



PUBLIC POLICY No.: WIOA-06-2020

DATE: APRIL 27, 2020

SUBJECT: PUBLIC POLICY TELEWORK IN RELATION TO ACTIVITIES DIRECTED AT CUSTOMERS, PARTICIPANTS, EMPLOYERS AND SERVICE PROVIDERS

REFERENCE: WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA P.L. 113-128)

I. INTRODUCTION

The Governor of Puerto Rico, Hon. Wanda Vázquez-Garced, issued Administrative Bulletin No. OE-2020-020, on March 12, 2020, whereby she decreed a state of emergency related to the impact of COVID-19. Later on March 15, the Governor issued Administrative Bulletin No. OE-2020-O20 to enable the closure of government and private operations to combat the effects of COVID-19, from March 15 to 30, 2020. In order to extend the measures to control the risk of contagion, on March 30, through Administrative Bulletin No. OE-2020-O29, the governmental closure was extended until April 12, 2020 and/or unless further notice is given, among other measures. Subsequently, on April 12, 2020, the Governor issued Administrative Bulletin No. OE-2020-033, which extended until May 3, 2020 and/or unless further notice. These last three orders apply to public employees who do not provide essential services. The One-Stop Centers and the services offered within the System were not considered essential services.

In order to minimize the impact of this measure on the services offered to participants, employers and service providers, the Local Workforce Development Board (Local Board) and the Board of Directors of Mayors have determined to authorize the offering, through Telework (remote), of activities directed to workers, job seekers, participants and employers.

The Workforce Innovation and Opportunity Act (WIOA) and its interpretive regulations provide that the Local Board will develop strategies to maximize the effectiveness and accessibility of services offered to workers, job seekers and employers through the use of technology.

The Local Board and the Board of Directors of Mayors, issued a Resolution to authorize teleworking. In this Resolution it is established that the Local Board will promulgate the public policy in relation to the activities to be developed. This public policy is issued with the objective of ensuring the continuity of services, as far as resources permit. Our priority is to provide services to the workers who have been adversely affected by the closure order.

II. LEGAL BASIS

- Administrative Bulletin No. OE-2020-O20 issued by the Governor of Puerto Rico, Hon. Wanda Vázquez-Garced, on March 12, 2020.
- Administrative Bulletin No. OE-2020-023 issued by the Governor of Puerto Rico, Hon. Wanda Vázquez-Garced, on March 15, 2020.
- Administrative Bulletin No. OE-2020-029 issued by the Governor of Puerto Rico, Hon. Wanda Vázquez-Garced, on March 30, 2020.
- Administrative Bulletin No. OE-2020-O33 issued by the Governor of Puerto Rico, Hon. Wanda Vázquez-Garced, on April 12, 2020.
- Section 107 (d) (7) Workforce Innovation and Opportunity Act (WIOA).
- Sections 679.370 (h) of the Workforce Innovation and Opportunity Act (WIOA) Regulations.
- State Board Chair and Secretary of Economic Development and Commerce Statement Issued March 31, 2020: PR Workforce Development System-Use of WIOA Funds for Payroll and Job Continuity.
- Resolution of the Local Workforce Development Board and the Board of Directors of Mayors of the Manatí/Dorado Local Workforce Development Area to authorize telecommuting issued on April 13, 2020.

III. WHAT IS TELEWORK?

The Telework Enhancement Act of 2010 (P.L. 111-292) enacted on December 9, 2010, by the United States Government, defines Telework as a flexible work arrangement in which the employee performs his/her duties and responsibilities, in accordance with his/her position and other authorized activities, in a place that is not his/her usual place of work. In the particular case of Puerto Rico, Act No. 36 of April 9, 2020: Puerto Rico Government Telecommuting Act was approved. The implementation of the Act will be effective as of Fiscal Year 2020-2021. It should be clarified that this Act does not refer to municipalities. The Chairman of the State Board and the Secretary of Economic Development and Commerce in a press release dated March 31, 2020, indicate and we quote: *that it is prudent to develop a Work Plan that allows having personnel working from their homes*. In a document identified as Questions and Answers (FAQ'S) issued by "Workforce GPS", it is stated that keeping the OSC-AJCs open is a State decision. However, the Employment and Training Administration (ETA) encourages states to ensure that critical services are provided through alternative means such as telephone conferencing, electronic referrals and video conferencing, among others. Given the foregoing, this public policy shall only apply to the period of time that we are working with the measures aimed at continuing the measures to control the risk of infection of the Coronavirus (COVID-19) in Puerto Rico.

