

CONEXIÓN LABORAL

ÁREA LOCAL MAYAGÜEZ - LAS MARÍAS

PUBLIC POLICY NO: 2025-PP-WIOA-006

DATE: April 30, 2025

SUBJECT: Careers Transitional for Adults y Displaced Workers

TARGETED TO: Local Board Members, Executive Director, Center Manager of Unified Management, Officials of the Single Labor Management System

PURPOSE: To establish public policy in relation to Jobs Transitional Programs offered in Adult Programs and Displaced Workers

JURISDICTION: This Public Policy applies to the Single Management System Laboral Mayagüez - Las Marías made up of the municipalities of Mayagüez and Las Marías.

I. **BASE LEGAL:**

Workforce Innovation and Opportunity Act (WIOA). (Public Law 113-128 of July 22, 2014 (128 St at 1425))

20 CFR part is 680.180, 680.190, 680.195, and 681.600 (August 19, 2016)

Uniform Guidance Title 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, according to amendment on April 22, 2024.

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

- 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

Transitional Jobs WIOA Desk Reference,
<https://ion.workforcegps.org/resources/2017/03/19/19/26/TransitionalJobsWIOADeskReference>

The Fair Labor Standards Act of 1938 29 U.S.C. § 203 (FLSA), according to amendment.

WIOA-PP-05-23 - Transitional Jobs for Adults and Displaced Workers

11. DEFINITIONS: The following definitions are part of this policy:
 1. Work Centers: Employers (sponsors) in the private, for-profit, not-for-profit, and public sectors where the work experience takes place and who commit through an agreement to help participants acquire skills that will help them find opportunities of Employment.
 2. Transitional Employment: Provides limited work experience to individuals who have barriers to employment due to chronic unemployment or an inconsistent work history. It can be an effective solution for individuals who need to gain work experience that they may not otherwise be able to obtain. It is aimed at helping the participant establish a work history and develop the skills that will enable them to obtain and retain unsubsidized employment.
 3. Work Experience: planned and structured learning experience that is acquired in a workplace for a limited time and related to the participant's professional career. Work experience can be paid or unpaid, as the case may be, and can take place in the public, private, or non-profit sector.
 4. Individual with Barriers to Employment: An individual who meets one or more of the criteria listed below:
 - a. Displaced housewife.
 - b. Low-income individuals.
 - c. Indians, Alaska Natives, and Hawaiian natives, as these terms are defined in section 166 of the WIOA.
 - d. People with disabilities, including youth who are people with disabilities.
 - e. Aging individuals
 - f. Former offenders

- g . Homeless persons (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-Homeless Assistance Act (42 U.S.C. 11434(a)(2)).
 - h. Young people who are or are over the age to be in nursing homes.
Parenting.
 - i. People who are English language learners, people who have a low level of literacy, and people who face barriers
substantial cultural activities.
 - j. Eligible migrant and seasonal farmworkers, as defined in section 167(i) of the 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 and
sig uien t es) .
 - l. Single parents (including pregnant single women).
 - m. Long-term unemployed people.
5. Individual Employment Plan (PIE): is an individualized career service developed jointly by the Career Plan and the Individual Employment Plan as an ongoing strategy to identify employment goals, achievement objectives, and the appropriate mix of services for the participant. Adult Program or the Displaced Workers Program. (WIOA 134(c)(2)(A)(xii)(II); 20 CFR 680.170)
6. "Participant ant Record Information System" (PRIS): The PRIS is the tool for recording the programmatic information of authorized participants under Title I (Youth, Adult, and Displaced Worker Programs) and Title II l (Employment Service) of the Workforce Opportunity and Innovation Act (WIOA).

III. TRANSFUSION:

Transitional jobs are defined as limited-duration work experiences that are paid for and subsidized up to 10 percent with Workforce Innovation and Opportunity Act (WIOA) funds.

- 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 paid (paid), unlike other types of work experience that can be unpaid.
- They are intended to establish a work history while demonstrating success in an employer-employee relationship and skill development.

mentras a propósito de Other types of work experience may include exploring various career options or assessing the participant's employability.

