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# OC Community Resources

**Date:** January 29, 2025

**To:** WIOA Subrecipients of the Orange County Workforce Development Board

**From:** Nancy Cook  
Director of Workforce and Economic Development 

**Subject:** WIOA Transitional Jobs Policy  
Information Notice No. 25-OCWDB-01  
Supersedes Information No. 20-OCWDB-11

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## PURPOSE

To provide guidance to Orange County Workforce Development Board providers regarding the provision of the Transitional Jobs (TJ) activity.

## EFFECTIVE DATE

This policy is effective on the date of issuance.

## REFERENCES

- Workforce Innovation and Opportunity Act, Public Law 113-128
- Title 20 Code of Federal Regulation (CFR) Parts 680.190, 680.195
- Training and Employment Guidance Letter No. 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 Rules, (March 1, 2017).
- Fair Labor Standards Act, 29 U.S.C. 203 et seq.

## BACKGROUND

Transitional jobs are a type of work experience activity that is considered an Individualized Career Service. Transitional Jobs are time-limited and wage-paid work experiences that are subsidized up to 100 percent. These jobs are in the public, private, or nonprofit sectors and are available for individuals with barriers to employment who are chronically unemployed or have an inconsistent work history, as determined by this policy. Local areas may use up to 10 percent of Adult and Dislocated Worker formula funds for Transitional Jobs.

Transitional Jobs are differentiated from other types of work experiences by the following characteristics:

- Transitional Jobs are a paid, subsidized work experience, unlike other types of work experience that may be unpaid.
- Transitional Jobs are meant to establish work history while developing skills, whereas the purpose of other types of work experience may be to explore various career options or to assess the participant's employability.



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Transitional Jobs must be combined with comprehensive career services and supportive services. Similar to other types of work experience, neither the employer-of-record nor the host employer where the Transitional Job participant performs his or her work duties is required to employ the participant after the conclusion of the Transitional Job (however, retention, where appropriate, is preferred for the benefit of the worker and employer).

## **DEFINITIONS**

The state defines Chronically Unemployed or Inconsistent Work History as individuals who meet one or more of the following criteria:

- Has never held a full-time job (30+ hours per week) for more than 13 consecutive weeks.
- Has held more than three jobs in the 52 weeks prior to application.
- Has been unemployed for the 13 consecutive weeks or longer prior to application.
- Has been unemployed 27 weeks or more prior to application.

The Local Area defines Chronically Unemployed or Inconsistent Work History as individuals who meet one or more of the following criteria:

- Low income (as defined in Informational Notice 70 Percent LLSIL and Poverty Guidelines Policy).
- Having a work history showing primarily minimum wage employment.
- Currently claiming and/or having exhausted unemployment insurance (UI) benefits.
- On parole or probation or has been released from prison/jail within the 12 months prior to application.
- Currently employed but employment is seasonal, temporary, employment is less than 10 weeks in length.
- An individual who is working part time but desires full time employment, or who is working in employment not commensurate with the individual's demonstrated level of educational and/or skill achievement.
- Individuals who fall below the self-sufficiency threshold found in Self-Sufficiency Information Notice.
- Has been fired from a job within the 12 months prior to application.  
Has been unemployed for 15 or more of the 26 weeks prior to application.

## **POLICY**

Local criteria to participate in a transitional job for Orange County Adult and Dislocated Worker programs, are individuals who:

- Meet the eligibility criteria for an Adult or Dislocated Worker, depending on funding source.
- Meet the definition for Chronically Unemployed or have Inconsistent Work History as defined above.

## **Wages and Benefits**

Participants will be compensated at the same pay rate as similarly situated trainees or employees. All transitional jobs must be paid at an hourly rate determined by the County of Orange based on an analysis of minimum wage and Local Fair Labor Standards Act. The final determined rate will be included on the Work Site Agreement. Any exceptions to the wages or hours must be approved by the Director. Participants must be covered either by state workers' compensation or by relevant on-site insurance. If an entity other than the Orange County Workforce Development Board (OCWDB) or its designee, The County of Orange, is the employer of record, the entity is entitled to a reimbursement of 100% of the wages. If the OCWDB, or its designee, The County of Orange, is the employer of record, the participant's

wages will be paid at 100%. The wage rate and reimbursement rate will be clearly identified in the worksite agreement.

### **Length of Agreement**

The length of a Transitional Job agreement will vary based upon the number of hours worked per week. If a position is full-time (meaning 30 hours per week), the maximum length of the agreement is 26 calendar weeks. Any part-time position (less than 30 hours) has a maximum of 52 weeks. An extension may be granted if the participant is an individual with a disability who requires more time to establish a sufficient work history and to develop employable skills.

### **ACTION**

Bring this policy to the attention of all affected staff and relevant parties.

### **INQUIRIES**

If you have any questions regarding this policy, please email [info@ocworkforcesolutions.com](mailto:info@ocworkforcesolutions.com).