

POINT ONE:

**Cooperative Work Experience differs from
Career Exploration Internship Program**

Cooperative Work Experience:

- Students are paid while training and learning.
- Students are developing employability skills for future employment.
- Students train up to 28 hours per week according to the New York State Labor Laws.
- Students in financial need are encouraged to stay in school and complete his/her education while earning money to support the family.

Career Exploration Internship Program (created in 1995):

- Students are NOT paid and, therefore, are NOT covered by Workers Compensation.
- Students' experience is more exploration than skill building.
- Students' experience is abbreviated to one to three hours a day for a shorter period of time.

At present the Work Experience Coordinators of New York State have been informed by the New York State Department of Labor that students enrolled in Career Exploration Internship Program are allowed to "explore" hazardous occupations. Students enrolled in Cooperative Work Experience are NOT allowed to be employed in certain hazardous occupations.

We believe that this is a reversal in philosophy which has existed for over forty years. It has been our understanding that students enrolled in Cooperative Work Experience are allowed to work in certain hazardous occupations. Furthermore, it is our belief that students who are not employed but merely exploring or visiting a worksite could not be in or near hazardous occupations.

Furthermore, **we also believe** that Cooperative Work Experience programs provide a safe environment for on-the-job learning as compared to unsupervised work experience for teenagers.

The WECA belief is in agreement with the majority of our states who operate state approved work based learning programs.

POINT TWO: Definition of “student learner, trainee and apprentice.”

For the past forty years It has been the belief of the NY State certified Work Experience Coordinators, that the definition of “student learner, trainee and apprentice” means an individual who is training while legally employed in an occupation under the supervision and guidance of the work experience coordinator and the employer.

This agreement and understanding is validated through the signing of the “Memorandum of Agreement” and approved training outline for this particular occupation.

The Work Experience Coordinators of New York State support the “Memorandum of Agreement” created by the New York State Department of Education in the 1960’s.

The following specific work experience arrangements have been made and will serve as the operating procedure for this work experience program.

1. *The student-learner shall be given opportunity to progress through the various phases of work as prescribed by the employer.*
2. ***Special safety instruction will be provided to the student trainee by the employer when assigned to work with hazardous equipment or in hazardous areas.***
3. *The employee's designated supervisor shall evaluate the trainee during the school year.*
4. *Organized instruction in safety, occupational and technical theory and other information correlated with the employment training shall be provided by the school. The certified coordinator of this program shall be available for consultation with the employer.*
5. *The student shall begin employment at no less than the prevailing minimum wage and the program will comply with all state, federal, and local labor laws.*
6. *The cooperating employer agrees that the student will be accepted and assigned jobs and otherwise treated without regard to age, color, religion, creed, disability, marital status, national origin, race, gender, or sexual orientation.*
7. *This Cooperative Occupational Education Program at this school is registered with the New York State Education Department, Division of Occupational Education.*

POINT THREE: IMPORTANT FACTS ABOUT COOPERATIVE WORK EXPERIENCE PROGRAMS

The following areas would be impacted if the New York State Department of Labor was to prevent students enrolled in Cooperative Work Experience to be employed in certain hazardous occupations:

Graduation Needs:

- A work based learning experience is a mandated element in a Career and Technical Endorsement for graduation. Cooperative Work Experience provides this element.
- Cooperative Work Experience provides students, especially those at risk, with a reason to complete their education and not to drop out of high school.

Program Structure:

- An agreement is signed by the school and employer to provide training, legal employment and safety training for the student learner.
- The school coordinator insures that the memorandum of agreement is carried out.
- Cooperative Work Experience enables students to produce meaningful work and gain hands-on experience, versus internship work based learning models that do not allow productive work.

Training and Supervision of Students.

- Cooperative Work Experience students are supervised by their teacher/coordinator and work place supervisor.
- Cooperative Work Experience students receive related safety instruction by their teacher and work place supervisor.
- Cooperative Work Experience students are paid and therefore covered under the sponsoring employer's workers compensation insurance.
- Safety training in the workplace is continually reinforced both in the CTE classroom and in the workplace.
- Cooperative Work Experience students are given additional safety training and a compliance with OSHA rules in the workplace.

Economic Impact:

- Inability to train in certain hazardous occupations will cause a reduction trained personnel for needed industries such as manufacturing and emerging technologies.
- Cooperative Work Experience gives those students under the age of 18 a head start in obtaining needed skills for in-demand positions. The AYES Automotive youth Educational systems is an excellent example of a productive, structured school business partnership which encourages CTE students to seek employment in the automotive field and stay in school.

**POINT 3 CONTINUED:
IMPACT OF LABOR LAW INTERPRETATION**

- Business and industry look to local BOCES and high school CTE programs as a resource for recruiting skilled labor.
- Cooperative Work Experience increases the number of business/industry partnerships working with local schools and BOCES.

Cooperative Work Experience's Impact Upon Students:

- Cooperative Work Experience provides a weekly salary and company benefits when available.
- Cooperative Work Experience encourages at-risk students to remain in school and complete their education.
- Cooperative Work Experience develops advanced skills not available in the CTE classroom.
- Cooperative Work Experience develops self esteem, critical thinking skills, maturity, teamwork, and respect for others in the workplace and classroom.
- Cooperative Work Experience improves attendance and punctuality and personal attitude.
- Cooperative Work Experience students receive mentoring in the workplace.
- Cooperative Work Experience students Improve grades and test scores in the classroom.
- Cooperative Work Experience gives students the ability to focus on a task and set goals.
- Many students choose not to attend college after graduation. Through work Cooperative Work Experience these students can be identified and begin to develop the necessary job and technical skills to compete in the workplace upon graduation and become productive citizens in our society.
- Cooperative Work Experience promotes financial literacy among its students.

