



POCONO COUNTIES WDA Transitional Jobs Policy

The purpose of this policy is to connect individuals with chronic unemployment or an inconsistent work history with opportunities to build workplace skills and job history. All eligible Adult and Dislocated participants may participate in transitional jobs. Program services contractor staff, PA CareerLink® staff, and LWDB staff are responsible for implementing this policy.

Definition of Key Terms

The term individual with a **“barrier to employment”** means a member of one or more of the following populations [WIOA Section 3 (24)]:

- Displaced homemakers
- Low-income individuals
- Indians, Alaska Natives, and Native Hawaiians
- Individuals with disabilities, including youth who are individuals with disabilities
- Older individuals (i.e. those aged 55 or older)
- Ex-offenders
- Homeless individuals
- Youth who are in or 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
- Single parents (including single pregnant women)
- Long-term unemployed individuals
- Recipients of public assistance

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

- Have been unemployed for 13 weeks or longer
- Were unemployed at least 26 of the past 52 weeks; or
- Have held three or more jobs in the past 52 weeks and are currently unemployed or underemployed.

Individuals who are **“under-employed”** may include:

- Individuals employed less than full-time who are seeking full-time employment
- Individuals who are employed in a position that is inadequate with respect to their skills and training
- Individuals who are employed who meet the definition of a low-income individual in WIOA Section 3 (36)
- Individuals who are employed, but whose current job earnings are not sufficient compared to their previous job earnings from their previous employment per state and local policy

Host sites are defined as a for-profit or non-profit organization, government organization, or educational institution which provides a transitional job placement. Host sites must provide day- to-day supervision of the transitional job participant while on site.

The term **“Transitional Job”** [WIOA Section 134(d)(5)] means paid work experience that:

- Is time-limited and subsidized
- Is in the public, private, or nonprofit 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 supportive services
- Is designed to help participants establish a work history, demonstrate success in the workplace, and develop the skills that lead to entry into and retention in unsubsidized employment.

Participant Eligibility

For an individual to qualify for a transitional job under the WIOA guidelines, he/she will:

- Have enrolled with a PA CareerLink® WIOA Adult or Dislocated Worker programs
- Have completed an initial assessment and have been determined to be an individual with a barrier to employment and a history of chronic unemployment or an inconsistent work history.

Employer Eligibility

Employers eligible to participate as a transitional jobs placement site include: private for-profit businesses, private non-profit organizations, and public sector employers.

The employer is under no obligation to offer regular employment to the participant subsequent to the conclusion of the transitional job program, although the transitional job can also provide employers with a pool of employees from which to fill future positions and reduce recruitment costs.

Participating employers must agree to cooperate with monitoring requirements as required by WIOA and adhere to all other applicable local, state and federal rules, regulations and administrative guidance. Labor standards apply in any work experience setting where an

employee/employer relationship, as defined by the Fair Labor Standards Act, exists.

Regulatory Limitations and Prohibited Activities

- WIOA title I funds must not be spent on:
 - Construction, purchase of facilities or buildings, or other capital expenditures for improvements to land or buildings;
 - Sectarian activities;
 - Wages of incumbent employees during their participation in economic development activities provided through a Statewide workforce investment system; Public service employment, except to provide disaster relief employment, as specifically authorized in section 194(10) of WIOA;
 - Expenses prohibited under another Federal, State or local law or regulation;
 - Subawards or contracts with parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in Federal programs or activities;
 - Contracts with persons falsely labeling products made in America; Foreign travel;
- Funds provided to employers for transitional jobs must not be used to directly or indirectly assist, promote or deter union organizing.
- Funds must not be used or proposed to be used for the encouragement or inducement of a business or part of a business to relocate from a location in the United States if the relocation results in any employee losing his or her job at the original location.
- Funds must not be used or proposed to be used for any business or part of a business that has relocated from a location in the United States, until the company has operated at the new location for 120 days, if the relocation has resulted in any employee losing his or her job at the original location.
- A participant in a transitional job will 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 with the participant; or the job is created in a promotional line that infringes in any way on the promotional opportunities of currently employed workers.
- A participant in a program or activity authorized under title I of WIOA must not displace (including a partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits) any currently employed employee (as of the date of the participation).
- Transitional jobs are not intended to impair any existing contracts for services or collective bargaining agreements. When a program or activity authorized under title I of WIOA would be inconsistent with a collective bargaining agreement, the appropriate labor organization and employer must provide written concurrence before the program or activity begins.

General WIOA Transitional Jobs Requirements

- Transitional jobs must be combined with comprehensive career services and supportive services
- Transitional job placements should contribute to the occupational development and upward mobility of the participant
- Per WIOA regulations 20 CFR 683.200(g), “no individual 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." For the purpose of this policy the term "immediate family" includes a spouse, child, son-in-law, daughter-in-law, parent, mother-in-law, father-in-law, sibling, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, and grandchild.

WIOA Transitional Job Length

Transitional jobs must be time limited (no more than 6 months and preferably 8 to 12 weeks) and require at least fifteen (15) but not more than forty (40) hours of work per week.

WIOA Transitional Job Funding Levels

All transitional job placements must pay at least the minimum wage. Transitional job funds may be used to pay up to \$9.00/hour of wages earned by a participant.

Transitional Job Provider Requirements

With assistance from PA CareerLink® staff, participating employers must guarantee that:

- Employees who have financial responsibilities related to the receipt and disbursement of funding under the Agreement must be covered by fidelity bonding
- 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 host site and provider agree 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

REFERENCES

WIOA Section 134(d)(5) 20
CFR 680.190
20 CFR 680.195
20 CFR 680.530
20 CFR 680.840
NWPA WDB Transitional Jobs



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