



PROCEDURE FOR RESOLVING REQUESTS FOR RECONSIDERATION OF SELECTION OF SINGLE MANAGEMENT CENTER OPERATOR -AJC

I. INTRODUCTION

The Workforce Innovation and Opportunity Act (WIOA) provides for the establishment of a procedure for participants and other parties to file grievances and complaints arising out of alleged violations of WIOA, regulations, programs, activities, and others promulgated under the Act.

II. LEGAL BASIS

Act No. 81 of August 30, 1991, as amended, known as the "Autonomous Municipalities of the Commonwealth of Puerto Rico Act".

Federal Public Act 113-128 of July 22, 2014, Workforce Innovation and Opportunity Act.

Workforce Innovation and Opportunity Act

Administrative Circular Letter WIOA -02-2017 issued by the State Workforce Development Board, dated April 24, 2017.

Communiqué issued by the Director of the Workforce Development Program, dated April 2, 2018.

Competitive Selection Procedure of the One-Stop Management Center Operator - American Job

Center (CGU-AJC), Amended, approved on July 20, 2018.

III. PURPOSE

This procedure compiles the rules for resolving reconsiderations presented by entities that request to be Operators of the Single Management Center—AJC but are not selected.

IV. APPLICATION

This procedure applies to bidders who have participated in the competitive selection process of the Single Management Center Operator(s)—AJC and understand that they were adversely affected during that process.

V. INTERPRETATION

The provisions of this procedure shall be liberally construed to ensure due process of law to the parties concerned. Due process of law shall be understood to mean the right of each natural or juridical person to be notified of the administrative decisions that impact him/her, the right to be heard regarding adverse administrative determinations, and the due, impartial, and independent adjudication of any claim duly submitted under the applicable regulations.

VI. TERMS DEFINITION

For purposes of these proceedings, the following terms shall have the meanings set forth below:

1. Local Area - A geographic area designated by the Governor to which WIOA funds are allocated. It may be composed of a single municipality or a group of such municipalities called a Consortium as authorized by the Autonomous Municipalities Act, as amended.
2. The Local Board Executive Committee, attached to the Local Workforce Development Board, shall evaluate requests for reconsideration.
3. Day The term day refers to calendar days. When a calendar day is a Saturday, Sunday, or a holiday (full or half day), any action provided for in this procedure shall be extended to the next business day.
4. Local Workforce Development Board (Local Board) - A governing body certified by the Governor in each Local Area every two (2) years responsible, among other things, for establishing public policy and ensuring the proper functioning of the One Management System.
5. Workforce Innovation and Opportunity Act - Federal Public Act 113- 128 of July 22, 2014, authorizes funds to develop activities aimed at raising the employment, retention, and income levels of eligible participants: youth, adults, and dislocated workers.
6. Reviewing Officer - Attorney or Legal Technician appointed or designated by the President of the Local Board to preside over the administrative hearings subject to appeal under this Procedure, receive and evaluate testimonial and documentary evidence, as well as make the corresponding determinations of fact and law and issue the partial or final resolutions based on the evaluation of the entire contents of the

administrative record under reconsideration.

7. Single Management Center Operator—An entity appointed through a competitive process. Its basic function is to coordinate the provision of services to the partners participating in the CGU-AJC, guaranteeing service to clients and employers.
8. Bidder—an individual or organization that submits a proposal to a solicitation for the competitive procurement process to operate the CGU-AJC of the Mayagüez-Las Marías Local Workforce Development Area.
9. Proposal- a bid submitted in response to a solicitation for a competitive procurement process.
10. Appeal of Reconsideration - An appeal requesting that the final determination of an official, office, division, or unit, issued after the corresponding evaluation and adjudication procedure, be set aside, revoked, or modified.

