



**PUBLIC POLICY No.: WIOA-04-2021**

**DATE: WEDNESDAY, OCTOBER 27, 2021**

**SUBJECT: TO REPEAL PUBLIC POLICY WIA-01-2011 TO DENY INITIAL OR SUBSEQUENT ELIGIBILITY TO PROGRAMS OR SERVICE PROVIDERS FOR NONCOMPLIANCE WITH PERFORMANCE STANDARDS AND TO DEBAR FOR A PERIOD OF TWO YEARS A PROGRAM OR SERVICE PROVIDER FOR ANY OF THE FOLLOWING CRITERIA:**

- a) FAILURE TO REACH EXECUTION LEVELS.
- b) INTENTIONALLY SUBMITTING INACCURATE OR INCORRECT INFORMATION.
- c) FAILURE TO COMPLY WITH WIA LAW AND/OR ITS REGULATIONS.

**CREATION OF PUBLIC POLICY TO DENY INITIAL OR SUBSEQUENT ELIGIBILITY TO PROGRAMS OR SERVICE PROVIDERS UNDER THE WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA) AND TO DENY A PROGRAM OR SERVICE PROVIDER ON ANY OF THE FOLLOWING CRITERIA:**

- a) FAILURE TO REACH EXECUTION LEVELS.
- b) INTENTIONALLY SUBMITTING INACCURATE OR INCORRECT INFORMATION.
- c) FAILURE TO COMPLY WITH WIA LAW AND/OR ITS REGULATIONS.

**REFERENCE: WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA)**

According to a review conducted by the Monitoring and Compliance Division of the Department of Economic Development and Commerce (DDEC, as per its Spanish acronym), it is recommended that the Manatí/Dorado Local Workforce Development Board make amendments and/or repeal and adopt state Public Policies that improve the efficiency of services to the population of the Local Areas.

Accordingly, Public Policy **WIA-01-2011 of January 26, 2011**, entitled *Public Policy for Denying Initial or Subsequent Eligibility to Programs or Service Providers for Non-Compliance with Performance Levels*, is hereby repealed.

## **I. INTRODUCTION**

The Workforce Innovation and Opportunity Act (WIOA) seeks to provide high quality services to citizens for the primary purpose of obtaining and retaining unsubsidized employment. Within the range of services, short courses, occupational training, and individual training accounts, among others, are offered. To offer these services, different programs and service providers are evaluated for contracting.

There have been cases of programs and service providers that in one way or another fail to comply with their obligations, to the detriment of our participants. For this reason, we have established mechanisms to monitor the performance of programs and/or service providers to ensure the quality of services.

## **II. LEGAL BASIS**

- Federal Register 20 CFR-663.565;
- Section 122 (a) (1), (3) (2) and (A) of the Workforce Innovation and Opportunity Act (WIOA).
- Section 123 (a), (b) of the Workforce Innovation and Opportunity Act (WIOA).

## **III. PUBLIC POLICY**

If the provider's programs do not meet the established performance standards, the programs will be removed from the list of eligible providers.

- 1) The Local Board must determine, during the subsequent eligibility determination process, whether a provider's programs meet the performance standards. If the program does not meet the performance standards, the program must be removed from the local list.
- 2) Programs may be removed from the State list if the agency determines that the program did not meet the performance standards prescribed under § 663.535(c).
- 3) A provider who is determined to have intentionally provided inaccurate information or who has subsequently violated any provision of the WIOA regulations may be removed from the list in accordance with the enforcement provisions of WIOA section 122(f). A provider whose eligibility is terminated under these conditions is responsible for repaying all funds received during the period of noncompliance.

- 4) The Governor must establish appeal procedures for training providers to appeal a denial of eligibility under this subpart in accordance with the requirements of 20 CFR 667.640(b).

**REQUIRED ACTION**

- a) The Executive Officer of the Local Board shall be responsible for orienting any applicant for service as a program or service provider to the scope of this public policy.

**APPROVAL AND EFFICIENCY**

The approval and effectiveness of the Public Policy to deny initial or subsequent eligibility to programs or service providers under the Workforce Innovation and Opportunity Act (WIOA) shall be effective upon approval by the members of the Local Workforce Development Board and the Board of Directors of Mayors of the Manatí/Dorado Local Workforce Development Area.

Signed and approved on Wednesday, October 27, 2021, in Barceloneta, Puerto Rico.

**SIGNED**

Mr. Miguel Vega-Rivera  
President  
Local Workforce Development Board

**SIGNED**

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

Note: In this document the masculine gender will be used to refer to both genders in order to facilitate the reading of the document. This style of writing is not intended to imply the supremacy of one gender over the other.