

Michigan Department of Labor & Economic Growth Office of Career and Technical Preparation

WORK-BASED LEARNING OPPORTUNITIES CHARTS:
An Overview of the Six Major Types and Related Legal/Liability Compliance Factors
(Prepared as a working document, information in this chart is a general description only and does not carry the force of legal opinion. Applicable to Michigan only.)

Chart A - Program Description Factors

Six Major Work-Based Learning Opportunities						
Program Description Factors	Student/Visitor	Volunteer	Unpaid Trainee	Student/ Learner (Employee with training plan)	Apprentice (Employee with training plan)	Employee (Minor with work permit)
Generic Program Examples	<ul style="list-style-type: none"> - field trip - career exploration - job shadowing - day on-the-job - work-site project 	<ul style="list-style-type: none"> - service learning - community service - service clubs - youth groups 	<ul style="list-style-type: none"> -- In-school placements -- general education internships -- work exper. Related to State-Approved CTE programs -- Less-Than-Class-Size CTE Programs 	<ul style="list-style-type: none"> -- General Education Student Learner Paid Work Experiences -- State-Approved CTE Student Learner Paid Capstone Experiences (Cooperative Education) -- Special Education Work-Site Based Learning Experiences 	<ul style="list-style-type: none"> -- School-To-Registered Apprenticeship 	<ul style="list-style-type: none"> - Part-time work - Full-time work - Summer job
(Insert your district's name) Program Examples	Same as above	Same as above	<ul style="list-style-type: none"> - legislative intern - future teachers 	<ul style="list-style-type: none"> - Voc. Co-op - Gen. Ed. Work Experience 	Same as above	Same as above
Key Components	<ul style="list-style-type: none"> - school sponsored - guidelines established - no work performed 	<ul style="list-style-type: none"> - non-profits ONLY - can't be required - agency has operating guidelines - work permit on file at work-site - complies with state child labor provisions (YESA**) 	<p>(See note below^)</p> <ul style="list-style-type: none"> - must meet 6 federal criteria for trainee: 1- progressive training 2- benefit of trainee 3- no displacement 4- no direct benefits to employer 5- no job entitlement 6- no wage entitlement 	<ul style="list-style-type: none"> - training agreement - training plan - beginning and ending dates - monitored by school personnel - part of educational plan; credit given - work permit not needed - wages paid 	<ul style="list-style-type: none"> - training agreement - training plan - beginning and ending dates - monitored by school personnel - part of educational plan; credit given - work permit not needed - registered w/ BAT* 	<ul style="list-style-type: none"> - work permit on file at work-site - work permit issued by schools - complies with child labor provisions

Chart B - Legal and Compliance Factors

Six Major Work-Based Learning Opportunities						
Legal and Compliance Factors	Student/Visitor	Volunteer	Unpaid Trainee	Student/Learner (Employee with training plan)	Apprentice (Employee with training plan)	Employee (Minor with work permit)
<p>Documentation</p> <p>(Risk Management Plan components)</p>	<ul style="list-style-type: none"> - parent permission - roles/responsibilities detailed appropriate to site - activities detailed - work-site monitored by school - safety orientation 	<ul style="list-style-type: none"> - program guidelines - roles/responsibilities detailed appropriate to site - activities detailed - safety orientation 	<ul style="list-style-type: none"> - work-site visited prior and during - student monitored at work by school - work-site mentor assigned to student - student progress is assessed in skill attainment, work ethics, and attendance - training agreement and training plan (must be filed at work-site prior to placement) - safety instruction is documented - training agreement details "6 criteria" 	<ul style="list-style-type: none"> - work-site visited prior and during - student monitored at work by school - work-site mentor assigned to student - student progress is assessed in skill attainment, work ethics, and attendance - training agreement and training plan (must be filed at work-site prior to placement) - safety instruction is documented 	<ul style="list-style-type: none"> - work-site visited prior and during - student monitored at work by school - work-site mentor assigned to student - student progress is assessed in skill attainment, work ethics, and attendance - training agreement and training plan (must be filed at work-site prior to placement) - safety instruction is documented - *registered with BAT 1- related training schedule 2- work process schedule 3- progressive wage scale 	<ul style="list-style-type: none"> - original work permit on file at work-site: <i>CA-6 for youth 14 and 15 years old</i> <i>CA-7 for youth 16 and 17 years old</i> - copy of work permit on file at school - other appropriate documentation on file for minors working under exemptions
<p>Injury to Participant</p>	<ul style="list-style-type: none"> - parent health insurance may apply (medical only) - district may provide or make available short-term student accident insurance (medical only) - work-site general liability insurance should apply 	<p>sponsoring organization's workers' compensation coverage and/or general liability policy should apply</p>	<ul style="list-style-type: none"> - responsibility of the individual, parent and school (Usually the party responsible for the direct supervision and receiving the benefit) - work-site general liability insurance may apply - work-site workers' compensation coverage if student is determined to be "working" 	<p>work-site workers' compensation coverage</p>	<p>work-site workers' compensation coverage</p>	<p>work-site workers' compensation coverage</p>
<p>Injury to Others Resulting From Participant's Role</p>	<ul style="list-style-type: none"> - work-site general liability insurance - district general liability insurance may apply 	<ul style="list-style-type: none"> - work-site general liability insurance - district general liability insurance may apply 	<ul style="list-style-type: none"> - work-site general liability insurance - district general liability insurance may apply 	<ul style="list-style-type: none"> - work-site general liability insurance - district general liability insurance may apply 	<ul style="list-style-type: none"> - work-site general liability insurance - district general liability insurance may apply 	<p>work-site general liability insurance</p>

