

PUBLIC POLICY: WIOA – 24-02
Workforce Innovation and Opportunity Act (WIOA)

SUBJECT: Development of Transitional Employment Activities

PURPOSE

The purpose of this policy is to establish how Transitional Jobs funds will be administered under the Workforce Innovation and Opportunity Act (WIOA). Transitional jobs are part of a training program available to customers in the Guaynabo-Toa Baja Local Area, which help the participant acquire the skills and work experience necessary to meet the demands of local employers.

BACKGROUND

The Workforce Innovation and Opportunity Act (WIOA) allows local boards to provide transitional jobs, defined as time-limited work experiences, subsidized with WIOA funds, in the public sector, private sector, or nonprofit entities, for individuals who have barriers to employment, are chronically unemployed, or have inconsistent work histories. These jobs are designed to enable an individual to establish a work history, develop an employer-employee relationship, and develop the skills and abilities that lead to unsubsidized employment.

LEGAL BASIS

- Workforce Innovation and Opportunity Act (WIOA), (Public Law 113-128 of July 22, 2014 (128 Stat. 1425)).
- 20 CFR parts 680.180, 680.190, and 680.195 (August 19, 2016).
- Uniform Guidance Title 2 CFR 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*.
- TEGL 19-16 - *Guidance on Services provided through the Adult and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act (WIOA) and the Wagner-*

Peyser Act Employment Service (ES), as amended by title III of WIOA, and for Implementation of the WIOA Final Rule

- Transitional Jobs WIOA Desk Reference,
https://ion.workforcegps.org/resources/2017/03/19/19/26/Transitional_Jobs_-_WIOA_Desk_Reference
- The Fair Labor Standards Act of 1938 29 U.S.C. § 203 (FLSA), as amended.
- WIOA-PP-04-23 - Work Experience under the Adult, Dislocated Worker, and Youth Programs.

DEFINITIONS

1. **Job Centers:** the private for-profit, non-profit and public sector employers (sponsors) where the work experience takes place and who commit through an agreement to help participants acquire skills that will help them find employment opportunities.
2. **Work experience:** planned and structured learning experience that is acquired in a workplace for a limited time, and is related to the participant's career path. Work experience may be paid or unpaid, as appropriate, and may take place in the public, private or non-profit sector.
3. **Individuals with "chronic unemployment"** or an "inconsistent work history" are those who: have sporadic and inconsistent work experiences within the last year or more, prior to participating in the program and, who:
 - a. have been unemployed for 13 weeks or more;
 - b. Were unemployed for at least 26 out of the last 52 weeks; or
 - c. Have held three or more jobs in the last 52 weeks and are currently unemployed or underemployed.
4. **Individual with barriers to employment:** individual who meets one or more of the criteria listed below:
 - a. Displaced homemaker.
 - b. Individual with low income.
 - c. Indians, Alaska Natives, and Native Hawaiians, as those terms are defined in section 166 of WIOA.
 - d. Persons with disabilities, including youth who are persons with disabilities.
 - e. Aging individuals.
 - f. Ex-offenders.

- g. Homeless individuals (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)); or homeless children and youth (as defined in section 752(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434(a)(2))).
- h. Youth who are or have aged out of foster care.
- i. Persons who are English language learners, persons who have low literacy skills, and persons who face substantial cultural barriers.
- j. Eligible migrant and seasonal farmworkers, as defined in WIOA section 167(i).
- k. Individuals who have not exhausted their lifetime entitlement under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).
- l. Unmarried parents (including pregnant unmarried women).
- m. Long-term unemployed persons.

Note: The masculine grammatical gender of words shall be used for ease of reading, without affecting the meaning or excluding any gender.

PUBLIC POLICY

The Guaynabo-Toa Baja Local Workforce Development Board promotes transitional jobs to provide a meaningful opportunity for individuals, especially those with barriers to employment, to gain work experience. This service strategy is designed for the participant to establish a successful work history and develop the skills and abilities that lead to unsubsidized employment.

The transitional employment activity will be guided by an agreement between the Local Workforce Connection Area (LWCA), the host employer and the eligible WIOA participant. The agreement will specify the occupational and employability competencies the participant will achieve, the relationship and responsibilities of all parties, the evaluation process describing the participant's progress, the individual employment plan for the participant, and other necessary requirements.