IV. GENERAL PROVISIONS

1. Officers of our Workforce Development System, authorized to work from home, shall ensure the confidentiality of the documents they use as part of the work they will perform.
2. The Executive Director, in coordination with the Executive Officer of the Local Board, shall establish a work schedule for the purpose of allowing employees to share with their families, rest and eat adequately, ensuring their health and safety and establishing a work routine. Work will be from Monday to Friday. It is recommended that a maximum of five (5) hours per day be worked. This will be the maximum number of hours to be worked. Should the need arise, the Executive Director, in coordination with the Executive Officer of the Local Board, may increase or reduce the number of hours established herein.

Employees whose positions are positions of trust are not subject to this schedule. They will be available during regular or other assigned work hours, subject to the circumstances. This schedule will be subject to guidelines issued by the U.S. Department of Labor (DOL) regarding the payment of hours not worked with WIOA funds. If we approve hours not worked to be subsidized with WIOA funds, we will determine how employees who are working will be compensated for the time worked and validated by supervisors.

If it is determined that the hours not worked cannot be subsidized with WIOA funds, we will increase the number of hours based on the regular work schedule and determine the leave to be granted to employees who are not working through Telework.

3. Supervisors will be responsible for ensuring that assigned work is performed according to the guidelines given. They may communicate through telephone calls, virtual conferences and other secure technological systems, individually and as a group. It is vitally important to review teamwork plans. Response time must be adequate. At the end of the work period, Supervisors will be informed daily by e-mail of the activities carried out and the period spent, in a simple manner, according to the Work Plan submitted by each supervisor and approved by the Executive Director.
4. The news, events or other information published on the web pages will be related to the services offered to clients, participants, service providers and employers, as well as benefits offered by other governmental entities. It is vitally important that authorized personnel be able to answer questions that arise as part of the posting.
5. The Information Systems Maintenance Technician will provide technical support related to connectivity, software and hardware issues.
6. In the particular case of active participants in On-the-Job Training activities, they shall ensure that the workplaces are exempt, as established in Administrative Bulletin No. OE-2020-023 and in Circular Letters 2020-02 and 2020-03 issued by the Hon. Manuel Laboy-Rivera, Secretary of the Department of Economic Development and Commerce. Participants working in non-exempt companies may not continue their training. They may finish it when they return to the physical facilities as established by the employer in compliance with the Administrative Bulletin in effect at that time.

7. In terms of the Individualized Career Services (groups) and Occupational Skills Development through the Individual Training Accounts (ITAs) modality, the participants will not be authorized to attend the entities. They will meet remotely, according to the method established by the Service Providers offering the services. This method will be approved by the Executive Officer of the Local Board, upon recommendation of the Executive Director, as delegated by the Local Board as long as it meets the objectives of the proposal, as approved.
8. The Service Providers shall submit a Work Plan to the Local Board. In it, they shall inform the method, electronic platform to be used, evidence and any other information they consider relevant. A copy of the Plan shall be sent to the Executive Director for evaluation and recommendations, as appropriate, to the Executive Officer of the Local Board.
9. The contract will be amended to add that the studies will not be offered in person, as well as the clauses related to the method of payment, evidence to be submitted and the date of completion, as applicable.

V. PUBLIC POLICY

The following statements make up this public policy:

1. Continue to promote on Facebook, Instagram and other platforms the services we are offering.
2. Orient all employers interested (exempt) in recruiting participants. They will be oriented on the services available. Proposals may be evaluated and those that are approved may be hired. The entire process will be carried out electronically. Proposals will be evaluated by the Employability Services Proposal Evaluation Committee attached to the Local Board. The evaluation will be conducted by referendum by electronic methods so as not to delay the evaluation process and not to adversely affect the services offered to system participants.

