



IMPERIAL COUNTY WORKFORCE DEVELOPMENT BOARD

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POLICY	ORIGINAL DATE	LAST REVISION
WIOA Transitional Jobs Policy	FISCAL YEAR 2019-2020	June 12, 2023

POLICY OVERVIEW:

The purpose of this policy is to provide guidance and criteria to be used by the Imperial County Workforce Development Board (ICWDB), the Imperial County Workforce and Economic Development Office (ICWED), America's Job Center of California (AJCC) staff, and Workforce Innovation and Opportunity Act (WIOA) Title I funded service providers, in the provision of transitional job activities for eligible WIOA Adult and Dislocated Workers served with WIOA Title I funds.

REFERENCES:

- DOL TEGL 3-15, Guidance on Services Provider through the Adult and Dislocated Worker Program under WIOA
- 20 CFR 680.190
- Training and Employment Guidance Letter WIOA NO. 19-16 Operating Guidance for WIOA
- WIOA Section 134(d)(5)

BACKGROUND:

A transitional job is defined as a job that provides a time-limited work experience that is wage paid and subsidized, and is in the public, private, or non-profit sectors for those individuals with barriers to employment who are chronically unemployed or have inconsistent work history. Local areas may use up to 10% of its combined total adult and dislocated worker allotments for Transitional Jobs.

These jobs are designed to enable an individual to establish a work history, demonstrate work success in an employee-employer relationship, and develop the skills that lead to unsubsidized employment. Transitional job activities must be combined with comprehensive career and supportive services provided prior to, or concurrently with, the transitional job activity.

Transitional jobs should be designed to provide a participant with time-limited work experiences to help him/her establish a work history, achieve success in the workplace, and develop the skills needed to obtain and retain unsubsidized employment.

PARTICIPANT ELIGIBILITY REQUIREMENTS

In addition to meeting general eligibility requirements for the WIOA program and being unemployed at the date of application to the WIOA program, the participant must also have: (1) one or more barriers to employment; and (2) be chronically unemployed or have an inconsistent work history. These eligibility requirements must be documented in the participant file.

1. **Barriers to Employment** - For the purpose of participant eligibility for transitional job activities, barriers to employment include one or more of the following:

- Displaced homemakers;
- Low-income individuals;

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- Indians, Alaska Natives, and Native Hawaiians;
 - Individuals with disabilities;
 - Older individuals (age 55 or older);
 - Ex-offenders;
 - Homeless individuals;
 - Youth who are in, adopted, or have aged out of the foster care system;
 - English language learners;
 - Individuals who have low levels of literacy;
 - 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 (unemployed for 27 or more consecutive weeks);
 - and
2. Chronically Unemployed or Inconsistent Work History – For the purpose of participant eligibility for transitional job activities, individuals are considered to be chronically unemployed or to have an inconsistent work history when they meet 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 three or more 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

In addition to including documentation of an individual's eligibility under items 1 and 2 above, eligibility documentation will be attained to indicate the individual is eligible to participate in a transitional job activity during participation in the WIOA program.

Typically, one would not assume that a dislocated worker would be eligible for transitional job activities with respect to being chronically unemployed or have an inconsistent work history. Displaced homemakers and spouses of members of the Armed Force on active duty may, however, have a need for this service. While other categories of dislocated workers may meet the eligibility requirements and receive such services, it is anticipated that most individuals who participate in transitional job activities will be enrolled in the WIOA Adult program. AJCC staff should take extra care during the assessment and IEP development process to ensure that the rationale for participating in transitional job activities as a participant of the WIOA Dislocated Worker program is clearly outlined in the IEP and case notes.

EMPLOYER REQUIREMENTS

Employers willing to work with participants in transitional job activities may be from the private for-profit sector, the private non-profit sector, or the public sector. 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 employer must be able to provide supervision and appropriate feedback to the participant at regular intervals during the course of the activity.

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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.

Employers must also be willing to participate in the required on-site monitoring visits conducted by ICWED and AJCC staff to evaluate the participant's performance.

There is no expectation that the employer will retain the participant at the completion of the transitional job. However, if the employer is interested in hiring the participant after the transitional job activity has been completed, and additional training is needed, an OJT may be developed that follows the requirements of ICWDB's OJT Policy.

