

Lorain County Workforce Investment Board – Area #4
Transitional Jobs Policy
Approved by WDB 8-29-2019

Purpose:

WIOA requires the local workforce system to identify and promote evidence based strategies for meeting the needs of jobseekers facing barriers to employment. Transitional Jobs is one such evidence based strategy for helping to meet this requirement. Under WIOA, local Workforce Development Boards can leverage up to 10 percent of Title I Adult and Dislocated Worker funds to implement Transitional Jobs for jobseekers who face barriers to employment and who are at risk of or experiencing chronic unemployment.

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 experiences that can be subsidized up to 100 percent. These jobs are in the public, private, or non-profit sectors and are only available for individuals with barriers to employment who are chronically unemployed or have an inconsistent work history, as defined by the Lorain County Workforce Development Board.

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 site, 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 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.

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 are permitted to use up to 10 percent of Adult and Dislocated Worker formula funds for TJs, in addition to National Dislocated Worker Grant (NDWG) funding that may be spent on TJs in accordance with any requirements, limitations, or maximum expenditure amounts related to TJs that apply to each such grant.

Policy:

1. Participant Eligibility

To receive TJs, participants must be either chronically unemployed or have inconsistent work history, in addition to qualifying as individuals with barriers, which includes:

- Ex-offenders
- Individuals who are currently engaged in a substance recovery program
- Individuals certifying that they have been directly impacted by the opioid crisis
- Individuals who are currently receiving or who have exhausted Temporary Assistance to Needy Families (TANF) benefits
- Other low-income adults as defined by WIOA
- Individuals having a work history showing primarily minimum wage and/or part-time employment
- Individuals with a disability
- Individual who faces other serious barrier(s) that must be documented in their case notes in the Ohio Workforce Case Management System (OWCMS)

Chronic unemployment and inconsistent work history, includes individuals who are long-term unemployed, defined as:

- Has a substantial employment history (i.e., at least 12 months of full-time or 24-months of part-time work experience), is currently unemployed, and has been unemployed for at least 15 of the past 26 weeks;
- Is currently unemployed and has been unemployed for at least 15 of the past 26 weeks;
- Is currently employed but has been unemployed for 15 of the past 26 weeks and is not currently self-sufficient based on local policy; or

- Is either currently unemployed or working part-time, has not worked over 30 hours per week in any 15 of the past 26 weeks, has been seeking but unable to secure full-time employment, and is not currently self-sufficient based on local policy;

2. Appropriate Host Employers

TJs will be developed within the private, public and non-profit sector and will be held with employers who are:

- Committed to helping participants;
- Be willing to work closely with the staff of OhioMeansJobs Lorain County (OMJLC) and be flexible to working with participants who have barriers;
- Able to offer work-skills development in coordination with the comprehensive career services and supportive services provided through OMJLC;
- Willing to retain participants when feasible; and
- Compliant on their state and federal business taxes

OMJLC will focus on developing occupational opportunities that are determined to be in-demand by the State or local level.

OMJLC will ensure that TJ opportunities do not unfavorably impact current employees of the host site and do not impair existing contracts for services or collective bargaining agreements.

3. Wages and Benefits

The Lorain County Workforce Development Board will affirm that the TJ participants will be compensated at the same pay rates as similarly situated trainees or employees of the host sites. Participants will be covered by state workers' compensation or relevant on-site insurance and wages will be provided for up to 100% of the participants' wages.

4. Length of Agreement

The length of the TJ agreement will vary based upon the number of hours worked per week. If a position is full-time (30 or more hours per week), the maximum length of the agreement will be 26 calendar weeks. Any part-time position (less than 30 hours per week) has a maximum length of 52 calendar weeks. 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 employability skills. In order to establish sufficient work history through the TJ, the minimum duration of an agreement will be 13 weeks.

The TJ will be guided by a Worksite Agreement that will be completed by the OMJLC Employment Specialist, and is an agreement between OMJLC, the host employer and the eligible TJ participant which will detail terms and conditions of the TJ and the expectations of the parties to the agreement. The agreement will include the duration, remuneration, tasks, duties, supervision, health and safety standards and other conditions of the TJ such as consequences of not adhering to the agreement and a termination clause. A copy of the agreement will be provided to the TJ participant and the host employer and will be kept in the TJ participants case file and made available for audit and monitoring purposes.

The Employment Specialist will be responsible for obtaining bi-weekly time sheets from the host sites that will be used to calculate the wages. The time sheets will also include a section to allow for the host site to provide an on-going performance evaluation of the progress the participant is making in the TJ that will be used for monitoring purposes.

The Employment Specialist will assure that the health and safety standards established under Federal and state law are being followed. The designated staff will also assure that health and safety standards otherwise applicable to working conditions of employees are equally applicable to working conditions of the TJ participants.

The Employment Specialist will also be responsible for conducting an interview with the TJ participant at the mid-point and end of the TJ assignment to get feedback that will be used for monitoring the host sites fulfillment of the expectations as established in the Worksite Agreement. A copy of the documents will be kept in the TJ participants file and made available for audit and monitoring purposes.

Complementary Services

TJ's will be combined with comprehensive career services and supportive services if needed by the participant, and participants will not be enrolled in TJ without receiving other services. The comprehensive career services provided to the TJ participants will include job readiness instruction and development of an Individual Employment Plan (IEP) that will be completed by the OMJLC Employment Specialist and will outline other services that may be required in order for the participant to continue to access the benefits of a TJ. A copy of the IEP will be kept in the TJ participant file to support the eligibility and need for the TJ assignment.

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. The staff of OMJLC will ensure that employers and participants follow necessary protocol to ensure cooperation with the UC program as listed below:

- Employers-of-record will be notified that they should not report earnings/wages to the UC program for TJ participants:
- Employers will be notified that TJs are not covered employment for the purposes of UC, which will be done through a worksite agreement, an informational flyer or other means deemed sufficient:
- TJ participants receiving UC benefits, will be notified that wages earned from the TJs are considered income and must be reported to the Ohio Department of Job & Family Services and may therefore impact the claimant's ongoing eligibility for UC benefits: and
- TJ participants will be notified that enrollment in a TJ does not waive their mandatory work search requirements under the UC program.

Reporting

All participants must be eligible and enrolled in WIOA (either the 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 OWCMS.