In relation to the documents requested from the employers, they shall deliver all those that can be accessed in the electronic pages of the agencies responsible for granting them. If they are not available, they may deliver them no later than thirty (30) calendars after the closing of the government entities. In order to ensure that the physical facilities in which the participants are located comply with health and safety standards, the Single Permit will be requested. If the Permit Management Office (“OGPe”, as per its Spanish acronym) or the Autonomous Municipalities, as applicable, have not granted the permit employers may submit, as established in OGPe Administrative Order 2019-11, issued by the Permit Management Office, attached to the Department of Economic Development and Commerce, on November 25, 2019, one of the following:

- A. For new applications or add uses:
 - a) Conditional Use Permit
 - b) Occupancy Authorization

- B. For Single Permit Renewal Applications pending inspection:
- a) Renewal Application - any renewal application has the effect of extending the term of the Single Permit.
3. Referral of active participants in the system is recommended. If there are no eligible participants, eligibility will be determined through interviews and evaluation of documents related to the general eligibility determination. Interviews will be conducted through telephone calls and/or virtual conferences. Participants may send, via e-mail or other digital tool, the documents available to them. To determine the category of displacement of the Dislocated Workers, if a client does not have the evidence, he/she may submit a certification stating the name of the company, name of the employer, address and telephone number of the employer and the reason and date he/she was displaced (declaration of eligibility or "self-attestation"). If they do not have any of the documents, they shall deliver them no later than five (5) working days from the day on which operations are resumed in the usual manner.
 4. The Executive Director and the Director of the Finance Department will determine how attendance will be certified for participants who are active, remotely, in Individualized Career Services (groups), Work Experiences, Transitional Employment and Occupational Skills Development activities through the Individual Training Accounts (ITAs) modality. They will design the certification model that will be used to validate the attendance of the participants since traditional attendance sheets will not be used during this period of time.
 5. The Service Provider will send the certifications, to be used to validate the attendance of the participants, to the designated official by e-mail, and will use the digitalized signature to certify them.
 6. In relation to the participants, active in activities prior to the decree of the emergency, they will send a copy of the payrolls by digital methods, to the Career Planner, which will be reviewed, recommended and certified, if they are complete in all its parts. They will be sent by e-mail to MIS and then to the Finance Office for processing. The original time sheets shall be submitted no later than five (5) working days from the day operations resume as usual.
 7. The designated officials will evaluate the documents received and certify those that comply with the attendance certification. Those that do not comply will be returned to the Service Provider, via e-mail, with a copy to the Immediate Supervisor or any other officer as determined. The certifications that comply with the established requirements will be sent, via e-mail, to the Director of the Finance Office for the necessary processing.
 8. The Finance Office staff will be responsible for pre-auditing and posting invoices. Payments will be made upon physical return to the office as we do not have a direct deposit or wire transfer payment system.

9. Invoices from Individualized Career Services and Occupational Skills Development Providers, through Individual Training Accounts (ITAs), will be sent via e-mail to the designated official. The designated officials will review the invoices and evidence determined, recommend and certify them. Those invoices that are complete in all their parts will be sent by e-mail to the Finance Office for processing. Those that do not comply with the established requirements shall be returned to the Service Provider so that they may be corrected.
10. Regarding the invoices for the On-the-Job Training activity, the employers shall send them by e-mail, with their digitalized signature, as well as the evidence of the payments made. The designated official will review, recommend and certify them. Those that are complete in all their parts shall be sent by e-mail to the Finance Office for the necessary processing. Those that do not comply with the established requirements shall be returned to the employer so that they may be corrected.
11. The activities related to the monitoring carried out by the Monitor, assigned to the Local Board, shall be carried out by means of the desk review technique. Incoming and outgoing conferences, as well as meetings with the Monitoring Committee shall be conducted by electronic conferencing and/or other virtual means. The work shall be carried out in accordance with the approved Procedure and Work Plan. If documents are required as part of the monitoring, they will be sent by e-mail. This is because we are not subscribed to the cloud storage service and do not have access to the files. Changes to the Work Plan will be coordinated with the Monitoring Committee Chairman.
12. The Executive Director in conjunction with the Finance Director and staff will review the budget, expenditures and obligations. They will analyze the obligations (with emphasis on active activities) and project the activities that the authorized Service Providers may perform remotely. If necessary, a budget modification will be prepared.
13. Other activities not described in this policy and inherent to the services we are offering such as eligibility determination, registration, case management, follow-up and identification of employers, will be offered remotely following the applicable rules. All actions related to these services will be documented in the files.
14. Employees who own equipment shall use it to perform the activities set forth in this policy and any others as directed by the State Board, the Workforce Development Program (WDP) or ETA. If they do not possess the equipment, they shall inform their immediate Supervisor. Subject to availability one of the following may be done:
 - a) Transfer to the employee the equipment routinely used in their work area;
 - b) Purchase equipment subject to budget and market availability.

