



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF SOCIAL SERVICES
WORKFORCE DEVELOPMENT BOARD

3433 South Higuera Street, P.O. Box 8119, San Luis Obispo, CA 93403-8119
(P) 1-80-781-1908

POLICY NO: 13-19
TO: Service Providers
FROM: Department of Social Services
EFFECTIVE: January 01, 2020
SUBJECT: Transitional Jobs (TJ) Policy

REFERENCES:

- EDD WSD 18-10 WIOA Training Expenditure Requirement
- WIOA Sections 134(c)(3)(D) Training Services and 134(c)(3)(D)(d)(5) Transitional Jobs
- Title 20 CFR Sections 680.190, 680.195, and 680.200

DEFINITIONS:

Transitional Job (TJ): 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. TJs are designed to develop skills and establish necessary work history that leads individuals with barriers to unsubsidized employment.

Chronically Unemployed or Inconsistent Work History: The inability to obtain and sustain employment due to factors including lack of work history, education, extreme poverty, long term unemployment, homelessness, family instability, substance abuse, mental illness, language barriers, or criminal history.

PURPOSE:

This policy provides guidance in the provision of Transitional Jobs activities, pursuant to the requirements of the Workforce Innovation and Opportunity Act (WIOA), Department of Labor (DOL) Regulations, California State Directives, and San Luis Obispo County local policy.

BACKGROUND:

Per WIOA Sections 134(c)(3)(D) Training Services and 134(c)(3)(D)(d)(5), Transitional Jobs are identified as allowable training activities. TJs are time-limited work experiences that are subsidized and are in the public, private, or nonprofit sectors for individuals with barriers to employment who are chronically unemployed or have an inconsistent work history. TJs are designed to assist individuals to establish a work history, demonstrate success in the workplace, and develop the skills that lead to entry into and retention in unsubsidized employment.

TJ expenditures may account for up to 10% of a local area’s Adult and Dislocated Worker funding allocation and includes only wages and fringe for the individual participating in a transitional job activity.

POLICY:

WIOA Service Providers in San Luis Obispo County will utilize TJs as an appropriate and allowable training activity, consistent with the definitions and requirements of WIOA.

TJs must provide a planned and structured learning experience that will contribute to the achievement of the individual’s employment goals through a measurable training component.

TJ agreements must be signed by all parties prior to the start of the TJ activity.

Wage and fringe charges for this activity may be applied to the minimum participant training expenditure requirement noted in service provider contracts provided the participant is enrolled in CalJOBS and tracked with CalJOBS activity code 321 (Transitional Jobs)

A. Participant Eligibility Requirements

To participate in a TJ activity, the individual must meet general WIOA eligibility requirements and be unemployed at the date of application. The individual must also have: one or more barriers to employment; and be chronically unemployed or have an inconsistent work history. These eligibility requirements must be documented in the participant file as well as case notes in CalJOBS.

Barriers to Employment – for the purpose of participant eligibility for transitional job activities, barriers to employment include one or more of the following:

- Low income individuals
- Individuals with disabilities
- Ex-Offenders
- Homeless individuals
- English Language Learners
- Displaced Homemaker
- Secondary School Dropout
- Basic Skills Deficient

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 more than three 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 application⁶

An Individual Employment Plan (IEP) must be developed prior to provision of TJ services and the TJ placement must be in line with the employment goals identified in the IEP. The IEP must include, or a separate training plan developed, which outlines the measurable goals of the TJ placement. The IEP/training plan should reflect an exposure to basic employer requirements, i.e., attitudes, aptitudes and occupational technical skills the employer would expect each regular entry-level employee to display.

B. Employer Requirements

Employers willing to work with participants in TJ activities may be from the private for-profit sector, the private non-profit sector, or the public sector. As TJs are structured to help individuals 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 individual at regular intervals during the course of the activity. TJ placements with employers do not assume that the individual will be retained with the employer after the TJ activity is over, though that would be a successful experience and outcome. If the employer is interested in hiring the participant after the TJ activity has been completed, and additional training is needed, an OJT may be developed in accordance with local OJT policy.

