



**PROCEDURE OF EVALUATION AND SELECTION OF WORK-BASED
TRAINING ACTIVITY PROVIDERS**

AMENDED IN AUGUST 2020

I. INTRODUCTION

There are diverse options and flexibility in WIOA in regard with the training activities addressed to adults and dislocated workers. The work-based training activities present a great opportunity to promote a bigger participation of the employers, implement strategies by sectors, and foster associations with the industries, since these trainings allow the employers to train the employees while they continue being productive.

II. PURPOSE

The purpose of this document is to establish a uniform procedure and instructions for the identification, evaluation, and selection of proposals process that have been submitted by employers who are representative of the private sector in relation with the following programmatic activities:

- On-the-Job Training (OJT)
- Custom-made Training
- Incumbent Workers
- Registered Learning

III. FORMS

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

1. Worked-based Training Activity Proposal
2. Inspection visits to proponents' physical facilities
3. Evaluation of Work-Based Training Activity Providers

IV. LEGAL BASE

- The Workforce Innovation and Opportunity Act (WIOA, for its English acronym), LP 113-128 of July 22, 2014
- Interpretive Regulation of WIOA 20 CFR, Sections 680.700 to 680.840
- Training and Employment Guidance Letter (TEGL) WIOA 19-16 of March 1, 2017, issued by the Training and Employment Program ascribed to the Federal Labor Department

LOCAL BOARD OF SOUTHEAST LABOR DEVELOPMENT

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V. DEFINITIONS OF PROGRAMMATIC ACTIVITIES

1. On-the-Job Training: The WIOA defines *On-the-Job Training* (OJT) as: Paid training provided by an employer to a participant, while the employee is doing productive tasks in an employment, which:
 - Provides knowledge or the essential skills to develop themselves on the job at a maximum capacity
 - Provides the employer a reimbursement of up to 50% of the participant's salary, due to the extraordinary costs that are implied in providing training and additional supervision related to the training. The Local Board issued public policy to the ends of authorizing up to 75% in particular situations.
 - It is limited in terms of duration taking into consideration the occupation in which the participant is being trained, the training content, the previous experience of the participant, and the services strategy of the latter.

2. Custom-made training: In Section 101 (14) of the WIOA, a *Custom-made training* is defined as a training that:
 - It is designed to meet the special requirements of an employer or group of employers.
 - It is conducted with the employer's commitment of hiring the participant after the employee has successfully completed the training.
 - The employer can be reimbursed a significant part of the training costs, as determined by the Local Board, taking into consideration the enterprise's size and other factors that the Local Board determines, such as: number of employees in the training, level of salaries and fringe benefits of the employees at an entry level, and the level that they anticipate they will receive at the end of the training, and the relation of the training with the participant's competitiveness, and others.

The training can be addressed to employed or unemployed individuals. In the case of the employed individuals, it will be considered if their salary is not *self-sufficient*, according to the public policy established by the Local Board.

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3. **Training to Incumbent Workers:** The incumbent worker needs to be employed; it must be an employer-employee relationship, and there must be a work history with the employer for a six (6) month period or more. The training will be addressed to increase the employee competitiveness or the employer's.

The activity is designed to meet the special requirements of an employer or group of employers in order to retain skilled employees or avoid laying off them by means of helping them get the skills necessary to retain their jobs. This activity is conducted with the employer's commitment of retaining or preventing laying off the trained incumbent workers.

4. **Registered Learning:** It is an important component of the training and employment services that the workforce system can offer to its clients. It is addressed to develop the careers of the persons that are searching for a job and as a strategy addressed to the job (job-driven), as well as to attend to the businesspersons' and industries' needs. It can be financed through various mechanisms. The DDEC is in charge of developing the activity in Puerto Rico. The Local Boards will work in coordination with PDL to implement the activity.

VI. GENERAL NORMS

1. The funds authorized for the employers in relation with the work-based training activities will not be used directly or indirectly to help, promote, or prevent the organization of labor unions.
2. The employer that requests the salary incentives will be responsible of retaining on the job the participants who complete the training satisfactorily.
3. The salary paid to the participant and the working conditions will be the same as that of the employees' that perform the same occupation.
4. The previous performance, as well as the administrative and fiscal capacity of the employer, are basic criteria in order to approve the proposal.
5. The physical facilities have to comply with the health, safety and access requirements of disabled persons. This will be verified in the visit that the Career Promoter or other officials designated will make to the proponent's physical facilities.

