Mountain Area Workforce Development Board
Policy Statement: 2017 Number 2
Effective Date: March 28, 2017

Policy Statement Regarding Transitional Jobs for the Workforce Innovation and Opportunity Act Eligible Adults

Purpose: To transmit a new Transitional Jobs policy for eligible WIOA Adult and Dislocated Workers.

Background: The Workforce Innovation Opportunity Act (WIOA) allows for a new training service, *Transitional Jobs*.

This policy outlines the guidelines to follow for Transitional Jobs training activities. Training services are provided to equip individuals to enter the workforce and retain employment. Training services are available to adults or dislocated workers who, after evaluation and assessment are determined to be unlikely or unable to obtain or retain employment through career services alone.

A transitional job is for individuals with barriers to employment due to chronic unemployment or inconsistent work history. Transitional jobs provide subsidized employment in the private, non-profit, or public sectors. A transitional job has the following characteristics:

- Provides a time limited work experience;
- Enables an individual to establish a work history;
- Enables an individual to demonstrate work success;
- Combines with career services and supportive services;
- Develops basic work skills that lead to unsubsidized employment.

The difference between a transitional job and an On-The-Job Training (OJT) contract is that in a transitional job there is no expectation that the individual will continue his or her hire with the employer after the work experience is complete.

Transitional jobs are an effective solution for individuals to gain necessary work experience that they would otherwise not be able to get through training or an OJT contract.

Action: All NCWorks Career Center staff must adhere to the policies outlined for Workforce Innovation Opportunity Act (WIOA) funded Transitional Job activities for eligible Adults and Dislocated Workers.

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Attachments: Transition Jobs Policy and Guidelines
Transitional Jobs Worksite Agreement

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MONTAIN AREA WDB TRANSITIONAL JOBS POLICY AND GUIDELINES

Duration of Transitional Jobs, and Hours Limitations

1. The total maximum number of hours for each subsidized transitional job will not exceed 480 hours.

2. WIOA customers will not be placed in more than two subsidized transitional jobs per program year. Total hours of participation in internship or work experience for a participant will not exceed 960 hours.

NCWorks Career Center

The term "NCWorks Career Center" in this Policy Statement refers to the appropriate Adult and Dislocated Worker contractor for the Local Area.

Choosing a Worksite

Matching a WIOA customer with the appropriate worksite is critical to a successful transitional job. Worksite supervisors need to have a clear understanding of the objectives of the WIOA transitional job and realistic expectations of the work products and productivity that a WIOA participant may demonstrate. The WIOA participant must have adequate supervision, as any other entry-level employee would. The worksite must be willing to allow NCWorks Career Center staff, Mountain Area WDB staff, the North Carolina Division of Workforce Development and/or US Department of Labor to perform onsite monitoring to ensure compliance with the worksite agreement, as well as, to monitor the progress of the participant.

NCWorks Career Centers should use caution when choosing worksites. When choosing employers, analyze the "value-added" contributions an employer is willing to make to the experience for the participant. Examples of such contributions are structured development/refinement of work readiness skills, provision of on-site educational services, exposure to enhanced skill training and mentoring.

1. The Worksite Agreement

   The purpose of the worksite agreement is to establish a formal working relationship with a worksite, to specify the responsibilities of each party to the agreement, and to provide a successful, enriching transitional job experience for the WIOA participant. A signed original of the worksite agreement should be on file with both the NCWorks Career Center and the worksite.

The following items are the minimum required terms and conditions of a Mountain Area WDB Worksite Agreement. Other specifications or terms specific to the NCWorks Career Center and/or the worksite may be added as needed.

a. *Participant Eligibility*
The worksite agreement must state that the NCWorks Career Center will refer only WIOA-eligible adults or dislocated workers to the worksite.

b. *Duration of the work experience*
The length of the transitional job must be stated in the worksite agreement and is determined by the NCWorks Career Center. After developing an IEP, the appropriate duration for a transitional job can be determined within the allowable guidelines contained in this policy. The transitional job should be long enough for the participant to fulfill the purpose of the transitional job experience.

c. *Hours Per Day/Week*
The total hours per week that a participant will work should be determined in coordination with the NCWorks Career Center and the worksite, and stated in the worksite agreement. NCWorks Career Center staff is responsible for ensuring that the agreement is in compliance with the Fair Labor Standards Act.

d. *Time and Attendance Records*
The worksite agreement must state how a participant's time and attendance will be recorded and who is responsible for its accuracy.

e. *Wages and Paydays*
Transitional jobs may be paid or unpaid. If a transitional job is paid, the rate of pay and the pay schedule should be stated in the worksite agreement. Paid transitional jobs must compensate participants at no less than the higher of the applicable State or Federal minimum wage. Currently, the federal minimum wage is $7.25 per hour. WIOA participants in subsidized transitional jobs will be paid at a minimum $7.25 or the prevailing wage for the position, whichever is higher.

