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WIOA Transitional Job Policy for Atlantic County

Purpose:

This policy of the Atlantic County Workforce Development Board provides guidance on the associated requirements for the work-based learning (WBL) service known as **Transitional Jobs**. TRANSITIONAL JOBS is defined as time-limited, paid work experience funded as a wage reimbursement, up to 100% of the wages earned during the contracted training period. TRANSITIONAL JOBS is offered only for individuals with barriers to employment who are chronically unemployed or have a pattern of inconsistent work history, as determined by the local board.

Policy:

Unlike the work-based learning On-the-Job Training program, however, under TRANSITIONAL JOBS, the employer is not required to retain the trainee at the conclusion of the program, retention, where appropriate is preferred. TRANSITIONAL JOBS are considered an individualized career 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.

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.

Definitions:

TRANSITIONAL JOBS [WIOA Section 134(d)(5)] means paid work experience that:

- Is subsidized and time-limited
- Is in the public, private or non-profit sector

- Is provided to individuals with barriers to employment who are chronically unemployed or have an inconsistent work history
- Is combined with comprehensive employment and support services
- Is designed to help participants establish a work history, demonstrate success in the workplace and develop skills that lead to entry into and retention in unsubsidized employment.

Eligibility: To be eligible for a transitional job, the participant must be an unemployed worker with barriers to employment. If WDB staff determine that TRANSITIONAL JOBS is 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 the WIOA Adult or Dislocated Worker program;
2. Have participated in assessment activities;
3. Have a completed Individual Employment Plan; and
4. Be chronically unemployed or have inconsistent work history.

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.

WBL Job Specifications: TRANSITIONAL JOBS may range from 4 weeks to 26 weeks. Length of training will be determined via job title and associated O-Net Code. TRANSITIONAL JOBS employers must provide at least 20 hours a week, but no more than 40 hours a week for these candidates.

The employer of record will be the host employer. For TRANSITIONAL JOBS, all employers will be reimbursed for 100% of wages paid during the contracted training period. Employers must provide day-to-day supervision of the participant while on site. Participants shall only be paid for the hours worked during the transitional job period as documented on the employer's payroll register or company check that documents that amount of wages earned. Transitional job participants cannot be paid for lunch breaks or vacation time and are not authorized to work overtime.

TRANSITIONAL JOBS Funding Levels: All transitional job placements must pay at least the minimum wage (\$13.00/hour). Wages will be reimbursed for the duration of the determined training period but cannot exceed \$6,000 per contract.

Transitional Job Contract: The transitional job contract will be a subset of the agency's current work-based learning agreements. The current OJT contract will be used with a notation for TRANSITIONAL JOBS in a box at the top. All other aspects of the individual contract remain the same. TRANSITIONAL JOBS will be added to the OJT Employer Manual as an added work-based learning service.

A progress and final evaluation must be completed by the employer to evaluate the participant's progress while in the transitional job.

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

Transitional Job Provider Requirements: Participating employers must guarantee that:

- The training to be provided will be in accordance with WIOA 181(a)(1)(A) and 20 CFR Part 683.275 for wage and labor standards. Worker protection requirements are set forth in WIOA Sections 181(a)(1)(A) and (B); Section 181(b)(2), (3), (4), and (5); and WIOA Section 188.
- The employer agrees to cooperate with monitoring efforts as required by WIOA legislation and adhere to all other applicable local, state, and federal rules and regulations;
- Funds are not used to directly or indirectly assist, promote, or deter union organizing;
- The employer agrees to respond to workforce system staff requests for wage and retention information of participants;
- There is no expectation that the employer providing the transitional job placement will hire the participant permanently;
- If the participating employer(s) has recently relocated resulting in the loss of employment of any employee of such business at the original location in the U.S., transitional job placements will not be granted to the employer(s) until after 120 days have passed since the relocation;

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 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 WDB Training Contract Policy 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 and the supportive services and career services provided in combination with TRANSITIONAL JOBS. 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 the TRANSITIONAL JOBS program. 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 Job program participant's training and payroll records may be reviewed by Federal, State and WDB fiscal and program monitors. These entities have the right to access, examine and inspect any site where any phase of the Transitional Job program is conducted. Proper transitional job program 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:

WIOA Section 134(d)(5)

20 CFR 680.190

20 CFR 680.195

20 CFR 680.530

20 CFR 680.840

TEGL 19-16

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Attachment A: Definition of Key Terms

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 never 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), and
- Long-term unemployed individuals