

## AREA 2 | SUMMIT & MEDINA WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA) POLICY LETTER C-15 | TRANSITIONAL JOBS

- I. **SUBJECT:** Transitional Jobs
  - II. **PURPOSE:** This policy establishes local guidance regarding the provision of Transitional Jobs (TJ) and when they are appropriate for clients engaged in WIOA services.
  - III. **EFFECTIVE DATE:** September 8, 2020; November 5, 2020; December 17, 2020
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#### IV. **BACKGROUND**

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 in which wages 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 Area 2.

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 Area 2 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 must be a paid, subsidized work experience;
- 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.

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.

## V. DEFINITIONS

**Chronic unemployment.** Can be used synonymously with **long-term unemployed**: unemployed for 15 of the last 27 or more consecutive weeks.

**Inconsistent work history.** A worker who, in the 12 months prior to program registration, has lacked steady, full-time, permanent employment. For the purpose of determining eligibility for Transitional Jobs, we will consider that an "inconsistent work history" includes:

- Work that is seasonal;
- Work that is temporary;
- Work that is primarily minimum-wage or under what Area 2 would consider a living-wage (less than \$15/hour);
- Work that is part-time (less than 30 hours per weeks); or
- Other periods of employment of less than 10 consecutive weeks.

**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.

## VI. ELIGIBILITY

### ***Participant Eligibility***

To receive TJs, a participant must be either chronically unemployed or have an inconsistent work history, in addition to qualifying as an "individual with barriers." **See Attachment A** for the qualifying list of "individuals with barriers." The definitions of chronic unemployment and inconsistent work history will be determined by Area 2, which may include individuals who are long-term unemployed, individuals with poor work history, ex-offenders, individuals in substance-abuse recovery, or individuals who are currently receiving or have exhausted Temporary Assistance to Needy Families (TANF) or unemployment benefits. The participant must have barriers that make a TJ the most appropriate type of service, before moving onto a paid, unsubsidized work placement.

### ***Appropriate Host Employers***

Host employers for TJs may be public, private, or non-profit. An appropriate host employer is committed to helping participants establish work history as well as:

1. Being able to provide work-skills development in coordination with comprehensive career services and supportive services provided by Area 2;
2. Willing to interview the TJ participant at the end of their TJ period for a permanent, unsubsidized position; and
3. Is compliant on their state and federal business taxes.

Area 2 gives preference to employers that offer occupations determined to be “in-demand” by the State of Ohio.

## **VII. POLICY**

### ***Wages and Benefits***

TJ participants must be compensated at the same pay rates as similarly situated trainees or employees. The minimum wage a host employer must pay for a TJ position is \$10/hour. A TJ is reimbursable at 100 percent of straight-time wages; payment of overtime wages may be approved by the Area 2 Executive Director only. Participants must be covered by state workers’ compensation or relevant onsite insurance. The maximum reimbursement to an employer for one Transitional Job placement is \$10,000.

### ***Length of Agreement***

The length of a TJ agreement will vary based upon the number of hours worked per week. If a position is full-time at 30 hours per week or more, the maximum length of the agreement is 26 calendar weeks (approx. 6 months). Any part-time position at less than 30 hours per week has a maximum of 52 calendar weeks (approx. one year). No position less than 20 hours per week may qualify as a TJ. A 26-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. The minimum number of hours in a TJ agreement is 160.

### ***Complementary Services***

TJs are always combined with comprehensive career services and, if appropriate, supportive services provided by Area 2. A participant may not be enrolled in a TJ without also receiving career counseling and/or job readiness instruction in order to address ongoing barriers to regular, unsubsidized employment.

### ***Unemployment Compensation (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 program. Area 2 will 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 Area 2;
- 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.

## **VIII. 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, Area 2'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.

The Area will conduct oversight and monitoring of the implementation of all WIOA programming by all service providers pursuant to **Area 2 Policy Letter A-08 Monitoring and Compliance**. Any issues discovered will be handled through the area's monitoring resolution process.

The WIOA career services provider shall monitor all adult/dislocated participant work experience plans. A WIOA career services provider's monitoring of a work experience provider shall at a minimum include all of the following:

1. Review all applicable statutes as required for a complete monitoring review.
2. Perform a desk top audit of the participant's file and the affected contract.
3. Complete a Monitoring Report with special attention to the following:
  - a. Completely review the agreement, and any/all modifications;
  - b. Review time and attendance, payroll, and personnel records;
  - c. Conduct a participant interview to accurately answer the report questions;
  - d. Conduct an employer interview to accurately answer the report questions;
  - e. Review the IEP, justification for training, the training outline, and goals of the work experience; and
  - f. Make sure all required signatures are obtained.

