

**Job Skills Training Program  
Massachusetts EA Shelter Response  
FAQ's for Prospective Employer Partners**

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**Is the trainee considered an employee of the company?**

No, the trainee is considered a program participant, and is akin to an unpaid intern for the company. The program is administered by the Commonwealth Corporation Foundation which will serve as facilitator between the participating business and also the participant trainee.

We will continue to engage with participating employers to ensure the training program is implemented consistent with applicable law.

**Does this program comply with federal immigration law?**

Yes, because this is training and not employment. Individuals participating in the program will not receive payment in exchange for services.

Like unpaid interns, program participants are receiving both training through on-the-job experiences and other training outside the host site. The U.S. Department of Labor has [confirmed](#) that unpaid interns whose programs meet certain criteria are not employees. And the U.S. Department of Homeland Security has [confirmed](#) that unpaid interns do not need to complete the I-9 work authorization form.

Participants are also receiving – through the state and not from any participating business – a need-based benefit payment. States may legally provide need-based aid to immigrants – especially those, like the emergency assistance shelter residents eligible for this program, who are present in the United States under color of law.

We will continue to engage with participating employers to ensure the training program is implemented consistent with applicable law.

**As a participating business, what do I have to provide to trainees?**

The host business will be responsible for ensuring that trainees have reasonable access to its premises for purposes of training and for providing a safe, clean, harassment-free, and lawful environment, commensurate with what it provides to its employees. The business will further be responsible for ensuring that trainees are given adequate training, protective gear as needed, and have all tools necessary to facilitate a successful and effective training experience.

**If trainees get injured while performing in-the-workplace training, will they be covered by the business's workers compensation policy?**

Yes. In MA, unpaid student interns in high school, professional school, and other unpaid workers in internships desiring to obtain skills in a new area of work are covered under workers compensation law. Participating businesses are advised to inform their workers compensation insurance provider that they will have trainees on site.

**To participate in the program, does a business need an established formal training program?**

No. Although an already established formal training program would be welcome, and helpful, it is not required. Participating businesses must ensure that trainees are supervised, supplied with protective gear as needed, and have all tools necessary to facilitate a successful and effective training experience.

**Can a business offer a hybrid or remote learning experience?**

Hybrid or remote learning may be offered on a case-by-case basis. Commonwealth Corporation Foundation may help in evaluating this structure based on resources provided by the business and available remote space conditions at the host shelter, MassHire, or other available community facility.

**Does the business need to provide supervision of the participant?**

Yes, supervision and training of the participant is a key part of the program to support the learning experience and on-the-job skills development of the program participant.

**Will the JSTP program have staff onsite to help support the participants?**

No. Participating businesses must supervise and provide training to individual participants at the host site.

**Is the business responsible for transportation services for the program participant between the host company's facility and the shelter?**

No, providing such services is not a program requirement, although it would be welcomed.

**What are program eligibility requirements for participating businesses?**

Businesses must have a physical presence in Massachusetts and must be able to provide trainees with an effective in-the-workplace skills training program within the specified training period.

**What are program eligibility requirements for participating trainees?**

Trainees are individuals currently residing in shelters who have lawful entry into the U.S. but are still awaiting federal workforce authorizations, and who want to develop their skills through a training program that includes on-the-job training.

**My company has a background check, CORI, and/or immunization policy for anyone performing tasks or services at my business, including unpaid interns. Are program participants pre-screened and/or compliant with these requirements?**

The JSTP will not be screening program participants based on individual company policies. You may conduct the pre-screening checks that are necessary for your business, understanding that these trainees are not employees. That said, some program participants may not have sufficient records to enable you to run certain checks, and you may have to determine whether participation is right for you based on your individual business requirements.

**What happens if I'm dissatisfied with a trainee's performance?**

Participating businesses can terminate participation in the Program or with an individual Trainee. To do so, you should notify Commonwealth Corporation Foundation in writing prior to terminating participation and include the reasons you are requesting to terminate.

**Can the business hire program participants?**

Businesses may, at their discretion, make offers of employment to program participants after completion of the program term and after the participants' receipt of work authorization. But program participants and employers should understand that completion of the program does not entitle a program participant to employment at the end of the program term.

**As a business participant, is my entire contribution to Commonwealth Corporation Foundation tax deductible? If not, how will that be determined?**

Participating businesses who enroll in the program will pay a participation fee and provide training, and in return will benefit from the increased capacity the trainees will provide; their participation fees may not be entirely tax-deductible. Some businesses may not want to participate in the program, but may still offer program support by making a tax-deductible donation.