



# Mississippi Valley Workforce Development Board

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## Transitional Jobs Policy

**Approved Date:** December 28, 2020

**Effective Date:** July 1, 2020

**Amended Date:** December 6, 2022

### Purpose

The purpose of this policy is to detail the requirements and eligibility for the WIOA Adult and Dislocated Worker Transitional Job (TJB) work-based learning program to serve the untapped labor pool in the Mississippi Valley Workforce Area. The goal of TJB is to help eligible Adults and Dislocated Workers from the untapped labor pool to gain practical work experience and sharpen their workplace skills while getting paid and working to improve their chances of achieving suitable long-term employment.

### Policy

Mississippi Valley Workforce Development Board's (MVWDB) Service Providers shall adopt this TJB Policy and develop written procedures and forms to be approved by the MVWDB.

- TJB is a type of work-based learning and is considered an individualized career service.
- TJB is time-limited and wage-paid work-based learning that is subsidized up to 100%.
- TJB targets populations with multiple employment barriers or limited work experience. These programs provide a participant with work experience and an opportunity to develop critical workplace skills.
- TJB must be combined with other career and supportive services, including any of the supportive services currently identified by the Board, which are allowed with documentation on need by the Service Provider.
- Where possible, TJB will be combined with job readiness training. These jobs must be designed to establish a work history with the program participant showing success in the workplace and developing the skills that lead to entry into and retention in unsubsidized employment.

TJB may be used to assist individuals to:

- Learn the expectations of the workplace.
- Address barriers to work.
- Establish a work history and references.
- Demonstrate success in a work environment.
- Develop skills and experience that lead to entry into and retention in unsubsidized employment.
- Create linkages to further education and training opportunities.

## **General Provision**

All TJB participants must meet program eligibility requirements, be enrolled in the respective WIOA program, and have received an assessment resulting in the development of an Individual Employment Plan that documents the participant's need for and benefit from a TJB. A TJB opportunity may be provided as work-based learning to enrolled adults and dislocated workers who have met the priority of service requirements.

## **Requirements**

Under Section 134 (d)(5) of WIOA and 20 CFR 680.195 of the Final Rule, Local Workforce Development Boards (LWDB) may use up to 10 percent of their combined total of adult and dislocated workers funds to provide TJB to individuals with one (1) federally defined barrier to employment or chronic unemployment or inconsistent work history (as defined below).

A TJB agreement at one worksite can be written for a maximum of 13 calendar weeks unless the agreement is for a part-time TJB of fewer than 520 hours, then the TJB activity period can be extended to a maximum of 26 weeks.

TJB is subject to a maximum of \$12,500 per program participation.

Participants enrolled in a TJB shall not be compensated at a rate that is higher than the employer's entry-level wage for an equivalent position.

TJB placements should contribute to the occupational development and upward mobility of the participant. Unlike on-the-job training (OJT), there is no requirement that the employer retains the individual upon completion of the TJB; however, employment opportunities where appropriate, are preferred for the benefit of the worker and employer.

### **Federally Defined Barrier to Employment**

- Displaced homemakers
- Low-income individuals
- American Indians, Alaska Natives, and Native Hawaiians
- Individuals with disabilities
- Older individuals (age 55 or older)
- Ex-offenders
- Homeless individuals
- 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 for up to 27 or more weeks)
- Recipients of public assistance

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

- Have been unemployed for 13 weeks or longer; or
- Were unemployed for at least 26 of the past 52 weeks; or
- Have held three or more jobs in the past 52 weeks.

### **Employer Eligibility**

For an employer to qualify for TJB under the program guidelines, they must:

- Be a private-for-profit business, private non-profit organization, or public sector employer.
- Provide a quality work experience for participants to gain valuable skills; and,
- Provide a safe environment for participants to gain skills.

An Employer will not be eligible to participate as a Host Employer site if:

- The employer has any other individuals on layoff from the same or substantially equivalent position.
- The TJB would infringe upon the promotion or lead to the displacement of any currently employed worker or result in a reduction in their hours.
- The same or substantially equivalent position is open due to a hiring freeze.

### **Transitional Jobs Agreement Requirements**

WIOA TJB is provided based on a formal, written agreement with a private, non-profit, or public sector employer that is completed and signed by all parties before the initiation of training with a copy given to the employer.

In determining an employer’s viability for TJB contracts, local areas should consider the employer’s history with OJT, customized training, or other TJB agreements, financial stability, layoffs, and labor disputes, as well as the occupational and industry outlook.

TJB participants are authorized to work voluntary overtime up to 10 hours a week. Service providers will not knowingly place participants in TJB where mandatory overtime is required.

A TJB work-based learning agreement must address:

- The TJB agreement must identify the length and wages to be paid. In TJB situations, the WIOA Title I service provider is the employer of record. TJB participants must always be paid for time worked and must not be paid for any scheduled hours they failed to attend without good cause.
- Each participant in TJB must be covered either by Workers' Compensation by state law or by adequate on-site medical and accident insurance. Participants in TJB are exempt from unemployment compensation insurance. Therefore, unemployment compensation costs are not allowable. In addition to the guidelines listed here, other state and federal regulations governing employment situations apply to TJB as well.

- The employer will assure that all overtime will be offered to current employees before being covered by a TJB.
- A job description, skill(s), and competencies to be provided and learned.
- Performance outcome requirements.
- A training plan (with a rating scale for skills at hire and the completion of the TJB) that defines the successful completion of training.
- A provision addressing termination for lack of funds or recapture of funds, lack of participant attendance, or failure of the employer to comply with initial or upgraded work-based learning requirements.
- A provision for maintaining and providing records for the MVWDB, Iowa Workforce Development, and federal monitoring and review.
- Service providers must ensure all proper documentation is scanned into the IowaWORKS case management system.

### **Payroll Requirements/Payments**

Pay periods will be indicated on the WIOA Trainee Time Sheet forms provided to the worksites. WIOA service provider staff processes all payments after receiving appropriate documents from the WIOA case manager.

WIOA service provider also maintains a Payment Tracking Sheet on each participant enrolled in TJB to record payments made and to track durational hour limits per participant.

This record is available for the WIOA case manager's review at any time. At the end of the activity, the WIOA case manager is provided with a copy of the finalized form.

### **Monitoring**

TJB monitoring will be completed to ensure compliance with federal, state, and local policy and follow the procedures outlined in the local Monitoring and Oversight Policy.

### **Exceptions**

Any exceptions to this policy must be approved by the MVWDB Executive Director in consultation with the Operations Committee Chair and must be documented in both the participant's and TJB Employer's files.

### **Related Information**

[Section 134 \(d\)\(5\) of WIOA and 20 CFR 680.195 of the Final Rule, Local Workforce Development Boards \(LWDB\)](#)

*Equal Opportunity Programs/Employer – Auxiliary aids and services available upon request for individuals with disabilities*