Unpaid transitional jobs must provide tangible benefits, in place of wages, for the WIOA participant. A description of these benefits and how they will be received must be described in the worksite agreement. The benefits to the participant should be commensurate with the participant's contribution to the worksite.

f. *Benefits and Entitlements*
WIOA transitional job participants are temporary employees and as such, are not entitled to paid sick leave, vacation time, or paid holidays. They will not be compensated for time not worked. The worksite must agree to provide the participants other non-monetary benefits on equal basis as given other regular employees. Examples of these are rest breaks and lunch breaks.

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g. *Supervision of Transitional Jobs Participants*
The worksite agreement must state the expectations for supervision of participants while the participant is at the worksite.

h. *Adequate Work, Supplies, and Equipment*
The worksite should agree to provide enough meaningful work to occupy the participant during work hours and the necessary equipment and materials to perform the work.

i. *Counseling*
The worksite must agree to allow NCWorks Career Center staff to counsel the participant and to assess his/her progress during the work experience.

j. *Monitoring*
The worksite must agree to allow on-site monitoring visits from the NCWorks Career Center staff, Mountain Area Workforce Development Consortium staff, the North Carolina Division of Workforce Development, and / or the US Department of Labor.

k. *Worker's Compensation*
It is the responsibility of the Mountain Area WDB's respective Adult/Dislocated Worker contractors at each NCWorks Career Center to obtain Worker's Compensation Insurance for all WIOA participants in a transitional jobs activity.

l. *Compliance with the Labor Standards*
The worksite agreement must state that the worksite will comply with state and federal labor laws and standards.

m. *Equal Opportunity and Nondiscrimination*
The worksite agreement must state that the worksite will comply with federal Equal Opportunity and Nondiscrimination laws.

n. *Termination of Agreement*
The worksite agreement should state under what conditions the NCWorks Career Center or the worksite may terminate the agreement.

o. *Attachments to Worksite Agreement*
A written job description must be attached to the worksite agreement.

p. *Signatures of Agreement from the* NCWorks Career Center *and a worksite representative.*
A representative of the NCWorks Career Center who is in a position to commit to the terms of the worksite agreement and the Mountain Area WDB Business Regional Services Coordinator must sign the agreement. Likewise, a representative of the worksite

who is in a position to commit to the terms of the work site agreement must sign the agreement.

2. Additional Required Forms for Transitional Jobs

As a part of setting up transitional jobs activities for WIOA participants, NCWorks Career Center staff is responsible for ensuring that appropriate tax forms, and the Employment Eligibility Verification Form (I-9) are completed prior to the beginning of the work experience. Keep in mind that for WIOA-subsidized transitional jobs, the NCWorks Career Center is the "Employer" and the business or agency location where the participant works is the "Worksite."

a. NCWorks Career Center staff must have a copy of a participant's original, signed Social Security card prior to the participant beginning a transitional job.

b. Each participant must complete both the Federal W-4 form and the State NC-4 fm. Each form must be filled out completely. If a participant meets the qualifications for being exempt from paying withholding tax, s/he should leave the allowances section (#5 on the Federal form and #4 on the State form) blank and write "*Exempt* " in the exemption section (#7 on the Federal form and #6 on the State form). A participant cannot have 0 or 1 allowance and be exempt at the same time.

c. Each WIOA participant must complete an I-9 form to verify eligibility to work in the United States. The participant will complete and sign Section 1 and WIA staff will complete and sign Section 2, including the ***Certification*** section.

3. Guidelines for Funding

a. Transitional jobs may use no more than 20% of the combined total of adult and dislocated worker allotments. WIOA contractors will be required to track the amount of WIOA funds spent on transitional jobs and report this amount monthly.

