

PUBLIC POLICY: NO.WIOA-04-2025

DATE: Wednesday, JANUARY 29, 2025

SUBJECT: TO ESTABLISH THE REQUIREMENTS FOR WORK-BASED TRAINING (WBT) ACTIVITIES UNDER THE WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA).

PURPOSE: THIS PUBLIC POLICY REGULATES THE PLANNING, DESIGN AND DEVELOPMENT OF WORK-BASED TRAINING (WBT) ACTIVITIES UNDER TITLE I OF THE WIOA, WHICH ARE PROVIDED THROUGH FUND DELEGATION CONTRACTS. THESE ACTIVITIES INCLUDE:

- ON-THE-JOB TRAINING (OJT);
- CUSTOMIZED TRAINING;
- TRAINING FOR INCUMBENT WORKERS;
- REGISTERED APPRENTICESHIP PROGRAM (RA).

IN ADDITION, IT ESTABLISHES THAT ON-THE-JOB LEARNING (OJL) ACTIVITIES WITH RELATED INSTRUCTION (RA) FROM THE REGISTERED APPRENTICESHIP PROGRAM BE CONSIDERED AS THE FIRST OPTION WHEN OFFERING TRAINING SERVICES.

TABLE OF CONTENTS

I.	Definitions	4
II.	Legal Basis and References	10
III.	Background	12
IV.	Policy	12
	A. General Eligibility Requirements for Participants in Work-Based Training Services	12
	B. On-the-Job Training (OJT) Activity	14
	- Labor Market and/or Regional Occupation Demand	15
	- Participant Selection	15
	- Participant Eligibility	16
	- Participant Evaluation	16
	- Participants with Previous Experience in the Occupation	17
	- Joint Enrollment in WIOA and TAA	17
	- Reimbursement for Training	17
	- Employer Eligibility Requirements	19
	- Occupation Requirements	20
	- Minimum Requirements for an OJT Contract	21
	- Waiver of Approved Reimbursement Rate by the DOL	22
	- If the Local Board chooses to Participate in the OJT Reimbursement Waiver	22
	- If the Local Board chooses NOT to participate in the OJT Reimbursement Waiver Must	22
	C. Registered Apprenticeship Program (RA)	23
	- Benefits of Registered Apprenticeship	23
	- Development of New Registered Apprenticeship Programs	24
	- Eligibility Requirements to be an Apprentice	25
	- Use of WIOA Funds for Work-Based Learning Activities	25
	- Apprenticeship Program Sponsors	27
	- Sponsors of Learning Registered and the List of Suppliers Training Eligible (ETPL)	28
	- Pre-Learning and Learning Registered for Youths	29
	- Learning Registered in the Program of Attendance by Adjustment in Trade (TAA)	29
	- Exit of the Program	29
	- Documentation of the Record of the Participant	31

D. Customized Training Activities	31
- Eligibility for New Workers	33
- Eligibility for Workers Already Employees	33
- Customized Training and the State List of Suppliers Eligible for Training (ETPL)	34
- Employer Contribution Requirements for Customized Training Activity	34
- Costs Allowed in the Customized Training	34
- Costs Not Allowed in the Customized Training	35
- Minimum Clauses that a Contract Must Contain to Carry Out a Customized Training	35
E. Training for Incumbents Workers	36
- Types of Training	37
- Training for Incumbent Workers and the State Supplier List Eligible for Training (ETPL)	38
- Requirements Eligibility of Incumbent Workers	38
- Requirements for the Training Services	40
- Requirements of Eligibility of the Patron	40
- Measurement of the Competitiveness of the Employees and the Patrons	41
- Funds for Training Projects for Incumbent Workers	42
- Boundaries for the Input of the Patron	43
- Training Policies and Procedures for Incumbent Workers in the Local Board	44
F. Salary Reimbursement Policy	44
- Reimbursement of Wages Up to Seventy-Five Percent (75%)	45
- Reimbursement of Wages Up to Ninety Percent (90%)	45
G. General Provisions	46
V. Repeal	49
VI. Approval and Validity	49
VIII. Annexes	49
- Certification of Reimbursement Rate Increase (Annex A)	50
- Certification of Employer Pre-selection for Compliance with Minimum Standards (Annex B)	51
- Certification of No Debt (Annex C)	52
- Certification of Other Identified Appropriate Purpose (Annex D)	53

I. DEFINITIONS:

1. **Customized Training:** Classroom-type training designed and developed to meet the specific needs of an employer or group of employers with the commitment to employ individuals who successfully complete the training.
2. **On-the-Job Training (OJT):** Structured training provided by an employer, from the public or private sector, with or without a profit motive, to a participant who earns wages while performing productive work in a job that:
 - a. Provides knowledge and/or skills essential for full and adequate job performance;
 - b. Reimburses the employer up to fifty (50%) percent of the participant's wage (in limited circumstances, up to 75%) for extraordinary costs associated with providing the training and additional supervision related to the OJT;
 - c. Has a limited duration, as appropriate for the occupation in which the participant is being trained, considering the required skills for the occupation, the content of the training, the participant's academic and occupational skill level, prior work experience, and the participant's service strategy, as applicable.

The employer reimbursement rate may change with a waiver approved by the U.S. Department of Labor.

Note: Under the Registered Apprenticeship Program model, this activity is referred to as "On-the-Job Learning (OJL)." However, regardless of the program, for the purpose of this public policy, we will use the acronym OJT when referring to On-the-Job Training activity.

3. **Incumbent Worker Training:** Training designed to meet the special requirements of an employer or group of employers to retain a skilled workforce. This training aims to provide new skills and knowledge to existing employees to enhance their competitiveness and increase business productivity. The training is conducted with the employer's commitment to retain or avoid layoffs of trained incumbent workers.
4. **Apprentice:** A worker who is at least sixteen (16) years old, except when a higher minimum age is established by law, employed to learn an occupation as an "apprentice" within a Registered Apprenticeship program.
5. **Registered Apprenticeship (RA):** A structured training model leading to a credential that provides a unique combination of On-the-Job Learning (OJL) with Related Instruction hours and a wage increase during or at the completion of training. The OJT is conducted under the mentorship of a "journey worker" or experienced worker. In most Registered Apprenticeship programs, the worker earns income from the first day of training.

The hours of related instruction are the theoretical part of the program, with *classroom* type training that can be conducted before or during on-the-job training. Graduates of registered apprenticeship programs receive nationally recognized portable credentials, which may apply to additional postsecondary education.

6. **Local Workforce Development Area (LWDA):** A geographic area designated by the governor, consisting of one or more municipalities, within which workforce development activities are carried out.
7. **Certificate of Completion:** The credential awarded to an "apprentice" upon completing the required hours for a specific occupation in a Registered Apprenticeship program. This credential is issued by the U.S. Department of Labor or an entity accredited by it. Additionally, the credential is nationally recognized, certifies the worker's professional competency, and is portable.
8. **AJC:** Refers to the acronym for One-Stop Career Center (known in English as American Job Center).
9. **Extraordinary Cost:** A non-recurring expense incurred by an employer associated with on-the-job training of a participant and their low productivity level.
10. **Significant Training Cost:** The portion of the cost for *On-the-Job Training or Customized Training* that the employer will contribute, considering the following: the size of the company, the number of employees participating in the training, the wage and benefit levels of those employees (at the start and end of the training), the relevance of the training to the participant's competitiveness, other training provided by the employer, and the opportunities for advancement within the company.
11. **Credential:** The recognition granted to an individual for obtaining a measurable skill of a technical or occupational nature that is required for obtaining employment or improving within an occupation. It includes a certificate or certification recognized by an industry, a high school diploma or equivalent, a certificate for completing an apprenticeship program, a state or federally recognized license, or an associate's or bachelor's degree.
12. **Department of Economic Development and Commerce (DEDC):** The Puerto Rico government agency designated by Law 171-2014 as the administrator and overseer of federal funds received by the Puerto Rico Government under the Federal Public Law 113-128 of July 22, 2014, known as the Workforce Innovation and Opportunity Act (WIOA).
13. **DOL:** Refers to the acronym for the U.S. Department of Labor.
14. **Self-sufficiency Standard:** The family income equivalent to or in excess of 100% of the Lower Living Standard Income Level, based on 100% of the annual calculations of the U.S. Department of Labor.

15. **Individual Service Strategy (ISS):** The individual plan specifically designed for participants in the Youth Program. The Individual Service Strategy is used as a primary tool for documenting case management and as a guide for providing the appropriate combination of services to the youth, including referrals to other programs.
16. **Individuals with Barriers to Employment:** An individual who belongs to one or more of the following populations:
- a. Displaced homemakers;
 - b. Low-income individuals;
 - c. Others as defined in Section 166 of WIOA;
 - d. Individuals with disabilities (including youth);
 - e. Older individuals;
 - f. Ex-offenders;
 - g. Homeless individuals, as defined in Section 41403-c(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)); or homeless youth or children, as defined in Section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2));
 - h. Youth in or who have aged out of foster care;
 - i. Individuals who are english language learners, individuals with low levels of literacy, and individuals facing substantial cultural barriers;
 - j. Eligible seasonal and migrant farmworkers, as defined in Section 167(i) of WIOA;
 - k. Individuals within two years of exhausting their lifetime eligibility under Part A of Title IV of the Social Security Act (42 U.S.C. 601 et seq.);
 - l. Single pregnant women, including single parents;
 - m. Long-term unemployed individuals; and
 - n. Other groups determined by the governor to have barriers to employment.

