

DLIR Volunteer Internship Program (VIP)
Frequently Asked Questions (FAQ) No. 3
Updated 06-08-15

1. Q. Which businesses can participate in the DLIR Volunteer Internship Program (VIP)?

A. Businesses that meet the following conditions are eligible to participate in the VIP:
 - 1) Are in good business standing with the State of Hawaii;
 - 2) Are up-to-date on state and federal taxes;
 - 3) Are not in high-risk industries or occupations, such as window washers, machine operators, explosives transporter, construction worker, or hazardous materials worker;
 - 4) Are from the private sector (government sector is not eligible);
 - 5) Are not requesting VIP internship slots in occupations with DLIR recognized apprenticeship programs; and
 - 6) Are not requesting VIP slots that displace current workers or infringe on promotions of regular workers. (Also refer to Q&A No. 6 and 7.)

2. Q. How many VIP interns (interns) can an eligible business request?

A. The maximum number of interns that an eligible business may request shall be no more than the business' total current workforce, provided the business has sufficient staff to supervise and train the requested number of interns.

3. Q. Who are eligible interns?

A. It is anticipated that most, if not all, interns will be current Unemployment Insurance (UI) claimants who have not exhausted their 26 weeks of UI benefits. As these UI benefits are 100% financed by employers, facilitating these claimants' return to work will reduce UI Trust Fund costs.

However, other unemployed jobseekers or part-time workers seeking full-time work may be eligible for training, provided they are registered in HireNet Hawaii, the state-sponsored job board. (Most UI claimants are registered in HireNet Hawaii as a condition of their UI eligibility.)

4. Q. What is the purpose of the VIP?

A. The project is a training program that provides interns with new skills, experience, and/or references that can help them decide on the types of work which they may

want to pursue. It also provides UI claimants and other eligible interns with an opportunity to be introduced to potential employers for future job openings.

Concurrently, as more claimants return to work, the solvency of the UI Trust Fund, which is financed entirely by employers, may be preserved for a longer period.

In addition, the VIP is a state project that will capture data on the internships to identify elements of a volunteer program that contribute towards successful outcomes. This data will help the state develop more efficient models for internships and other training projects in the future.

5. Q. Is a business obligated to hire an intern when a job opens up?
A. No, a business is not obligated to hire an intern who participated in or currently participates in the VIP. Participation on the part of the business and intern is voluntary. However, it is hoped that the internship will provide an opportunity to introduce the intern to a potential employer.
6. Q. Can an intern be placed at a business in a position from which the intern was laid off or displaced in the past?
A. An intern may be placed at a *business* from which they were laid off or displaced. However, since this is a training program, the internship must be in a different *position* from which they were laid off or displaced.
7. Q. Can a business lay off or displace current employees, reduce working hours of current staff, or infringe on promotions of current employees by participating in this program?
A. No, a business may not lay off or displace current employees, reduce working hours of current staff, or infringe on promotions of regular employees by using this program to compensate for the loss of staff or staff hours, or to avoid promoting current employees.
8. Q. Will the business be liable for workers compensation insurance for interns participating at the worksite?
A. An intern is not an employee of the participating business. An intern injured while participating in the internship will have the same medical coverage as state volunteers under Section 386-171, H.R.S. Forms for reporting accidents or injuries will be provided to participating businesses.
9. Q. Where will this program be operated in the State?

- A. This program will be operated statewide by the Department of Labor and Industrial Relations (DLIR), Workforce Development Division.
10. Q. Will military veterans get preference in this program?
- A. Yes, military veterans will get preference for referral by the DLIR if the veteran meets eligibility requirements for the program and selection requirements of the applicable business. However, eligible claimants and other eligible persons can market and refer themselves to businesses for consideration as an intern at that business.
11. Q. Will a business be required to select each UI claimant or other eligible person referred by DLIR or themselves as interns?
- A. No, a business may prescreen and interview prospective interns before making the final selection of interns. The business may also impose, if necessary, job-related requirements, such as physical examinations or skills testing, to determine suitability of the candidate for the internship. Any costs to be paid to meet these requirements will be the responsibility of the intern.
12. Q. What kind of paperwork must be completed by a business to participate?
- A. A short agreement between the business, intern, and DLIR must be signed and executed prior to an intern starting their internship. This agreement will list the responsibilities of all parties.
13. Q. What kinds of reports will a business need to submit?
- A. If an intern is a UI claimant, the business must complete and submit a UCBP-T2 form to the DLIR, UI Division, reporting lack of attendance for any day that a claimant was scheduled to be at the training site. Because a UI claimant's internship will be considered to be "approved training" for purposes of UI benefits eligibility, failure to report to the internship on scheduled dates may result in denial of UI benefits for that week. The UCBP-T2 Form will be provided to businesses when the agreement described in item 12 above is executed.
- During and at the end of each internship, the business will be asked to provide feedback to the DLIR on a simple form to be provided.
14. Q. Is there a maximum or minimum number of hours per week that is required to be offered by a participating business for this program?