VII. GENERAL PROVISIONS

1. The identity of an individual who provides information related to or collaborates in an investigation or review of a complaint will be kept confidential. The latter also applies to individuals who file complaints. When it is necessary to disclose an individual's identity, it will be protected so that no retaliation will be taken.
2. This procedure establishes the general instructions to guarantee the preservation of the rights of the entities that participate in the Single Management Center Operator—AJC selection process through a procedure that is fair to the affected party and agile in the decision-making process.
3. Unsuccessful proposers will be notified of their right to file a reconsideration with the Local Board within twenty (20) calendar days from the postmark date of the notice received. The reconsideration must be addressed to the Local Board Chairperson and delivered in person to the Local Board office, sent via email and/or mail.
4. The reconsideration must include, at a minimum, the following:
 - i. Name and address of the person requesting the reconsideration
 - ii. Detailed description of the allegation
 - iii. The signature of the person requesting reconsideration or his/her authorized representative is required.

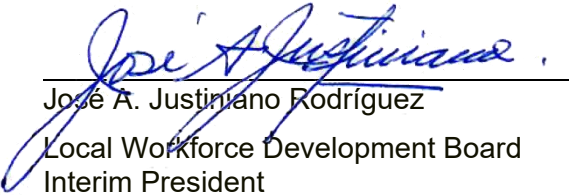
VIII. EVALUATION PROCESS REVIEW REQUEST

If a reconsideration arises, the following process will be followed:

1. The Local Board Chairperson shall submit the request for reconsideration to the Local Board Executive Committee.
2. An Examining Officer shall be appointed to evaluate the request for reconsideration.
3. The Reviewing Officer shall conduct a Formal Administrative Hearing, during which the presentation of witnesses and documentary evidence in favor of reconsideration by the complainant and against reconsideration by the Select Board shall be allowed.
4. The Examining Officer, upon receipt of the file of the request for reconsideration, shall notify all parties of the holding of the hearing within a term of two (2) days after the request for reconsideration has been assigned to him/her. The hearing must be held within a period not to exceed twenty (20) days after the request for reconsideration has been filed. The notice must contain the following information:
 - ii. Date and Time of the Hearing;
 - iii. Place;
 - iv. Purpose;
 - v. Procedural rights such as the right to be represented by counsel or any other appointed counsel, to examine and cross-examine, to present evidence, to testify, and to document on your behalf; and
 - vi. Right or opportunity to amend the complaint before the hearing.
5. The Examining Officer shall evaluate the evidence presented and issue a written report to the Executive Committee of the Local Board. The Report shall contain findings of fact, conclusions of law, and a final recommendation.
6. The Examining Officer shall be required to issue the Report through a "Resolution" within ten (10) calendar days following the hearing date unless the parties, in writing and for good cause shown, request an extension of said term.
7. The Executive Committee shall issue and notify the Local Board of its final determination based on the Report submitted by the Examining Officer.
8. The Local Board shall inform the proponent requesting reconsideration of the determination in writing by certified mail.
9. The Local Board shall make appropriate administrative arrangements so that services to clients, patrons and participants are not adversely affected.
10. The Local Board shall have the prerogative to determine who shall continue to provide services during the reconsideration period established herein and to issue the necessary guidelines and provisions to ensure the rights of interested parties during said period.

IX. EFFECTIVENESS

This Procedure shall become effective immediately upon the Local Board's approval and the signature of the President of the Local Board. Approved in Mayagüez, Puerto Rico today, July 20, 2018.



José A. Justiniano Rodríguez
Local Workforce Development Board
Interim President

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

CERTIFICATE OF TRANSLATOR

Smile Again Learning Center, Corp., certifies that a fluent translator in English and Spanish translated this document, that the above is a true and correct translation of the original document provided, in our best judgment, the translated text truly reflects the content, meaning, and style of the original text and constitutes in every aspect a complete and accurate translation of the original document. This is to certify the correctness of the translation only. We do not make any claims or guarantees about the authenticity or content of the original document. Further, Smile Again Learning Center assumes no liability for the way in which the translation is used by the customer or any third party, including end-users of the translation. Any translation into another language shall be deemed as reference and the original version shall prevail in any case. A copy of the translation is attached to this certification.

In Isabela, Puerto Rico, June 30, 2024

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