The equipment will be delivered on the basis of the functions and priorities established. When delivered, it will be signed on the Responsibility Sheet, which will be sent electronically to the officer in charge of the property.

15. The Director of Finance, or its designated official, is authorized to make emergency purchases of technological equipment and/or materials to develop the Work Plan to be established. To this end, the purchasing process shall be carried out, as approved in the Fiscal Area and Internal Controls Procedure Manual.
16. Staff members, who are provided with equipment to perform the activities described above, shall comply with the following:
 - a) Cellular telephone - To be used only for calls related to authorized functions.
 - b) Computers and/or laptops - Computers shall only be used for work related to authorized functions. It is prohibited to use the equipment for purposes other than those related to your duties. Staff members must have custody of it for the entire period it is assigned to them. The use of the equipment by persons other than System officials is prohibited.
 - c) Access Points ("Hot spot") - Access to the Internet through the "hot spot" is limited to the work assigned. This means accessing information on the internet, connecting to meetings, sending and receiving official information, e-mail and other related information.
 - d) Microsoft TEAM Platform and/or any other - Access to this communication platform is restricted to the assigned work only. It is prohibited to access it for other non-work-related matters. If for any reason the TEAM platform is not available, similar platforms that are secure and free of charge may be used.
17. The Executive Director shall report regularly via e-mail to the Local Board and the Board of Directors of Mayors a summary of the activities being carried out and the limitations, if any.
18. The Executive Director will ensure that a Work Plan is prepared by the time activities begin to be offered from the offices. This shall include, but not be limited to:
 - a) Purchase of materials or others to protect the health of clients, participants and staff. This includes alcohol, hand sanitizer, disinfectants and others.
 - b) Identify and contract a person or company to disinfect the physical facilities prior to staff entering the work area.
 - c) Identify which staff members will be able to continue working remotely in order to promote physical distancing.
 - d) Establish how to manage the services offered to clients and participants visiting the OSC-AJC. An example of this is to limit the number of participants in the reception area and direct services, among others.
 - e) Any other that we deem necessary to protect the health of our clients, participants, staff members and/or any other person who visits us.

19. A high degree of confidentiality is required in the handling of files. Social security, birth certificate and/or personal data cannot be published. The signature must be protected, sending the data in PDF. The files must be stored in a file or box designed for this purpose. All transactions must be documented in the file. Upon returning to the office, the files and/or any other documents that were given to staff members must be returned.
20. The provisions related to the subsidy of the salaries of the officials of the system shall be subject to the approval of the amendment to the Human Resources Regulations for Regular and Reliable Employees of the Manatí/Dorado Consortium.

VI. AMENDMENTS TO PUBLIC POLICY

When policies promulgated by the Workforce Development Program or directly from the Federal Government represent a need to amend part or all of the content of this public policy, the Executive and Planning Committee of the Local Workforce Development Board may amend it to conform to the promulgated policies.

VII. REQUIRED ACTION

The Executive Officer of the Local Board shall be responsible for informing the appropriate governing bodies of the approval of the policy so that the latter may train the personnel under their supervision and execute the policy as established.

VIII. EFFECTIVE DATE

This Public Policy shall become effective upon its approval by the members of the Local Workforce Development Board of the Manatí/Dorado Local Workforce Development Area. It supersedes any other Policy, Procedure or Statement, which, in whole or in part, is incompatible with the provisions herein, to the extent such incompatibility exists, until the end of the emergency period.

IX. APPROVAL

Signed and approved on Monday, April 27, 2020, in Dorado, Puerto Rico.

SIGNED

Mr. Erasmo Rafael Lamberty-Sánchez
President
Local Workforce Development Board