

Area 14 Workforce Development Board

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Transitional Jobs

Area 14 Policy 14.18-05

Effective: February 10, 2021



I. Purpose

To provide guidance to local workforce development areas (local areas) regarding the provision of Transitional Jobs (TJ), when they are appropriate, and considerations for development of a local area policy.

II. Effective

Immediately

III. Overview

Transitional jobs (TJ) are a type of work-experience that local areas may provide under WIOA and are considered an individualized career service. TJs are time-limited and wage-paid work experiences that are subsidized up to 100 percent. These jobs are 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, as determined by the local area.

Because TJs are a type of work experience, the requirements delineated in the policy letter on work experience for adults and dislocated workers, including the requirement for the local WDB to establish a worksite agreement between the participant, the host employer, and the provider of career services, also apply to TJs.

However, TJs are differentiated from other types of work experiences by the following characteristics:

- TJs are a paid, subsidized work experience, unlike other types of work experience that may be unpaid;
- TJs are meant to establish work history while demonstrating success in an employer-employee relationship and developing skills, whereas the purpose of other types of work experience may be to explore various career options or to assess the participant's employability; and
- TJs must be combined with the provision of comprehensive career services and supportive services, which is not mandated for other types of work experiences.

Area 14 Workforce Development Board

Similar to other types of work experience, neither the employer-of-record nor the host employer where the TJ participant performs his or her work duties is required to employ the participant after the conclusion of the TJ (however, retention, where appropriate, is preferred for the benefit of the worker and employer).

Local areas may only use up to 10 percent of adult and dislocated worker formula funds for TJs. Also, national dislocated worker grant (NDWG) funding may be spent on TJs in accordance with any requirements, limitations, or maximum expenditure amounts related to TJs that apply to each such grant.

IV. Definitions

Individuals with barriers – For purposes of this policy, individuals who meet one or more of the criteria listed in Attachment A to this policy letter or anyone who certifies that they have been directly impacted by the opioid crisis.

Individual with a disability: An individual who:

- 1.Has a physical or mental impairment that substantially limits one or more major life activities of the individual;
- 2.Has a record of such an impairment; or
- 3.Is regarded as having such an impairment.

Unemployment compensation (UC): Short-term insurance benefits paid by ODJFS to individuals who are involuntarily out of work through no fault of their own, and who meet all statutory eligibility criteria to qualify to receive benefits.

V. Local Workforce Development Area Requirements

1. Participant Eligibility

To receive TJs, participants must be either chronically unemployed or have an inconsistent work history, in addition to qualifying as “individuals with barriers.” Area 14 will use the barriers listed in Attachment A to be considered as having barriers to employment and therefore qualify for TJs. Chronic/inconsistent unemployment will be defined one for more of the following:

- having held 2 or less jobs in the last year with neither lasting more than 3 months;
- having only held jobs that are primarily minimum wage or below the living wage definition;
- currently claiming and/or having exhausted unemployment insurance (UI) benefits, or not qualifying for UI due to not having worked for the specified length of time;
- currently unemployed and has been unemployed for 27 or more consecutive weeks.

UC Requirements

For participants receiving UC benefits, TJs fulfill the definition of work relief or work training under OAC 4141-5-05, and thus are not covered employment that are required to be reported to the UC

Area 14 Workforce Development Board

program. The local area should ensure that employers and participants follow necessary protocol to ensure cooperation with the UC program, as listed below:

- Employers-of-record must be notified that they should not report earnings/wages to the UC program for TJ participants, including for-profit employers;
- Employers must be notified that TJs are not covered employment for the purposes of UC, which can be done through the worksite agreement, an informational flyer, or other means deemed sufficient by the local area;
- For TJ participants receiving UC benefits, wages earned from TJs are considered income that must be reported to ODJFS and may therefore impact the claimant's ongoing eligibility for UC benefits; and
- Enrollment in a TJ does not waive a participant's mandatory work search requirements under the UC program.

All TJ participants will be provided with comprehensive career services and supportive services if needed by the participant; participants must not be enrolled in TJ without receiving other services. The comprehensive career services provided to TJ participants may include job readiness instruction if determined appropriate as well as resume assistance and soft skills training if needed.