17. **Related Instruction (RI):** The theoretical instruction or training that complements the technical knowledge of the OJL component of the Registered Apprenticeship (RA) program. Classroom-style training helps refine the technical and academic skills that are applied to the job. Related instruction is provided by training centers, technical schools, community colleges, and/or universities or other institutions that employ various approaches to instruction technology-based and distance learning apprenticeship may also be provided by the employer's internal resources that are qualified to teach the subjects required by the program. The goal is to provide apprentices with a set of advanced knowledge that meets the specific needs of the employer(s).
18. **State Workforce Development Board:** In accordance with Section 101 of WIOA (d) (1), the State Board will assist the governor in the development, implementation, and modification of the strategic plan that outlines strategies for the state workforce development system and the additional functions established in the law. It is designated by the governor and led by private-sector representatives who constitute the majority of the board members. Membership also includes representatives from labor organizations, state agencies responsible for postsecondary education, career and technical education, workforce development, economic development, and community organizations.
19. **Local Workforce Development Board (LWDB):** The local board is appointed by the elected official(s) (mayors) in each local area according to state-established criteria under Section 107(b) of WIOA, and is certified by the governor every two (2) years in accordance with WIOA Section 107(c)(2).
20. **Fair Labor Standards Act (FLSA):** 29 U.S.C. § 203, et seq., establishes standards for minimum wage, overtime pay, and the employment of minors, affecting full-time and part-time workers in both the private sector and federal government, as well as state and local governments.
21. **Office of Planning, Validation, and Program Statistics (OPVPS):** An office within the Workforce Development Program that promotes, implements, and advises on strategic and programmatic planning for workforce development system growth.
22. **O*NET:** The online occupational classification system that provides a common language to define and describe occupations. The O*NET database is the primary source of occupational information in the United States. The website for the portal is onetonline.org.
23. **Registered Apprenticeship Sponsor:** Any employer, association, committee, or organization that operates a Registered Apprenticeship program and assumes full responsibility for its administration and operation. This entity recruits apprentices, oversees the development of training, and provides the setting for on-the-job learning (OJL) and/or technical instruction. A sponsor may be: a business or consortium of businesses; a workforce intermediary such as an industry association or a labor management organization; technical/community colleges; community organizations, among others.

24. **Small and Medium-Sized Enterprises (SMEs):** The State Law No. 120 of July 31, 2014, known as the *Incentives for Job Generation and Retention Law for SMEs*, classifies SMEs as follows:
- (i) *Microenterprises: Generate gross income of less than five hundred thousand dollars (\$500,000) each year and employ seven (7) employees or fewer;*
 - (ii) *Small Enterprises: Generate gross income of less than three million dollars (\$3,000,000) each year and employ twenty-five (25) full-time employees or fewer, or their equivalent as defined in this Law;*
 - (iii) *Medium Enterprises: Generate gross income of less than ten million dollars (\$10,000,000) each year and employ fifty (50) employees or fewer, or their equivalent as defined in this Law.*
25. **Individual Employment Plan (IEP):** This is an individualized career service developed jointly by the case manager/career planner and the participant. The Individual Employment Plan (IEP) is a continuous strategy to identify employment goals, achievement objectives, and the appropriate combination of services for participants in the Adult or Dislocated Worker Program.
26. **Career Planning:** This is the provision of participant-centered services designed to:
- a. Prepare and coordinate comprehensive employment plans for participants, such as service strategies, to ensure access to workforce development activities and necessary support services, utilizing, where possible, computerized technology; and
 - b. Provide employment, education, and career counseling, as appropriate, during participation in the program and after placement in employment.
27. **Workforce Development Program (WDP):** A program affiliated with the DEDC, created under Law 171-2014, whose function is to administer, advise, coordinate, supervise, and implement public policy for the workforce development system.
28. **Pre-Apprenticeship Programs:** These are designed to offer instruction and/or training to enhance mathematical, literacy, and other vocational and prevocational skills needed to enter a Registered Apprenticeship (RA) program. Pre-apprenticeship programs funded by WIOA must be formally linked to one or more RA programs and have a strong track record of enrolling their graduates in RA programs. Pre-apprenticeship is part of the Work Experience with or without Pay element of the Youth Program.

29. In-Demand Industry Sector or Occupation:

- a. An industry sector that has a substantial current or potential impact (including jobs that provide self-sufficiency and growth opportunities) on the local, state, or regional economy, as appropriate, and contributes to the growth or stability of other related businesses or industry sectors; or
- b. An occupation that has or is projected to have a number of positions (including jobs that provide self-sufficiency and growth opportunities) in an industry sector that has a significant impact on the local, state, or regional economy. The determination of whether an industry sector or occupation is in demand must be made by the Local Board, as appropriate, using state and regional business projections and labor market information.

30. Specific Vocational Preparation (SVP): It is the amount of time required for an employee to learn techniques, acquire information, and develop the agility necessary to perform adequately in a specific job. The training can be acquired in a school, work, military, institutional, or vocational environment. The orientation time required for a qualified employee to adjust to the special conditions of a new job is not included within the SVP. The following table explains the different levels of SVP:

Level	Time
1	Only short demonstrations
2	Any time beyond a short demonstration up to one month, inclusive
3	More than one month up to three months, inclusive
4	More than three months up to six months, inclusive
5	More than six months up to one year, inclusive
6	More than one year up to two years, inclusive
7	More than two years up to four years, inclusive
8	More than four years up to ten years, inclusive
9	More than ten years

31. Career Pathway: Career pathway approaches for workforce development offer articulated steps of education and training between occupations in an industry sector, combined with support services, to enable individuals to enter and exit at various levels and to advance over time to higher skills, recognized credentials, and better-paying jobs. Each step in a career pathway is explicitly designed to prepare individuals to progress to the next level of

employment and/or education. Career pathway strategies target jobs in industries that are important to local and regional economies and build strong relationships with employers.

II. LEGAL BASIS AND REFERENCES:

- Workforce Innovation and Opportunity Act (WIOA), Public Law 113-128;
- National Apprenticeship Act of 1937 (29 USC 50 et seq.);
- Incentives for the Generation and Retention of Employment for Small and Medium Enterprises (PyMes, by its acronym in spanish) Act (Act No. 120 of July 31,2014);
- Act to Establish the Film Industry Development Program, the Youth Development Program, and the Workforce Development and Training Program (Act No. 171-2014);
- Municipal Code of Puerto Rico (Act No. 107 of August 14,2020, as amended);
- Administrative Bulletin No. 2018-047- Executive Order to designate the Department of Economic Development and Commerce of the Government of Puerto Rico as the state apprenticeship agency and to order the adoption of a regulation to create and implement the Puerto Rico Apprenticeship Program;
- Puerto Rico Unified State Plan 2020;
- 20 CFR 680.600; 20 CFR 680.61; 20 CFR 680.650; 20 CFR 682.200;
- 2 CFR 200- “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards”;
- 29 CFR 29 & 30- “Apprenticeship Programs: Labor Standards of Registration, Amendment of Regulations” and EEO for Apprenticeships”;
- TEGL 13-16- Guidance on Registered Apprenticeship Provisions and Opportunities in the Workforce Innovation and Opportunity Act (WIOA), (January 12, 2017);
- TEGL 13-16- Guidance on Registered Apprenticeship Provisions and Opportunities in the Workforce Innovation and Opportunity Act (WIOA), Change 1 (May 17, 2021);
- 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, (March 1, 2017);

- TEGL 21-16- Third Workforce Innovation and Opportunity Act (WIOA) Title I Youth Formula Program Guidance, (March 2, 2017);
- TEGL 10-16: Performance Accountability Guidance for Workforce Innovation and Opportunity Act (WIOA) Title I, Title II, Title III, and Title IV Core Programs, Change 3, (June 11, 2024);
- TEN 31-16: Framework on Registered Apprenticeship for High School Students, (January 17, 2017);
- TEN 23-23: Quality Pre-Apprenticeship Programs (March 5, 2024);
- TEGL 8-19: Workforce Innovation and Opportunity Act (WIOA) Title I Training Provider Eligibility and State List of Eligible Training Providers (ETPs) and Programs, (January 2, 2020). TEGL 8-19: Workforce Innovation and Opportunity Act (WIOA) Title I Training Provider Eligibility and State List of Eligible Training Providers (ETPs) and Programs, (May 17, 2021), Change 1;
- TEGL 21-22: Increasing Equitable Service Access and Employment Outcomes for All Jobseekers in Workforce Innovation and Opportunity Act Adult and Dislocated Worker Programs (June 9, 2023);
- DDEC-WIOA-02-20- Technical Assistance Guide for the Youth Program Elements (July 7, 2020);
- WIOA Desk Reference: Incumbent Worker Training [https://ion.workforcegps.org/resources/2017/03/19/19/18/Incumbent Worker Training - WIOA Desk Reference](https://ion.workforcegps.org/resources/2017/03/19/19/18/Incumbent_Worker_Training_-_WIOA_Desk_Reference), Employment and Training Administration, January 2017;
- Public Policy WIOA-PP-04-2022 Amendment 2: Requirements for Work-Based Training Activities (WBT) under the Workforce Innovation and Opportunity Act (WIOA);
- Public Policy WIOA-06-2021 and its Amendment WIOA-06-2021-A: For the Creation of the Collaborative Agreement to Establish Employment Experience Activity for the Youth and Adult Programs of the Manatí-Dorado Local Workforce Development Area.

III. BACKGROUND

The Workforce Innovation and Opportunity Act (WIOA) authorizes a range of employment-based training options, known in English as "work-based training" (WBT), which can be used, as appropriate, to assist job seekers in re-entering or advancing in the workforce. Generally, work-based training involves an employer's commitment to hire participants full-time after successfully completing the program.

A key advantage of work-based training is that participants can "earn while they learn" in a hands-on environment to achieve better performance outcomes and earnings. Additionally, work-based training opportunities provide businesses with the chance to develop and retain a skilled workforce using WIOA resources.

Each of the work-based training models can be effectively used to address the different needs of job seekers and employers.

The activities identified as employment-based training included in this policy are:

1. On-the-Job Training (OJT);
2. Customized Training;
3. Incumbent Worker Training;
4. Registered Apprenticeship (RA) Program.

Other work-based training activities authorized by WIOA include internships and other work experiences, such as job shadowing. Transitional jobs are also eligible to be funded under WIOA.