New York State Department of Labor –Prohibited Occupations – Under 18 years of age

No one under the age of 18 may be employed in or assist in the below hazardous occupations

They do not apply to:

- An apprentice who is individually registered in an apprenticeship program which is duly registered with the Commissioner in conformity with the provisions of article 23 of this chapter, *(NYS DOL-Section 133.3a(1), or*
- **A student learner who is enrolled in a course of study and training in a cooperative vocational training program under a recognized state or local educational authority, or in a course of study in a substantially similar program conducted by a private school, *(NYS DOL-Section 133.3a(2), or***
- A trainee in an on-the-job training program approved by the commissioner, *(NYS DOL-Section 133.3a(3), or*
- A minor who is employed in the occupation in which he has completed training as a student learner as provided in subparagraph (2) of this subdivision or as a trainee as provided in subparagraph (3) of this subdivision, *(NYS DOL-Section 133.3a(4), or*
- A minor who is employed in the occupation in which he has completed a work training program of a non-profit organization or a training program which is publicly funded in whole or part, and as part of such program receives safety instruction and training in the use of machinery, provided that such safety program has been approved by the commissioner.... *(NYS DOL-Section 133.3a(5).*

HOW DOES THIS IMPACT CAREER AND TECHNICAL EDUCATION PROGRAMS?

Hazardous Occupations	Career and Technical Education Programs Impacted in which Cooperative Work Experience students are currently employed
Any occupation at construction work, including wrecking, demolition, roofing, or excavating operation and the painting or exterior cleaning of a building structure from an elevated surface	<input type="checkbox"/> 1 Carpentry <input type="checkbox"/> 2 Plumbing <input type="checkbox"/> 3 Electricity <input type="checkbox"/> 4 HVAC <input type="checkbox"/> 5 Welding
Any occupation involved in the operation of circular saws, band saws, and guillotine shears.	<input type="checkbox"/> 6 Carpentry <input type="checkbox"/> 7 Plumbing <input type="checkbox"/> 8 Trade Electric <input type="checkbox"/> 9 Small Engine Repair <input type="checkbox"/> 10Agriculture
Any occupation involved in or about a slaughter and meat-packing establishment, or ren-	<input type="checkbox"/> 11Culinary <input type="checkbox"/> 12Food Services
Any occupation involved in the operation of power-driven woodworking, metal-forming, metal-punching, metal-shearing, bakery and paper products machines.	<input type="checkbox"/> 13Manufacturing <input type="checkbox"/> 14Welding <input type="checkbox"/> 15HVAC <input type="checkbox"/> 16Baking <input type="checkbox"/> 17Printing/Graphic Technology <input type="checkbox"/> 18Cabinet Making <input type="checkbox"/> 19Air Frame Mechanics <input type="checkbox"/> 20Motor Cycle Technician
Any occupation involved in the operation of power-driven hoisting apparatus.	<input type="checkbox"/> 21Automotive <input type="checkbox"/> 22Marine Service Technician
Any occupation involving exposure to radioactive substances or ionizing radiation, or exposure to silica or other harmful dust.	<input type="checkbox"/> 23Auto Body repair <input type="checkbox"/> 24Health Care
Logging occupations and occupations in the operation of any sawmill, lath mill, shingle mill, or cooperage-stock mill.	<input type="checkbox"/> 25Agriculture <input type="checkbox"/> 26Carpentry
Operating or using any emery, Tripoli, rouge, corundum stone, stone, silicon carbide, or any abrasive, or emery polishing or buffing wheel where articles of the baser metals or iridium are manufactured	<input type="checkbox"/> 27Air Frame Mechanic <input type="checkbox"/> 28Manufacturing <input type="checkbox"/> 29Auto Body <input type="checkbox"/> 30Auto After-Market Accessory Installation <input type="checkbox"/> 31Welding

Federal – US Department of Labor – Definition of Student Learner

US DEPT OF LABOR Part III WAGE AND HOUR DIVISION –Employment of Student Learners, Apprentices, Learners, Messenger, and Student Workers, final rule issued Tuesday, December 9, 1997 defines student learners.

Student learner means a student who is at least 16 years of age, or at least 18 years of age, if employed in an occupation which the secretary has declared to be particularly hazardous, who is receiving instruction in an accredited school, college, or university, and who is employed by an establishment on a part-time basis, pursuant to a bonafide vocational training program.

Federal – US Department of Labor - Hazardous Occupations (from the Internet)

18 is the minimum age for employment in non-agricultural occupations declared hazardous by the Secretary of Labor. The rules prohibiting working in hazardous occupations (HO) apply either on an industry basis, or on an occupational basis no matter what industry the job is in. Parents employing their own children are subject to these same rules. Some of these hazardous occupations have definitive exemptions. In addition, limited apprentice/student learner exemptions apply to those occupations marked with an asterisk (*).

These rules prohibit work in, or with the following:

HO# 1 Manufacturing and storing of explosives.

HO# 2 Driving a motor vehicle and being an outside helper on a motor vehicle.

HO# 3 Coal mining.

HO# 4 Logging and sawmilling.

*HO# 5 Power driven wood working machines.

HO# 6 Exposure to radioactive substances.

HO# 7 Power driven hoisting apparatus.

*HO# 8 Power driven metal forming, punching, and shearing machines.

HO# 9 Mining, other than coal mining.

*HO#10 Meat packing or processing (including the use of power driven meat slicing machines).

HO#11 Power driven bakery machines.

*HO#12 Power driven paper product machines.

HO#13 Manufacturing brick, tile, and related products.

*HO#14 Power driven circular saws, band saws, guillotine shears.

HO#15 Wrecking, demolition, and shipbreaking operations.

*HO#16 Roofing operation.

*HO#17 Excavation operations.