

# NORTH CENTRAL ARKANSAS WORKFORCE DEVELOPMENT BOARD

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WDB Policy#: 2.32-T

Effective Date: 6/12/2019

Revision Date: 12/11/2019

SUBJECT Work Experience - Transitional Jobs Policy

PURPOSE

The purpose of this policy is to describe and to detail the regulations concerning Transitional Jobs, in accordance with the rules and regulations of Workforce Innovation and Opportunity Act of 2014 (WIOA), the WIOA Final Rule, Training and Employment Guidance Letters (TEGLs) published by the Employment and Training Administration of the U.S. Department of Labor (ETA), Issuances from the Arkansas Division of Workforce Services (ADWS), WIOA Title I-B Policy Manual, and local workforce board policy.

REFERENCES

WIOA §§129(c)(2)(C), 129(c)(4), 134, 181(d), & 188(a)(3) 20 CFR 680, 681, & 683 Comments in WIOA Final Rule concerning §§ 680.140, 680.180, 680.190, 680.195, & 680.320 TEGL 19-16 29 CFR part 2, subpart D Fair Labor Standards Act, WIOA Title I-B Policy Manual

BACKGROUND

Transitional jobs are considered both a career service and a training service. However, they are not subject to the requirement that providers be listed on the State List of Eligible Training Providers and Programs. They are planned, subsidized, wage-paid work experience for an individual who has barriers to employment and who is either chronically unemployed or has inconsistent work history, as defined by the LWDB. Transitional jobs are designed to enable an individual to establish a work history, demonstrate work success in an employee-employer relationship (although the program provider may act as the employer), and develop the skills that lead to unsubsidized employment. Transitional jobs work experience is a structured learning experience that takes place in the private for-profit sector, the non-profit sector, or the public sector for limited periods of time. Labor standards apply in any work experience setting where an employee/employer relationship, as defined by the Fair Labor Standards Act, exists [20 CFR 680.180;20 CFR681.600]. Transitional jobs must be combined with comprehensive career services and supportive services. Comprehensive career services may include both basic and individualized career services and are based on the needs of the participant. Local areas determine which career and supportive services are appropriate for each individual.

The local area may use no more than 10% of their combined total of Adult and Dislocated Worker allocations for transitional jobs and includes only wages and fringe for the individual participating in a transitional job activity. They must also develop policies for defining and identifying individuals who are “chronically unemployed” or “have an inconsistent work history.” Local WDBs utilize information such as an individual's labor market history, unemployment status, durations of unemployment, long-term unemployment, and other factors that the Local WDB may determine appropriate for defining these terms.

Transitional jobs target individuals who are long-term unemployed, ex-offenders, and individuals who are currently receiving or have exhausted TANF benefits.

Local areas determine which comprehensive and supportive services are appropriate for each individual.

## TRANSITIONAL JOBS

### ELIGIBILITY:

Work experiences, including transitional jobs, may be provided to Adults, Dislocated Workers and Youth who have met eligibility requirements and when these services are determined to be appropriate in order for individuals to obtain or retain employment. Training services are available for individuals who, after interview, evaluation or assessment, and case management are determined to be unlikely or unable to obtain or retain employment that leads to self-sufficiency or higher wages than previous employment through career services alone. The participant must be determined to be in need of training services and possess the skills and qualifications to participate successfully in the selected program. Some participants may need additional services to assist their training, such as job readiness training, literacy activities including English language training, and customized training.

Transitional jobs are available only to individuals with barriers to employment who are chronically unemployed or have an inconsistent work history.

### BARRIERS TO EMPLOYMENT:

- Low-income individuals
- Ex-offenders or offenders
- Homeless individuals
- Individuals who are English language learners
- Individuals who have low levels of literacy
- Individuals facing substantial cultural barriers to employment
- Displaced Homemakers
- Individuals with disabilities

### CRONICALLY UNEMPLOYED OR HAVE AN INCONSISTENT WORK HISTORY:

- Has never held a full-time job (30+ hours per week) for more than 13 consecutive weeks
- Has been fired from a job within the 12 months prior to application
- Has held more than three jobs in the 52 weeks prior to application
- Is on parole or probation, or has been released from prison/jail within the 12 months prior to application
- Has been unemployed for the 13 consecutive weeks prior to application
- Has been unemployed for 15 or more of the 26 weeks prior to application

High school dropouts must also be enrolled in Adult Education and working toward their High School Equivalency Diploma to be approved for transitional jobs work experience.

WIOA does not conduct background checks or drug testing. Participants shall abide by all policies of the worksite.

### DURATION:

- Work experience, including transitional jobs, may be granted for a time period between three to six months.
- Exceptions must be approved by the Executive Director.

Participant will be given time off to attend required pre-employment workshops.

Unlike on-the-job training (OJT), there is no requirement that the employer will retain the participant at the

completion of the transitional job. Where appropriate, retention is preferred for the benefit of the worker and employer.

However, if the employer is interested in hiring the participant after the transitional job activity has been completed, and additional training is needed, an OJT may be developed that follows the requirements of NCAWDA OJT Policy.

The WIOA Program Manager or Records Manager will be responsible for reviewing and approving all worksite agreements.

**PARTICIPANT PAY:**

- Work experience, including transitional jobs, participants will earn \$0.50 above state or federal minimum wage, whichever is higher.
- Participants are expected to be available for work 40 hours a week unless they are attending Adult Education classes or another acceptable form of educational training, unless approved by the Executive Director.
- No participant is allowed to work over 40 hours in a 7-day period.
- Participants have the option of direct depositing their check to an existing bank account or receiving a paper check via postal service mail.

**SUPPORTIVE SERVICES:**

Supportive service needs shall be determined during the assessment process, and the identified supportive service needs and how they will be delivered shall be outlined in the IEP.

The appropriate mix of career services shall also be outlined in the IEP and must include, at a minimum, at least one of the following individualized career services:

- Career Planning
- Group and/or Individual Counseling
- Short-term Prevocational Services (including soft skills training)
- Workforce Preparation Activities
- Financial Literacy Services
- Out-of-Area Job Search Assistance and Relocation Assistance
- English language acquisition and integrated education and training programs

Approved by the NCAWDB on

12-11-18

Pam Williams, NCAWDB Chairperson:

Pam Williams