IV. POLICY:

A. GENERAL ELIGIBILITY REQUIREMENTS FOR PARTICIPANTS IN WORK-BASED TRAINING SERVICES

1. All training services, including WBT, will be available to employed or unemployed individuals when:
 - a. The One-Stop Center or American Job Center (CGU/AJC) or one of its partners, after an interview or assessment, determines that the individual:
 - i. Without the provision of career services, is unlikely or unable to obtain or retain a job that leads to self-sufficiency or to a comparable or higher wage than the previous employment;
 - ii. Has the need to obtain or retain a job that leads to self-sufficiency or a comparable or higher wage than the previous employment; and

- iii. Has the skills and qualifications to successfully participate in the elected training service.
 - b. Work-based training opportunities must be identified in the Individual Employment Plan (PIE) or the Individual Service Strategy (ISS) as an appropriate activity for program participants. Additionally, the PIE or ISS and/or case notes will specify the objectives of the work-based training activity and the expected outcomes.
 - c. The selected training program is directly linked to employment opportunities in the local area or the planning region (occupations and industries in demand as established in the Local Plan), or in another area where the individual is willing to travel or relocate.
 - d. The participant is unable to obtain financial assistance from another source to pay for the training costs, including state or federal training grant sources, the Trade Adjustment Assistance (TAA) program, or the Federal Pell Grant established under Title IV of the Higher Education Act of 1965.
 - e. Individuals are determined eligible and will be served in accordance with state and local priority policies.
2. The Local Board must adopt, calculate, or commission for approval the self-sufficiency standards for the local area, specifying the necessary family income by family size, number and ages of children in the family, and substate geographical considerations.

At the beginning of each fiscal year, an Informational Memorandum will be issued by the Administrative Area and the Program Area of the Manati-Dorado Local Workforce Development Area, which will establish the subject: Poverty Level Measures published by the Federal Department of Labor for the corresponding Program Year. These measures will be applicable to qualify participants.

3. A new interview or assessment of the participant will not be required if the CGU/AJC or one of its partners determines that it is appropriate to use an interview or assessment recently conducted by another education or training program.
4. Training services for adults and dislocated workers under Title I of WIOA, when deemed appropriate, should be provided through an Individual Training Account (ITA) or via a Training Contract.

B. ON-THE-JOB TRAINING (OJT) ACTIVITY

OJT is defined in Section 3(44) of WIOA as structured training provided by an employer to a participant who earns a wage while performing productive work in a job that:

1. Provides the knowledge and skills necessary for full and adequate job performance;
2. Provides reimbursement to the employer, generally up to fifty percent (50%) of the participant's wage, for the extraordinary costs of providing additional training and supervision related to OJT. In limited circumstances, the reimbursement can be up to seventy-five percent (75%) of the participant's wage; and
3. The duration is limited according to the occupation for which the participant is being trained. The duration is determined by considering the content of the training, previous work experience, and the participant's service strategy (PIE or ISS), as appropriate.
4. It is essential to differentiate "training" under OJT from the "initial orientation" provided by the employer to new employees. The employer should only be compensated for the type of training that is additional to what is typically provided to a new qualified employee.
5. OJT benefits employers by reducing the cost of training new employees, as the employer designs the training in the workplace. The training is aligned with the skills required for the job tasks and represents a long-term investment in the company. OJT benefits the candidate by providing the opportunity to "earn while learning" in a hands-on environment, acquire job skills with the potential for professional advancement, and have the opportunity to maintain long-term employment. The core purpose of OJT is to encourage both public and private employers, with or without a profit motive, to hire individuals and teach them the necessary skills to perform satisfactorily in the job or to update the skills of an eligible worker. The Local Board or service providers reimburse the employer a partial amount of the participant's wage in exchange for providing training and the commitment to retain the person once the training is successfully completed.
6. While the WIOA law includes provisions that broadly define OJT and prohibit various practices, many of the parameters for this activity have been left to local definition. This policy establishes the minimum guidelines and procedures that One Stop Career Center (OSCC) staff and service providers must follow when guiding, developing, negotiating, implementing, and monitoring contracts for the OJT activity.
7. **Not all jobs are appropriate for OJT.** The emphasis on training automatically excludes all jobs that do not require more than a brief initial orientation period.

Similarly, since reimbursements are intended to compensate the employer for decreased productivity, commission-based or piece-rate jobs are not appropriate. Other jobs unsuitable for OJT include seasonal, temporary, and part-time positions, as the desired outcome of OJT is long-term retention in full-time employment leading to self-sufficiency.

Labor Market and/or Regional Occupation Demand

OJT positions must be in demand in the local labor market, as defined in Section 3(23) of WIOA, and must be determined by labor market information issued by the Department of Labor and Human Resources.

OJT that takes place in small businesses, where the OJT training covers a relatively broad range of functions based on various occupations, is generally considered a single occupation for labor market demand purposes. With these unique occupations, the existence of a job opportunity for the occupation in the business implies the existence of demand for the occupation.

Participant Selection

The responsibilities accompanying the use of public funds require that training activity expenses be limited to situations where there is a documented need for training. OJT is not intended to subsidize wages for businesses or provide financial incentives for hiring. Therefore, the selection of candidates for OJT must be carefully governed by a well-thought-out process. The skills that the participant already possesses should be considered along with the skills needed to perform the job.

1. *OJT programs can be particularly successful for individuals who:*
 - a. Cannot or are unlikely to obtain employment without retraining;
 - b. Are low-income, receiving unemployment insurance or public assistance, or need to earn a wage while learning an occupational skill;
 - c. Are individuals with barriers to employment who need help finding their next job;
 - d. Are individuals who can learn the necessary skills for the occupation more easily and thoroughly within the workplace; and/or
 - e. Need supervision while learning the specific skills for an occupation.
2. *OJT activity can also be offered to eligible individuals who are already employed when:*

- a. The employee does not earn a wage that allows them to be self-sufficient or is underemployed;
- b. Receives a wage comparable to or less than the wages earned in previous jobs, as determined by the local board policy;
- c. Meets the requirements established for OJT; and
- d. The on-the-job training is related to the introduction of new technology, new products or service procedures, promotions to new jobs requiring additional skills, or for another appropriate purpose identified by the Local Board.

Note: Workers who already possess a substantial portion of the skills required to perform the job should not be considered for OJT positions.

Participant Eligibility

1. Participants are required to meet the eligibility requirements of the program for each funding source, i.e., WIOA Adult, Dislocated Worker, and Youth programs, National Dislocated Worker Grants (NDWG), or the Trade Adjustment Assistance (TAA) Program.
2. Although the primary focus of OJT is training in specific job skills, sometimes it is necessary to include training that simultaneously addresses deficiencies in basic skills and/or work readiness skills as part of the participant's training plan.

Participant Evaluation

1. OJT may be provided to any eligible participant under WIOA who has completed a comprehensive assessment process and has been determined to need training services; and that such training is appropriate to obtain or retain employment leading to self-sufficiency. Employers will have the final decision on participant recruitment, subject to the participant meeting eligibility requirements for WBT services.
2. When a candidate is referred by an employer, they may only be considered for OJT with that employer if they meet the eligibility requirements for WBT services, as outlined in this policy.
3. To determine the participant's eligibility for the activity, the occupation's requirements, the participant's academic and occupational skill levels, previous work experience, and the PIE (for adults and dislocated workers) or ISS (for out-of-school youth over 18 years old) must be considered. The PIE/ISS should be based on the results of the objective assessment and demonstrate that the participant has the need and that the OJT activity will benefit the candidate. As part of the evaluation, the following should be considered: employment history, analysis of diagnostic test results, and additional information about the participant's work experience, hobbies, volunteer work, and

identification of strengths and weaknesses. Additionally, the evaluation should include documentation related to the new skills that will need to be acquired during the training and how the skills gap will be addressed through the training.

Participants with Previous Experience in the Occupation

An individual who already possesses the essential knowledge or skills required for the full and adequate performance of the specific occupation for which OJT is being proposed cannot be considered for this activity in that occupation. While strict adherence to this principle is inherent to the concept of OJT, in reality, many jobs are unique and do not present an exact match between the skills required for the job and those possessed by other employers, even when the job title is identical. Therefore, in some cases, the need for OJT may be justified through the evaluation process. Additionally, the lack of current application of skills or changes in technology may require additional training.

Joint Enrollment in WIOA and TAA

1. Eligible participants may be jointly enrolled in partner programs of the workforce development system, such as the Trade Adjustment Assistance (TAA) Program, and receive OJT under WIOA.
2. Participants must meet the eligibility requirements for each program. WIOA and TAA funds must be managed in a coordinated manner to best meet the participants needs and avoid double-dipping (receiving training costs from both programs).
3. The TAA Program can reimburse employers up to fifty percent (50%), and WIOA can reimburse employers up to an additional twenty-five percent (25%), increasing the total reimbursement to employers up to seventy-five percent (75%), aligning the benefits of the TAA Program with the benefits of WIOA.

Reimbursement for Training

1. Through public policy adoption, the reimbursement rate for OJT may be increased from fifty percent (50%) to seventy-five percent (75%) based on the following factors:
 - a. Special characteristics of participants, considering if they are individuals with barriers to employment – for example, individuals with disabilities, etc.;
 - b. Size of the company or business, with an emphasis on small and medium-sized enterprises;
 - c. The employer's history of providing training and advancement opportunities, such as if the training is for an in-demand occupation and may lead to an industry-recognized credential;

- d. The participant's wage and benefits level during and after training;
 - e. Type of Industry;
 - f. Type of Credential Obtained;
 - g. Relevance of the Training to the Participant's Competitiveness;
 - h. Number of Employees to Be Trained.
2. The Local Board must document the factors used when determining to increase the salary reimbursement level from fifty percent (50%) to a maximum of seventy-five percent (75%) for OJT. Extraordinary costs do not need to be documented when the reimbursement is less than 50% of the participant's salary. This clause will take effect unless there is an active waiver from the State Government. To determine this, the document titled "*Certification of Reimbursement Level Increase*" (*Annex A*) will be evaluated by the *Executive Committee* of the Local Workforce Development Board Manatí-Dorado for granting an increase in the salary reimbursement level.
 3. OJT must be provided through a training contract that clearly outlines the structured conditions and responsibilities of the involved parties. The contract must be completed and signed by all parties before the training begins.
 4. Only the hours that the participant dedicates to training will be reimbursed. Payment for work done outside of the terms of the contract, or during breaks or periods of non-work (e.g., vacations, holidays, sick leave, strikes, emergency closures, etc.), will not be reimbursed.
 5. For OJT to be successful, the training requires continuous monitoring to document the progress of the activity and its participants.
 6. The OJT contract should be limited to the time required for the participant to become proficient or skilled in the occupation for which the training is being provided. The maximum number of hours set in O*Net for an occupation should not be uniformly assigned to an OJT activity. To determine the appropriate content and duration of the training, the gap in skill deficiencies should be considered when comparing the required skills for the occupation with the participant's academic and occupational skill levels, prior work experience, and the PIE/ISS of the participant.

