



LOCAL BOARD OF SOUTHEAST LABOR DEVELOPMENT

**PUBLIC POLICY FOR THE SALARY PAYMENT TO ACTIVE PARTICIPANTS
IN ON-THE-JOB TRAINING ACTIVITIES (OJT) CANCELLED DUE TO COVID-19**

I. INTRODUCTION

The Puerto Rico Governor, Hon. Wanda Vázquez Garced, enacted the Administrative Bulletin No. OE-2020-020, on March 12, 2020, by which she decreed an emergency state related to the COVID-19 impact. Posteriorly, on March 15, she enacted the Administrative Bulletin No. OE-2020-020 to make feasible the lockdown of the governmental and private operations in order to fight the COVID-19 effects, since March 15 to March 30, 2020. To the effect of extending the measures to control the risk of contagious, on May 1 through the Administrative Bulletin No. OE-2020-038, she extended until May 25, 2020, inclusive, the governmental lockdown, among other measures.

The Local Board, in conjunction with the principal elected official, is responsible for making sure that the funds and the administration of the youth, adults and dislocated worker activities, as well as the One-Stop-Centers of the Local Labor Development Area, are used appropriately.

II. LEGAL BASE

Informative Bulletin No. OE-2020-020 enacted by the Puerto Rico Governor, Hon. Wanda Vázquez Garced on March 12, 2020

Informative Bulletin No. OE-2020-023 enacted by the Puerto Rico Governor, Hon. Wanda Vázquez Garced on March 15, 2020

Informative Bulletin No. OE-2020-029 enacted by the Puerto Rico Governor, Hon. Wanda Vázquez Garced on March 30, 2020

Informative Bulletin No. OE-2020-033 enacted by the Puerto Rico Governor, Hon. Wanda Vázquez Garced on April 12, 2020

Informative Bulletin No. OE-2020-038 enacted by the Puerto Rico Governor, Hon. Wanda Vázquez Garced on May 12, 2020

Sections 680.700 of the Regulation of the Workforce Innovation and Opportunity Act (WIOA, for its English acronym)

ETA Coronavirus (COVID-19) FAQs, issued by the Workforce GPS, updated on April 13 and 14, 2020

Training and Development Guidance Letter (TEGL) NO. 19-16: Guidance on Services Provided Through the Adults and Dislocated Workers Program under the Workforce Innovation and Opportunity Act (WIOA, for its English acronym) and the Wagner-Peyser Act Employment Service (ES), as amended by Title III of WIOA, and for implementation of the WIOA Final Rules, issued on March 1, 2017

Consultation answered by Carmen E. Rodríguez, the Liaison Officer for Puerto Rico in USDOL-ETA, on May 4, 2020, in regards with payment to OJT participants affected by COVID-19

III. GENERAL PROVISIONS

1. The Career Planners or the designated officials will contact participants to make sure that they are apt to continue participating. It is of vital importance to make sure that they are not institutionalized. They will orient participants in regard with the payments to be made, their responsibility to complete the training hours, and will ask them to submit the information related to their bank account in order to make payment via direct deposit.
2. The Career Planners or the designated officials will validate with the Unemployment Insurance Program, if the participants have active cases due to the closure of their workplace. If they are active in the Unemployment Insurance Program, payment of salaries will not be authorized. The payment of salaries to the active participants of the Unemployment Insurance Program is a nonauthorized payment, and it will be considered a fraudulent act.
3. A cost analysis to determine the budgetary impact will be made, since initially the costs only included the percentage to be reimbursed without fringe benefits. The corresponding documents will be prepared (Funds Allocation Increase), and then they will be submitted to the Fiscal Agent for the customary process. The designated official will process the information in the MIP Accounting System.