Hours Worked	N/A, participant not working	- restricted by state child labor provisions	- restricted by both state and federal child labor provisions	- restricted by federal child labor provisions, some flexibility - districts should have local policy mirroring state standards concerning hrs for 16 & 17 year olds	- restricted by federal child labor provisions, some flexibility - districts should have local policy mirroring state standards concerning hrs for 16 & 17 year olds	restricted by state and federal child labor provisions, exemptions for 16 & 17 year olds
Hazardous Occupations	N/A, no employee status, school operating policies should conform with acceptable practices	yes, school or agency operating guidelines should conform with state child labor provisions	N/A, no employee status, school and business operating policies should conform with acceptable practices	not allowed; under certain conditions exemptions allowed but only in limited areas - 16 & 17 year olds	not allowed; under certain conditions exemptions allowed but only in limited areas	not allowed
Occupational Safety or Health Hazard	yes, must comply with all MIOSHA regulations and standards	yes, must comply with all MIOSHA regulations and standards	yes, must comply with all MIOSHA regulations and standards	yes, must comply with all MIOSHA regulations and standards	yes, must comply with all MIOSHA regulations and standards	yes, must comply with all MIOSHA regulations and standards
Safety Training	yes, essential, both prior and during	yes, essential, both prior and during	yes, essential, both prior and during	yes, essential, both prior and during	yes, essential, both prior and during	yes, essential; employer's responsibility
Applicability of Unemployment Insurance	N/A, no employee status	N/A, no employee status	N/A, no employee status	time during training agreement is exempt; adult criteria is stricter	time during training agreement is exempt; adult criteria is stricter	paid by employer
Applicability of Workers' Comp Act	N/A, participants not working	coverage needed; liability under Act determined on a case-by-case basis	coverage needed; liability under Act determined on a case-by-case basis	coverage needed; typically extended by employer	coverage needed; typically extended by employer	coverage needed; typically extended by employer
Pupil Accounting (State Aid Membership)	experience must be documented if considered part of the instructional program	experience must be documented if considered part of the instructional program	- training agreement - training plan - concurrent related instruction -coordinated and monitored by certified school personnel -attendance records	- training agreement - training plan - concurrent related instruction - coordinated and monitored by certified school personnel -attendance records	- training agreement - training plan - concurrent related instruction - coordinated and monitored by certified school personnel - attendance records	part-time employment hours cannot count toward membership

Chart C – Age Factors

Age Factors	Six Major Work-Based Learning Opportunities					
	Student/Visitor	Volunteer	Unpaid Trainee	Student/Learner (Employee with training plan)	Apprentice (Employee with training plan)	Employee (Minor with work permit)
Under 14	yes	yes; restricted to district and agency guidelines with child labor law provisions	no; designation determined by Federal Department of Labor in employment settings	no	no	no, few exceptions
14 and 15	yes	yes	yes	yes, limited hours and work	yes, limited hours and work	yes, limited hours and work
16 and 17	yes	yes	yes	yes, limited hours and work, some flexibility under certain conditions	yes, limited hours and work, some flexibility under certain conditions	yes, limited hours and work, some exemptions allowed
18 and Over; Still in High School	yes	yes	yes	yes, limited by local program policies	yes, limited by local program policies	no
18 and Over; not in High School	yes	yes	yes	yes	yes	no

Comments: Schools utilizing in-school placements have special rules that are impacted by the Federal Labor Standards Act and the Michigan Department of Education Pupil Accounting Guidelines and should utilize an in-district placement form.