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SUBJECT: WIOA Policy for Work Experience and Transitional Jobs

PURPOSE: To establish South Central Oklahoma Workforce Board's policy for Work Experience and Transitional Jobs

BACKGROUND: The following policy is intended to provide the structure for the Work Experience activity serving WIOA Adults, Dislocated Workers in compliance with OWDI #22-2017, and in compliance with OWDI #04-2018.

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POLICY:

Adult/DLW-Work Experience, also referred to as transitional jobs is defined in WIOA Section 134(c)(2)(A) as: a planned, structured 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 or internship 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.

Transitional Jobs are a type of work-based training SCOWB offers as an individualized career service under WIOA. Transitional jobs are time-limited, wage-paid work experiences that are subsidized up to 100 percent. These jobs can be in the public, private, or non-profit sectors and are only available for individuals with barriers to employment who are "chronically unemployed" or who have an "inconsistent work history". Transitional jobs provide individuals

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with work experience and an opportunity to develop important workplace skills, including “soft skills” within the context of an employee-employer relationship, in which the program provider generally acts as the employer. In addition, transitional jobs are required to be combined with comprehensive career services and supportive services. Up to 10% of SCOWB Adult and DLW funds can be used to provide transitional jobs to individuals.

The goal of transitional jobs 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. 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.

Target groups for transitional jobs may include:

- Long-term unemployed;
- Ex-offenders;
- Individuals who are currently receiving or have exhausted Temporary Assistance for Needy Families (TANF) or Supplemental Nutrition Assistance Program (SNAP) benefits;
- Individuals with disabilities; and
- Other individuals with barriers to employment, per 29 USC § 3102 (24) such as:
 - Chronically Unemployed The term “chronically unemployed” is not defined in the WIOA law or the WIOA Final Rule. SCOWB interprets this term to describe a worker who is currently unemployed (as of the time of program registration) and who has been without work for a long period of time prior to entering the WIOA program. For the purpose of determining eligibility for Transitional Jobs, we will consider that a “Chronically Unemployed” individual is a worker who:
 - Is unemployed at the time of service delivery – that is, at the time of referral to a Transitional Job; and
 - Has been without work for 13 or more of the last 26 weeks. The phrase “has been without work” is used intentionally. It includes participants who have suffered from long periods of unemployment. It also includes displaced homemakers, recently-released ex-offenders, and participants who are discouraged workers
 - Inconsistent Work History The term “inconsistent work history” is not defined in the WIOA law or the WIOA Final Rule. SCOWB interprets this term to mean a worker who, in the 12 months prior to program registration, has lacked steady, full-time, permanent employment. For the purpose of determining eligibility for Transitional Jobs, we will consider that an “Inconsistent Work History” includes:
 - Work that is seasonal;
 - Work that is temporary;
 - Work that is part-time (less than 32 hours / week); or
 - Other periods of employment of less than 10 consecutive weeks. Examples of a participant with an Inconsistent Work History would include—
 - An individual who had only seasonal employment in the 12 months prior to program registration;
 - An individual who had only temporary employment in the same period;
 - An individual who had one or more part-time jobs; or
 - An individual who had short period(s) of full-time, permanent employment – less than 10 consecutive weeks in any single job. An Inconsistent

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Work History may include a combination of seasonal, temporary, part-time, and short-term employment

Youth-Work Experience is defined in Interim 20 CFR Section 681.600 as: a planned, structured learning experience that takes 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 or applicable state law, exists. Work experience provides the youth participant with opportunities for career exploration and skill development. Work Experiences must include academic and occupation education. The types of work experience include: summer employment opportunities and other employment opportunities available throughout the school year; pre-apprenticeship programs; internships and job shadowing; and on-the-job training opportunities as defined in WIOA Section 3(44).

Worksite Selection

Work experience will be provided utilizing various public and private sector worksites (in the community where the participant resides whenever possible). Private sector worksites with continued, unsubsidized employment potential will be the priority when placing participants. Efforts will also be made to assign participants to a worksite in a position that matches their interests based on assessment results obtained at enrollment or through further interview of the participant. In addition, no participant under 21 years of age will be allowed to work on the same crew, or in constant proximity with, any inmate also under the employ of the worksite. SCOWB will ensure safeguards against the displacement of employees (20 CFR § 683.270); and ensure funds for transitional jobs are not used to fill openings that resulted from a labor dispute (20 CFR § 680.840).

Duration of Training

Work Experience assignments shall be limited to no more than 520 hours. The number of hours may be reduced based upon funding availability. Any additional work experience assignments must have prior board approval.

Hourly Wage

Participants (in all WIOA programs) shall be paid not less than current minimum wage. If funding allows, the worksite's entry-level wage applicable to the assigned position may be paid.

Supportive Services - Supportive Services may be provided as needed to allow the individual to participate in the work experience. SCOWB supportive service policy and limits must be followed.