PROVISION OF TRANSITIONAL JOB SERVICES

Participants who are unemployed at the point of application, have a qualifying barrier to employment, and who are chronically unemployed or have an inconsistent work history may participate in transitional job activities.

All eligible participants must first undergo an appropriate assessment and develop an Individual Employment Plan (IEP) that includes the rationale for a transitional job, with the assistance of AJCC staff.

The transitional job must be accompanied by comprehensive career and supportive services delivered prior to, or concurrently with, the transitional job. Supportive service needs shall be determined during the assessment process, and the identified supportive service needs and how they will be delivered shall be outlined in the IEP.

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
- Out-of-Area Job Search Assistance and Relocation Assistance
- 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.

COMPENSATION

Participants enrolled in a Transitional Jobs shall be compensated an hourly wage not less than the State or local minimum wage, whichever is higher. All wage information must be reported to ICWED. Participants shall be paid only for the hours worked as documented on the participant's time sheet. Participants cannot be paid for lunch breaks, sick leave, vacation time, or a holiday recognized by the work site as a "paid holiday". Participants are not authorized to work overtime. Working hours should follow all state and local laws. A participants cannot opt-out of a break, as it is a violation of State labor laws.

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DURATION

Transitional Jobs occurs over a limited time period, which is not to exceed one (1) year. Eligible participants can participate in up to 500 hours of transitional job activities at either full-time (30 and 40 hours per week) part-time (less than 30 hours per week). Employers must offer participants a 20 hour work week minimum. The participant may be placed with more than one employer during the transitional job activity, but the total number of hours for all worksites may not exceed 500 hours,

An 8-week extension may be granted if the participant is an individual with a disability who requires more time to establish a sufficient work history and to develop employable skills, but the extension will not increase the maximum number of hours of transitional job activities. All extensions must be approved by the ICWED Program and Compliance Manager.

WORKSITE AGREEMENT

ICWED requires a written, signed agreement between qualified employers, the participant and the Workforce Development Board prior to the start of work. These worksite agreements will be similar to those used for internships and other work-based learning activities where the participant is being paid and the employer providing the supervision for the participant is not the employer of record. The length of the agreement will vary per participant (full-time participants or part-time participants). Extensions must be approved by the ICWED Program and Compliance Manager. The length of an agreement cannot exceed one year.

MONITORING:

ICWED is responsible for ensuring oversight of the WIOA Title I funded programs. Monitoring shall take place by means of on-site visits to America's Job Center of California and qualified employers. Site visits shall be performed at least once each calendar month during the transitional job period. All monitoring results must be documented in the participant's file. This on-site monitoring shall include not only an evaluation of soft skills, but an evaluation of occupational skills listed in the job description/training plan that is incorporated into the Worksite Agreement.

TRACKING AND REPORTING:

All participants must be eligible and enrolled in WIOA (either the local adult or dislocated worker program or a discretionary grant), and any data about them that is required to be reported must be entered into the CALJOBS. Transitional Jobs participants may also be co-enrolled in other state-funded WIOA programs.

[Activity Code 321- Transitional Job](#) is to be used for all individuals receiving transitional job services.

ACTION:

Please bring this policy to the attention of ICWDB, AJCC system staff and appropriate WIOA funded service providers and sub-recipients. This policy is effective immediately. All submitted forms are live documents and subject to change according to local, State, and Federal needs. Once the forms and exhibits pertaining to this policy are approved by the ICWDB, they will not require board approval if other changes occur, unless the change affects protocols. Should you have any questions, please feel free to contact ICWDB staff at (442) 265-4974, (442) 265-4959, (442) 265- 4955 or the Program and Compliance Manager (442) 265-4963.

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WIOA Populations with barriers to employment