This policy applies to all adults and dislocated workers who will participate in the program.

ELIGIBILITY CRITERIA

In order for an individual to participate in transitional employment, as required by WIOA, he or she must:

- Be enrolled in the Adult Program or Dislocated Worker Program.

- Have completed an Initial Assessment and an Objective Assessment in which he/she has been determined to be an individual with a barrier to employment,
 - **be chronically unemployed, or**
 - **have an inconsistent work history.**
- Have completed an Individual Employment Plan in which the case manager recommends transitional employment as part of the individual's goals to achieve increased skills, establish an employment history that will assist him/her in obtaining and retaining unsubsidized employment.
- Be an individual with barriers to employment or have a history of chronic unemployment or inconsistent work experience (as defined in this policy).
- Be unemployed.

The Local Board establishes as public policy for transitional employment the following criteria:

- a) To take place in a workplace for a limited period of time, defined as a minimum of 12 weeks to a maximum of 26 weeks. The exact duration will be established as appropriate to the participant's employment objectives, background and skill level, as reflected in the individual employment plan.
- b) Provide at least 30 hours per week, but not more than 40 hours per week.
- c) Must be related to an in-demand occupation or in LWDA-GTB priority industry sectors and, provide an apprenticeship and experience that will contribute to placement in unsubsidized employment.
- d) Pay the same hourly wage as employees in the same position. These will be subject to the Federal Minimum Wage and Labor Standards Act. LWDA -GTB may pay up to a maximum of \$15.00 per hour to a participant.
- e) LWDA-GTB will offer up to 100% of the wage to transitional employment participants.
- f) This service strategy must be combined with comprehensive and supportive services.
- g) Funds from this activity will not be used to directly or indirectly assist in filling a vacancy of an employee who is on strike or to fill a vacancy of an employee who is otherwise involved in a labor dispute.
- h) The LWDA-GTB shall allocate no more than 10% of WIOA funds for these services.

CRITERIA FOR DETERMINING AN EMPLOYER'S ELIGIBILITY

In order for an employer to serve as a sponsor under the Transitional Jobs activity, it must meet the following criteria:

- a) For-profit and non-profit entities, public and private sector;

- b) The employer will designate a manager to provide supervision and feedback to the participant at regular time intervals during the course of the program;
- c) Participating employers must agree to cooperate with the monitoring requirements required by WIOA and comply with all other applicable local, state, and federal rules, regulations, and administrative guidelines;
- d) The employer agrees to promote job skills development in coordination with career services and support services provided by LWDA-GTB;
- e) The employer agrees to comply with the requirements set forth in Sections 181(a) (1) (A) and (B) of WIOA, (b) (2), (3), (4) and (5) and 188.
- f) The employer is willing to retain participants in employment, when possible.

Employers **will not be eligible** to participate as a sponsor of this activity, if:

- a) the employer has laid off any regular, non-subsidized employee or otherwise caused an involuntary reduction in its workforce with the intent to fill the vacancy with the participant;
- b) if the employer attempts against the promotion or reduction in hours of any regular employee;
- c) the entity is an Employment Agency;
- d) is a business or part of a business that has relocated from one location to another, until the company has operated at the new location for at least 120 days, and the relocation has not resulted in the layoff of employees at the original location.

SUPPLEMENTAL SERVICES (CAREER AND SUPPORT SERVICES)

Transitional jobs **must** be combined with comprehensive career services and support services in accordance with the needs set forth in the SIP.

Career services that may be offered include:

- Group counseling.
- Individual counseling.
- Career planning.
- Short-term pre-vocational services.
- Workforce readiness activities.
- Financial literacy services.
- English language learning and integrated training programs.

As part of the assessment and planning for transitional employment, the case manager should identify support service needs and establish how such services will assist in the successful completion of the activity. Support services may include:

- a. Coordination for emergency assistance, such as food assistance, medical care and services, housing and utilities.
- b. Assistance for transportation, child/dependent care assistance, medical services, tools, job training costs, or other support services.

EFFECTIVENESS

This public policy shall be effective immediately upon approval. This policy supersedes any previous policy regarding support services at LWDA-GTB.

In Guaynabo, Puerto Rico, on the 18 day of September 2024.



Oriel Ramírez Rodríguez

President

Local Workforce Development Board

Guaynabo – Toa Baja