

WIOA TRANSITIONAL JOBS POLICY

EXECUTIVE SUMMARY

The purpose of this policy is to provide guidance to Monterey County Workforce Development Board (WDB) service providers regarding the limitations and requirements for placement of WIOA Adult and Dislocated Workers into Transitional Jobs.

REFERENCES

U.S. Department of Labor (DOL) Final Rule, 20 CFR 680.190 through 195; 20 CFR 680.840. DOL Training and Employment Guidance Letter (TEGL) 19-16: Guidance on Services Provided through the Adult and Dislocated Worker Program under the Workforce Innovation and Opportunity Act (WIOA).

BACKGROUND

Transitional Jobs are a type of work experience that local workforce development boards can offer as an individualized career service under WIOA. Transitional Jobs are time-limited, wage-paid work experiences that are subsidized up to 100 percent. These jobs can be in the public, private, or nonprofit sectors and are only available for individuals with barriers to employment who are chronically unemployed or who have an inconsistent work history. Transitional Jobs provide work experience and an opportunity to develop important workplace skills within the context of an employer-employee relationship.

PROCEDURAL GUIDANCE

General Requirements

General Transitional Jobs requirements include the following:

- Transitional Jobs must be combined with comprehensive career and supportive services, distinguishing the activity from “work experience” and “internship” activities, which do not carry this requirement.
- Transitional Jobs must be designed to:
 - Establish a work history for the individual;
 - Demonstrate success in the workplace; and
 - Develop the skills that lead to entry into and retention in unsubsidized employment.

The Monterey County Workforce Development Board is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

- Unlike on-the-job training (OJT), with Transitional Jobs, there is no requirement that the employer retains the individual upon completion of the Transitional Job. However, job retention is an ideal outcome.
- Transitional job expenditures may account for up to 10% of a service provider's expenditures in the WIOA Adult Program and up to 10% in the Dislocated Worker Program during a given program year and may include only wages and fringe benefits for the individual participating in a Transitional Job activity.

Participant Eligibility Requirements

A Transitional Job participant must be an unemployed worker with barriers to employment. If service providers determine that a Transitional Job is appropriate for an individual to obtain or retain employment, such services will be made available to the individual. Service providers must document the participant's need for a Transitional Job activity.

Targeted populations for Transitional Jobs may include individuals who are long-term unemployed, ex-offenders, parents ordered to pay child support, individuals who are currently receiving or have exhausted TANF benefits, and individuals with disabilities, along with other populations representing individuals that are eligible for and demonstrate the ability to benefit from this activity.

To be eligible for a Transitional Job, a participant must:

- Be enrolled in the WIOA Adult Program or Dislocated Worker Program;
- Have participated in assessment activities;
- Have a completed Individual Employment Plan (IEP); and
- Be chronically unemployed or have inconsistent work history.

Definitions for "individuals with barriers to employment," "chronically unemployed" and "inconsistent work history" are as follows:

Individuals with Barriers to Employment: Included are populations specified in WIOA Sec 3(24):

- Displaced homemakers
- Low-income individuals
- Indians, Alaska Natives, and Native Hawaiians,
- Individuals with disabilities
- Older individuals
- Ex-offenders
- Homeless individuals
- Youth who have aged out of the foster care system
- Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers,
- Eligible migrant and seasonal farmworkers
- Individuals within two years of exhausting lifetime TANF eligibility
- Single parents (including single pregnant women), and
- Long-term unemployed individuals

Chronically Unemployed and Inconsistent Work History: For the purpose of participant eligibility for Transitional Job activities, an individual is considered to be chronically unemployed or to have an inconsistent work history when he or she meets one or more of the following criteria:

- Has never held a full-time job (30+ hours per week) for more than 13 consecutive weeks
- Has been fired from a job within the 12 months prior to application
- Has held more than three jobs in the 52 weeks prior to application

- Is on parole or probation, or has been released from prison/jail within the 12 months prior to application
- Has been unemployed for the 13 consecutive weeks prior to application
- Has been unemployed for 15 or more of the 26 weeks prior to application. Weeks of unemployment need not be consecutive.

Services to Complement Worksite Transitional Job Activities

All eligible participants must complete an appropriate assessment and develop, with the assistance of the service provider, an IEP that includes the rationale for a Transitional Job.

The Transitional Job must be accompanied by comprehensive career and supportive services delivered prior to or concurrently with the Transitional Job.

