

***Exhibit 3-4***  
***Work-Based Learning Program Agreement Template***

***WORK-BASED LEARNING PROGRAM AGREEMENT***  
***BETWEEN***

Center Name:  
Address:

and

Employer:  
Address:  
Telephone:

The above-mentioned organizations are entering into an AGREEMENT to establish a Work-Based Learning (WBL) Program with the stipulations outlined below. This document is not a contract or a legally binding document; rather, it is a Memorandum of Understanding (MOU) between the above-mentioned parties.

Job Corps students are considered employees of the federal government for purposes of medical coverage under the Federal Employees' Compensation Act (FECA). Section 8143 of FECA states, "While students are enrolled in Job Corps, students are considered employees of the federal government for purposes of medical coverage under FECA. The 'performance of duty' does not include an act of an enrollee while absent from his assigned post of duty, except while participating in an activity (including an activity while on pass or during travel to or from the post duty) authorized by or under the direction and supervision of Job Corps."

There is no provision stated or implied in the Act that employers must provide additional insurance coverage for federal employees. While students are assigned to the work site, the WBL coordinator is responsible for monitoring and working closely with the students and employers to provide training, weekly evaluations, and conflict resolution. The WBL employer should be advised to report all accidents and injuries that occur during the "performance of duty" directly to the center director or WBL coordinator. In the event a student is injured while assigned to a WBL site, the student is covered under FECA. WBL employer shall record the incident in accordance with their established injury record keeping system and report the incident to the WBL coordinator.

There are no specific general industry Occupational Safety and Health Administration (OSHA) standards for accident investigation. However, Job Corps centers are required to conduct accident investigations in the event of a fatality, major property damage or injuries, including serious injuries resulting in hospitalization in accordance with 29 CFR 1960.29, "Basic Program Elements for Federal Employees OSHA." In the event of a student fatality or serious injury, the work site and the WBL coordinator are responsible for contacting OSHA and the Job Corps center within 8 hours. Job Corps and the work site should conduct an accident investigation to determine the root cause in order to implement corrective actions to prevent future occurrences.

The work site employer, Job Corps center, or Sovereign Nation is required to provide immediate access to OSHA Inspectors after an incident. (OSHA Act of 1970, Sec.8 Inspections, Investigations, and Recordkeeping)

### ***Work-Based Learning Agreements***

#### **Job Corps center agrees to:**

- 1) Request a copy of the WBL site's last federal and/or state OSHA inspection to review violations. WBL coordinator will contact site to determine if the identified hazards have been abated;
  - If site refuses to provide copy of inspection results, center WBL coordinator will obtain general inspection and/or accident inspection data from the federal OSHA website at <http://www.osha.gov/oshstats/index.html> or the state OSHA website.
- 2) Monitor all active WBL sites on a weekly basis to ensure that students are receiving quality training in a safe environment. Center instructors, safety officer(s), and other staff shall visit active work sites on a regular basis to:
  - Observe and counsel students;
  - Observe working environment for potential hazards;
  - Observe students' use of safety work practices including use of proper protective equipment;
  - Ensure that the training needs of the students are being met; and
  - Determine, in collaboration with the work-site supervisor, what on-center activities might be needed to support training at the work site.
- 3) A process for notifying the employer in the case of student absence (i.e., winter/summer break, unexpected student absence, center function);
- 4) Record all accidents and injuries in the Safety and Health Information Management System (SHIMS) within 7 days of supervisor notification;
- 5) Record and report all serious injuries or illnesses within 24 hours to the SHIMS coordinator, local Director and local safety manager;
- 6) A process for notifying the employer of potential safety hazards identified by students and/or center staff;
- 7) Coordinate with the employer to conduct an investigation of accidents resulting in serious injuries and/or fatalities involving Job Corps students;
- 8) Document and record student WBL assignments and progress.

#### **WBL employer agrees to:**

- 1) Provide the center WBL coordinator with a copy of the latest federal and/or state OSHA inspection results upon request;

- 2) Provide direct supervision and workplace mentors to students;
- 3) Assist students in achieving agreed upon career technical and academic skills;
- 4) Document student achievements and competencies;
- 5) Provide center safety officer or other staff with routine escorted or unescorted access to student work areas to observe working/training conditions;
- 6) Adhere to all federal and state laws and regulations regarding employment and applicable safety and occupational health;
- 7) Coordinate with \_\_\_\_\_, center safety officer, to conduct an investigation of accidents resulting in serious injuries and/or fatalities involving Job Corps students;
- 8) Provide the Occupational Safety and Health Administration (OSHA) with immediate access to the worksite in the event of a student fatality or serious injury;
- 9) Provide all equipment, tools, and personal protective equipment and clothing needed to perform the assigned duties that would normally be provided to employees;
- 10) Inform the Center Director, or designee, of all accidents and injuries within 24 hours;
- 11) In paid WBL situations, an employment relationship exists between the employer and the student; therefore, the provisions of the Fair Labor Standards Act are applicable.
- 12) Report all accidents, damage, loss or destruction of property, or emergency immediately to \_\_\_\_\_, Center Director /designee, at \_\_\_\_\_ in order to provide a detailed report.

Center Director: \_\_\_\_\_ Date: \_\_\_\_\_

WBL Coordinator: \_\_\_\_\_ Date: \_\_\_\_\_

Center Safety Officer: \_\_\_\_\_ Date: \_\_\_\_\_

Company CEO/Designee: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_

Company WBL Supervisor: \_\_\_\_\_ Date: \_\_\_\_\_

Company Safety Officer: \_\_\_\_\_ Date: \_\_\_\_\_