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6. The contract term will be limited to the time that the participant(s) requires to acquire the occupation skills. To these ends, the occupational skills, the participant's vocational skills and previous experience, as well as the participant's Individualized Employment Plan will be considered.
7. As part of the information that is provided to the participant, they must be informed about the training activities. The free training selection will be document in the participant's file.

VII. APPROVED POLICIES

The officials responsible for the identification, evaluation and selection of the worked-based training activity providers process to which this procedure makes reference to will monitor compliance with the following policies issued by the Local Board:

- Policy for the Development of the On-the-Job Training Activity (OJT) – Amended reimbursement to employers
- Policy for the Development of the Custom-Made Activity - Reimbursement to employers
- Policy for the Rendering of Training Services to Incumbent Workers

VIII. PROCEDURE

A. ORIENTATION

1. The Employment Promoters will orient the Local Area enterprises regarding the services that are offered in said area. They will highlight those enterprises that have available job opportunities. This information can be compiled by means of newspapers reading, visits to employers, coordination with the Employment Service or other entities, as well as participation in job fairs, conventions, and others.
2. The Employment Promoters will offer the proponent orientation on the services and activities related to the WIOA. The Employment Promoter will facilitate the *Worked-Based Training Activities Proposal* form and the *Sole Documentation Request* form, the latter according to Executive Order No. OE 2015-23 of July 14, 2015. This is an alternative procedure to obtain government certifications.

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3. The Employment Promoters will give follow up through telephone and conduct visits to the ends of offering the proponent the necessary technical assistance so that they can submit the proposal in compliance with all the established requirements.
4. The Employment Promoters will visit the physical facilities to make sure that they comply with the health, safety, and access to disabled persons requirements. As part of the visit, the proponent will compliment the Inspection *Visit to the Proponent's Physical Facilities* form.
5. The before mentioned activities will be offered, in equal footing, to all the employers that request the services.

B. REGISTRATION AND PROPOSAL REVISION

1. All received proposal will be dated and time punched, registered, and referred to the Director of the Programmatic Services or the official to whom it is delegated.
2. The Employment Promoters will verify the previous experience (if any) of the employers in the Local Area activities. They will certify in writing the type of experience, as well as the results. In the case of needing additional information to certify the employer's previous experience (in terms of performance), the Employment Promoters will contact the Director of Programmatic Services or the official to whom it is delegated.
3. The Employment Promoters will evaluate the fiscal document submitted by the employer to make sure that the proposal is in compliance with all the established requirements.
4. The Director of Programmatic Services or the official in whom it is delegated will revise the proposal in all its parts and will make sure that it is in compliance with all the applicable norms and requirements.
5. Once the proposals are revised, the Director of Programmatic Services or the official in whom it is delegated, will hand in the proposals to the Executive Assistant of the Local Board.

C. EVALUATION DE PROPOSALS

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1. The Executive Assistant of the Local Board will refer the proposal(s) to the Service Providers Evaluation Committee, ascribed to the Local Board, when the WIOA contribution does not exceed **\$100,000.00**. They will evaluate the proposals in Committee meetings or through referendum by electronic media. This to the effect of accelerating the process and not adversely affecting the evaluation and adjudication process. The evaluation will be made in a term not greater than three (3) days counted as of the date that it was referred to the Committee. In the next ordinary meeting of the Local Board, the Executive Assistant will issue a report in which the approval proposals are enumerated, namely: programmatic activity, provider, municipality, cost, number of participants, and any other relevant datum.
2. The proposal that exceeds the WIOA contribution for the amount of \$100,000.00 will be referred to the Executive Committee. The Committee will evaluate the proposals in the Committee's meetings or through an electronic referendum. This, to the effect of accelerate the process and not adversely affecting the evaluation and adjudication process. The evaluation will be made in a term not greater than three (3) days counted as of the date that it was referred to the Committee. In the next ordinary meeting of the Local Board, the Executive Assistant will issue a report in which the approval proposals are enumerated, namely: programmatic activity, provider, municipality, cost, number of participants, and any other relevant data.
3. The evaluated proposals will be submitted to the Executive Assistant. The latter will inform the proponent the result of the evaluation in writing. In the particular case of the rejected proposals the proponent will be advised about their right to request reconsideration before the Local Board.
4. The Executive Assistant of the Local Board will send the approved proposal to the Director of Programmatic Services, or its authorized representative and this person will refer them to the Hiring Official to formalize the contracts.