7. According to the conditions established for the On-the-Job Training (OJT) Program, there is no minimum hourly reimbursement rate for participants in this program. Reimbursements will be managed in accordance with applicable regulations and specific agreements between the parties involved, without a set limit for the minimum hourly rate.

Employer Eligibility Requirements

1. OJT is offered under a contract with an employer in the public, private, for-profit, or non-profit sector. Before executing an OJT contract, a pre-selection must be conducted, documented in a **Pre-Selection Certification of Employer Compliance with Minimum Standards (Appendix B)**, to ensure the employer meets the minimum standards and can provide training and employment to an OJT participant. If additional training is required, the OSCC/AJC must ensure that an external training provider is included in the contract.
2. The minimum standards that must be guaranteed at the Local Board level are as follows:
 - a. The employer will offer OJT participants continuous employment with wages, benefits, and employment conditions equal to those provided to regular employees who have worked for a similar period performing the same type of work.
 - b. WIOA funds will not be used to relocate all or part of the company or organization's operations.
 - c. The employer has operated at its current location for at least one hundred twenty days (120). If it has been operating for less than one hundred twenty days (120) and the business moved from another U.S. jurisdiction, it must not have laid off employees at the previous location as a result of the relocation. If the business has been operating for one hundred twenty days (120) or less and has never operated in another jurisdiction, the following documents must be submitted:
 - i. Projected earnings/operations of the business, certified by an independent Certified Public Accountant (CPA);
 - ii. Five-year Business Plan;
 - iii. Certification that they are not currently or have not been in bankruptcy proceedings in the past five (5) years. Document titled **Certification of No Bankruptcy (Appendix C)**.

- d. The employer will not use OJT participants to fill vacancies that result from a labor dispute;
 - e. OJT funds will not be used to assist, promote, or discourage directly or indirectly any labor union organization;
 - f. OJT will not result in the total or partial displacement of the employer's employees;
 - g. An employer that has been excluded (“debarred”) or suspended from participation by any federal department or agency cannot be contracted with.
3. When selecting an employer, general business practices should be considered in terms of working conditions (health and safety), availability of health benefits, sustainable salary structure, employee turnover rate, adequate equipment and personnel available to carry out training, and compliance with municipal ordinances and state and federal laws.

(In these cases, it will be the responsibility of the Local Board to verify that the employer receiving the OJT recognizes the responsibility to retain 100% of these participants and offer them the same benefits as their regular employees). As long as they comply with all company rules and regulations.

Occupation Requirements

1. To determine if training for an occupation is eligible to be conducted through OJT, the following can be considered within public policy:
 - a. The occupation must be part of the in-demand occupational market.
 - b. The occupation must require a skill level of at least four (4) or more, according to the “Specific Vocational Preparation” (SVP).
 - c. The occupation should provide potential for professional growth.
 - d. The occupation must meet the performance measure related to the median wage.
 - e. The occupation cannot be related to political or religious activities, including the maintenance, operation, or construction of a facility that is used or will be used for sectarian education or as a place of religious worship, or where religious participation is required.
 - f. The occupation must provide the participant, once employed, with an increase in earnings and additional skills.
 - g. Occupations cannot be seasonal, temporary services, part-time, or have a high turnover rate.

- h. Occupations where tips or commissions are the main income source are not allowed unless these are recorded and reported on the withholding statement (W-2PR).

Minimum Requirements for an OJT Contract

1. Employers and/or their representatives must be guided to discuss the provisions of the contract and training plans. The hiring process establishes the basic rules for OJT with an employer and ensures that a legally binding agreement exists between the employer and the OJT training provider if the latter is an external entity. Contracts include the terms and conditions that the employer and the OJT provider agree to provide for a successful experience.
2. At a minimum, an OJT contract should be limited to the time necessary for a participant to become competent in the occupation for which the training is provided. The contracts should also include specific requirements related to OJTs funded through other federal programs.
3. Contracts signed with employers for OJT activities must, at a minimum, contain the following:
 - a. The occupation for which training is being offered and its description, including the skills and competencies to be learned or acquired.
 - b. The training outline should reflect the occupational skills required for the position, including the hours of training for each skill or task. The occupation description and outline must be specific enough to allow verification that the training is being provided according to the terms set in the contract.
 - c. The number of participants and the hourly wage for each participant being trained.
 - d. The payment method and the maximum amount for reimbursing the employer.
 - e. A clause establishing that the employer must comply with workers' compensation insurance, as well as applicable tax withholdings.
 - f. The employer must maintain and present records of time, attendance, payroll, or others to support the reimbursement amounts being claimed under the OJT contract.
 - g. Any applicable provisions required by federal statutes and executive orders listed in 2 CFR part 200, appendix II.
 - h. The general clauses established in item G regarding "General Provisions" related to WBT activities.

Waiver for the Approved Reimbursement Rate by the DOL

Waivers must be approved by the Department of Labor's Employment and Training Administration (DOLETA) under section 134(c)(3)(H)(i) of WIOA and 20 CFR part 680.720(b) to increase reimbursement to employers for On-the-Job Training (OJT) activities up to ninety percent (90%).

The waiver allows the DEDC (on behalf of the state) and the LWDB to increase reimbursement to the employer for participants in the OJT activity up to ninety percent (90%) according to the waiver currently in effect.

It is established that the Manati-Dorado Local Workforce Development Area will apply during the Program Years when the Government of Puerto Rico requests the Waiver from the Federal Government for OJT activity reimbursement. Additionally, it must be included in the Planning of the Activity in the Work Specifications for the corresponding Program Year.

If the Local Board Chooses to Participate in the OJT Reimbursement Waiver Must:

1. Notify the WDP (Workforce Development Program) in writing and include in the Public Policy for On-the-Job Training (OJT) the changes reflecting the reimbursement rates approved by the Local Board. Additionally, the Local Board must publish the policy on its website.
2. If the Local Board has not established a Public Policy, it must establish and approve one, including the guidelines issued in this communication. Subsequently, it may contract with employers for the OJT activity with the established percentages and according to the active employees of the company.
3. Submit for approval by the WDP the Budget Summary Information (BIS) (notification) per program, reflecting the impact of using the waiver on budget line items for each program year (as applicable).
4. Amend active contracts with eligible employers for the OJT activity that began prior to the approval of the waiver. The application of the contract and its amendment to the reimbursement rate will be from the date it is filed with the Office of the Comptroller of Puerto Rico (it will not be retroactive).

If the Local Board Chooses Not to Participate in the OJT Reimbursement Waiver Must:

1. Notify the Office of Planning Validation and Program Statistics (OPVPS) of the WDP in writing of the decision.

The OPVPS of the WDP will monitor progress under the current waiver and will work with the fifteen (15) local workforce development boards to implement appropriate State and Local Policies. For this, they must submit a quarterly report detailing the number of employers, impacted participants, and budget used. Additionally, the Department of Economic Development and Commerce (DEDC) Monitoring Division will evaluate the implementation of this policy in its monitoring of operational, administrative, and financial systems during the intervened period.

C. REGISTERED APPRENTICESHIP PROGRAM (RA)

Apprenticeship is a strategy that trains a worker for a specific occupation using a structured combination of On-the-Job Learning (OJL) and related instruction. Registered Apprenticeship (RA) is a type of nationally recognized training approved by the Department of Labor (DOL). The model also includes progressive wage increases for the apprentice as new skills are acquired and the attainment of a portable credential with national recognition upon completion of all training. Apprentices may be new employees or existing employees who need to upgrade their skills to remain competitive and retain their jobs.

There are five elements that make up a RA program:

1. **Employer Participation:** Employers are the foundation of the RA program and must provide the OJT.
2. **On-the-Job Learning:** Each RA program includes OJL hours, for a minimum of one year or two thousand (2,000) hours.
3. **Related Instruction:** Each RA program includes an academic component (in-person/online/hybrid) with a minimum of one hundred and forty-four (144) hours for each year of OJL.
4. **Wage Increase:** Each RA program must include at least one incremental wage increase in line with the increased skills acquired.
5. **Occupational Credential:** The RA Completion Certificate is a nationally recognized postsecondary credential that belongs to the apprentice once they complete all program hours. It is also recognized by WIOA programs. It is issued by the DOL Apprenticeship Office or an entity certified by them.

Benefits of Registered Apprenticeship

Registering an apprenticeship program with the DOL Apprenticeship Office offers many benefits to job seekers and employers compared to other training programs:

1. **Nationally Recognized Credential:** Graduates of registered apprenticeship programs receive a nationally recognized credential acknowledged by the industry in which they were trained.
2. **Quality Standards:** Registration means that the program has met national and independent standards of quality and rigor. Registration tells potential employees, clients, and suppliers that the company invests in its workforce and believes employees are its most valuable asset.
3. **Safe and High-Quality Working Conditions:** The program's emphasis on safety can reduce workers' compensation costs due to workplace accidents.
4. **Assistance and Technical Support:** The program is part of the registered apprenticeship system, which provides access to a national network of expertise, customer service, and support at no cost to program sponsors.
5. **Tax Credits:** In some states, employers may qualify for state tax credits. Additionally, employers can claim certain training expenses as a federal tax credit.
6. **Federal Resources:** Employers and apprentices can access federal funds and other resources to help support their Registered Apprenticeship programs, including Pell Grants and the GI Bill.

Development of New Registered Apprenticeship Programs

1. The Department of Economic Development's and Commerce (DEDC) Workforce Development Program (WDP) is responsible for providing technical assistance and registering new RA programs. Program representatives can discuss the benefits of RAs with employers, hold meetings with stakeholders on the development of apprenticeship programs, and assist the sponsor in the registration process with the DOL Apprenticeship Office.
2. The Local Board as required by this Public Policy, establishes that when guiding an employer about training services, the Registered Apprenticeship Program and On-the-Job Learning (OJL) with Related Instruction (RI) should be presented as the first alternative. Then, information can be provided on Employment Training activities and/or Customized Training.
3. There is a wide variety of occupations in the manufacturing, health, hospitality, services, construction, and other sectors that can meet the needs of employers in these industries and provide employees with solid training that opens new doors in the labor market through RA. However, although not all occupations qualify for RA training, approximately one thousand four hundred (1,400) occupations have been approved by the National Apprenticeship Office of USDOL. These should be verified by visiting www.apprenticeship.gov under Employers: Tools: Occupation Finder.

