

SOUTHWESTERN AREA WORKFORCE DEVELOPMENT BOARD

TRANSITIONAL JOBS POLICY 19-04

DATE OF ISSUE

May 13, 2020

EFFECTIVE DATE

May 14, 2020

PURPOSE

The purpose of this policy is to detail the requirements and eligibility for the WIOA Adult and Dislocated Worker Transitional Employment Training (TJ) program to serve untapped labor pools for transitional jobs in the Southwest Area. The goal of the Transitional Employment program is to help eligible adults a dislocated worker from the untapped labor pools gain practical work experience and sharpen their workplace skills while getting paid and working to improve their chances of achieving suitable employment.

BACKGROUND

Transitional Jobs programs target population with multiple employment obstacles or limited work experience. These programs provide a participant with work experience and an opportunity to develop critical workplace skills. TJ must be combined with career and supportive services, based upon an individual's needs. WIOA 134(d)(5), TEGL 19-16, 20 CFR 680.190 and .195

ACTION

Southwestern Area Workforce Development Board Service Providers shall adopt this Transitional Employment Training Policy and provide written procedures and forms.

DEFINITION

- A. Transitional jobs are paid work experiences that are:
1. Time limited and subsidized;
 2. In the public, private, or nonprofit sector;
 3. Provided to individuals with barriers to employment who may be chronically unemployed or have an inconsistent work history;
 4. Combined with comprehensive employment and supportive services; and,
 5. Designed to help participants establish a work history, demonstrate success in the workplace, and develop skills that could lead to entry into and retention in the unsubsidized employment market.

GENERAL PROVISIONS

- A. All transitional job participants must meet program eligibility requirements, be enrolled in the respective WIOA program, and have received an assessment resulting in the development of an Individual Employment Plan that documents the participant's need for and benefit from a transitional job.

- B. A transitional job opportunity may be provided as a training service to enrolled adults and dislocated workers who have met the priority of service requirements.

GUIDELINES

A. Under Section 134 (d)(5) of WIOA and 20 CFR 680.195 of the Final Rule, Local Workforce Development Boards (LWDB) may use up to 10 percent of their combined total of adult and dislocated workers funds to provide transitional jobs to individuals with one (1) federally defined barrier to employment or chronic unemployment or inconsistent work history (as defined below). TJ placements should contribute to the occupational development and upward mobility of the participant. Unlike on-the-job training (OJT), there is no requirement that the employer retains the individual upon completion of the TJ; however, retention, where appropriate, is preferred for the benefit of the worker and employer.

B. Federally Defined Barrier to Employment

1. Displaced homemakers
2. Low income individuals
3. American Indians, Alaska Natives, and Native Hawaiians
4. Individuals with disabilities
5. Older individuals (age 55 or older)
6. Ex-offenders
7. Homeless individuals
8. Individuals who are English language learners, individuals who have low levels of literacy and individuals facing substantial cultural barriers
9. Eligible migrant and seasonal farmworkers
10. Single parents (including single pregnant women)
11. Long-term unemployed individuals (unemployed up to 27 or more weeks)
12. Recipients of public assistance

C. Individuals with “chronic unemployment” or an “inconsistent work history” are those who:

1. Have been unemployed for 13 weeks or longer; or
2. Were unemployed for at least 26 of the past 52 weeks; or
3. Have held three or more jobs in the past 52 weeks.

D. Employer Eligibility

For an employer to qualify for Transitional Jobs under the program guidelines, they must:

1. Be a private-for-profit business, private non-profit organization, or public sector employer;
2. Provide a quality work experience for participants to gain valuable skills; and,
3. Provide a safe environment for participants to gain skills.

An Employer will not be eligible to participate as a Host Employer site if:

1. The employer has any other individuals on layoff from the same or substantially equivalent position;
2. The Transitional Job would infringe upon the promotion or lead to the displacement of any currently employed worker or result in a reduction in their hours;
3. The same or a substantially equivalent position is open due to a hiring freeze; or
4. The 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.

E. Transitional Jobs Contract Requirements

1. A pre-award review is required to verify that an establishment is expanding rather than/and not relocating employment from another area. The review will ensure that the establishment did not layoff or displace any workers at another location within the United States.
2. WIOA TJ training is provided based on a formal, written contract with a private, non-profit, or public sector employer that is completed and signed by all parties prior to the initiation of training with a copy given to the employer.
3. A TJ contract must be limited to 120 days in length for employment up to 40 hours of work per week. No overtime is allowed.
4. In determining an employer's viability for TJ contracts, local areas should consider the employer's past history with on-the-job training (OJT), customized training (CT), or other TJ contracts, financial stability, layoffs, relocation and labor disputes, as well as the occupational and industry outlook.
5. A TJ training contract must address:
 - a. The hourly wage of the participant - The minimum starting rate of TJ employees shall be at least the applicable federal minimum wage of the same rate as trainees or employees situated in similar occupations by the same employer and who have similar training, experience and skills, whichever is higher, in accordance with WIOA Section 181(a)(1)(A);
 - b. Length of training;
 - c. A description of the occupation(s) involved, skills(s) and competencies to be provided and learned, assessment and identification of the participant's skills gap;
 - d. Performance outcome requirements;
 - e. A training plan (with a rating scale for skills at hire and at completion of the TJ) that defines successful completion of training;
 - f. Reimbursement level - Employers are eligible to receive up to 100% of hourly wage reimbursement. Employer is responsible for submitting timesheets as proof of hours worked;
 - g. A provision addressing termination for lack of funds or recapture of funds, lack of participant attendance or failure of employer to comply with initial or upgraded employment requirements;
 - h. A provision for maintaining and providing records for Local Workforce Development Area (LWDA), state, and federal monitoring and review. Monitoring may include on-site visits and phone/email communication with trainee to review the participant's progress in meeting training plan objectives and adherence to WIOA and applicable regulations. Service Provider must ensure all

proper documentation is scanned into the New Mexico Workforce Connection Online System (NMWCOS).

INQUIRIES

Questions related to this policy should be directed to the Administrative Entity at (575) 744-4857.

ATTESTED

This policy was reviewed and approved by the SAWDB on: _____

SAWDB Chairman

Date