## **IX. REFERENCES**

1. Area 2 WIOA Policy Letter A-08 Monitoring and Compliance
2. Area 2 WIOA Policy Letter C-06 Work Experience for Adults and Dislocated Workers
3. ODJFS WIOA Policy Letter 15-12 Work Experience for Adults and Dislocated Workers
4. ODJFS WIOA Policy Letter 18-05 Transitional Jobs + Attachment A
5. WIOA Public Law 113-128

**Attachment A: WIOA populations with barriers to employment**

As defined in WIOA section 3(24), the following individuals are deemed to have a barrier to employment:

Type	Definition
Displaced homemaker	<p>An individual who has been providing unpaid services to family members in the home and who:</p> <ol style="list-style-type: none"> <li>1. Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment; and who either:                             <ol style="list-style-type: none"> <li>a. Has been depending on the income of another family member but is no longer supported by that income; or</li> <li>b. 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.</li> </ol> </li> </ol>
Low income individual	<p>An individual who:</p> <ol style="list-style-type: none"> <li>1. Receives, or in the past six months has received, or is a member of a family that is receiving or in the past six months has received, assistance through SNAP, TANF, SSI, or State or local income-based public assistance;</li> <li>2. Is in a family with total family income that does not exceed the higher of the poverty line or 70 percent of the lower living standard income level.</li> <li>3. Is a homeless individual or homeless child or youth;</li> <li>4. Receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), (does not include students in school districts participating in the Community Eligibility Provision (CEP) Healthy, Hunger-Free Kids Act of 2010);</li> <li>5. Is a foster child for whom State or local government payments are made; or</li> <li>6. Is an individual with a disability whose own income meets the eligibility income requirement of clause (2) but who is a member of a family whose income does not meet this requirement.</li> </ol>
Indian, Alaska Native, and Native Hawaiian	<p>An individual who meets the definition of the term:</p> <ol style="list-style-type: none"> <li>1. “Indian” as defined in subsections (d), (e), and (l) of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b);</li> <li>2. “Alaska Native” as defined in subsections (b) and (r) of section (3) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b), (r)); or</li> <li>3. “Native Hawaiian” as defined in section 7207 of the Native Hawaiian Education Act (20 U.S.C. 7517).</li> </ol>

**Attachment A: WIOA populations with barriers to employment**

Type	Definition
Individual with a disability	An individual who: <ol style="list-style-type: none"> <li>1. Has a physical or mental impairment that substantially limits one or more major life activities of such individual;</li> <li>2. Has a record of such an impairment; or</li> <li>3. Is regarded as having such an impairment.</li> </ol>
Older individual	An individual who is age 55 or older.
Ex-offender	An adult or juvenile who: <ol style="list-style-type: none"> <li>1. Is or has been subject to any stage of the criminal justice process and for whom workforce services may be beneficial; or</li> <li>2. Requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.</li> </ol>
Homeless individual	An individual who lacks a fixed, regular, and adequate nighttime residence including: <ol style="list-style-type: none"> <li>1. An individual who:                             <ol style="list-style-type: none"> <li>a. Is sharing housing with others due to loss of housing, economic hardship, etc.;</li> <li>b. Is living in a motel, hotel, trailer park, or campground due to the lack of alternative adequate accommodations;</li> <li>c. Is living in an emergency or transitional shelter;</li> <li>d. Is abandoned in a hospital; or</li> <li>e. Is awaiting foster care placement.</li> </ol> </li> <li>2. An individual who has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; or</li> <li>3. Migratory children who qualify as homeless because the children are living in circumstances listed above.</li> </ol>
Individual who is in, or has aged out of, the foster care system	An individual who: <ol style="list-style-type: none"> <li>1. Is in the foster care system;</li> <li>2. Has aged out of the foster care system;</li> <li>3. Has attained age 16 and left foster care for kinship guardianship or adoption;</li> <li>4. Is a child eligible for assistance under the John H. Chafee Foster Care Independence Program; or</li> <li>5. Is in an out-of-home placement.</li> </ol>
Individual who is an English language learner, has low levels of	An individual who: <ol style="list-style-type: none"> <li>1. Has limited ability in reading, writing, speaking, or comprehending the English language and whose native language is a language other than English or who lives in a family or community environment where a language other than English is the dominant language;</li> </ol>

**Attachment A: WIOA populations with barriers to employment**

Type	Definition
literacy, or faces substantial cultural barriers	2. Is unable to read, write, or speak English at a level necessary to function on the job, or in the individual’s family, or in society; or 3. Perceives him or herself as possessing attitudes, beliefs, customs or practices that influence a way of thinking, acting, or working that may serve as a hindrance to employment.
Migrant or seasonal farmworker (MSFW)	An individual who is employed, or was employed in the past 12 months, in farmwork of a seasonal or temporary nature, including those whose agricultural labor requires travel to a job site such that they are unable to return to a permanent place of residence within the same day.
Individual within two years of exhausting OWF eligibility	Recipients of Ohio Works First (OWF) cash assistance who have received 36 months or more of their maximum 60 months of lifetime cash benefit payments.
Single parent	A single, separated, divorced, or widowed individual who has primary responsibility for one or more dependent children under age 18 or a dependent with a disability (including a single pregnant woman).
Long-term unemployed individual	An individual who is currently unemployed and has been unemployed for 27 or more consecutive weeks.