel, and student; and communicate information vital to the success and development of the student.
- Work with the work-based learning coordinator to ensure the success of the student in their work placement.

**Parent/Guardian's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**School Agrees to:**

- Not exclude students from participation in the work-based learning program under state, federal or local Equal Opportunity Laws.
- Support the student in meeting the requirements of the work-based learning program.
- Participate in progress reviews scheduled with mentors, student and student's parent/guardian.
- Comply with all federal, state and local regulations.
- Place students in appropriate programs based on tested interests, preferences, skills and needs.
- Ensure work is performed in an integrated work setting typically found in a competitive labor market.
- Provide orientation to the activities/tasks and safety training, prior to placing students at a work site.
- Follow the curriculum provided for the program for all related instruction.
- Provide supervision of the student by an appropriately licensed work-based learning coordinator.

**School Coordinator's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Employer/Supervisor Agrees to:**

- Provide a work-based learning experience and supportive supervision for the length of the agreement.
- Pay at least the state minimum wage for hours worked by the student, and issue a statement of earnings to the student (if this is a paid internship).
- Provide evidence of workers' compensation for all paid hours worked, and general liability insurance coverage for the student who is not paid.
- Work with the student to create a training plan, instruct the student in the competencies identified in the plan, and document the student's progress.
- Conduct progress reviews with the student (which may include the parent/guardian and school personnel) and provide copies of those reviews to the school.
- Not exclude students from participation in the opportunity under state, federal or local Equal Opportunity Laws.
- Protect the student from sexual harassment.
- Provide student with safety training, safe equipment, and a safe and healthful workplace that conforms to all health and safety standards of Federal and State Law
- Properly train students before they operate any equipment.

**Employer's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

# ISD 544 WORK-BASED LEARNING

## Individual Training Plan



Where  
**EXCELLENCE**  
Is Expected

Student: \_\_\_\_\_ Job Title: \_\_\_\_\_

Employer/Agency: \_\_\_\_\_

Supervisor: \_\_\_\_\_ School Coordinator: Eli Hill

Beginning Date: \_\_\_\_\_ Ending Date: \_\_\_\_\_

These are employability skills that will be worked on throughout the semester. You will have the opportunity to evaluate student progress on a separate evaluation sheet.

Employability Skills These skills will be evaluated during the internship
1. Demonstrates punctuality
2. Is dependable (Including good attendance)
3. Demonstrates problem-solving skills
4. Shows courtesy and respect towards others
5. Demonstrates effective communication skills
6. Demonstrates flexibility and willingness to learn
7. Shows initiative
8. Demonstrates professionalism
9.
10.

## Industry-Specific Tasks

**Level of Attainment**  
**4 = Exceeds Expectations.**  
**2 = Meets Expectations.**  
**0 = Below Expectations.**

Task Assigned Ex: Rotates tires Ex: Entry of receipts into computer	Date Completed  (To be filled in as the skill is attained)	Level of Attainment
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

These skills will also be reported back on the student evaluation sheet. This sheet is for your record keeping to make sure that the student is progressing towards their goals.

Student: \_\_\_\_\_ Job Title: \_\_\_\_\_

# ISD 544 WORK-BASED LEARNING

## Student Midterm Performance Evaluation



Where  
**EXCELLENCE**  
Is Expected

Student: \_\_\_\_\_

Date: \_\_\_\_\_

Job Title: \_\_\_\_\_

Employer/Agency: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Supervisor: \_\_\_\_\_ School Coordinator: \_\_\_\_\_

Evaluation Period: From \_\_\_/\_\_\_/\_\_\_ to \_\_\_/\_\_\_/\_\_\_

### Level of Attainment

- 4 = Mastery-** Exceeds Expectations; goes above and beyond what is required
- 3 = Proficient-** Meets Expectations of the industry; tasks performed independently
- 2 = Developing-** In Process, some assistance required and some questions asked
- 1 = Novice-** Assistance needed to complete the task; not able to work independently
- NO = Not observed**

Area/Task Assigned	NO	1	2	3	4	Comments/Evidence
1.						
2.						
3.						
4.						
5.						

Area/Task Assigned	NO	1	2	3	4	Comments
6.						
7.						
8.						
9. Professionalism on the job.						
10. Punctuality						
11. Communication						
12. Attitude						
13. Attendance						

Plans for improvement:

Student's Signature \_\_\_\_\_ Date \_\_\_\_\_

Supervisor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Work-based Learning Coordinator's Signature \_\_\_\_\_ Date \_\_\_\_\_



## Weekly Student Time Card for Work-Based Learning Experiences

Each student will complete a time-card and obtain the employer's signature

Student Name: \_\_\_\_\_

Employer Name: \_\_\_\_\_

Weekly Work Topic: \_\_\_\_\_

Day of the Week	Date	Time In	Time Out	Total Hours
Monday				
Tuesday				
Wednesday				
Thursday				
Friday				

Student, List Dates absent and reason(s): \_\_\_\_\_

Student Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Employer Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Employer Comments: \_\_\_\_\_

(Must be signed the last day of the work week.)

## Weekly Work Journal

Date	Activities performed; skills learned; workplace skills worked on

Possible questions to ask Supervisor regarding this week's work topic:

- 1.
- 2.
- 3.
- 4.
- 5.

Summarize what you learned this week about the work topic, by writing a half-page paragraph and submitting it on Google Classroom. There is a template on Google Classroom for your weekly report.