- A. Yes, a participating business must offer between 16 to 32 hours per week for each internship request. Because the internship will be considered to be training, the participating business will be considered to be a trainer and not an employer.
15. Q. Is there a minimum or maximum duration for each internship?
- A. Yes, for each internship offered, the minimum duration that may be requested is four (4) weeks and the maximum duration is eight (8) weeks. A business may request the same slot to be filled by a different intern after the slot is vacated, provided the business will consider the candidates that filled the slot when a job opens up. (Also see item 18 below.)
16. Q. What kinds of internships may be requested by a business?
- A. It is the business' option to determine which positions are appropriate for this internship training program and the extent to which the business is willing to invest time in supervising and training the intern. Training programs may include mentoring and job shadowing, multi-task/multi-function rotation with the intern moving from one position to another, etc,

VIP is an internship training program only. Businesses who participate in this internship training program cannot use an intern as an "employee", otherwise, they may be subject to the requirements of the Fair Labor Standards Act ("FLSA"). The following six factors were developed by the FLSA and should be considered when developing a training program:

- 1) The training, even though it includes actual operation of the facilities of the business, is similar to what would be given in a vocational school or academic educational instruction;
- 2) The training is for the benefit of the interns;
- 3) The interns do not displace regular employees, but work under their close observation;
- 4) The business that provides the training derives no immediate advantage from the activities of the interns, and on occasion the business' operations may actually be impeded;
- 5) The interns are not necessarily entitled to a job at the conclusion of the training period; and
- 6) The business and the interns understand that the interns are not entitled to wages for the time spent in training.

The U.S. Department of Labor, Wage and Hour Division's ("WHD") website at <http://www.dol.gov/whd> provides relevant information regarding the application of the FLSA to training programs. You may call WHD's toll-free helpline at 1 (866) 4US-WAGE, (1-866-487-9243).

17. Q. If the business selects an intern who doesn't work out during the internship, is the business obligated to retain the intern until the internship period has expired?
- A. No, the internship is voluntary and may be terminated at anytime by the business, intern, or DLIR.
18. Q. If a claimant or other eligible jobseeker is selected for an internship at one business and selected for another internship at a second business, is concurrent participation by the intern at two sites allowable?
- A. Yes, an intern may concurrently participate with more than one business, provided the intern is able to meet the hours scheduled by each business. If the intern is a UI claimant, both businesses should report non-attendance on scheduled dates to the DLIR, UI Division, as described in the answer for Q.14 above.
19. Q. What is the incentive for a UI claimant to participate in this program?
- A. This program gives claimants an opportunity to acquire new skills, experience, and/or references and helps claimants decide what types of work they may want to pursue.

It also provides an exemption from the three (3) weekly job searches required of a UI claimant for the receipt of weekly UI benefits. Once a UI claimant begins an internship, the internship will be considered to be approved training for UI purposes. As approved training, a UI claimant will not be required to conduct any of the three (3) mandatory job searches per week for UI benefits. To ensure that the claimant is attending all days scheduled for the internship, a participating business will be required to submit a UCBP-T2 form to the UI Division if a claimant fails to report to the internship on any scheduled date. The claimant may be denied UI benefits for that week as a result. (Also refer to item 13 regarding the UCBP-T2 form.)

When the internship ends, either through expiration of the agreement (described in item 12) or by voluntary termination (described in item 17), a UI claimant's exemption from the three (3) weekly job searches will terminate. Then the claimant will be required to conduct the three (3) mandatory job searches per week for UI benefits.

20. Q. If a business has a unionized workforce, is the affected union required to agree with the internship request submitted by the business?

- A. Yes, any unionized workforce in which an internship is requested must have concurrence of the affected union. The business is responsible for acquiring that concurrence. Signature of an authorized official of the union is required in the business -DLIR agreement described in the answer for Q.12.
21. Q. Will the DLIR review business requests for interns and/or requests from UI claimants or other jobseekers to participate in the program?
- A. The DLIR has the right to determine suitability of a business' training request and/or a prospective intern's request to participate in the program. Priority for internships will be given to those industries and occupations that have or are projected to have a high demand for employees, including those in emerging industries with high-growth potential.
22. Q. Will a prospective intern be required to participate in an orientation or other activities prior to a VIP internship?
- A. Yes, prior to being placed in an internship, prospective interns will be required to attend an orientation to the VIP, participate in an assessment of their skills and career counseling activities, and learn about the labor market. These activities will be conducted on pre-scheduled dates. Candidates interested in participating or wanting to learn more should go to www.Hawaii.gov/labor/VIP.
- Participants in the current Reemployment Eligibility Assessment (REA) Program also will be able to learn more about the VIP from their REA counselor.
23. Q. What happens after the prospective intern participates in the required pre-internship activities listed in the Q and A in the preceding item?
- A. After pre-internship activities are completed, the prospective intern and DLIR staff will be seeking suitable matches with interested businesses. This process, if successful, may take several weeks, depending on the availability of internships and matching of candidates' qualifications with internship requirements. During this period prior to starting a VIP internship, UI claimants will be required to make their three (3) weekly job searches for UI benefits.
24. Q. Can an intern be placed in a company where their employer can be a relative?
- A. Relatives (e.g. parents, grandparents, siblings, parent/sibling-inlaws) are not allowed to take in VIP interns that are their relatives.
25. Q. I run a business in my home. Would I be eligible to participate as a business in VIP?

VIP
FAQ No. 1
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- A. Due to potential liabilities and other associated risks that may arise in a home-business setting, interns will not be placed in a private home residence.

**These FAQs will be updated as the program evolves and adjustments are made.
Please check the website for updates.**