The appropriate mix of career services shall also be outlined in the IEP and must include, at a minimum, at least one of the following individualized career services:

- Career Planning
- Group and/or Individual Counseling
- Short-term Prevocational Services (including soft skills training)
- Workforce Preparation Activities
- Financial Literacy Services
- English language acquisition and integrated education and training programs

Individualized career services may also be delivered upon completion of the Transitional Job activity, as long as one or more of the above are delivered prior to or during the Transitional Job.

As part of the assessment and planning for a Transitional Job, the service provider must identify support needs and devise a plan for how supportive services will be utilized to promote successful completion of the Transitional Job. Supportive services could include:

- Emergency assistance, such as food, health care and medical services, housing, and utilities; and
- Other Assistance, such as transportation, child/dependent care assistance, medical services, tools, work-training costs, or other forms of support.

Duration and Related Requirements

Individuals in Transitional Job activities may participate for up to 520 hours, but for no less than 160 hours, based on their individual needs and the employment objectives outlined in their IEPs. The maximum length of the Transitional Job activity is 26 weeks. Weekly work hours may range from 20 to 40.

Transitional Jobs shall be developed, to the extent practicable, with an employer in an industry that is of interest to the participant. It is anticipated that most Transitional Jobs will be entry-level positions, and the participant shall be paid minimum or prevailing wage, whichever is greater.

Host Employer Requirements and Prohibitions

Service providers will adhere to the following guidelines with respect to selection and use of host employers:

Requirements: Employers willing to work with participants in Transitional Job activities may be from the private for-profit, private non-profit sector, or public sectors. As Transitional Jobs are structured to help participants achieve success in the workplace and develop the skills needed to obtain and retain unsubsidized employment, the host employer must be able to provide supervision and appropriate feedback to the participant at regular intervals during the course of the activity.

Employers must also be willing to participate in the required monthly on-site monitoring visits conducted by WDB service provider staff to evaluate the participant's performance.

Prohibitions: Service providers will ensure that the following prohibitions are observed:

- Agreements shall not be entered into with a business or part of a business that has relocated from any location in the United States, until such company has operated at the new location for 120 days, if the relocation resulted in any employee losing her/his job at the original location.
- Participants may not be employed in a Transitional Job involving political activities.
- Participants may not be employed in a Transitional Job that directly or indirectly assists, promotes or deters union organizing.
- Participants may not be employed in a Transitional Job involving the construction, operations, or maintenance of that part of a facility which is used for religious instruction or worship (sectarian activities).

Transitional Jobs Worksite Agreements

A written, signed agreement between the WDB service provider (the WDB serves as the employer of record) and a qualified host employer is required prior to the start of work. These worksite agreements are similar to those used for work experience, internships and other work-based activities where the participant is being paid and the business/organization providing supervision is not the employer of record. A single agreement may be written for a group with a single site provided the working conditions, job description, training plan, wage rates, and terms of the agreement are the same for all participants covered by the agreement.

A Transitional Jobs Agreement must indicate specific guidelines to be followed by the host employer, participant, and employer of record. At a minimum, the agreement must include:

- The position title and description;
- The duration of the training;
- The wage rate to be paid to the participant;
- The maximum number of training hours provided under the agreement;
- A description of the skills to be provided through the training; and
- Required written assurance clauses.

Interim progress and final evaluations must be completed by the host employer to evaluate a participant's attainment of skills during the Transitional Job activity. In the event that the initial work period does not provide enough time to successfully acquire skills needed to enter unsubsidized employment, revised or additional agreements may be developed to accommodate additional work time at the initial worksite or with an alternate host employer.

Monitoring

Monitoring related to WDB services providers' use of Transitional Jobs activities will include:

Worksite Monitoring: WDB service providers shall conduct an on-site monitoring review of each participant's worksite no less than once every 30 days during the Transitional Job period. Monitoring will include a review/evaluation of all skills (e.g. workplace behaviors, job-specific skills) outlined within the worksite agreement. Monitoring results must be documented in the participant's file and retained by the service provider.

Service Provider Monitoring: Monterey County WDB will monitor its service providers for compliance with this Transitional Jobs Policy as part of the regularly scheduled program and fiscal monitoring, as appropriate.

ATTACHMENT: Transitional Jobs Agreement

INQUIRIES

If you have questions please contact staff at (831) 796-6434. This policy is posted on the WDB website located at: www.montereycountywdb.org/policies/

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