D. CONTRACTS FORMALIZATION

1. The Hiring Official/Public Documents Official will draw up and formalize the contract in a term not greater than three (3) working days.

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2. Once the contract is ready to be signed, the Hiring Official/Public Documents Official will contact the employer to proceed to sign it. The employer must sign the contract in the Office and in the presence of the designated personnel in a term not greater than three (3) working days. If signing in presence is not feasible, it can be signed digitally, and the signed original will be sent to the Hiring Official/Public Documents Official.
3. If the employer does not attend the contract signature in the established time, the Hiring Official/Public Documents Official will notify, through electronic communication, the Director of Programmatic Services or its authorized representative to give follow up to the employer.
4. The contract registration will be done within the fifteen (15) consecutive days following the date of the contract award or following the date of the amendment, agreement, determination, constancy, or action that rescinds it.
5. No provision object of the contract can begin until it has been submitted for registration in the Comptroller Office pursuant to the provision of the Law No. 18 of October 30, 1975, as amended.

E. REFERRAL AND PARTICIPANTS' RECRUITING

1. Once the contract has been formalized and registered, its copy and the proposal will be referred to the Participant Service Manager or the designated official to make the appointments of the selected participants. The participants referral to the employer will be done in a term not greater than three (3) working days counted as of the date when the contract was received.
2. The Career Planner will be responsible to visit the participants and the employer to the effects of making sure that the participant is attending regularly and that does not have adjustment problems, among others. This will be done in order to make sure that the employment is retained and, thus, the performance measures are complied with. If necessary, it could be coordinated with the corresponding Support Services based on the participant's needs.
3. The Participant Service Manager or the designated official will coordinate all the services inherent to the proposal after the hiring.

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4. The Participant Service Manager or the designated official will be 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 Monitors and Internal and External Auditors that request so.

F. INVOICING AND FOLLOW UP

1. The promoter will revise the invoices and all the documents related to the same. This person will request the employer any information or additional document to make sure that it meets the established criteria.
2. Once the invoice has been revised, the Promoter will send it to the Participant Service Manager or the designated official to be approved. The latter will refer it to the Finance Office to conduct the payment process.
3. The Employment Promoter will contact the employer periodically to make sure that the activity is conducted according to the contract's stipulations.
4. The Employment Promoter will give follow up to the employer to the ends of making sure that it meets the established performance measures.

G. NULLIFICATION AND/OR CANCELLATION OF PROPOSALS AND CONTRACTS

There are different reasons by which is important to cancel and/or nullify a proposal or contract once it has been approved and/or awarded. Said reasons must be established in order to safeguard the best interests of the Program. Some of the reasons to request the nullification and/or cancellation of a proposal or contract include:

- a. The proponent has indicated their interest in desisting participating.
- b. The proponent has not complied with the contracted responsibilities and/or agreements.
- c. When implementing the activity, it has been determined that there is no demand for the requested occupations.

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- d. Any other reason that has been established by law and/or established by the Local Board that leads to the nullification and/or cancellation of the proposal or contract.

In accordance with the above, the following will proceed:

1. The Participant Service Manager or the designated official will inform it in writing to the Director of Programmatic Services and the Hiring Official/Public Documents Official.
2. The Hiring Official/Public Documents Official will conduct the corresponding cancellation and/or nullification process.

IX. APPROVAL AND VALIDITY

The procedure amendment was approved by the ALDLSoutheast Local Board in a virtual meeting held on August 13, 2020. The issued votes were tallied, registered, and filed by the Local Board's Executive Assistant. This procedure 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. It nullifies any other procedure or communication related to the evaluation and employer selection for the On-the-Job Training activities, completely or partly, which is not compatible with the herein indicated.

For the record, I hereby sign the present in Humacao, Puerto Rico, on the 13th days of the month of August 2020.

[Signed]

Jesús Delgado Morales
President
Local Labor Development Board

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