4. WIOA requires that each Local Board have a representative for Apprenticeship among its members. This member can be any of the authorized sponsors, as defined in Section I of this policy. The purpose of having an apprenticeship representative on local workforce development boards is to serve as a resource for the local area in developing new RA opportunities.
5. Industrial associations, labor unions, or any official entity that groups or represents various sectors of our local or regional economy can help incorporate RAs into the local workforce development system. Employers in these sectors can identify common challenges and design strategies that meet their training and hiring needs. For example, an association or a training provider can become an RA sponsor for several employers in a sector.
6. Programs have three types of focus:
 - a. **Time-Based** – The OJL hours are determined by the National Apprenticeship Office and cannot be changed.
 - b. **Competency-Based** – Through an assessment, the employer can credit the apprentice with OJL hours. However, the apprentice must complete a minimum of one (1) year of training. Not all occupations are approved under this focus.
 - c. **Hybrid** – Occupations with a hybrid focus allow apprentices in both time-based and competency-based training under the same registered program.
7. A minimum of one hundred and forty-four (144) hours of related instruction (RI) is required for each year of on-the-job learning. These can be provided before or during the OJL hours. In some cases, they are not paid by employers. Employers are not required to cover the cost of the RI.

Eligibility Requirements to be an Apprentice

1. Program sponsors identify the minimum qualifications required to enroll in their apprenticeship program. The eligible starting age cannot be less than sixteen (16) years; however, individuals must be eighteen (18) years old to be apprentices in hazardous occupations.
2. Program sponsors may also identify additional minimum qualifications and credentials to admit candidates into their programs, such as education or the ability to physically perform the essential functions of the occupation. Pre-apprenticeship programs can serve as an entry point into apprenticeship for youth or individuals with barriers to employment.

Use of WIOA Funds for Work-Based Learning Activities

There are several ways in which Title I WIOA funds can support the components of RA for adults, dislocated workers, and youth:

1. **Individual Training Account (ITA):** ITAs can be used to fund the related instruction component of RAs for eligible apprentices. ITAs can also fund pre-apprenticeship programs if the sponsor is part of the State's Eligible Training Provider List (ETPL). Pre-apprenticeship is not only a strategy for youth programs but can also be an effective strategy for adults participating in WIOA programs.

ITA funds and OJT can be combined to support participants placed in an RA program.

2. **On-the-Job Learning (OJL):** In certain circumstances, WIOA funds can reimburse up to seventy-five percent (75%) of the apprentice's wages. Local areas can place their OJT participants with one or more employers who are properly registered in the RA program. Under specific conditions, the Local Board may determine that a contract with a training provider is the most appropriate method for training a group of new apprentices in high-demand occupations or from the same industrial sector.

For this activity, the Local Workforce Development Area Manatí-Dorado will apply during Program Years when the Government of Puerto Rico requests a Waiver from the Federal Government for the reimbursement of Registered Apprenticeship (OJL) activities. Likewise, it should be included in the Activity Planning within the Work Specifications for the corresponding Program Year.

Apprentices can be newly recruited individuals or incumbent workers when participating in an RA. On-the-job learning (training) must meet the requirements outlined in part (20 CFR §680.700) for new hires, and parts (20 CFR §680.780 and §680.790) for incumbent workers. OJL must always be related to one or more of the following reasons:

- a. New jobs requiring additional skills;
- b. Introduction of new technology;
- c. New products or service procedures;
- d. Promotions;
- e. Literacy in the workplace; or
- f. Other appropriate purposes identified by the Local Board:

The Local Board, through a document titled: *Certification of Appropriate Purpose Identified (Appendix D)*, will establish any other purpose identified to be evaluated and submitted to the Executive Committee, who will make the determination of approval.

3. **Customized Training:** RA program sponsors and apprentices can receive support through customized training agreements. In most cases, customized training is part of the Related Instruction component.

4. **Training for Incumbent Workers:** Funds for training incumbent workers in adult or dislocated worker programs can be used to provide training for a group of apprentices.
5. **Occupational Skills Training for Youth:** In the Title I Youth Program, pre-apprenticeships are considered a form of work experience for youth ages sixteen (16) to twenty-four (24) years. The work experience program element also emphasizes training that aligns with in-demand industrial sectors and occupations, which is a key component of RA programs.

For the Pre-Apprenticeship Activity (Work Experience), everything stipulated in the Public Policy No. WIOA-06-2021, as amended, titled: For the Creation of the Collaborative Agreement to Establish the Work Experience Activity for Youth and Adult Programs in the Manatí-Dorado Local Workforce Development Area, will apply.

6. **Support Services:** WIOA funds can support a variety of support services for apprentices, including: annual fees, registration fees, books, supplies, childcare, transportation, tools, and uniforms.

Apprenticeship Program Sponsors

The sponsor is the entity that requests registration to operate an apprenticeship program. There are several types of sponsors, and below are some of them:

1. **Employer:** An individual employer can create their own program and offer related instruction with their own trained internal staff, in addition to providing on-the-job learning;

or

Employer using an external training provider: Under this model, employers are sponsors but do not provide related instruction. They rely on an external educational entity. Employers may use postsecondary institutions with two (2) or four (4) year educational offerings, technical training schools, or online courses for related instruction. The employer is the eligible training provider and must identify their instruction provider;

or

Employers combining internal and external resources: Most of the related instruction (RI) is provided by internal resources, but they hire an external educational entity to provide certain parts of the related instruction.

2. **Joint Apprenticeship Training Committees (JATC):** These programs are composed of employers and their affiliated unions. Unions manage a training school that offers the RI

Servicios de apoyo y auxilios disponibles a solicitud de personas con impedimentos. Patronos/Programa con Igualdad de Oportunidades en el Empleo. Centro de Trabajo Libre de Drogas y Alcohol. Fondos Financiados 100% por la Ley Workforce Innovation and Opportunity Act. (WIOA) por sus siglas en inglés.
P. O. Box 1944, Barceloneta, Puerto Rico 00617 / Tel. (787) 884-4055 / TTY/ Fax.: (787) 884-4103

part for apprentices in specific specialties such as plumbing, electrical work, carpentry, ironworking, among many others. This makes the union the provider of related instruction; however, it is not limited to this. When referring to a JATC, it means the union, with the support of one or more employers, has applied for RA registration, and the union administers the program. Most JATCs have collective bargaining agreements. These agreements, signed by the parties, establish the criteria a candidate must meet to become an apprentice. Each employer has its own collective agreement. However, when it comes to unions, the fundamentals and skills that the apprentice must master to perform the occupation are the same.

3. **Intermediaries:** These act as sponsors of the program and take on the responsibility of management. They may also provide assistance in curriculum development, classroom instruction, and support services, as appropriate. Intermediaries can be educational institutions, including postsecondary institutions or two (2) and four (4) year technical schools. In this model, the educational institution administers the program, works with employers to hire apprentices, and provides classroom or online instruction for the apprenticeship program. Service providers also function as intermediaries. These intermediaries take on the responsibilities of managing the program and assist both the employer and the educational entity in designing, implementing, and executing the RA.
4. **Industry Associations:** These manage the program and work with member employers and educational entities to implement the apprenticeship program.
5. **Community-Based Organizations (CBO):** These manage the program and work with employers, educational entities, and the community to implement the apprenticeship program.

Sponsors of Learning Registered and the List of Suppliers Training Eligible (ETPL)

1. Under WIOA, RA program sponsors are automatically eligible to be placed on the statewide ETPL. Third-party RI providers may automatically enter the ETPL, so it wishes. For be part of the ETPL the supplier has to notify to the Office State of Learning (OAS) his intention of belong to bliss list. The OAS you will notify the Workforce Development Program in writing of the supplier 's request and will supply the evidence necessary for document the entity's registration.
2. Through this mechanism, only training approved for the registered occupation will belong to the ETPL. The supplier may belong to the ETPL while the programs of RA this active or until you want.

3. For disaffiliate of the ETPL, he supplier only has to notify to the OAS their intention, who will inform the WDP for the corresponding action. The RA that have Suppliers of RI External parties will be informed about this opportunity from the moment of registration. Participation in the ETPL is voluntary and not automatic.

Pre-learning and Learning Registered for Youths

1. The youths eligible inside and out of the school they can sign up for programs of pre-learning either learnings registered as part of the WIOA Youth Program.
2. Through a variety of unique program approaches and designs, Pre -learning programs can be tailored to meet the needs of various populations and companies.
3. The DOL has developed a frame for programs of pre-learning of quality. The programs Youth Build and Job Corps to slight they serve as ways for the programs of learning registered and have an established track record of successful learning placements because they comply with the criteria of a program of pre-learning quality.
4. The DOL, in association with the Federal Department of Education, has too developed a frame of learning registered for high school students.

Learning Registered in the Program of Attendance by Adjustment in Trade (TAA)

Besides of the programs WIOA, the RA is considered a **WBL** that can be approved for a worker covered by a group certification eligibility for the TAA program.

Exit of the Program

1. For most training activities provided under WIOA, participants complete their training and then they leave of the program WIOA. However, the RA oscillate between one (1) and six (6) years of duration. In many cases, participants will continue to participate in their RA programs after of register the exit of WIOA.
2. The duration of the programs of RA do not represents a barrier for the positives results of the measures of execution. However, it is required to determine appropriate exit points for RA programs that adhere to WIOA regulations, provide employees quality for companies and guarantee greater set of skills for the workers.

3. The spots of exit has to be based in when the participant is successfully moving through the RA program and is no longer receiving services of WIOA, included the support services. A time that the RA program does not receive WIOA funding for one or both of the training activities, meaning related instruction and/or the OJL, the service has to close. The OAS will continue to offer the attendance necessary until that he program graduate to the apprentices.