2. Appropriate Host Employers

Employers may be public, private, or nonprofit and who are:

- committed to helping participants;
- Able to provide work-skills development in coordination with the comprehensive career services and supportive services provided by the local area;
- Have a starting wage of at least \$9/hr;
- Willing to retain participants when feasible; **and**
- Compliant on their state and federal business taxes.

For employers to maintain future consideration for subsidized TJ participant placement, employers will hire on at least 10 percent of TJ employees who complete the full length of their agreement and have had no disciplinary actions.

3. Wages and Benefits

TJ participants will be compensated at the same pay rates as similarly situated trainees or employees. Participants must also be covered either by state workers' compensation or by relevant on-site insurance.

4. Length of Agreement

The OhioMeansJobs center will reimburse the employer for 100% of the wages for the length of the agreement. The length of a TJ agreement will vary based upon the number of hours worked per week. If a position is full-time (meaning 30 or more hours per week), the maximum length of the agreement is 26 calendar weeks. Any part-time position (less than 30 hours) has a maximum of 52 weeks. A 26-week extension may be granted if the participant is an individual with a disability who requires more time to

Area 14 Workforce Development Board

establish a sufficient work history and to develop employable skills. The required minimum duration of 26 weeks will ensure participants are able to establish sufficient work history through the TJ.

VI. Reporting and Monitoring

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 State's designated case management reporting system. TJ participants may also be co-enrolled in other state-funded WIOA programs.

In the State's designated financial reporting system, the local area's fiscal agent must report all TJ expenditures using the appropriate sub-project code, so that the expenses may be isolated, properly reported, and tracked against the limits on TJ spending by grant.

VII. Monitoring

Program Operators are required to maintain and report accurate program and financial information. Pursuant to rule 5101:9-30-04 of the Ohio Administrative Code, information regarding WIOA participants and their activities and performance must be entered into Ohio Workforce Case Management System (OWCMS) accurately and within 30 days. OWCMS may be used to assist in the determination of eligibility. However, OWCMS cannot be used as verification of adult or dislocated worker eligibility. WIOAPL No. 15-07.2, Source Documentation for WIOA Eligibility, lists the type of acceptable documentation to verify eligibility for the WIOA adult and dislocated worker programs.

The Area 14 Workforce Development Board will conduct oversight of the implementation of the WIOA adult and dislocated worker programs to ensure that participants enrolled in the programs are eligible and that eligibility has been properly documented. Program Operators are required to make available to the board and/or contracted monitors all relevant participant files, documents and paperwork. Program files will be monitored yearly unless it is determined by the board there is a need for more frequent monitoring.

Through the State's monitoring system and during the onsite monitoring review of the local area, ODJFS's program and fiscal monitors will review the local area's TJ implementation, including participant file review and testing of actual expenditures, for compliance with all applicable federal and state laws, regulations, and guidance letters (including this guidance letter). Any findings will be addressed through the State's monitoring resolution process.

VIII. Technical Assistance

For additional information, you may send your questions to the Area 14 Workforce Development Director. Contact information can be found on the Area 14 website: <https://www.ohioarea14.org/>

IX. Reference

20 C.F.R. §§ 680.190, 680.195, and 683.275

Area 14 Workforce Development Board

USDOL, Training and Employment Guidance Letter No. 19-16, Operating Guidance for the Workforce Innovation and Opportunity Act, Guidance on Services provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act (WIOA) and the Wagner-Peyser Act Employment Service (ES), as amended by title III of WIOA, and for Implementation of the WIOA Final Rules, (March 1, 2017).

O.A.C. 4141-5-05.

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-08.1, Career Services for Adults and Dislocated Workers (June 6, 2017).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 18-02, Implementation of Workforce Development Services Under the Trade and Economic Transition National Dislocated Worker Grant (Opioid Transition Grant) (April 1, 2019).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-12, Work Experience for Adults and Dislocated Workers (July 15, 2015).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 18-04, Employment Recovery National Dislocated Worker Grants (TBD).

Workforce Innovation and Opportunity Act, § 170, Pub. L. 113-128.