

PUBLIC POLICY: NO. WIOA-07-2023

DATE: SEPTEMBER, 28, 2023

SUBJECT: PUBLIC POLICY ON TRANSITIONAL EMPLOYMENT FOR PARTICIPANTS IN ADULT AND DISLOCATED WORKER PROGRAM.

REFERENCE: WORKFORCE OPPORTUNITY AND INNOVATION ACT (WIOA).

PUBLIC POLICY WIOA-PP-05-2023 OF AUGUST 17, 2023.

I. INTRODUCTION

Transitional jobs are defined as time-limited experiences that are paid for and subsidized up to 100% with funds from the Workforce Innovation and Opportunity Act (WIOA).

Transitional jobs are offered in the public, private, or nonprofit sectors. They are only available to adults and displaced workers with barriers to employment who are chronically unemployed or have an inconsistent work history, as determined by the Local Workforce Development Board. They are intended to establish a work history while demonstrating success in an employer-employee relationship and skill development, while the purpose of other types of work experience may be to explore various career options or assess the employability of the participant. They have to be combined with the provision of comprehensive career services and support services, which is not mandatory for other types of work experiences.

The Manati-Dorado Local Workforce Development Area may not use more than 10% of its combined total Adult and Dislocated Worker Program funding allocations for transitional employment (WIOA § 134(d)(5); 20 CFR 680.195; TEGL 19-16). Other career services and support services cannot be included to determine the 10% cap.

II. LEGAL BASE

- Workforce Opportunity and Innovation 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);
Municipal Code of Puerto Rico (Law No. 107 of August 14, 2020, as amended);
- Administrative Bulletin No. OE-2022-034 of June 13, 2022, to Establish the State Labor Development Board and Repeal Administrative Bulletin No. OE-2014-064;
- 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, Displaced Workers and Youth Programs.

III. DEFINITIONS

1. **Work Centers:** Employers (sponsors) in the for-profit, not-for-profit, and public sector where the work experience takes place and who commit by agreement to help participants acquire skills that will help them find employment opportunities.
2. **Work experience:** A planned and structured learning experience acquired in a workplace for a limited period of time, and related to the participant's career path. Work experience may be paid or unpaid, as the case may be, and may take place in the public, private or non-profit sector.
3. **Individual Employment Plan (PIE):** Is an individualized career service developed jointly by the case manager/career planner and the participant as an ongoing strategy to identify employment goals, achievement objectives, and the appropriate mix of services for the Adult Program or Displaced Worker Program participant to achieve their goals.

4. **Participant Record Information System (PRIS):** The PRIS is the tool for recording programmatic information for authorized participants under Title I (Youth, Adult, and Dislocated Worker Programs) and Title III (Employment Service) of the Workforce Innovation and Opportunity Act (WIOA).
5. **Individual with barriers to employment:** An individual who meets one or more of the criteria listed below:
- a) Dislocated housewife;
 - b) Low-income individuals;
 - c) Indian, Alaska Native, and Hawaiian Native, as these terms are defined in section 166 of WIOA.
 - d) People with disabilities, including young people who are people with disabilities.
 - e) Aging individuals.
 - f) Former offenders.
 - g) Homeless (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) Young people who are or have exceeded the age to be in foster care.
 - i) People who are learning the English language, people who have a low level of literacy, and people who face substantial cultural barriers.
 - j) Eligible migrant and seasonal agricultural workers, as defined in section 167(i) of WIOA.
 - k) Persons 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) Single parents (including pregnant single women).
 - m) Long-term unemployed people. n. for employment.

IV. PUBLIC POLICY

A. PARTICIPANT ELIGIBILITY

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

- a) Have registered with the Adult Program or the Posted Workers Program.

- b) Have completed an initial assessment and, in addition to being determined as an individual with a barrier to employment, be chronically unemployed or have an inconsistent work history.
- c) The Manati-Dorado Local Workforce Development Area can identify other populations eligible for transitional employment which may include individuals who are long-term unemployed, former offenders, and individuals who currently receive or have exhausted Temporary Assistance for Needy Families (TANF) benefits.

B. SALARY AND BENEFITS

Transitional Jobs participants will be directly compensated. The federal hourly minimum wage will be paid. The employer will not be compensated monetarily.

C. DURATION OF THE ACTIVITY

The exact duration of transitional employment will be determined on the basis of the employment objectives, background and skill level of the participant, as reflected in the EIP. *Transitional employment must not exceed six (6) to eight (8) months equivalent to 720 hours. Additionally, in order to strengthen the participant holistically, he will be offered 50 hours of workshop to comply with Section D "Complementary Services (Career Services and Support Services)".* Exceptions may be made to this limitation in the duration of the activity, however, any exception must be reasonably supported by the EIP.

D. COMPLEMENTARY SERVICES (CAREER AND SUPPORT SERVICES)

1. Transitional jobs have to be combined with comprehensive career services and support services according to the needs set out in the PIE. The policy of the "Local Board" should identify the support services that need to be included.
2. Career services that may be offered include:
 - a) Group counseling;
 - b) Individual counseling;
 - c) Career planning;
 - d) Short-term prevocational services;

- e) Workforce readiness activities;
 - f) Financial literacy services;
 - g) English language learning and integrated training programs.
3. As part of the assessment and planning for transitional employment, the case manager should identify the needs for support services 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) Transportation assistance, child/dependent care assistance, medical services, tools, job training costs, or other support services.

E. REPORTING

All participants must be eligible and registered in WIOA programs (either the Adults or Dislocated Workers Program or a discretionary grant), and any data about them that needs to be reported must be recorded in the Participant Record Information System (PRIS).

The local area fiscal agent must report all transitional employment expenditures using the appropriate code, so that expenditures can be isolated, properly reported, and tracked against transitional employment spending limits for each grant.

V. ACTION REQUIRED

The Executive Officer of the Local Board shall be responsible for informing the Executive Director and the Executive Director of the approval of the Public Policy for the latter to train the staff under their supervision and execute the policy as established.

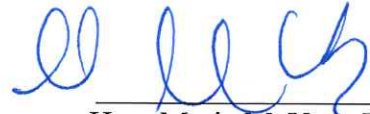
VI. EFFECTIVENESS AND APPROVAL

This Public Policy shall take effect immediately on the date of its approval by the members of the Local Labor Development Board and Board of Directors of Mayors of the Manati-Dorado Local Labor Development Area. Public Policy WIOA-08-2019 signed on April 10, 2019 is repealed.

In Vega Alta, Puerto Rico, today 28 of September of 2023.



Josue Cruz Rivera
President
Local Workforce Development Board



Hon. Maria M. Vega Pagan
President
Board of Directors of Mayors

Note: In this document, the masculine gender will be used to refer to both genders in a way that facilitates the reading of this one. This style of writing is not intended to imply the supremacy of one gender over another.