The following three RA goals are appropriate exit points from WIOA:

1. **Salary Increases:** the apprentices receive increases progressive in the salary to extent that increase their skills and knowledge; this is an element medullary of all the RA. An increase salary can be a spot appropriate of exit of WIOA, already that It means that the apprentices they have surpassed their training goals, improved their skills, and increased their income, indicating that support through WIOA may no longer be necessary.
2. **Credentialing:** RA programs offer occupational credentials that trainees can earn during their program. Obtaining a credential is another aspect that could be taken into account in determining a point of exit appropriate of WIOA, given that this brand an important achievement in the program of RA. The obtaining of a credential indicates that the apprentices they have advanced with success to it long of a professional career and have increased their skills in the occupational field, and potentially they have surpassed he spot of need the support of WIOA.
3. **Measurable Skill Gains:** As skills increase of the apprentices, must can document the progress toward such provisional occupational credential or certificate of completion granted to the end of a RA. Progress documented in an RA is defined as:
 - a. Report of progress satisfying, toward established goals, such as completion of OJL or completion of one (1) year of a program learning or similar goals, of a patron or training provider who is providing the training; or
 - b. Successful passage of an examination required for a particular occupation or progress toward obtaining technical or occupational skills as demonstrated by industry-related benchmarks, such as knowledge-based examinations.
4. Regardless of the amount of participants, the OJL is a core component of all AR programs. An OJT contract can be established with employers who have a Program of Learning Registered (RA), but only the hours of OJL are eligible for the refund of the salary to through of the portion of the program.

Documentation of the Record of the Participant

The participant's file must include an original copy of the form ETA 671 that is the agreement of learning with the sponsor, also of all the documents required by the program WIOA. Also, case management notes, such as reports, should be included of progress and any information that evidence his progress in the RA program.

D. CUSTOMIZED TRAINING ACTIVITIES

1. The Customized Training activity is a theoretical training, designed and developed to meet the particular needs of a patron or group of patrons who they have made a commitment to employ individuals who successfully complete the training. This type of training should achieve with the following characteristics:
 - a. Develops according to the *need special* of the patron either group of employers, therefore, should not be found in the educational market.
 - b. It is usually conducted in a classroom setting, provided for a group of employees of an employer or a group of employers.
 - c. It can be provided by the employer's internal trained resources either a supplier external with credential in the subject.
 - d. The employer will pay a significant portion of the cost of training, and others factors that the Local Board determine appropriate.
 - i. By it less than tenpercent(10%) of cost if it account with fifty (50) employees or less.
 - ii. At least twenty-five percent (25%) of the cost if it account with between fifty-one (51) to one hundred (100) employees.
 - iii. By it less fifty percent (50%) of the cost if you have more than one hundred and one (101) employees.
 - e. May include occupations in industries that have experienced a shortage of staff right. The careers on the state's occupational demand list, high salaries, high hiring costs and positions that remain without cover during long periods of time, it is indicative of a shortage of qualified candidates within the workforce for a particular occupation.
 - f. Training providers must demonstrate: satisfactory previous performance, they have accredited training within the occupation

- sector, their study plans are leading to credentials, have experience in programs of training relevant, their instructors are accredited, have high job placement and retention rates and/or training completion rates.
- g. The facility where training is offered must provide an around appropriate for the learning and be within reasonable proximity to the participant. Training may take place at the employer's own facilities, the facilities of a training provider, or a combination of accessible locations. Also, distance learning may also be considered.
 - h. WIOA funds cannot be used for offer this activity in the public sector, except when specifically authorized in WIOA. Under the provisions for the Customized Training activity is not specifically authorized for public sector contracting, so WIOA funds cannot be used to subsidize, for example, training activities for Police Academy Cadets, electric power attendants, or any other position regular in the government state either municipal. The costs of services governmental normally provided to the general public, as service of firefighters and police, are not permissible. (2 CFR §200.444).
 - i. The Department of the Job Federal promotes that through this type of training, a credential is obtained.
 - j. The training contributes to a progress wage in the participant's race.
2. The customized training always provided through of a training contract.
 3. Is requested that the patron will commit to use either retain in employment to the participant once he or she successfully completes the training. [20 CFR 680.760 (b)].
 4. As in the activity of On the Job Training (OJT), the duration of the Customized Training will depend of the assessment of the skills required for the occupation, the skills and education of the participant, and their previous experience.
 5. Companies that have employees in a situation of possible dismissal should not be considered for customized training, to less that the training avoid additional layoffs.
 6. The companies that have transferred to Puerto Rico and they have fired to the workers in his ancient location in the United States cannot be considered for this program until they have been in operation in the new location for one hundred

and twenty (120) consecutive days.

Eligibility for New Workers

Customized Training may be offered to adults and dislocated workers only if the Career Planner/Case Manager determines, after an interview and assessment, that the participant meets the following criteria: the eligibility of WIOA and the criteria established by the patron for their recruitment.

Eligibility for Workers Already Employees

1. If an individual is employed at the time of participating in a Customized Training, they must meet the established requirements in the section 680.770 of the 20 CFR.
2. Must exist a relationship of "employer-employee" between the worker and the patron that seeks the approval of the Board Local for carry out customized training.
3. The Career Planner/Case Manager has to determine if it exists a risk of that the individual loses his job due to lack of competitiveness or does not earn a salary that allows him to be self-sufficient. In this case, training must enable the employee to attain at least a self-sufficient salary. For both circumstances the customized training has to be supported in either several of the following reasons:
 - a. The introduction of the patron of new technology;
 - b. The introduction of the pattern of procedures for new products either services; either,
 - c. Promotions to jobs that require additional skills;
 - d. Literature in the place of employment; either,
 - e. For other purpose identified by the local board.

The Local Board, through a document entitled: Certification of Appropriate Identified Purpose (Annex), will establish any other identified purpose to be evaluated and presented to the Executive Committee, who will make the approval determination.

4. The worker's individual that are independent contractors are not eligible for participate in customized training. Independent contractors fall into the self-employment category.

Customized Training and the State List of Suppliers Eligible for Training (ETPL)

The Customized Training is exempt of the requirement of the Section 122(a) through (f) of WIOA which requires training providers are included in the ETPL. However, they are subject to the requirements of dissemination of information (WIOA) 134 (a)(2)(B)(v)) and the requirements for collecting information on the implementation (WIOA) 122 (h)(2)). Nothing prevents the use of training providers included in the ETPL to offer WBT, if they meet the criteria established by both federal regulations and the Local Board.

Employer Contribution Requirement for Customized Training Activity

1. The employer will pay a significant portion of the cost of training, taking into account the size of the employer and other factors that the Local Board determines appropriate, which may include:
 - a. The number of employees that participate in the training,
 - b. The salary and the level of benefits of those employees (to the start and to finish the training),
 - c. the relationship of the training to the competitiveness of the participant,
 - d. others trainings provided by the patron, and
 - e. opportunities of advance in his professional path.
2. The employer must pay no less than fifty percent (50%) of the cost of training. The pays of the costs has that be properly documented and subject to audit.
3. In the case of customized training involving an employer either patrons located in multiple local areas inside from Puerto Rico, the significant portion of the cost of the Training will be determined by the State Board, taking into consideration the size of the employer, as well as other factors it determines appropriate.

When the need for this type of training arises, the Local Board of the Manatí-Dorado Local Workforce Development Area shall submit the activity proposal to the State Board so that it can determine the significant portion of the cost that the employer must contribute.

Costs Allowed in the Customized Training

1. WIOA will refund until a fifty by hundred (50%) of the costs under the Customized Training activity.

2. The *costs allowed* they can include only the costs directly related to training:
 - a. Costs related to the tuition either to the record of training;
 - b. wages of the instructors either trainers (if it is not included in the bills of tuition);
 - c. costs related to the development of the curriculum either plan of study;
 - d. didactic materials as books of text, educational equipment, manuals, materials and supplies;
 - e. certifications, licenses and credentials;
 - f. bills of trips of the instructors either trainers in Puerto Rico, United States and their territories;
 - g. Certifications / Evidence;
 - h. Space of training out of the company (by example, rent of living rooms, etc.) and
 - i. The *software* of necessary computer that the use to the one hundred percent (100%) for training purposes only also can consider for reimbursement.

Costs Not Allowed in the Customized Training

1. Marginal wages and benefits of the workers while attend customized training.
2. Costs that are not are directly related with customized training.
3. Trips out of territory of the USA.
4. Capital Improvements.
5. Buys of equipment capitalizable for the training.
6. Services of catering either snacks during the training.
7. Expenses incurred outside the contract period (start date and termination of the contract). Understanding, training carried out outside the effective date of the contract.

Minimum Clauses that a Contract Must Contain to Carry Out a Customized Training

1. They can write contracts for the customized training to the extent addressed so much for unemployed workers (new recruitment) as well as for salaried workers (already employed/existing).
2. Existing workers may include full-time, part-time, and/or private employment agency-placed workers.

3. The private employment agency and the employer must be included in the contract when offering customized training to employers who wish to include workers placed in through agencies of private employment. This is for ensure that all the parties agree that successful completion of the customized training will result in the workers being placed in permanent employment.
4. The Customized Training will have to subscribe through contracts with the patrons for the development of the activity, which must specify at least it following:
 - a. Name and description of the occupation for which the participant will be training.
 - b. Training outline, which must include all specifications that allow verification that the training is being provided in accordance with what was agreed.
 - c. The skills and competencies that will develop he worker.
 - d. Name of the credential that will be obtained to the conclude training.
 - e. Amount of Participants that they go to be trained.
 - f. Cost of training by participant.
 - g. Method of pay and the amount maximum to be refunded.
 - h. The warranty of the patron that the needs for a customized training, is based in the sets of skills individual participants.
 - i. The general clauses set out in Section G “*Generals Provisions*” relative to the activities WBT.
 - j. The cost and documented description of any auxiliary items either service of support that can be necessary; and
 - k. others results related to the training (by example, increases in the income).

E. TRAINING FOR INCUMBENTS WORKERS

The incumbent’s worker’s training is an activity allowed at the state and local level under WIOA law. Training for Incumbents Workers, (IWT, by their acronym in English); It is conceived as a means of job retention, prevention of unemployment and a mechanism for skills upgrading that improve the productivity and competitiveness of the hand of construction site of a company or business. This, given the existence or arrival of new technology that can affect competitiveness,

or become obsolete, ineffective, either unproductive the operation of an industry. The training performs with the commitment of the patron of retain to the workers trained and avoid unemployment.

Note: For incumbent worker training opportunities that are funded through other grants or any other other background federal/state, some requirements and provisions may vary.

Types of Trainings

The IWT provides flexibility to employers regarding the types of training in function of the needs general of these. Likewise that others trainings with base in the employment, this can be provided through customized training or on a job training or both.

