



ÁREA LOCAL
DE DESARROLLO LABORAL
SURESTE
AmericanJobCenter

**PROCEDURE OF EVALUATION AND SELECTION OF
EMPLOYERS OFFERING ACTIVITIES OF WORK EXPERIENCE,
INTERNSHIPS, PRE-APPRENTICESHIP PROGRAMS,
AND ON-THE-JOB TRAINING**

YOUTH PROGRAM

MARCH 2020

I. INTRODUCTION

The Workforce Innovation and Opportunity Act (WIOA, for its English acronym) was enacted on July 22, 2014, and effective on July 1, 2015. It is designed to help people that are searching for a job have access to job offers, education, and training and support services in order to succeed in the labor market, and at the same time for the employers to have access to employees with skills to compete in the global economy. In the particular case of youth (14 to 24 years old), the WIOA ratifies the Federal Labor Department (DOL) to promote youth high quality services.

According to Section 129 (c) (2) (C), the Local Areas are responsible for offering youth programs that include paid and unpaid work experience and that have an academic and occupational education component. This academic element must occur concurrently or consecutively with the work experience. Its main purpose is to offer the participant the opportunity of exploring diverse occupations and develop their skills.

The work experiences are learning activities, planned and structured, which take place in a determined work area for a determined period of time. They can be paid or unpaid and can be developed both in the public or profit or non-for-profit private sector.

The work experiences to be developed can be of these four (4) types or categories:

1. Summer job opportunities and other job opportunities during the academic year
2. Pre-apprenticeship Programs
3. Internships and job shadowing, and
4. On-the-Job Training (OJT)

The Youth Committee of the Local Board of Southeast Labor Development (Local Board), as part of its functions, is responsible for evaluating the providers of the Youth Program services.

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II. PURPOSE

The purpose of this document is to establish a uniform procedure and instructions for the identification, evaluation, and selection of proposals process submitted by employers who are representatives of the profit or non-for-profit private sector or by public entities in relation to the work experience offered to the participants.

III. FORMS

The following forms will be used in conformity with this Procedure:

1. Work Experience Proposal
2. Inspection visit to proponents' physical facilities
3. Work Experience Proposal Evaluation

IV. LEGAL BASE

- A. The Workforce Innovation and Opportunity Act (WIOA, for its English acronym), PL 113-128 of July 22, 2014
- B. Interpretive Regulation of WIOA
- C. 2 CFR 200 Super Circular Title 2 Subtitle A Chapter II Part 200 Sub Part D: "Procurement Standards"
- D. Written communication: *Scope of the Prohibition to Subsidize Employment with Title I Funds in the Public Service Sector*

V. DEFINITIONS OF PROGRAMMATIC ACTIVITIES

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- a. Job opportunities during the summer season and other job opportunities during the academic year. It is a planned and structured strategy addressed to lead the youth to acquire workplace experience for a period of time. It is designed so that the youth is faced with the labor world. It must help the youth to acquire social and personal attitudes, necessary knowledge and skills to obtain a job.
- b. Internships and job shadowing – The participant has the opportunity of being led through a structured experience to be placed in a nonfunded job, taking into consideration their occupational interest or training area.
- c. On-the-Job Training: This activity is defined as paid training provided by an employer to a participant, while the employee is doing productive tasks in an employment.
- d. Pre-apprenticeship – It is designed to prepare youth to get admitted and succeed in a Registered Apprenticeship Program.

In the Puerto Rico particular case, the Labor Development Administration, now the Labor Development Program, in the written communication *Scope of the Prohibition to Subsidize Employment with Title I Funds in the Public Service Sector*, issued on June 24, 2013, it is established, among others, what follows:

The Job Experience will not be used as a subterfuge and/or a substitute for an employment in the public service...

If it is an activity subsidized with Title I funds, the Job Experience in the public sector, it cannot consist of or be equivalent to the participant exerting what constitutes a public position in an agency, organization, instrumentality, public corporation, or municipality. It can neither imply that the participant of the Job Experience earns the salary of the respective public position subsidized with WIA funds for the performance of the typical responsibilities and duties of said position, which constitutes a government employment.

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VI. GENERAL NORMS

1. The Job Promoters and other officials ascribed to the Service Providers under Title I-B will promote the activities that are offered to the participants.
2. The Youth Committee will be responsible of evaluating the proposals received as part of the competitive acquisition process. In the next regular meeting of the Local Board a report will be issued, in which the approved proposal will be enumerated: Programmatic Activity, Provider, Cost, Number of Participants, and any other relevant data.
3. All the officials that intervene in the evaluation and selection process of providers must comply with the provisions of the Government Ethics Law and its amendments: Law No. 12 of July 24, 1985. Failing that, the Local Board's components and the Evaluating Committee of the Service Providers ascribed to the Local Board, who are not government employees will comply with the provisions of the Local Board's Regulation provisions.
4. As a policy for the selection of the Work Experience Youth Program activities providers, the following factors will be considered:
 - a. Experience in similar activities – In those cases in which is applicable, it will be determined based on the achievements and goals obtained, which were previously contracted. As a general norm, providers that have not complied with previous contracts will not be hired. If any Activities Provider that has not complied due to situations beyond their control, the reasons for such noncompliance will be evaluated and if valid, an opportunity will be given, and the provider will be included in the Register.
 - b. Economic Solvency and Fiscal and Administrative Liability – The financial statement and other related documents, as well as all the documents requested by the Treasury Department and other federal and state administrative entities, which are requested to

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providers before the contract formalization will be revised. Upon the documentation analysis, the provider's capacity and fiscal and administrative liability will be determined.