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Job Readiness Training and Other Career Services – Job readiness training, also known as short-term pre-vocational services may be offered along with the work experience to prepare individuals for unsubsidized employment or training, may include the development of:

- Learning skills
- Interviewing skills
- Punctuality
- Personal maintenance skills
- Professional conduct skills

Worksite Agreements

The ***WIOA Worksite Agreement (Attachments A-C in Worksite Agreement Policy)*** is a three part agreement containing:

- the ***WIOA Worksite Terms and Conditions (Attachment A)*** designed to establish certain assurances and conditions that must be agreed upon between the WIOA Program and the work experience worksite;
- the ***WIOA Trainee Work Plan* (Attachment B)*** indicating, for each participant assigned: the job duties/responsibilities; general work schedule; physical work location; job title; hourly wage; and estimated training dates;
- the ***WIOA Trainee Time Sheet (Attachment C)*** which provides a record of the actual hours worked and is utilized for payment purposes.

A ***WIOA Worksite Agreement*** packet is processed for each worksite utilizing instructions given in OWDI #4-2018. Modifications to existing agreements will also be made in accordance with procedures outlined in OWDI #4-2018 and shall be documented using the ***Section 8. Modification*** form (***Attachment D in the Worksite Agreement Policy***).

WIOA Worksite Agreements (regardless of WIOA funding source) will be numbered consecutively each calendar year in the following format:

Calendar Year-WE- ## (e.g., 2011-WE-01)

Participant Work Experience Orientation (provided by WIOA Case Manager prior to beginning activity):

- Pre-employment/job readiness skills
- Grievance Procedures (revisited)
- Enrollee Responsibilities
- Worker's Compensation Information (including WIOA Safety Policy Guidelines)
- Pay Information
- Time Sheet Requirements
- Child Labor Law Regulations (if applicable)

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ORIENTATION FOR WIOA PROGRAM WORK EXPERIENCES AND TRANSITIONAL JOBS:

Most orientation topics are covered in the ***Work Experience Participant Handbook***. The WIOA Case Manager will explain all issues covered in the Handbook to the participant and provided the participant a copy of the Handbook (tailored to their specific program for reference during their participation. Pre-employment/job readiness skills will be documented through various means and on the ***Pre-Employment Skills/Job Readiness Orientation Checklist***. Safety orientation will be documented via the ***Safety & Accident Reporting Standards Acknowledgement***. If the participant is under the age of 18 years, the WIOA Case Manager will go over the ***Child Labor Law*** poster.

Supervisor Work Experience Orientation (provided by WIOA Case Manager prior to first participant placement at the worksite):

- Roles/Duties of Worksite Supervisor
- Safety
- Workers Compensation, Accidents, On-the Job Injuries, and Incident Reporting
- Sexual Harassment
- Discrimination
- Prohibited Activities
- Child Labor Laws
- Attendance and Time Sheets
- Pay and Wage Information
- Termination
- Trainee Evaluations
- Participant Orientation at Worksite

Worksite supervisors will be given orientation in regard to the WIOA Work Experience component in accordance with requirements outlined in *OETI #05-2010*.

Supervisors will certify their receipt of orientation via signature on the ***WIOA Work Experience Supervisor Orientation Acknowledgement Form***

Payroll Requirements/Payments

WIOA Case Managers will be required to obtain an ***IRS Form W-4*** and a ***Department of Homeland Security Form 1-9*** on each participant assigned.

Participants will be paid on a two-week interval. Pay periods will be indicated on the ***WIOA Trainee Time Sheet*** forms provided to the worksites. Hours worked will be recorded as per procedures outlined in *OWDI #4-2018*. Time sheets may be returned and payment delayed for reasons indicated in the ***Work Experience Participant Handbook***.

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 work experience 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 a copy of the finalized form.

Work Experience Participant Evaluations

The participant will be evaluated by the Worksite supervisor at least three times throughout the duration of work experience utilizing the **WIOA Work Experience Trainee Evaluation**.

Successful Completion - The WIOA Case Manager will utilize the results of the final evaluation as a post-assessment to determine if the participant has met the work experience goal/objective set up in their ISS/IEP.

Work Experience Worksite Evaluations

At the end of each participant's work experience assignment, the worksite will be evaluated (by the WIOA Case Manager) using the **Worksite Agreement Final Evaluation** form to determine the worksite's effectiveness for future use.

Equal Opportunity And Nondiscrimination Statement: All Recipients, and Sub recipients/Sub grantees must comply with WIOA's Equal Opportunity and Nondiscrimination provisions which prohibit discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship status or participation in a WIOA Title-I financially assisted program or activity.

ACTION REQUIRED: SCOWB will disseminate the Work Experience and Transitional jobs policy to all SCOWB contractors, staff and board members. All contractors, staff and board members will be responsible for following this policy.

SCOWB APPROVED DATE: Full Board 01/11/18

Revised and APPORVED BY: Executive Committee 02/13/19