



Mid-Maryland WIOA

TO: Mid-Maryland WIOA Area Staff

FROM: Francine Trout, Director, Mid-Maryland WDA

DATE: February 21, 2018

EFFECTIVE DATE: Immediately

SUBJECT: **Transitional Jobs Policy**

Transitional Jobs Policy

Purpose:

The purpose of this policy is to establish the criteria and process by which Transitional Jobs training funds are to be administered under the Workforce Innovation and Opportunity Act (WIOA) in Mid-Maryland.

References:

Workforce Innovation and Opportunity Act (WIOA), Public Law 113-128, Section 134(c)(3) (h) and WIOA Section 134 (d) (1-5), 20 CFR 680.150, 20 CFR. 190, 20 CFR 680.195, 680.830, 680.840, 680.850, and 680.900, 681.600

Background:

A transitional job is one 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. Transitional jobs are designed to enable an individual to establish a work history, demonstrate work success in an employee-employer relationship, and develop the skills that lead to unsubsidized employment.

General WIOA Transitional Jobs Requirements:

- Transitional jobs must also be provided in conjunction with comprehensive career (680.150) and supportive services (680.900).
- All services must be documented in the participant's case notes and Individualized Employment Plan (IEP). Transitional jobs for youth must include job readiness training.
- Transitional job placements must contribute to the occupational development and upward mobility of the participant.

The local board may use not more than 10 percent of their combined non-administrative total of adult and dislocated worker allotments to provide transitional jobs. At least 20% of youth funds must be spent on a work experience. Supportive services will be provided in accordance with the Mid-Maryland Supportive Services policy.

Mid-Maryland's Individuals with Barriers to Employment:

- Displaced homemakers;
- Low-income individuals;
- American Indians, Alaska Natives and Native Hawaiians;
- Individuals with disabilities, including youth with disabilities;
- Older Individuals (age 55 or older);
- Ex-offenders/Returning Citizens;
- 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 (unemployed 27 or more weeks);
- Recipients of public assistance;
- Individuals without high school diplomas

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

- Were unemployed at least 27 of the past 52 weeks;
- Not worked for the same employer for longer than three consecutive months in the one year preceding eligibility determination; or
- Have held three or more jobs in the 12 months preceding eligibility determination.

Participant Eligibility:

For an individual to qualify for transitional jobs training under the program guidelines, he/she will:

- Have completed the enrollment process as a participant in the Mid-Maryland Workforce Development Area's WIOA Adult, Dislocated Worker or Youth program;
- Have completed an initial assessment and have been determined to be an individual with a **barrier** to employment who is **chronically unemployed** or has an **inconsistent work history**. Reasons for eligibility determination for transitional jobs must be documented in case notes.

Length of Training and Funding Levels:

- Mid-Maryland WDA will pay no less than Maryland's minimum wage and no more than \$11.00 per hour for transitional jobs participant.
- Transitional jobs must be time limited (no more 90 days) and at least 20 hours per week for youth participants and 32 hours per week for adults, but no more than 40 per week.
- Hours worked must be approved in advance by the Mid-Maryland WDA and agreed upon in writing between the participant, Mid-Maryland representative, and the employer prior to the participant's start date.

Employer Solvency and Eligibility:

Potentially eligible employers able to participate as a transitional jobs placement site include: private-for-profit employers, private non-profit organizations, or public-sector employers. An employer will **NOT** be eligible to participate as a WIOA Transitional Jobs placement site if:

- The employer has any other individual on layoff from the same or substantially equivalent position; or included in a labor dispute.
- A transitional jobs agreement will not displace any current employee or alter current employee's promotional opportunities. Nor will a transitional jobs agreement be made with an employer who has terminated any regular employee or otherwise reduced the workforce in order to hire transitional job trainees.
- The same or a substantially equivalent position is open due to a hiring freeze.
- The WIOA participant is placed in an employment activity that is supervised by an individual who is a member of that person's immediate family. For 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 (20 CFR 683.200(g)).

