



WIOA TRANSITIONAL JOBS POLICY

INTRODUCTION

This policy of the Workforce Development Board (WDB) of Solano County provides guidance regarding the requirements for transitional jobs, defined as time-limited work experiences that are wage-paid and subsidized under authorization of the Workforce Innovation and Opportunity Act (WIOA). Transitional jobs are available only for individuals with barriers to employment who are chronically unemployed or have inconsistent work history, as determined locally. These jobs are designed to enable an individual to establish a work history, demonstrate work success on the job, and develop the skills that lead to unsubsidized employment. Unlike On-the-Job Training (OJT), there is no requirement that the individual will be retained in their transitional job after the experience is over, retention, where appropriate, is preferred. Under WIOA, local boards may use up to 10 percent of their Adult and Dislocated Worker funds to provide transitional jobs to individuals.

QUESTIONS

Questions relating to this policy should be directed to Marion Aiken, Workforce Services Manager, at maiken@solanowdb.org or at (707) 863-3594.

ATTACHMENTS

- Attachment A: Definition of Key Terms

RESCISSIONS

This policy replaces and cancels the 2019-05 WIOA Transitional Jobs Policy.

POLICY

Transitional jobs are a type of work experience that the Workforce Development Board (WDB) of Solano County may provide under WIOA. These jobs are designed to enable an individual with barriers to employment because of chronic unemployment or inconsistent work history, to establish a work history, demonstrate work success in an employee-employer relationship, and develop the skills that lead to unsubsidized employment. Transitional jobs are considered a training service as a time-limited and wage-paid work experience that is subsidized up to 100%. Jobs may be secured in the public, private, or nonprofit sectors and are only available for individuals with barriers to employment who are chronically unemployed or have an inconsistent work history.

Transitional jobs services must be combined with comprehensive career and supportive services. The placement 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.

There is no requirement that the employer retains the individual upon completion of the transitional job, but job retention is an ideal outcome.

The WDB may use up to 10 percent of its combined Adult and Dislocated Worker funds to provide transitional jobs to individuals. Although transitional jobs do not count as a training activity for performance purposes, transitional jobs count towards the California requirement to utilize 30% of Adult and Dislocated Worker funds on training activities.

ELIGIBILITY

If WDB staff determine that transitional jobs are appropriate for an individual to obtain or retain employment through the development or revision of the Individual Employment Plan (IEP), these services will be made available to the individual. Staff must document the participant's need for a transitional job experience in case notes.

To be eligible for a transitional job, a participant must:

1. Be enrolled in a program that allows transitional jobs;
2. Have participated in assessment activities;
3. Have a completed Individual Employment Plan;
4. Have a barrier to employment as defined in Attachment A; and
5. Be chronically unemployed or have inconsistent work history as defined in Attachment A.

Targeted populations for transitional jobs could 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.

PARAMETERS

Transitional jobs must be limited to the period of time required for a participant to establish a work history, demonstrate success in the workplace, and develop the skills needed to enter unsubsidized employment. Transitional jobs may range from 4 weeks to 26 weeks. The exact duration will be set as appropriate for the participant's employment goals, background and skill level as reflected in the individual employment plan. Transitional jobs should provide at least 20 hours a week, but may not exceed 40 hours a week.

The employer of record may be the host employer, a training provider, a partner organization, or the WDB (the WDB may provide employer of record service directly or contract through a third-party).

Transitional Jobs Agreement

The WDB requires a written, signed agreement between the WDB and the host employer or other employer of record prior to the start of work. A single agreement may be written for a group of individuals at 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.

The Transitional Jobs Agreement details the specific guidelines that must be followed by the host employer, participant, and employer of record. All such agreements must be fully

approved by the Workforce Services Director or designee and be signed by all parties prior to the start of the transitional job. At a minimum, the agreement must include:

1. The position title and description;
2. The duration of the training;
3. The wage rate to be paid to the participant;
4. The rate of reimbursement;
5. The maximum amount of reimbursement;
6. A description of any training to be provided; and
7. Required written assurance clauses.

A progress and final evaluation must be completed by the host employer to evaluate the obtainment of skills during the transitional job. In the event that the initial work period does not provide enough time to successfully obtain the skills needed to enter unsubsidized employment, a revised agreement may be developed to accommodate additional work time.

The amount of a Transitional Job Agreement must not exceed \$7500.00 without justification and management approval.

Transitional jobs must be combined with career and supportive services. Career services that could be utilized include:

- Group counseling
- Individual counseling
- Career planning
- Short-term prevocational services
- Workforce preparation activities
- Financial literacy services
- English language acquisition and integrated education and training programs

As part of the assessment and planning for a transitional job, staff must identify supportive service needs and devise a plan for how supportive service needs will be addressed to support the successful completion of the transitional job. Supportive services could include:

- Emergency Assistance, such as food assistance, health care and medical services, housing, and utilities; and/or
- Employability and Training Assistance, such as transportation assistance, child/dependent care assistance, medical services, tools, work-training costs, or other supportive services

Compensation

Participants enrolled in a paid transitional job shall be compensated at an hourly wage not less than the State or local minimum wage. If the WDB provides employer of record service, participant wages shall not be less than 10% above local minimum wage.