- They have to be combined with the provision of comprehensive career services and support services, which is not obligatory for other types of work experiences.
- As with other types of work experience, the employer is not obliged to employ the participant after the end of employment (however, the retention is provided, where possible for the benefit of the worker and the employer).
- The local area may not use more than 10% of the combined volume or of its fund allocations of Adult and Displaced Workers Producers for transitional employment [WIOA § 134 (d) (5); 20 CFR 68 0.195; TEGL 19-16]. Other career services and support services cannot be included in determining the 10% cap.
- This policy establishes a maximum expenditure of 20% of the employment experience funds of each TFT programme (AD ultos y tr ab ajad or es displaced), for placement in the public sector.

IV. PUBLIC POLICY:

Because temporary jobs are a type of work experience, the requirements outlined in the public policy on work experience, including the requirement that the Local Board establish a workplace agreement between the participant, employer/sponsor, and the local area or service provider, They are also applied to transitional jobs.

1. Elegibilidad de los participantes

In order for a person to participate in transitional employment, as provided for in the WIOA Act, he or she must:

- a. Have registered for the Adult Program or the Posted Worker Program.
- b. Have completed an initial assessment and, in addition to being identified as an individual with a barrier to employment, be chronically unemployed, or have an inconsistent work history.
- c. A chronically unemployed employee is defined as one who has been unemployed for the past two years.
- d. We define an employee with an inconscientious work history as an individual who has been employed, in various jobs, for periods of time or who do not bring significant experience to his or her work history adversely affecting his or her ability to integrate into the workforce. Factors such as the date of last employment, types of skills acquired and wages in their previous jobs, the number of

jobs you have had during the last two (2) years and employment history (contract, temporary, or permanent employment). In addition, individuals who are currently receiving or have exhausted Temporary Assistance for Needy Families (TANF) benefits may be considered former offenders.

2. Selection of places or workplaces

- a. A community of public, private and not-for-profit sector employers, providing year-round employment opportunities, will help meet the needs of participants.
- b. Placing a WIOA participant in the appropriate work center is essential for the activity to be successful. The supervisors of the workplace must clearly understand the objectives of the Transitional Employment activity and the realistic experiences of the outcome of work and productivity that a WIOA participant can demonstrate. The participant must have an equal superior, like any other entry-level or entry-level employee.
- c. This policy disallows participants to be placed in the JLDL office, the CGU/AJC or the administrative offices of the local area, due to possible conflicts of interest.
- d. WIOA funds cannot be used for employment experience that promotes or supports the cultivation, manufacture, distribution, and dispensation of medical cannabis (medical marijuana) because the medical use of marijuana has not been accepted in the federal jurisdiction and, therefore, medical cannabis centers at the federal level are illegal.
- e. Work placements are allowed in community organizations faith-based, provided that the participant does not engage in inherently religious activities, such as religious worship, instruction, or proselytizing. In addition, work experience participants may only be placed in faith-based organizations that do not discriminate against an eligible, help-seeking individual because of their religious convictions.
- f. Participants will be located in Work Centers that can Provide quality experiences, so that participants can eventually obtain unsubsidized employment. It is vitally important that employers:
 - i. Commit to helping participants;
 - ii. Are able to promote the development of work skills in coordination with the career services and support services provided by the local area;
 - iii. Be willing to retain participants whenever possible.
- g. The employer/sponsor shall provide participants employed in WIOA Title I activities with benefits and working conditions at the same level and to the same degree as other apprentices or employees working for a similar period of time and performing the same type of work as them.
- h. The employer/sponsor shall provide the participant with an appropriate work environment which includes, but is not limited to:

- appropriate safety and health measures, equipment, materials, etc.
- i. The employer/sponsor must ensure that it has enough work for the participant, that it will provide adequate supervision for the participant, and will cooperate with the Local Area or WIOA subrecipient to achieve the participant's goals.
 - j. Transitional Jobs may not be provided that are used to assist, promote or dissuade a trade union organization.
 - k. Transitional Jobs may not be provided that are used directly or indirectly to help fill a job that is vacant because the former occupant is on strike, or is blocked in the course of a labor dispute, or their occupations a problem in a labor dispute involving a work stoppage.
 - l. Transitional Jobs must not prejudice existing service contracts or collective bargaining agreements, unless the appropriate labor body and the employer give their written consent before the activity begins.
 - m. Transitional Jobs may not be used as a subterfuge and/or substitute for Public Service employment, subsidized with WIOA TFT or I funds.
 - n. A participant in any Transitional Employment activity must not displace any regular employee (as of the date of participation). This includes partial displacement, such as a reduction in working hours (other than overtime), salaries, or employment benefits.
 - o. Transitional Jobs may not in any way infringe on the promotion opportunities of workers currently employed by the employer as of the date of participation.
 - p. Employers/sponsors must observe section 188 Non-Discrimination, which prohibits participants from working in the construction, operation, or maintenance of a facility that is used primarily for religious instruction or worship.
 - q. The health and safety standards established under state or federal laws applicable to the employer/sponsor's conditions are: also applicable to participants in programs and activities under Title I of WIOA.
 - r. Participants will be covered by the Workers' Compensation System Act. If the state workers' compensation law does not apply to the participant, the employer must provide insurance coverage for injuries to the participant in the course of the activity.
 - s. No person may be placed in employment if a member of that person's immediate family is directly supervised by or directly supervises that individual.

3. Salaries y beneficios

Participants (adults, posted workers) registered in a Transitional Employment will not receive hourly compensation less than the minimum wage

state or federal, whichever is greater. Participants will be paid only for hours worked, as documented in the participant's attendance record and the required fringe benefits. Participants are not allowed to work overtime and cannot be compensated for:

- Sick leave;
- Vacation leave; and
- A holiday day recognized by the employer as a "paid holiday day".

4. Duration of transitional jobs

The exact duration of transitional employment will be determined based on the participant's employment objectives, background, and skill level, as reflected in the PIE. Transitional employment must not exceed six (6) months or up to one thousand forty (1040) hours, whichever comes first. Exceptions may be made to this limitation on the duration of the activity, however, any exception must be reasonably supported by the PIE.

On the other hand, the Executive Director, on behalf of the Local Board, in the light of the experience of the Career Planners, may expand the terms of duration provided herein, subject to the needs of the clientele and the benefits to be acquired by the participants through transitional employment, provided that in no case may the term of duration of the activity exceed one year.

5. Complementary Services (Career Services and Support Services)

- a. Transitional jobs have to be combined with comprehensive career services and support services in accordance with the needs set out in the PIE. The following services may be offered, among others:
 - i. Group Councillor
 - ii. Individual Counseling
 - iii. Career planning
 - iv. Short-term pre-vocational services
 - v. Workforce Readiness Activities
 - vi. Financial Literacy Services
 - vii. Learning of the idiom a English Integrated with Educational Training Programs
- b. As part of the evaluation and planning for temporary employment, the Career Planner 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:
 - i. Coordination for emergency assistance, such as food assistance. Medical Care and Services, Housing, and Utilities
 - ii. Assistance with transportation, child/dependent care assistance, medical services, tools, job training costs, or other support services.

6. Reporting

- a. All participants must be eligible and registered in WIOA programmes (either in the Adult or Displaced Workers Programme or in a sub-vention of information about them), and any data about them that must be reported must be recorded in the Participant Record Information System (PRIS).
- b. The fiscal agent should report all transitional employment expenditures using the appropriate code so that expenditures can be properly reported and tracked with respect to the expenditure of temporary employment expenditures for each grant.

7. Evaluation of Proposals

The proposals will be evaluated by the Business Liaison Committee, attached to the Local Board. The evaluation may be carried out in person or by referral by electronic methods so as not to delay the evaluation process and not adversely affect the services offered to the participants in the system.

