

WEST CENTRAL REGION LOCAL POLICY			
Subject	Effective Date	Revised	Policy Section
Transitional Jobs	October 24, 2018		Programs

**Purpose**

This West Central Region issuance establishes policy for the Workforce Innovation and Opportunity Act (WIOA) Transitional Jobs as defined in the Final Rules implementing WIOA [20 CFR 680.190 and 680.195]

**Definition**

A “transitional job” is a work-based learning activity that provides a time-limited work experience, wages-paid and subsidized in the public, private, or non-profit sectors. Transitional Jobs serve individuals with barriers to employment because of chronic unemployment or inconsistent work history; these jobs are designed to enable an individual to establish a work history; demonstrate work success, and develop the skills that lead to unsubsidized employment.

Up to ten (10%) percent of WDB’s combined total Adult and Dislocated Worker allocations can be made available for Transitional Jobs. Transitional Jobs will be combined with comprehensive Career Services and Supportive Services.

Unlike OJT, there is no assumption that the individual will be retained in their transitional job after the experience is over, though that would be a successful experience and outcome. [TEGL WIOA NO. 3-15]

**Strategy**

Transitional Jobs is an employment strategy to stabilize individuals and their families with earned income while they gain skills and experience to transition into unsubsidized employment.

**Employer Requirements/Limitations**

- A Worksite Standards Agreement must be established with the employer.
- All Transitional Employment Program placements must be for jobs in which the organization’s worksite employees performing similar work are earning a minimum of \$9.50 per hour.
- The training must not displace current employees (including a partial displacement, such as reduction in the hours of non-overtime work, wages, or employment benefits). A participant in a program or activity may not be employed in or assigned to a job if:
  - Any other individual is on layoff from the same or any substantially equivalent job;
  - The employer has terminated the employment of any regular unsubsidized employee or otherwise caused an involuntary reduction in its workforce with the intention of filling the vacancy so created with the participant; or
  - The job is created in a promotional line that infringes in any way on the promotional opportunities of current employed workers.
- Regular employees and program participants alleging displacement may file a complaint under the applicable grievance procedures found at §667.600 (WIOA sec. 181.)
- The position must be a full-time position, defined as 40 hours per week.

- Training agreements cannot be for temporary or intermittent employment, or for employment in an occupation for a fee.
- A worksite organization would have the right to interview multiple candidates or agree to accept candidates referred by the Missouri Job Center.

## **Training**

Employers will agree to provide constructive and meaningful work experience and training activities for the participant as follows and ensure that:

- Each worksite supervisor will be provided a Supervisor Orientation for the program.
- The participant duties and activities will be described in the training plan.
- The Employer will provide the participant with a formal orientation to the requirements of the job, work rules, expectations, hours of work, and any other special requirements of the Employer.
- The worksite will provide a sufficient quantity of work/training to fully occupy the participant.
- The worksite will provide all necessary materials, supplies and equipment for the purpose of completing assigned tasks.
- The worksite supervisor will maintain close liaison with the program staff regarding:
  - Participant performance and behavior
  - Immediate notification of irregular or lack of attendance
  - Immediate notification of injury on the job
- The Employer will be responsible for reporting to the AGENCY immediately regarding termination of participants.
- The Employer will agree to provide the instruction, supervision of employees, etc. that are necessary for the participant to conduct their job duties.
- The Employer will ensure that accurate time and attendance records are completed on a daily basis and that the hours recorded will only reflect the hours the participant worked.

## **Employer of Record**

The Agency is the Employer of Record for all participants in the Transitional Employment Program and will be responsible for 100% of the participant wages and workers' compensation.

## **Employer List**

A list of employers that can provide quality experiences through which individuals can achieve unsubsidized employment will be developed and retained by the AGENCY. Employers may be public, private or not-for-profit.

## **Monitoring**

The employer will be informed that the Agency, Division of Workforce Development, U.S. Department of Labor, or other such related agencies may monitor the worksite to ensure compliance with rules and regulations.

## **Workers Compensation**

The Agency is the Employer of Record for all participants in the Transitional Jobs Program. As the employer of record, the Agency will be responsible for providing workers' compensation insurance,

as required by law. The employer/worksite supervisor MUST contact the program staff immediately upon a workplace injury of a participant and complete the necessary forms.

## **Health and Safety**

No trainee will be permitted to work or train in buildings or surroundings under working conditions that are unsanitary, hazardous, or dangerous to the trainee's health or safety. Participants employed or trained in inherently dangerous occupations shall be assigned to work in accordance with reasonable safety practices. The Employer agrees to maintain sanitary facilities, safe working conditions, within a drug-free workplace and compliance with OSHA and the Fair Labor Standards Act (FLSA) provided to the training site by the program staff.

## **Assurances**

**Sectarian Activities:** Employment and training of participants in sectarian activities is prohibited. This limitation is more fully described at WIOA Section 188, participants must not be employed to carry out the construction, operation, or maintenance of any part of any facility that is used or to be used for sectarian instruction or as a place for religious worship.

**Nepotism:** No participant may be placed in an employment activity if a member of that person's immediate family is directly supervised by or directly supervises that individual.

