

**EXHIBIT 3-1
WORK-BASED LEARNING PROGRAM AGREEMENT TEMPLATE**

WORK-BASED LEARNING PROGRAM AGREEMENT BETWEEN

Center Name: _____

Address: _____

and

Employer: _____

Address: _____

Telephone: _____

Name of Supervisor: _____

Hours of Work: _____

Length of Employment/Training: _____

Rate of Pay if applicable: _____

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." 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.

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 must record the incident in accordance with the established injury recordkeeping 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 at least monthly to ensure that students are receiving quality training in a safe environment. Center instructors, Safety Officers, and other staff must visit active work sites on a regular basis to:
 - Observe and counsel students.
 - Observe the working environment for potential hazards.
 - Observe students’ use of safety work practices including use of proper protective equipment.
 - Ensure tool inventory, accountability, and security procedures are being followed.
 - Ensure that the training needs of the students are being met.
 - Determine, in collaboration with the work-site supervisor, what on-center activities might be needed to support training at the work site.
- 3) Implement a process for notifying the employer in the case of student absence (i.e., winter break, unexpected student absence, center function).
- 4) Record all accidents and injuries in the Employee’s Compensation Operations and Management Portal (ECOMP) within 7 days of supervisor notification.
- 5) Record and report all serious injuries or illnesses within 24 hours to the ECOMP coordinator, local director and local safety manager.
- 6) Implement 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.
- 9) Provide the competencies (or sections of the student's Electronic Training Achievement Record [e-TAR] in which the student will be trained at the work site).
- 10) Provide a process for notifying the center in the case of student absence or injury.
- 11) Provide a schedule/format for providing feedback to the center and the student about the student's performance.

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) Provide a safe environment.
- 5) Support industry-specific certification requirements, as applicable.
- 6) Not discriminate against students with disabilities and to provide reasonable accommodation, as determined by applicable state and federal law.
- 7) The student must not displace employees at the work site.
- 8) Document student achievements and competencies.
- 9) Provide Center Safety Officer or other staff with routine escorted or unescorted access to student work areas to observe working/training conditions.
- 10) Adhere to all federal and state laws and regulations regarding employment and applicable safety and occupational health.
- 11) Coordinate with _____, Center Safety Officer, to conduct an investigation of accidents resulting in serious injuries and/or fatalities involving Job Corps students.
- 12) Provide the Occupational Safety and Health Administration (OSHA) with immediate access to the work site in the event of a student fatality or serious injury.
- 13) Provide all equipment, tools, and personal protective equipment and clothing needed to

perform the assigned duties that would normally be provided to employees.

- 14) Ensure full tool inventory, accountability, and security, ensuring that all tools are accounted for before the end of each class, or the end of each day if off-site, and ensuring that all tools that are unaccounted for are found and all tools are secured.
- 15) Inform the Center Director, or designee, of all accidents and injuries within 24 hours.
- 16) Adhere to the provisions of the Fair Labor Standards Act if an employment relationship exists between the employer and the student.
- 17) 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: _____