Training may be provided by a public or private educational institution, a training provider, or a certified private instructor, an employee of the company or a combination of suppliers of training. The training can be offered in the facilities of the company, in the facilities of the training provider either in a combination of locations. The employer may select an external training provider that best suits their needs training.

The customized training can be imparting in shape in person or in line and the types of training include:

1. Training in occupational skills designed for comply with the special requirements of a company either industry;
2. Update of the required certifications;
3. Professional Development (by example, training in leadership);
4. Training in strategies for improve the efficiency of the company's operations; and
5. Technical training of hard skills, such as computer software training.

On the Job Training (OJT) must be considered when:

1. The employee is not earning a wage that allows for self-support or wages comparable to, or greater than, his or her previous employment, according to it determine the policy of the Local Board;
2. The requirements of part 20 CFR §680.700 are met, and,
3. OJT is related to the introduction of new technologies, introduction of a new production or service, increase in skills for new jobs that it requires,

literacy in the place of job, or others appropriate purposes, according to how it is identify the Local Board.

Types of Training that CANNOT be paid for with WIOA funds include:

1. CPR (Cardiopulmonary *Resuscitation*) and first aid;
2. Training of Security Mandatory (OSHA and others);
3. Orientation to New Employees;
4. Diversity and Sexual harassment ;
5. English as Second Language;
6. Programs Conductive to a Degree (eg. associate degree, bachelor's degree);
7. Self learning directed;
8. Basic Skills;
9. Courses of Staff Development;
10. Labor Literacy either Social Skills; and,
11. Training Not Related with the Job.

Training for Incumbent Workers and the State Supplier List Eligible of Training (ETPL)

Training for incumbent workers is exempt from the requirement of WIOA section 122(a)–(f) that requires training providers to be included on the State Eligible Training Provider List (ETPL). However, if it is subject to the dissemination of information requirements (WIOA 134 (a)(2)(B)(v)) and to the requirements of collection of information about the execution (WIOA 122 (h)(2)). Nothing prevents to this time that training provider from being used in the list state for offer the training for workers incumbents.

Requirements Eligibility of Incumbent Workers

Incumbent Worker Training is intended for individuals who have a work history with the current employer, and have the knowledge, the skills and skills required by the patron, but that need additional training due to changes in the needed skills for remain in their position, to be promoted within the company or to avoid possible layoffs.

Employees selected to participate in incumbent worker training must meet the following criteria:

1. Be employee;
2. Comply with the requirements of the *Fair Labor Standards Act* of 1938 (FLSA) in terms of the relationship between employer and employee;
3. Have an established work history with the employer for six (6) months or more;
4. Incumbent workers may also be underemployed, by example, workers that prefer the job on full time job, complete but that at the moment, they work to part time. These workers may have accepted reduced hours to earn either keep the employment, either by a severance pay previous them has made to accept wages further low than the previous employment. The training for the underemployed has to focus in increase the skills to advance these workers and increase their earnings through more hours or higher wages. In addition, this strategy to improve their qualifications should lead to new vacancies being created, whenever possible, incumbents workers move to better jobs positions of job.
5. Be american citizen either be authorized to work legally in the United States;
6. Be over 18 years old;
7. **Be registered for selective service (if male and born after January 1, 1960, unless justified by exception);**
8. No be directly supervised by a member of his family; and

Note: There is an exception to the six (6) month work history requirement. If a worker has no six (6) months or either further working with the patron, but shape part of the cluster of workers that needs be trained, may participate in the training as long as the majority (further fifty percent (50%) of the employees comply with the requirement employment history).

Incumbent worker does not have to meet the eligibility criteria established for the programs of adults and displaced workers. However, if an incumbent worker is receiving other services in addition to training for incumbent workers, the individual will then have to comply with the requirements of eligibility as any other participant from the adult or displaced worker program.

Because training for incumbent workers is intended to assess the eligibility of the patrons, the individuals that is benefit of the program are not consider participants and are not will be included in the calculations of the Primary State Performance Indicators. However, the states and the Local Board must report individuals receiving incumbent worker training, including the status of employment, the salary and the obtaining credentials after completing training.

Requirements for the Training Services

1. The Local Board will consider the following criteria as part of his policy for assess the design of the Workers Incumbents Training:
 - a. That the costs of the training(s) be reasonable;
 - b. That the training leads to a credential or is focused on the development of occupational skills;
 - c. The training has to be evaluated periodically with ways to document his effectiveness and the progress of the workers.
 - d. That it is offered during the working day and that the individual is compensated with no less of the salary established for the position occupied while training.

Requirements of Eligibility of the Patron

1. For determine the eligibility of a patron for receive funds from WIOA, the Local Board consider the following factors:
 - a. The characteristic of incumbent workers to be trained (e.g., individuals with barriers to employment);
 - b. The relationship of training for individual competitiveness and the patron; and,
 - c. The occupations for that imparts to the incumbent's workers training must be in demand, according to as defined by section 3(23) of WIOA and as determined by local area-specific labor market information;
 - d. The patron is in an industry that is:
 1. An in-demand industry, as determined by local area labor market information; or
 2. an industry stable, according to certain by the labour market information; or
 3. an industry in slope, but exist reasons of weight (for example, evidence of employer viability) that justify investments in training incumbent workers.
 - e. The patron has no to have dismissed to none worker for having transferred their operations inside of the last one hundred and twenty (120) days; and,
 - f. Others factors that the Local Board determine appropriate, it that can include the number of employees trained, the salary and benefit levels, including increases upon completion of training, and the availability

of other opportunities of training provided by the patron.

Note: The Local Board will document all the factors that were considered when approving a training project for incumbent's worker with a patron either cluster of patrons.

2. The Incumbents Workers Training will be able to offer only to patrons in the private sectors.
3. You cannot contract with an employer who does not fulfill his responsibility to pay unemployment insurance or employee contributions.
4. Occupations cannot be seasonal jobs, worker's temporary services, part time, or that have a high percentage of staff turnover.
5. They cannot be occupations in which the main source of income be the tips either commissions.
6. The Local Board shall give priority to the patrons that:
 - a. Are interested in identifying, designing, developing and/or providing training alternatives to address gaps or lack of skills ("skill "gaps") of their workers and the implications of these deficiencies in terms of possible or potential displacements or dismissals;
 - b. Need update skills either retrain to their employees for the proper performance of the occupational work(s) in question.
7. Compulsory training is not permitted, offer to the employee to the moment of his hiring and in compliance with the federal requirements of the place of job (For example, OSHA, ServSafe, etc.).

Measurement of the Competitiveness of the Employees and the Patrons

The Local Board can consider the following factors for measure the increase of competitiveness of the incumbent worker during the next year of completed the training:

1. Increase in salary either income;
2. Access to others benefits, bonds either commissions;
3. Obtaining industry-recognized credentials or certificates; and
4. Promotion of an employee to a higher ranking position or salary scale.

The Local Board can consider the following factors for measure the increase in the employer's competitiveness during the year following completion of

training:

1. Increase in the earnings;
2. Increase in the contracts obtained;
3. Data of sales;
4. Geographic expansions;
5. Increase in the wages to their employees; and,
6. Increase in the levels of education and in the obtaining credentials.

Funds for Training Projects for Incumbent Workers

1. The Local Board will be able to reserve until a twenty percent (20%) of the total of combined funds of adults and dislocated workers for this type of training.
2. The funds of Fast Answer, that also are destined to the prevention of layoffs and similar purposes may be the first option for cover the bills of this types of training.
3. The administrative costs, according to defined in the section 683.215 of the 20 CFR, will not be included within the twenty percent (20%) limit established for he training for worker's incumbents.
4. Between the permissible costs that they can be refunded under the activity of customized training find: cost tuition, internal trainers, book costs, non-capitalizable training materials, distance learning fees, and the costs for the exam of credential, between others. The workers that are being trained in this modality must document his attendance through leaves detailed that include the name and the signature of the worker and his instructor, topic discussed, date and hour of the training. The salary of the hours that workers spend on this type of training cannot be submitted for reimbursement.
5. In relation to the activity of on the job training, the payments to the patrons must be managed by a system of billing that clearly documents the following information:
 - a. The number of hours worked by the participant each day that was trained, and he salary for that period of time.
 - b. Evidence of attendance as it is leaves of hours / cards time with the name of each worker and the signature of the employer. The refunds are by regular hours worked, and does not include paid time off (e.g. sick leave, vacation, duty of jury, etc.), part time or benefits.

Boundaries for the Input of the Patron

1. Employers who receive funds for training for incumbent workers must pay the costs not covered by the federal funds. The section 134 (d)(4)(D) of WIOA, requires that the Locals Boards establish policies with regard to the non-federal part cost of training for incumbent workers.
2. The input of the either the patrons will determine having in account factors such as: the number of employees that participate in training, employee salary and benefit levels (both at the beginning and those anticipated at the end of training), the relationship of training to competitiveness of the patron and the employees, and the availability of other training and advancement opportunities within the company.
3. The WDP and the Local Board will track and document contributions of shared cost of the patron. The official payroll must be used to document the worker's hours and wages to determine the amount of the employer's cost.
4. The calculation of employer participation can include the amount of wages paid by the patron to the workers that attend to the IWT program.
5. Payments that perform the patron by concept of the incumbent worker's training cannot come of no other federal funds. It may be considered as a contribution from the employer the salary that you pay to the incumbent worker during the time that this training is taking.
6. The limits for non-federal contribution of the employer must not be less than:
 - a. Ten percent (10%) of the cost for employers with no more than fifty (50) employees.
 - b. Twenty-five percent (25%) of the cost for employers that employ between one (1) to ninety nine (99) workers; and
 - c. Fifty percent (50%) of the cost for employers with one hundred (100) or further workers.
7. The size of the employers is determined by the numbers of employees in the local operation where the training of the incumbent workers will be carried out. Employers must provide documentation to demonstrate its sizes.

NOTE: The contributions in species can include the cost of the staff time when an employee is participating in classroom training, the cost of use and maintenance of the equipment used in the training, the cost of classroom training not covered by WIOA funds or other training related cost that will not be covered by the WIOA portion.

Local areas should also establish a system for taking the employers share of IWT cost that includes a mechanism for employers to report their contributions

and regular reconciliations with the total IWT costs and the employers share established in the IWT contract.