PROCEDURES:

Service Provider Responsibilities

Service Providers shall accept unconditional fiduciary responsibility for issuing federal funds on behalf of the WDB as specified in this policy. Service providers shall establish and utilize appropriate checks and balances necessary to guarantee the integrity of the TJ funding to subsidize wages for TJ placements. Service Providers shall ensure systems are in place for the review and approval of TJ agreements pursuant to current WIOA, State regulations, and local WDB directives, policies and procedures. Reimbursement amounts/subsidized wages to individuals utilizing TJs will be paid directly to the individual and based on straight time hours worked in training and will not exceed the maximum allowed under WIOA and/or local policy.

Transitional Jobs Agreement

The San Luis Obispo County WDB requires a written, signed agreement between the Service Provider and the authorized employer prior to the start of a Transitional Job activity. At minimum, a TJ contract between the Service Provider and an employee/employer must comply with the requirements of Sections 134(c)(3)(D)(d)(5) of WIOA and include:

1. The purpose(s) for which training is to be provided
2. The duration of the training.
3. The wage rate to be paid to the individual/participant.
4. A training outline that reflects the work skills required for the position.
5. An outline of any other separate classroom training that may be provided by the employer.
6. The employer's agreement to maintain and make available time, attendance, and other records to support work experience skills gain under the TJ contract.
7. A written assurance by the employer that said employer complies with health and safety standards established under Federal and State law.
8. Documentation the employer follows requirements and is in compliance with the Civil Rights Act with respect to equal opportunity in employment, as well as comply with all Federal, State and local laws including those laws pertaining to nondiscrimination.

TJ agreements will be limited in duration as appropriate to the needs of the individual. The duration of a TJ contract must also consider the benefit of the work experience and training as well as any other activities the individual is and has participated in. This shall be documented in the participant file via the assessment process and subsequent Individual Employment Plan (IEP) development and included in the case notes. A TJ activity or the combination of multiple TJ activities shall not exceed a total of *6 months or 1,040 hours*. A TJ activity/activities lasting more than 3 months must include case note documentation of demonstrated need for lengthier (more than 3 months) TJ activity. A TJ activity/activities lasting more than 3 months must include a documented plan in the IEP and cast notes for transition to an OJT or direct placement in unsubsidized employment.

Wages paid to participants placed in TJ activities shall, at minimum, meet applicable State and Federal minimum wage requirements in place at the time of the provision of the TJ activity.

Supportive Services provided in conjunction with TJ activities shall comply with local area policy and supportive services. A justification of need for the Supportive Service as reasonable and necessary to participate in the training activity must be documented in the IEP, participant file, and case notes.

Service Providers must develop and implement policies and procedures that describe the process to be used to determine appropriate TJ participants and employers; and the basis for determining the duration and subsidized wage rate of the TJ. Service Providers must submit proposed TJ contract documents and TJ policies and procedures to the DSS WIOA Program Manager for review.

A. Exception to Policy

There may be emergency or extenuating circumstances that would warrant an exception to the parameters described in this policy regarding duration of or wages paid during a TJ placement. Any authorizations exceeding the parameters listed above must be approved by the DSS WIOA Program Manager or WDB Director.

B. Availability of Funding

Service providers will take necessary steps to provide TJ activities in a manner to provide services throughout the program year to participants who qualify for TJ activities. TJ services funds distribution is ultimately contingent upon the availability of funds in the local area. In response to varying participant training needs the amount of each TJ placement may vary amongst participants, however the total amount spent annually on TJ activities may not exceed the maximum expenditures identified in this policy and participant training funding amounts identified for TJ activities in contractor budgets.

ACTION:

All WIOA Adult and Dislocated Worker Service Providers shall comply with this policy. This policy will remain in effect from the date of issue until such time that a revision is required.

INQUIRIES:

Any questions regarding this policy may be directed to the DSS WIOA Program Manager at 805-781-1838.

Workforce Development Board (WDB) Approval Required? Yes X No _____

Initial approval date: 04/24/2019

WDB revision approval date: _____