(Time card and weekly report due by Friday each week. Paid employees must also turn in a copy of their pay stubs)

# U.S. Department of Labor

## Wage and Hour Division

(Update January 2018)



### Fact Sheet #71: Internship Programs Under The Fair Labor Standards Act

This fact sheet provides general information to help determine whether interns and students working for “for-profit” employers are entitled to minimum wages and overtime pay under the Fair Labor Standards Act (FLSA).<sup>1</sup>

**Background** The FLSA requires “for-profit” employers to pay employees for their work. Interns and students, however, may not be “employees” under the FLSA—in which case the FLSA does not require compensation for their work.

**The Test for Unpaid Interns and Students** Courts have used the “primary beneficiary test” to determine whether an intern or student is, in fact, an employee under the FLSA.<sup>2</sup> In short, this test allows courts to examine the “economic reality” of the intern- employer relationship to determine which party is the “primary beneficiary” of the relationship. Courts have identified the following seven factors as part of the test:

1. The extent to which the intern and the employer clearly understand that there is no expectation of compensation. Any promise of compensation, express or implied, suggests that the intern is an employee—and vice versa.
2. The extent to which the internship provides training that would be similar to that which would be given in an educational environment, including the clinical and other hands-on training provided by educational institutions.
3. The extent to which the internship is tied to the intern’s formal education program by integrated coursework or the receipt of academic credit.
4. The extent to which the internship accommodates the intern’s academic commitments by corresponding to the academic calendar.
5. The extent to which the internship’s duration is limited to the period in which the internship provides the intern with beneficial learning.
6. The extent to which the intern’s work complements, rather than displaces, the work of paid employees while providing significant educational benefits to the intern.
7. The extent to which the intern and the employer understand that the internship is conducted without entitlement to a paid job at the conclusion of the internship.

<sup>1</sup> The FLSA exempts certain people who volunteer to perform services for a state or local government agency or who volunteer for humanitarian purposes for non-profit food banks. WHD also recognizes an exception for individuals who volunteer their time, freely and without anticipation of compensation, for religious, charitable, civic, or humanitarian purposes to non-profit organizations. Unpaid internships for public sector and non-profit charitable organizations, where the intern volunteers without expectation of compensation, are generally permissible.

<sup>2</sup> E.g., *Benjamin v. B & H Educ., Inc.*, --- F.3d ---, 2017 WL 6460087, at \*4-5 (9th Cir. Dec. 19, 2017); *Glatt v. Fox Searchlight Pictures, Inc.*, 811 F.3d 528, 536-37 (2d Cir. 2016); *Schumann v. Collier Anesthesia, P.A.*, 803 F.3d 1199, 1211-12 (11th Cir. 2015); see also *Walling v. Portland Terminal Co.*, 330 U.S. 148, 152-53 (1947); *Solis v. Laurelbrook Sanitarium & Sch., Inc.*, 642 F.3d 518, 529 (6th Cir. 2011).

Courts have described the “primary beneficiary test” as a flexible test, and no single factor is determinative. Accordingly, whether an intern or student is an employee under the FLSA necessarily depends on the unique circumstances of each case.

If analysis of these circumstances reveals that an intern or student is actually an employee, then he or she is entitled to both minimum wage and overtime pay under the FLSA. On the other hand, if the analysis confirms that the intern or student is not an employee, then he or she is not entitled to either minimum wage or overtime pay under the FLSA.

**Where to Obtain Additional Information** This publication is for general information and is not a regulation. For additional information, visit our Wage and Hour Division Website: <http://www.wagehour.dol.gov> and/or call our toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4USWAGE (1-866-487-9243).

**U.S. Department of Labor**  
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Washington, DC 20210

1-866-487-9243  
TTY: **1-866-4-USWAGE**  
**Contact Us**

# Liability and Insurance Issues

## Addressing Liability/ Workers Compensation Issues

When young people are engaged in work-based learning activities, some liability issues exist for the school and the worksite. The chart below is an overview of the liability insurance and worker's compensation coverage that businesses, agencies, and schools should possess in order to protect these young people. These requirements are similar to those an employer would have for employees, volunteers and visitors to their facility.

Program Name	Program Description	School District		Business Employer	
		Liability Insurance Coverage	Workers Compensation Coverage	Liability Insurance Coverage	Workers Compensation Coverage
Worksite Field Trips	Employer led tours to increase young person's awareness of Careers	Required	No	Required	No
Job Shadowing	Student shadows an employee to explore careers	Required	No	Required	No
Career Mentorship	Student meets regularly with an employee to gain career insight	Required	No	Required	No
Practicum	Young person completes a brief assigned project at a worksite	Required	No	Required	No
(Non-Paid) Work-Experience/ Youth Internship	Student develops skills and earns school credit at a worksite – meets all federal employment relationship requirements to be a non- paid experience. (State approved program)	Required	No	Required	No
(Paid) Work-Experience/ Youth Internship	Student develops skills, school credit, and is a paid employee at a worksite. (State approved program)	Required	No	Required	Required
Cooperative Work-Experience Program	Student develops skills as an employee at a worksite. (State approved career and technical education program)	Required	No	Required	Required
Youth Apprenticeship	Intense paid work- experience for young person where school credit is earned. Individual student agreement and program are state approved.	Required	No	Required	Required