Population	Definitions
Displaced Homemaker	<p>The term “displaced homemaker” means an individual who has been providing unpaid services to family members in the home and who meet meets definitions “a” and one of definitions “b” criteria:</p> <ul style="list-style-type: none"> a. Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment; and meets on of the following; b. Has been dependent on the income of another family member but is no longer supported by that income; <i>or</i> is the dependent spouse of a member of the Armed Forces on active duty and whose family income is significantly reduced because of a deployment, a call or order to active duty, a permanent change of station, or the service-connected death or disability of the family member.
Low Income Individual	<p>The term “low-income individual” means an individual who-</p> <ul style="list-style-type: none"> a. Receives, or is a member of a family that receives, cash payments under federal, state, or local income-based public assistance programs (SNAP, TANF, SSI); b. Received an income, or is a member of a family that received a total family income, for the six-month period prior to submitting an application for the program (exclusive of unemployment compensation, child support payments, public assistance, and old age and survivors insurance benefits received under Section 202 of the Social Security Act) that, in relation to family size does not exceed the higher of: <ul style="list-style-type: none"> 1. The poverty line, for an equivalent period, or 2. Seventy percent of the Lower Living Standard income Level (LLSIL), for an equivalent period c. Is a member of a household that receives food stamps, or has been determined to be eligible to receive food stamps within the six-month period prior to application); d. Qualifies as a homeless individual; e. Is a foster child on behalf of whom state or local government payments are made; f. Is an individual with a disability whose own income meets the requirements of a program described in (1) or (2), but who is a member of a family whose income does not meet such requirements.
Indian, Alaska Native, and Native Hawaiian	<p>Defined in WIOA Section 166.</p> <p>(1) ALASKA NATIVE.—The term “Alaska Native” includes a Native and a descendant of a Native, as such terms are defined in subsections (b) and (r) of section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b), (r)).</p> <p>(2) INDIAN, INDIAN TRIBE, AND TRIBAL ORGANIZATION.—The terms “Indian”, “Indian tribe”, and “tribal organization” have the meanings given such terms in subsections (d), (e), and</p>

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	<p>(l), respectively, of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).</p> <p>(3) NATIVE HAWAIIAN AND NATIVE HAWAIIAN ORGANIZATION.—The terms “Native Hawaiian” and “Native Hawaiian organization” have the meanings given such terms in section 7207 of the Native Hawaiian Education Act (20 U.S.C. 7517).</p>
Individual With a Disability	<p>An individual who:</p> <ol style="list-style-type: none"> a. Has a physical or mental impairment that substantially limits one or more major life activities of such individual; b. Has a record of such an impairment; or c. Is regarded as having such an impairment.
Older Individual	An individual who is age 55 or older.
Ex-Offender	<p>An adult or juvenile who:</p> <ol style="list-style-type: none"> a. Is or has been subject to any stage of the criminal justice process and for whom workforce services may be beneficial; b. Requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.
Homeless Individual	<p>An individual who lacks a fixed, regular, and adequate nighttime residence including:</p> <ol style="list-style-type: none"> a. Sharing housing with others due to loss of housing, economic hardship, etc.; b. Living in a motel, hotel, trailer park, or campground due to the lack of alternative adequate accommodations; c. Is living in an emergency or transitional shelter; d. Is abandoned in a hospital; e. Is awaiting foster care placement; or f. Primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.
Youth who is in, or has aged out of the, the foster care system	<p>An individual who:</p> <ol style="list-style-type: none"> a. Is in the foster care system; b. Has aged out of the foster care system; c. Has attained age 16 and left foster care for kinship guardianship or adoption; d. Is a child eligible for assistance under the John H. Chagee Foster Care Independence Program; or e. Is in an out-of-home placement.
Individual who is an English Language Learner	An individual who has limited ability reading, writing, speaking, or comprehending the English language and whose native language is a language other than English or lives in a family or community environment where a language other than English is the dominant language.
Individuals who have low	An individual who is unable to read, write or speak English at a level necessary to

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levels of literacy	function on the job, or in the individual's family, or in society.
Individuals facing substantial cultural barriers	An individual who perceives themselves as possessing attitudes, beliefs, customs, or practices that influence a way of thinking, acting, or working that may serve as a hindrance to employment.
Eligible migrant and seasonal farmworkers	An individual who is employed, or was employed for the last 12 months in farm work of a seasonal or temporary nature, including those whose agricultural labor requires travel to a job site such that they are unable to travel to a permanent place of residence in the same day.
Individuals within two years of exhausting lifetime TANF eligibility	Recipients of CALWORKS/TANF cash assistance who have received 24 months of more of their maximum 48 months of lifetime cash benefit payments.
Single or Pregnant Parent	An individual, who is either single, separated divorced, or widowed and who has the primary responsibility for one or more dependent children under the age of 18 or a dependent (including a single pregnant woman).
Long term Unemployed Individual	An individual who is currently unemployed and has been unemployed for the last 27 weeks, consecutively.

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