Training Policies and Procedures for Incumbent Workers in the Local Board

The Local Board establishes the minimum requirements:

1. Procedures for determine the percentage (until he maximum of twenty percent (20%) of the funds by formula of the local area of the programs of Adults and/or Dislocated Workers that will use for IWT; and get the approval of the Local Board for wear these funds in IWT).
2. Qualifications / definition of incumbent worker.
3. Definition of competitiveness of employers and employees.
4. Determination of the eligibility of the employers for IWT.
5. Training duration; sliding scale for reimbursements, maximum refund permitted and procedures for the approval of exceptions to the maximum reimbursement.
6. Determination of the employer's participation in IWT cost.
7. Previous evaluations / factors to the award for select employers and award contracts.
8. Requirements of the contract.
9. Refunds and procedures for track the employers participation in the costs.
10. Requirements of documentation and follow-up of the incumbent worker.
11. Process of monitoring of the contracts of the local area.
12. Demonstrate alignment with the local four (4) year WIOA plan, in particular the approaches of sectorial strategy for occupations in demand.
13. Others requirements established by the Local Board, that can include the establishment of local implementation results for initiatives of IWT.

F. SALARY REIMBURSEMENT POLICY

Under Section 3 (44) of the WIOA Act, employers who offer on-the-job training (OJT) or Registered Apprenticeship (OJL) to qualified participants may receive a reimbursement of up to fifty percent (50%) of the wage rate. However, this same section establishes that in certain circumstances, and as an exception, the employer may receive a reimbursement greater than fifty percent (50%) and refers to section 134 (c) (3) (H) of the same Act.

In Section 134 (c) (3) (H) (i) provides that, for the purposes of the On-the-Job Training (OJT) or Registered Apprenticeship (OJL) Activity, the Governor or the Local Board may increase the amount of reimbursement up to a maximum of seventy-five percent (75%) of the participant's

salary rate, in a program carried out under Chapter II of the Law, if respectively:

- i. The Governor approves the increase, with respect to a program carried out with funds reserved by the state under that chapter, or;
- ii. The Local Board approves, with respect to a program carried out with funds allocated to the Local Area under Chapters II and III, taking into consideration the following factors;
 - a. characteristics of participants (length of time unemployed, current skills, barriers to employment);
 - b. employer size (small and medium-sized businesses generally have more barriers to accessing programs when reimbursements are lower);
 - c. quality of training provided by the employer and the opportunities for professional growth it provides;
 - d. other factors that the Governor and/or the Local Board, respectively, may determine to be appropriate. These factors may include: the number of employees participating in the training; salaries and benefits of those employees (currently and those expected to be received upon completion of the training); and the relationship of the training to the participant's competitiveness.

Reimbursement of Wages up to Seventy-Five Percent (75%)

The Local Board establishes as public policy that as long as no other exemption is in effect, the provisions of this Section shall apply. The percentage shall be calculated considering the number of employees each employer has. The following scale shall be used, as approved:

- i. For employers with fifty (50) employees or less up to seventy-five percent (75%) reimbursement;
- ii. For employers with fifty-one to two hundred fifty (51-250) employees up to sixty percent (60%) reimbursement;
- iii. For employers with more than two hundred and fifty (250) employees – the statutory reimbursement will be fifty percent (50%).

Reimbursement of Wages up to Ninety Percent (90%)

In accordance with the exemptions approved by the Federal Government and in turn being extensive to our Local Area, the exemption will be presented in the work specifications of each Program Year so that employers who work on employability proposals can receive up to ninety percent (90%) of the reimbursement of the employees' salaries. The percentage will be calculated considering the number of employees that each employer has. The exemption will be subject to the availability of funds. The following scale will be used as approved.

Under the approved waiver, employers will be able to receive up to ninety percent (90%) of the reimbursement of employees' wages. The percentage will be calculated considering the number of employees each employer has. The following scale will be used as approved:

- i. For employers with fifty (50) employees or less up to ninety percent (90%) reimbursement;
- ii. For employers with fifty-one to two hundred fifty (51-250) employees up to seventy-five percent

- (75%) reimbursement;
- iii. For employers with more than two hundred and fifty (250) employees – the statutory reimbursement is fifty percent (50%).

G. GENERAL PROVISIONS

2. The section 683.275 of the final regulation of WIOA establishes which are the salary rules that apply to the participants under the activities of the Title I, of accordance, the applicable rules are:
 - a. Individuals participating in any WBT or employees under activities of the Title I of WIOA must be compensated to the same proportion, including periodic increases, then those in training or employees who are in similar situations and conditions. The compensation wage will never be less than that established by the “Fair Labor Standards Act” or the federal or local minimum wage.
 - b. The Participants of some WBT or employees under WIOA Title I activities must receive the same marginal benefits and working conditions as regular employees that perform similar tasks and have played those functions during the same period.
 - c. The employer will comply with the provisions of equal opportunities and no discrimination of the laws and WIOA regulations;
 - d. The recommended reimbursement rate for the employer is base on consistent factors with state and local policies specified in is the section 6 (a)(1) of the Fair Labor Standards Law of 1938 (29 USC 206 (a) (1) or the applicable federal minimum, state or local wage;
 - e. The wages, income and payments to participants of activities Title I of WIOA will not be considered income for purposes of be eligible under others federal programs for and the amount of income to be transferred and the “in kind” aid provided by others federal programs based in need except for purposes of the Social Security Law.
3. For determine the duration of the WBT must use as guide reference the occupational information system O*Net OnLine and the SVP that detail in each occupation. In addition, it will be considered the required skills for the occupation, the participant's level of academic and occupational skills, previous work experiences and the individual plan of employment of the participant.
4. The Local Board issue this Public Policy for the activities WBT according to the established provisions. This addresses at least the following nine (9) elements:
 - a. Outreach and recruitment of participants for the activities of trainings

- based in the employment;
 - b. Analysis of the gap of skills and development of the PIE/ISS;
 - c. Strategies of marketing to employers;
 - d. Policies for he referred of participants by the employers;
 - e. Policies of support services for the participants (if applies);
 - f. Development of WBT contracts;
 - g. Coordination of case management funtions and employer services;
 - h. Policies or procedures for the billing process and refund; and
 - i. Financial and programmatic monitoring.
5. As minimum, contracts of WBT must contain clauses that include the following:
- a. Compliance with the requirements and restrictions established in the Section 181 (a), (b) and (d) related to the benefits and labor standards that apply to participants under the activities of the Title I of WIOA.
 - b. The corresponding guarantees and certifications that include compensation, benefits and working conditions at the same level and extension to others employees working by a similar period of time and that perform the same type of job;
 - c. Prohibition of train a participant under a contract from WBT with a employer if:
 - i. Any other individual is dismissed of the same position u other substantially equivalent;
 - ii. The employer has dismissed a regular employee or reduced the staff of employees with the intention of filling vacancies created with the participants; or
 - iii. The position is created in a line of promotion that may in any way infringe on the promotion opportunities of regular employees of the company.
 - d. The commitment of the employer to employ or retain in employment those individuals who have successfully completed the training;
 - e. The participants will be subject to the same rules, policies, and personnel regulations than other employees of the company;
 - f. The duty of the employer of keep, retain and give access to the files to the Local Area, to the DEDC, to the Comptroller and to the Federal Department of Labor. These must show the associated costs of the training activity and the corresponding reimbursements, such as attendance records, roster, invoices and other necessary

- information to answer during processes of monitoring either audit;
- g. Prohibition of the use either use proposed of the WIOA funds to induce a business or part of a business to relocate and the results of such relocation result in any employee losing his or her employment in the original location;
 - h. Prohibition of use or proposed use of WIOA training funds in any business or part of a business that is relocated in the United States, until the company is operated in the new locality for one hundred and twenty (120) days, if the relocation results in any employee losing employment at the previous location;
 - i. Prohibition of directly or indirectly filling a position that is vacant because the person occupying the position is on strike, either suspended by a complaint labor, or because filling the vacancy in another way is a matter of a labor dispute that wraps an interruption of the job;
 - j. Provision on non-discrimination and prohibition of sectarian activities;
 - k. Prohibition of the use of funds for assist, promote, either stop union organizing;
 - l. Prohibition of the utilization of funds of WIOA for trips abroad (out of jurisdictions USA);
 - m. Prohibition of activities policies and of lobbying;
 - n. Clause regarding the availability or existence of a grievance procedure pursuant to the provisions of Section 181 (c) of WIOA; and
 - o. None individual can occupy a position in a WBT if there is any member of your family within the fourth degree of consanguinity or second by affinity, who has administrative capacity with the employer, including selection, hiring, placement or supervisory responsibility of the participant in the WBT.
6. A time filled the WBT, the employer must issue a report of execution and certification from each WIOA participant that formally declares that the worker is competent in the acquired occupational skills.

V. REPEAL

It is reported that this Public Policy WIOA-04-2025, enacted under the Workforce Innovation and Opportunity Act (WIOA), formally repeals the following previously effective public policies and all amendments there to:

- WIOA-04-2022
- WIOA-10-2020, WIOA-10-2020-A and WIOA-10-2020-B;
- WIOA-07-2019 and WIOA-07-2019-A;
- WIOA-06-2019 and WIOA-06-2019-A;
- WIOA-01-2019

With this action seeks to harmonize and update the regulatory alignments of the labor development system, promoting a more effective regulatory framework aligned with the current needs of the workforce and productive sectors.

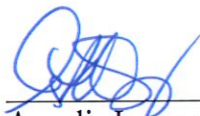
VI. APPROVAL AND VALIDITY

This Public Policy will be effective after approval by the Members of the Local Board and the Board of Directors of Mayors of the Manatí – Dorado Local Workforce Development Area.

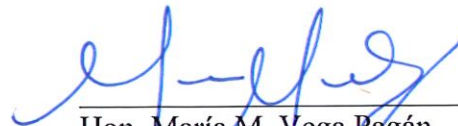
VII. ANNEXES

Public Policy Number WIOA-04-2025 was approved by the members of the Local Board and the Board of Directors of Mayors and will go into effect today, Wednesday, January 29, 2025.

In Vega Alta, Puerto Rico, today Wednesday, January 29, 2025.



Agnelis Laureano Vega
Interim President
Local Labor Development Board



Hon. María M. Vega Pagán
President
Board of Directors of Mayors