**Union Compliance:** The Employer/Agency will ensure the work experience will not impair existing contracts for services or collective bargaining agreements. When a program or activity authorized under title1 of WIOA would be inconsistent with collective bargaining agreement, the appropriate labor organization and employer must provide written concurrence before the program or activity begins. (WIOA Section 181 [29 U.S.C. 3241]).

**Disclosure of Confidential Information:** The Employer must agree to maintain the confidentiality of any information regarding applicants and trainees, or their families, which may be obtained through application forms, interviews, tests, and reports from public agencies, counselors or any other source.

**Equal Opportunity:** The Employer must agree to not discriminate against any participant because of age, race, creed, color, religion, political belief or affiliation, sex, national origin, ancestry or disability. The EMPLOYER further agrees that it will take affirmative action to ensure that applicants are employed, and that employees are treated without discrimination during employment, upgrading, demotion or transfer, recruitment or recruitment advertising; layoff or terminations; rates of pay or other forms of compensation and selection for training, including apprenticeship. (WIOA Section 188).

**Americans with Disabilities Act:** The Employer must agree to comply with the Americans with Disabilities Act of 1991, Public Law 101-336, or as amended and associated code of federal regulations published in the Federal Register as applicable to the Employer directly or indirectly as recipients of contracted funds for the State of Missouri.

**Workforce Innovation and Opportunity Act:** The Employer will perform its duties in accordance with the Workforce Innovation and Opportunity Act and the regulations, procedures and standards

promulgated there under, as well as any subsequent legislation, regulations, procedures and standards enacted in substitution or in addition thereto.

**Relationship of Parties:** The EMPLOYER does not become the agent of the AGENCY for any purpose pursuant to this contract and will make no representation of any such agency. In agreeing to employ and provide training for trainee, the EMPLOYER understands that this does not make the trainee an employee or agent of the AGENCY.

**Termination of Agreement:** The performance of work under a Transitional Jobs agreement may be terminated by the AGENCY when, for any reason, it is determined that such termination is in the best interest of the program. Termination may also occur when it has been determined that the EMPLOYER has failed to provide any of the training specified or failed to comply with any of the other provisions contained in the agreement.

**Availability of Funds:** This contract is based on the continuing availability of funds from the Division of Workforce Development.

**Participant Selection Criteria:**

- WIOA enrollees at any level of employment plan, including training or direct job placement.
- Individuals who have been unemployed a minimum of 26 weeks, or unemployed youth ages 18-24, or ex-offenders, or people experiencing homelessness, or people receiving public assistance for 24 months or longer or individuals with disabilities.
- Adult transitional employment must be combined with other activities enhancing employability or directly related to active permanent job search.
- Completion of work readiness components as directed by Job Center staff and identified in individual employment plan.
- Placement in occupational field consistent with career objective identified in individual employment plan.
- Each participant must have an updated functional resume and completed work application related to the desired work assignment.

**Participant Requirements/Limitations**

- Maximum allowable hours for any individual is 320.
- Maximum weekly hours for participant at worksite is 40 hours (paid time).
- Prior to participant being placed at a worksite the participant will spend a minimum of 10 hours at the Job Center taking part in work-ready activities. Participant must complete the NCRC (3 hours) plus the application process, resume process, and interview process workshops (3 hours). The remaining 4 hours of job readiness should include a combination of discussion of career exploration, networking, and career path based on participant need.
- Assigned Job Center staff will evaluate activities on a regular basis – participants not adhering to the individual employment plan may be removed from the transitional employment activity as appropriate.
- Total slots established by budget per funding source – participants enrolled on first come/first serve basis until budget is completely encumbered.
- Transitional employment wage is set at a flat rate of \$9.50 per hour.

## **Participant Orientation**

Missouri Job Center staff will provide appropriate orientation for Transitional Employment Program Participants which will include:

- The Workforce Innovation and Opportunity Act (WIOA) program rules and regulations.
- The purpose and characteristics of the WIOA program.
- Information on all available services, including supportive services.
- Expectations of workplace behavior (maintaining punctuality and regular attendance).
- Understanding confidentiality, appropriate behavior and sensitivity to other worksite staff (diversity, sexual harassment), drug and alcohol policies, health and safety issues, and worksite completion of forms.
- WIOA Complaint and Grievance Guide.
- Training plan: job title, job duties and responsibilities; length of training, work schedule; direct and/or indirect supervisor and their responsibilities.
- Rate of pay and frequency.
- Timesheet completion and distribution of checks.
- Counseling and monitoring visits.

## **Supportive Services**

Supportive Services will be available to all West Central Region participants registered and participating in activities authorized under WIOA. Payments will be based on need and funding availability.

Participants must be actively participating in the Transitional Employment Program and be unable to obtain such supportive services through other means. Supportive Services may include:

- Assistance with transportation, childcare/dependent care needs, emergency housing, and work-related tools, work attire/uniform, testing fees, legal aid services and needs-related payments.
- All supportive services will be provided in accordance with DWD Issuance 13-2017 and local policy or any subsequent local policy and DWD Issuances addressing supportive services.