NORTHWEST OREGON WORKS	**POLICY P15: WORK EXPERIENCE AND TRANSITIONAL JOBS**
	Effective Date: 6/25/2021
	☒NEW **☐REVISED**

PURPOSE

The purpose of this policy is to provide guidance for the Northwest Oregon workforce area and establish the Northwest Oregon Works (NOW) standards regarding the development and implementation of transitional jobs and work experience activities under the WIOA Title I adult, dislocated worker and youth programs. This policy is established in accordance with the Workforce Innovation and Opportunity Act (WIOA) and applicable federal and state policies and guidance.

BACKGROUND

WIOA provides for a customer-centered, job-driven workforce system that is accessible to all job seekers. The adult, dislocated Worker, and youth programs provide career and training services in WorkSource Oregon, as a part of the nation's American Job Center network.

WIOA funding allows the delivery of services that prepare eligible individuals for education and employment opportunities, attainment of education and/or skills training credentials, and attainment of employment with career opportunities. To accomplish this, eligible participants must be assessed to determine skills, interests, needs, and personal goals in order to create an individual plan for each individual seeking WIOA services.

Work experience and transitional jobs are work-based learning activities designed to provide individuals with the work readiness skills or specific job skills necessary to attain or retain employment and enhance employability. Work experiences and transitional jobs are available to eligible adults and dislocated workers in accordance with this policy. Work experience activities are also mandatory elements of WIOA youth programs.

POLICY

A work experience is a planned, structured work-based learning experience that takes place in a workplace for limited period of time. Work experience may be paid or unpaid, as appropriate. A work experience may take place in the private for-profit sector, the non-profit sector, or the public sector. Labor standards apply in any work experience where an employee/employer relationship, as defined by the Fair Labor Standards Act, exists. Funds provided for work experiences/transition al jobs may not be used directly or indirectly to displace workers by filling of a job opening that is vacant because the former occupant is on strike, or is being locked out in the course of a labor dispute, or the filling of which is otherwise an issue in a labor dispute involving a work stoppage. WIOA funds may not be used to help employers to fill positions that promote or support the use, possession or distribution of marijuana or that support or promote gambling or religious activities.

Adults and Dislocated Workers

The goal of a work experience, including transitional jobs, for adults and dislocated workers is to establish a work history for the individual that demonstrates success in the workplace and develops the skills that lead to entry into, and retention in, unsubsidized employment. Service providers are responsible for determining appropriateness of work experience and transitional jobs services based on individual assessment, needs, barriers, and ability to benefit and succeed.

Transitional Jobs

Transitional jobs are wage-paid work experiences that are subsidized up to 100 percent. Like any work experience, transitional jobs can be in the public, private, or non-profit sectors. Up to ten (10) percent of combined adult and dislocated worker funds may be used to provide transitional jobs. Due to the limited funding available for transitional jobs, service providers are encouraged to work with employers who are willing to contribute a percentage of the cost for the transitional job. The employer reimbursement rate for transitional jobs is determined by NOW on a case-by-case basis and may be up to 100 percent, depending on funding availability. Although there is no assumption that the Individual will be retained in the transitional job after the work experience is over, retention is the preferred outcome. Each program year, NOW will notify providers of limits on the duration of transitional jobs and/or limits on reimbursement rates for transitional jobs based on funds availability and contracted scope of work with providers.

Transitional Jobs are a type of work experience classified as an individualized career service under WIOA adult and dislocated worker programs. These jobs are designed to enable an individual to establish a work history, demonstrate work success in an employee-employer relationship, and develop the skills that lead to unsubsidized employment.

Transitional jobs are required to be combined with comprehensive career services and supportive services necessary to support successful completion of the transitional job and in accordance with NOW supportive services policy. Transitional jobs are only an alternative for standard work experience when addressing special populations including individuals with barriers to employment who are chronically unemployed or who have an inconsistent work history.

A chronically unemployed individual is defined as a worker who is unemployed and has been without work for 15 or more of the last 26 weeks. A person with inconsistent work history is defined as someone who, in the 12 months prior to WIOA registration, has lacked steady, full-time, permanent employment. This work history may include season work, temporary work, part-time work (less than 32 hours per week), or other periods of employment of less than ten consecutive weeks.

Barriers to employment may include, but are not limited to, criminal history, current or past recipients of Temporary Assistance for Needy Families (TANF) or Supplemental Nutrition Assistance Program (SNAP) benefits; individuals with disabilities; individuals experiencing/experienced homelessness, and individuals from underserved races or ethnicities as defined in labor market information.

Youth

Youth work experiences are planned, structured learning experiences that take place in a workplace for a limited period of time. Work experience may be paid or unpaid, as appropriate. A work experience may take place in the private for-profit sector, the non-profit sector, or the public sector. Labor standards apply in any work experience where an employee/employer relationship, as defined by the Fair Labor Standards Act and state law. Work experiences provide youth participants with opportunities for career exploration and skill development.

Work experience for youth include summer employment opportunities and other employment opportunities throughout the year; pre-apprenticeship programs; internships; job shadowing (unpaid exposure to the workplace in an occupational area of interest); and on-the-job training opportunities. Youth participants may participate in more than one work experience during the course of their WIOA program enrollment and all youth participants should have at least one work experience prior to program exit.

A minimum of 20 percent of local area youth funds must be spent on youth work experiences. Program expenditures may include wages/stipends, staff time spent identifying potential work experience opportunities, staff time working with employers to develop the work experience, staff time spent working with employers to ensure a successful work experience, staff time spent evaluating the work experience, participant work experience orientation sessions, classroom training or the required academic education component directly related to the work experience, and orientations for employers, incentive payments directly tied to the completion of work experience. Local area administrative funds are not subject to the twenty percent requirement; and leveraged resources cannot count toward the twenty percent. Supportive services do not count toward the work experience expenditure requirement even if supportive services assist the youth in participating in the work experience.

Worksite Agreements

All work experiences require written agreement between the employer and service provider that outlines the work experience/transitional job. The agreement is designed to establish assurances and conditions and ensure eligibility and compliance with applicable laws and guidance.

REFERENCES

The Workforce Innovation and Opportunity Act (WIOA) Section 134(d)(5) 20 CFR § 678.430
20 CFR § 680.150
20 CFR § 680.190
20 CFR § 680.195
20 CFR Preamble, Sections 680.190 and .195
20 CFR § 683.270
20 CFR § 680.840
20 CFR § 680.900
Training and Employment Guidance Letter (TEGL) No. 08-15
Training and Employment Guidance Letter (TEGL) No. 19-16