- The employer is included in the Department of Labor’s list of debarred, ineligible or suspended contractors; or in violation of local, state or federal labor laws; or has demonstrated unsatisfactory performance on any previous training contract.
- The transitional jobs employer is not registered with the Internal Revenue Service and have an account with the Maryland DLLR, Unemployment Insurance and carry worker’s compensation insurance.
- The employer is not financially solvent and does not have an adequate payroll record keeping system.
- Individuals shall not be considered eligible for a transitional job if he/she worked for the same employer in the past in the same job.
- A transitional jobs agreement will not displace any current employee or alter current employee’s promotional opportunities. Nor will a transitional jobs agreement be made with an employer who has terminated any regular employee or otherwise reduced the workforce in order to hire a transitional job trainees.

Note: An employer may not be approved as a transitional jobs employer at the discretion of the Board or its designee.

Written Assurances:

Transitional jobs contracts must include several standard assurances that are designed to acknowledge a contractor's responsibilities in accepting public funds for training.

- Funds provided to employers for transitional jobs must not be used to directly or indirectly assist, promote or deter union organizing.
- The employer will provide worker’s compensation coverage for the trainee and abide by health and safety standards established under State and Federal law.
- The trainee will not conduct political or sectarian activities at work while under the provisions of the transitional jobs contract.
- Transitional job trainees may not work on the construction, maintenance, or operation of any facility that is used for sectarian activities or as a place of worship.
- The employer certifies that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this contract by any Federal department or agency.

- The employer certifies that it will provide a drug-free workplace as defined by the Drug-Free Workplace Act of 1988.
- The employer is in compliance with all State and local laws regarding taxation and licensing.
- Trainees who are working as laborers/mechanics in any construction, alteration or repair (including painting and decorating) of public buildings or works must be compensated in compliance with the Davis-Bacon Act.
- A trainee in a transitional jobs program shall not displace (including a partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits) any current employee (as of the date of the participation).
- The contract will not encourage or induce the relocation, of an establishment or part thereof, that results in a loss of employment for any employee of such establishment at the original location.
- Nothing in the transitional jobs contract shall impair existing contracts for services or existing collective bargaining agreements unless the employer and the labor organization concur in writing.
- The transitional jobs employer must not illegally discriminate in training or hiring on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief; and against any beneficiary of programs financially assisted under Title I of the Workforce Innovation and Opportunity Act (WIOA), on the basis of the beneficiary's citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or his or her participation in any WIOA Title I-financially assisted program or activity.
- The employer agrees that no trainee shall be hired into or remain working in any position when any other individual is on layoff from the same or any substantially equivalent job. A transitional jobs trainee may not be employed in a job if 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 WIOA participant. It is not allowable for a transitional job to be created in a promotional line that infringes in any way on the promotional opportunities of current employees.
- The contract will not encourage or induce the relocation, or an establishment or part thereof, that results in a loss of employment for any employee of such establishment at the original location.

- Nothing in the transitional jobs contract shall impair existing contracts for services or existing collective bargaining agreements unless the employer and the labor organization concur in writing.

- References
- U.S.C. § 8102, U.S.C. § 3142
- WIOA Sections: 122(h)(1), 181(b)(1), 181(b)(4), 181(b)(5), 181(b)(7), 181(d)(2), 188(a)(1), 194(6)
- CFR § 679.430, CFR § 683.270(c), CFR § 683.270(b), CFR § 710
- (NPRM 667.274)
- TEGL 6-19

**Veterans and eligible spouses will be given priority of service in time and funding.

As an equal opportunity program; discrimination, in WIOA Title I financially assisted programs or activities is prohibited by federal law and by Howard and Carroll County Government. Auxiliary aids and services are available upon request for individuals with disabilities. For accommodations in Howard County, please contact Stephanie Hill at 410-290-2620 or contact us using MD Relay at 7-1-1. In Carroll County, anyone requiring an auxiliary aid or service for effective communication or who has a complaint should contact The Department of Citizen Services, 410.386.3600 or 1.888.302.8978 or through MD Relay 7-1-1/1.800.735.2258 as soon as possible but no later than 72 hours before the scheduled event.

The Personally Identifiable Information (PII) collected will be used as required by the Workforce Innovation and Opportunity Act, US Department of Labor, State of Maryland, and Howard and Carroll County Governments and will comply with the Privacy Act of 1974. The collection and use of all personal information is guided by strict standards of confidentiality.