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Mountain Area Workforce Development Consortium
Workforce Innovation and Opportunity Act (WIOA)

Transitional Jobs Worksite Agreement

This Agreement is made between _____ (NCWorks Career Center) and _____ (WIOA Worksite) a □ **public** □**non-profit or** □ **private for profit business or organization** to provide subsidized internship/work experience to eligible adults and/or dislocated workers participating in the Mountain Area WIOA Workforce Development Program**,** authorized and funded under the Workforce Innovation and Opportunity Act. Under this Agreement, participants will be provided short-term work experience which is valuable and meaningful for both the participant and the organization/worksite.

The term "NCWorks Career Center" in this Transitional Jobs Worksite Agreement refers to the appropriate Adult and Dislocated Worker contractor for the Local Area.

Transitional jobs will be consistent with each WIOA participant's capabilities and interests and in an occupational field or specific job in which he/she has minimal or no prior work experience. WIOA-funded transitional jobs are expected to help individuals gain the skills and experience they need to succeed in the workplace and obtain unsubsidized employment.

Term: This agreement will take effect on _____ and terminate no later than _____.
(Date) (Date)

This Worksite Agreement provides the following assurances

1) There will be sufficient, meaningful work to keep WIOA participants fully occupied during work hours;
2) Work will be conducted in a safe work environment;
3) There will be adequate full-time supervision of each WIOA participant by qualified supervisors;
4) The NCWorks Career Center will obtain Worker's Compensation Insurance to cover all WIOA participants engaged in internship or work experience at a worksite;
5) The participating Worksite will notify NCWorks Career Center staff if difficulties arise which the Worksite supervisor and participant are unable to resolve. NCWorks Career Center staff will attempt to find a mutually satisfactory solution. The NCWorks Career Center staff and/or Worksite supervisor may recommend termination or transfer of the participant if the situation or problem is not resolved;
6) There will be adequate oversight and review of each participant's time and attendance;
7) There will be sufficient equipment and/or materials provided to carry out assignments;
8) This agreement will be maintained at the Worksite and available for review by federal, state, local area and NCWorks Career Center representatives;
9) All requirements and regulations governing the WIOA program will be upheld;
10) Worksite supervisors will adhere to existing State and Federal labor standards.
11) The participating worksite has not relocated this establishment and commenced operations in the past 120 days, where the relocation resulted in the loss of employment at the original location.
12) No WIOA participant shall be employed or job opening filled (A) when any other individual is on layoff from the same or any substantially equivalent job, or (B) when the Worksite has terminated the employment of any regular employee or otherwise reduced its work force with the intention of filling the vacancy so created by hiring a participant whose wages are subsidized under this Act.

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13) Equal Employment Opportunity and Nondiscrimination. The Worksite assures that no person on the grounds of race, creed, color, disability, national origin, sex, age, political affiliation, or beliefs, will be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under the Workforce Investment Act.

Work Activities

A written job description must be attached to this Agreement. The job description must include:

(1) Accurate description of required duties and responsibilities
(2) Hourly wage for position
(3) The days and hours to be worked (not to exceed 40 hours per week or 480 hours in total).

If the WIOA participant's job duties at the Worksite change, the Worksite agrees to notify the NCWorks Career Center immediately so that this agreement may be modified.

Time and Attendance

Accurate time and attendance records will be kept by the Worksite supervisor for each WIOA participant. Records will reflect the time actually worked by the participant. **Participants will not be paid for time not engaged in work duties, including absences, lunch periods, vacation time, or holidays. Under no circumstances should a WIOA participant work over 40 hours in a week.**

Monitoring

It is mutually understood and agreed that the WIOA Worksite may be monitored by the NCWorks Career Center, Mountain Area Local Area, NC Division of Workforce Development, and/or the US Department of Labor. The NCWorks Career Center will monitor the Worksite based on a planned schedule at least once during the term of this agreement. The Worksite supervisor will maintain current and accurate time and attendance records and will cooperate fully to provide NCWorks Career Center staff with worksite information or records as required in a timely fashion.

Supervision

Worksite supervisors must be experienced in the work to be performed by the WIOA participant and in supervising entry-level employees. Worksite supervisors should encourage, and expect participants to demonstrate, good work habits, satisfactory job performance, and positive attitudes about work. Worksite supervisors shall provide a performance evaluation to the WIOA participant at the conclusion of the transitional job.

Authorized Signatures

Worksite Representative

_____ _____

Print Name Signature Date

_____

Print Title

Worksite Business Name and Address _____

_____

_____

NCWorks Career Center Representative

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_____
Print Name

_____
Signature Date

_____
Print Title

NCWorks Career Center Name and Address

_____

_____

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