- c. The provider complies with the objectives and limits established in the applicable Policy.
 - d. The provider has physical facilities that meet the health and safety norms.
 - e. The provider complies with corporate and government documents.
 - f. The employer has personnel to supervise the participant.
5. In regard with the proposals for the On-the-Job Training activities (OJT) addressed to the out-of-school youth, the Identification, Evaluation and Selection Procedure of Work-based Training Activities Providers will be used.
 6. In the particular case of collaborative agreements with government entities, the Economic Solvency and Fiscal and Administrative Liability and the compliance with corporate and government documents will not be considered.
 7. Upon evaluation and approval of the proposals, they will be referred to Title I-B Provider to place participants based on their needs.

VII. PROCEDURE

A. ORIENTATION

1. Upon identifying the participants' needs, the Employment Promoters or other designated officials will visit the enterprises or organizations of the Local Area that are available to offer an opportunity, so that the participants develop occupational skills in a real workplace.

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2. The Employment Promoters or other designated officials will offer to the proponent orientation about the services and activities (including a maximum of established hours for each activity related to the WIOA) and will facilitate the form that will be used to prepare the proposal.
3. The Employment Promoters will give follow up by telephone and will conduct visits to the effect of offering the proponent the necessary technical assistance in order for them to submit the proposal in compliance with all the established requirements.

B. PROPOSAL REGISTRATION AND EVALUATION

1. All received proposals will be punched with the date and hours of receipt, and it will be registered to be referred to the Local Board.
2. The Employment Promoter will visit the physical facilities to ensure that they comply with the health and safety requirements as well as access for the disabled persons. As part of the visit, the Employment Promoter will complete the form *Visit to Inspect the Proponent's Physical Facilities*.
3. The Employment Promoter will revise the proposal in all its parts and will make sure that all the documents requested as part of the evaluation process have been handed in. The revision will take effect in a term not greater than three labor days counted as of the date in which it was referred by the Employment Promoter or the designated official. As part of the process, the Employment Promoter will verify the funds availability.
4. Upon revision of the proposal(s), the Employment Promoter will refer it to the Title I-B Director for its recommendation.
5. Once the Title I-B Director has recommended the proposal(s), these will be referred to the Local Board Executive Director or its authorized representative, who will refer the proposal(s) to the Youth Committee. This Committee will evaluate the proposal(s) in

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Committee meetings or through referendum via electronic media. The latter to the effect of expediting the process and not affecting adversely the evaluation and award process. The evaluation will be conducted in a term not greater than three working days as of the date in which it was referred to the Committee, which could be done in a face-to-face meeting or digitally. In the next regular meeting of the Local Board, they will issue a report in which they will list the approved proposals: Programmatic Activity Provider, Cost, Number of Participants, and any other relevant data.

6. The approved proposals will be submitted to the Title I-B Director in order to conduct the participants' referral and recruitment process.

C. PARTICIPANTS' REFERRAL AND RECRUITMENT

1. Upon approval of the proposals, the Local Board Director or its authorized representative will refer them to the Activities Coordination area in order to coordinate the participant referral to the employer and to make the appointments.
2. The Employment Planner or the personnel to whom it will be assigned will be responsible for visiting the participants and the employer to the effect of making sure that the participant is attending regularly, and that does not have any adaptation problems, among others. The latter will be done in order to make sure that the participant obtains the occupational basic skills needed, as identified in the Individualized Employment Plan. If necessary, the Employment Planner will be able to coordinate the corresponding assistance services, based on the participants needs.
3. The fiscal area will be the custodian of the approved proposals and will make sure that the file is complete in all its parts and accessible to be revised by the internal and external monitors and auditors that require so.

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VIII. APPROVAL AND VALIDITY

The procedure amendment was approved by the ALDLSoutheast Local Board in a regular meeting on March 4, 2020. It will take effect immediately after its approval. The Local Board's Executive Director will be responsible for informing its personnel within the five (5) days following its approval.

For the record, I hereby sign the present in Humacao, Puerto Rico, on the 4th day of the month of March 2020.

[Signed]

Jesús Delgado Morales
President
Southeast Local Labor Development Board

[Signed]

Moisés Cartagena Aponte
Youth Committee's President
Southeast Local Labor Development Board

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