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4. The contract will be amended to the ends of establishing that, in the face of the COVID-19, payment to participants will be made as of March 16 until the enterprise begins to operate and the participants are reinstalled in their work areas. The amount to be paid will not exceed the hours authorized in the contract. In the amendment to the contract will be included that at the time of reinstallation the participant will complete the training hours. The pending training hours that were not authorized as part of this policy can be subsidized. If the hours were totally paid, the participant will complete the pending training hours and the employer will not pay salaries during that period.
5. Upon validation of the budgetary impact of this policy implementation, the budget will be modified, if necessary.
6. If the employer begins to operate when the participant returns to their workplace, the hours pending to be paid that were not authorized as part of this policy can be subsidized. If the hours were totally paid, the participant will conclude the training and the employer will not pay the salaries during that period. Support services can be given based on their need. Support services are designed to provide the participant the necessary resources in order to allow their participation in the career and training services that they cannot obtain by means of other programs that offer this type of service. Some of these can be:
 - a. Transportation services assistance
 - b. Childcare and dependents assistance
 - c. Lodging assistance
 - d. Assistance to buy uniforms, and others

In those cases in which the participants begin to work (at least twenty hours) and are receiving the Unemployment Insurance Program benefits, they will have to inform the change in their labor status of the Unemployment Insurance Program so that they can make adjustments in the amount to be awarded, accordingly. The employer can be reimbursed (when there is a balance in the training hours) after validating that the adjustments to the amount awarded to the participant were made in order to make sure that there is no duplicity and, thus, unallowed costs.

7. The disarticulation caused by the pandemic could adversely affect the Programs performance. The Labor Department (DOL, for its English acronym) recognizes the challenges we have to comply with these measures. Therefore, sanction determinations based on the AP 19

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information, will not be taken. The DOL uses statistic models adjusted to the performance levels at the end of the Program Year, in which the serviced participants' characteristics and the current economic conditions are considered. They will continue closely monitoring the COVID-19 and its impact on the services and in the execution measures. Even so, it is our responsibility to do all the corresponding actions addressed to comply with the performance measures and that the Local Board-Employer relationship is not adversely affected.

8. If the enterprise in which the participant was working does not resume its operations or the employer determines that due to business adjustments must make a downsizing, and the participant has not acquired the job position skills, will be placed in another job. It will be jotted down in the file that the participant did not acquire the skills because participation was not completed given the situation caused by COVID-19, and that the participant is receiving a second chance to acquire them.
9. The participant will certify in writing that when the return to the workplace occurs, will complete the training even when there are no pending training hours.

IV. PUBLIC POLICY

Payment of 100% of the salaries and fringe benefits, correspondingly, is authorized to the participants that are active in the On-the-Job Training Activities (OJT), which were cancelled due to COVID-19. This will occur irrespectively of the reimbursement authorized to the employer. In order for that to occur, a contract with the employer and in regards with the participant, the Appointment and Benefits Authorization Certification previous to the lockdown order issued by the Informative Bulletin No. OE-2020-023 enacted by the Puerto Rico Governor, Hon. Wanda Vázquez Garced, on March 15, 2020, must have been signed. Pending salaries will be paid, as established in the Appointment and Benefits Authorization Certification, which must agree with which is established in the contract. To issue payments the following method will be used:

- A first reimbursement of the payments that would have corresponded to the period elapsed as of March 16 up to the date when this policy is approved.
- For the subsequent payment periods bi-weekly payments will be made until the government lockdown ends and the participant returns to the workplace, or the contract ends, what occurs first.

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To determine the hours to be paid, the hours authorized in the contract, or an average in those cases in which the employer pays less hours than the stipulated in the contract, will be used. In the particular case of the participants that are working, and the employer has assigned them less than the minimum twenty (20) hours included in the contract due to COVID-19, a reimbursement of the worked hours will be paid to the employer. The participant will be paid the hours that were not paid by the employer. The latter only applies to the participants that are not receiving the benefits of the Unemployment Insurance Program. This action will be included as part of the contract amendment.

This does not apply to pending payment periods prior to the lockdown order issued in the Informative Bulletin No. OE-2020-023 enacted by the Puerto Rico Governor, Hon. Wanda Vázquez Garced on March 15, 2020. To pay these invoices, the ordinary process will be used, as approved.

V. APPROVAL AND VALIDITY

This public policy was approved by ALDLSoutheast Local Board in a virtual meeting held on May 22, 2020. The issued votes were tallied, registered, and filed by the Local Board's Executive Assistant. This policy will take effect immediately after its approval. The Local Board's Executive Director will be responsible of informing its personnel within the five (5) days following its approval. This Public Policy nullifies any other public policy, procedure, or written communication, completely or partly, that is incompatible with the herein indicated, up to where such incompatibility would exist.

For the record, I hereby sign the present in Humacao, Puerto Rico, on the 22nd days of the month of May of the year 2020.

[Signed]

Jesús Delgado Morales
President
Local Board of Southeast Labor Development

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