Participants shall only be paid for the hours worked during the transitional job period and documented on the participant's timesheet. Transitional job participants cannot be paid for lunch breaks or vacation time and are not authorized to work overtime.

The Business Services Senior Manager or designee will be responsible for verifying that all contract requirements have been met and must approve all transitional job employers and worksites before participants begin training.

Internal procedures must outline how assessment for transitional jobs is provided, the process of issuing an agreement, how payments are made, and outcome considerations. In addition, internal procedures must define how WDB staff will combine transitional jobs with career and supportive services, and how these activities will be tracked for performance purposes.

REGULATIONS AND ASSURANCES

The transitional jobs agreement must comply with the following standards:

1. Health and safety standards established under Federal and State law otherwise applicable to working conditions of employees are equally applicable to working conditions of participants engaged in transitional jobs.
2. Workers' compensation insurance must be provided to participants engaged in transitional jobs.
3. The host employer is in compliance with Federal and State laws including those laws pertaining to nondiscrimination based on race, color, sex, religions, national origin, age, disability, sexual orientation, and marital status.
4. The host employer is not experiencing abnormal labor conditions such as strikes, lockouts, or layoffs.
5. The participant will not displace (including partial displacement, such as reduction in the hours of non-overtime work, wages, or employment benefits) any currently employed employee at the date of participation.
6. The participant will not be employed in or assigned to a job as a result of a layoff from the same or any substantially equivalent job; a result of termination of the employment of any regular, unsubsidized employee; or that in any way infringes on the promotional opportunities of currently employed workers at the date of participation.
7. The employer or immediate supervisor is not providing a transitional job to a member of his/her immediate family (defined as: wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, grandparent or grandchild).
8. No funds provided are to be used to employ the participant in a position involving political activities.
9. No funds provided are to be used to directly or indirectly assist, promote or deter union organizing.
10. No funds provided are to be used in the employment or training of participants/trainees involved in the construction, operation, or maintenance of that part of a facility which is used for religious instruction or worship (sectarian activities).
11. The transitional job is not impairing existing contracts for services or collective bargaining agreements.

DOCUMENTATION

The individual's case file must document the justification for transitional jobs in case notes. In addition, staff must ensure that documentation for the supportive service(s) and career service(s) provided in combination with the transitional job is included in the individual's case file and in CalJOBS. The individual case file must also contain a copy of the transitional job agreement.

MONITORING

WIOA program staff must ensure regular and on-going monitoring and oversight of transitional jobs activities. Monitoring may include on-site visits and phone/email communication with the employer/trainer and participant to review the participant's progress in meeting training plan objectives. Any deviations from the agreement should be dealt with promptly.

Transitional Jobs participants' training and payroll records may be reviewed by Federal, State and WDB Solano fiscal and program monitors. These entities have the right to access, examine and inspect any site where any phase of the Transitional Job is being conducted. Proper transitional job documentation must be maintained in such a way to facilitate an audit. Program training and payroll records must be maintained for seven (7) years after the participant's conclusion of WIOA enrollment activities.

DISCLAIMER

This policy is based on WDB's interpretation of the statute, along with the Workforce Innovation and Opportunity Act; Final Rule released by the U.S. Department of Labor, and federal and state policies relating to WIOA implementation. This policy will be reviewed and updated based on any additional federal or state guidance.

REFERENCES

Law

- [Workforce Innovation and Opportunity Act of 2014](#) (WIOA)

Federal Guidance

- Department of Labor Final Rule
- 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](#)

WDB Guidance

- 2018-09 – [Supportive Services Policy](#)

Approved by

Workforce Development Board of Solano County

Definition of Key Terms

“Chronic unemployment” or an “Inconsistent work history” – as defined locally – an individual who has been fired from 1 or more jobs within the last twelve months, is unemployed and has actively been seeking employment for at least 2 months, has never held a job, or has not held a full-time job for more than 13 consecutive weeks.

Barriers to Employment – as defined by WIOA Sec 3(24) – populations included in the “individuals with barriers to employment” include:

- 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)
- Long-term unemployed individuals



WORKFORCE DEVELOPMENT BOARD
OF SOLANO COUNTY

EMPLOYEE ACKNOWLEDGEMENT OF RECEIPT AND UNDERSTANDING FOR:
WIOA TRANSITIONAL JOBS POLICY
(Issued May 24, 2021)

The Workforce Development Board (WDB) of Solano County's WIOA Transitional Jobs Policy contains important information pertaining to my employment and duties at the WDB.

A copy of this policy has been given to me to retain for future reference, and I have been provided with the location on the Shared Drive for the policy where I can obtain an electronic copy.

Since the information and policies described in the policy are necessarily subject to change, I acknowledge that revisions to the policy may occur. All such changes will be communicated through official notices. I understand that revised information may supersede, modify, or eliminate existing policies.

I have received the WIOA Transitional Jobs Policy and I understand that it is my responsibility to read and comply with the information contained in this policy and any revisions made to it.

I understand that I should consult with my supervisor if I have any questions about the information contained in the policy. I understand that failure to comply with the information contained in the policy could lead to disciplinary action or termination.

Employee's Name (printed): _____

Employee's Signature: _____ Date: _____