8 . Agreements with the Work Center sponsor

- a. The Fiscal Agent is the one who pays the participant for the hours of work. Therefore, the employer-employee relationship will be between the local area and the participant.
- b. The contractual relationship between the business, agency or organization where the Transitional Employment takes place (hereinafter sponsor) and the local area will be carried out through work agreements, complying with the federal and standard requirements and the Municipal Code as applicable.
- c. The Working Agreement that is part of this Policy will be used.
- d. The purpose of the work center agreement is to establish a formal training relationship with a work center, to specify the responsibilities of each partner in the agreement, and to provide a successful and enriching work experience for the WIOA participant.
- e. The workplace agreement should articulate the apprenticeship to be carried out, the duration of the transitional employment and the occupational competencies to be obtained.
- f. The workplace agreement must be completed and signed by! Start of the activity.
- g. Documentation must be provided that the sponsor of the Work received an orientation on what is a temporary job.
- h. One (1) agreement may be drawn up for a group of participants in the case of a group of participants. in a Same thing sponsor site, Always and when the working conditions, job description, salary rates and terms of the agreement are the same for all parties and the placement is in accordance with the PIE/ISS and ad iestr ient of each participant.

- i. The employer/sponsor of the Work Center will present the following documents:
 - i. Copy of the Employer's Social Security
 - ii. Liability Insurance - that covers participants while they are active in the activity
 - iii. Copy of the Single Permit
 - iv. If a copy of the Certificate of Good Standing issued by the Department of State is included

These minimum required documents apply only when it is the local area or service provider that pays the wages to participants of the different types of work experience and not the employer who serves as the sponsor of the work center.

V. CONTRACTING:

Contracts will be worked in faithful compliance with Law No. 18 of October 30, 1975, as amended, Regulation 33: Registration of Contracts of the Office of the Comptroller of the Commonwealth of PR. Circular Letter OC-21-11 of May 12, 2021 issued by the Comptroller of PR and any other applicable legislation.

VI. SEVERABILITY CLAUSE:

If any provision of this public policy is challenged by the Court and declared unconstitutional or void, such decision shall not affect, impair or invalidate the remainder of this public policy , but shall be limited to the provision or type specifically indicated. The nullity or invalidity of any provision or type shall not affect or impair in any way its application or validity in any other case, except when it is specifically and expressly invalidated in all cases.

VII. COMPLIANCE:

Compliance with the provisions and requirements established in this public policy will be evaluated by the Monitor attached to the Local Board as part of its functions.

At a minimum, you should evaluate the following:

1. Roles of the patron, the participant and the person of the Local Board;
2. Workplace visits and interviews with participants and supervisors by persons who are not responsible for handling the workplace agreement or handling of participant cases will be included in the monitoring process.

3. . La v a lid aci6n of the acquisition of skills and competencies by the
Participating in ES.

The JLDL will ensure that employers and participants agree to cooperate with the monitoring requirements made by the State and/or the JLDL and adhere to applicable local, state, and federal rules and regulations.

VIII. FAIR PRACTICES AND ACCESSIBILITY D:

All persons shall have the same opportunities and access to physical services and facilities without regard to race, religion, colour, sex, age, national origin or descent, marital status, parental status, sexual orientation, disability or con d ic i6 n of vet er an. The fu nc ion ar ies will be responsible for ensuring the necessary support for participants with disabilities who need assistance in accessing CGU/AJC facilities and services.

IX. ACTION REQUIRED A

The Executive Director of the Local Board will be responsible for dividing this public policy, as well as training the Officials of the Management System in relation to this public policy. In addition, all of these must be cont est with the request for information related to the Constitution. The Executive Director of the Local Board shall be responsible for sending a copy to the Evaluation Specialist of the Office of Planning, Evaluation, Validation and Statistics of the Employment Connection Program, no later than sixty (60) days after approval

X. INTERPRETATION

The words and Phrases in It's upMate i ca They will be in the middle of the gamel'm. The Context and Meaning endorsed in common and current usage, except when they have been given a specific definition. The words used in the present tense also include the future; those used in the masculine gender include the feminine and neu t ro , except in cases where such int er p r et ac i6n is absolute; the singular number includes the plural and the plural includes the singular, provided that the interpretation does not contravene the purpose of the provision. The terms of time, in days, set forth in this policy refer to calendar days.

XI. V DEGREE

This public policy was approved by the Mayagüez - Las Marías Local Board in a meeting held on April 30, 2025. It will begin to take effect on April 30, 2025 and will be in force until it is amended or repealed by the Local Board.

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For the record, I sign this public policy in Mayagüez, Puerto Rico to the
30 days of the month of April 2025.



Jose A. Justiniano Rodríguez
Presidente Junta Local