



American Job Center

PUBLIC POLICY TO AUTHORIZE TELECOMMUTING TO OFFER SERVICES TO CUSTOMERS, PARTICIPANTS, PATRONS, AND SERVICE SUPPLIERS

I. INTRODUCTION

The Governor of Puerto Rico, Hon. Wanda Vázquez Garced , promulgated Executive Order Num . OE-2020-020, on March 12, 2020, whereby decree a state of emergency related to the COVID-19 impact. Subsequently, on March 15th, she promulgated Executive Order No. OE- 2020-020 of March 15 to 30, 2020 to make viable the closure of government and private operations, to combat the effects of COVID-19. In order to extend the measures to control the risk of contagion, the 30th of March, through the Executive Order No. _ OE-2020-029 extended governmental closure up to the 12th of April of 2020, unless otherwise indicated. Subsequently, on April 12, 2020, she promulgates the Executive Order No. _ OE-2020-033 in which extended it until May 3, 2020, and/or unless further notice. These last three Executive Orders apply to public employees who do not provide essential services. Single Management Centers and the activities developed there in are not considered essential services.

In order to minimize the impact of these measures on the services offered to participants, employers, and service providers, the Board of Mayors and the Labor Development Local Board (Local Board) have determined to authorize through Telecommuting (remote), the offering of services directed to workers, people on search of job, participants, and patrons.

The Workforce Innovation and Opportunity Act (WIOA per its English acronym) and on its Interpretive Regulation provides that the Local Board will develop strategies to maximize the effectiveness and accessibility of the services offered to workers, people in search of job, and patrons, through the use of the technology.

The Board of Mayors and the Local Board issued a resolution to authorize telecommuting. It establishes that the Local Board will promulgate the public policy in relation to the services to be offered. Pursuing this purpose, this public policy is issued, with the aim of ensuring the continuity of services , as far as resources allows it. Our priority is to offer services to workers who were adversely affected by the closing order.

II. LEGAL BASIS


Executive Order No. _ OE-2020-020 issued by the Governor of Puerto Rico, Hon. Wanda Vázquez Garced, the 12th of March of 2020

Executive Order No. _ OE-2020-023 issued by the Governor of Puerto Rico, Hon. Wanda Vázquez Garced , the fifteen of March of 2020

Executive Order No. _ OE-2020-029 issued by the Governor of Puerto Rico, Hon. Wanda Vázquez Garced, the 30th of March of 2020

Executive Order No. _ OE-2020-033 issued by the Governor of Puerto Rico, Hon. Wanda Vázquez Garced, the 12th of April of 2020

Section 107 {d) {7) Workforce Innovation and Opportunity Act (WIOA per its English acronym)



Sections 679.370 {h) of the Regulations for the Workforce Innovation and Opportunity Act (WIOA per its English acronym)

Communication of the President of the State Board and the Secretary of Economic and Commerce Development, issued on March 31, 2020: PR Labor Development System-Use of WIOA Funds for payment of payroll and work continuity.

Resolution of the 9th of April of 2020, by the Board of Mayors and the Local Board, to authorize remote work.

III. WHAT IS TELECOMMUTING?

The " Telework Enhancement Act " of 2010 {PL 111-292) enacted on December 9, 2010, by the government of the United States, defines telecommuting as a flexible work arrangement in which the employee perform their duties and responsibilities, according to their position and others authorized activities, in a place that is not the usual work place. In the particular case of Puerto Rico, the approved Law No. 36 of April 9, 2020: Remote Work Law of the Government of Puerto Rico. The implementation of the Law will be effective as of Fiscal Year 2020-2021. It is necessary to clarify that this Law does not pertain to the municipalities. The president of the State Board and the Secretary of Economic and Trade Development, in a statement dated March 31, 2020, indicate and we quote: "*It is prudent to develop a Work Plan to allow personnel working from their homes*". In a document identified as Questions and Answers (FAQ'S for its acronym in English) issued by "Workforce GPS", it is established that keeping the CGU-AJC open is a State decision. Nevertheless, the Employment and Training Administration (ETA) promotes that the states must ensure that critical services are provided through alternative means such as conferences phone calls, electronic referrals, and video conferences, among others. Given the foregoing, this public policy will only apply to the period of time that the measures for control the risk of contagion by Coronavirus (COVID-19) in Puerto Rico, are in effect.

IV. GENERAL PROVISIONS

1. The officials of our Labor Development System, authorized to work from their homes, shall ensure the confidentiality of the documents used as part of the work performed.

The Executive Director of the Local Board will establish a work schedule so that the employees can share with their family, rest, and eat properly, ensuring their Health and security; to establish a job routine. The work week will be Monday to Friday.



It is recommended to work a maximum of five (5) hours per day. All employees will start working the authorized hours at 9:00 AM, will work three (3) hours until 12 PM and the rest (2 hours), from 1:00 PM to 3:00 PM. This will be the maximum work hours assigned. If the need arises, the supervisor with the authorization of the Local Board Executive Director, can increase or reduce the number of established.

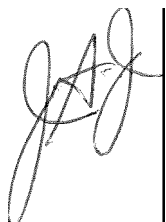
This schedule does not apply to exempt employees. They will be available during regular or other assigned work hours, subject to the circumstances. This schedule will be subject to the guidelines issued by the Federal Department of Labor (DOL), in connection with payment of hours not worked with WIOA funds. To approve the non-subsidized with WIOA funds worked hours, we will determine how to compensate the employees who are working, the time worked as validated by their supervisors.

Should a determination about the not worked hours be that cannot be subsidized with WIOA Act funds, then the regular base hours will be increased, and the appropriate license granted, to the employees not working through Telecommuting.

2. The supervisors will be responsible to ensure that the assigned work is performed per the issued guidelines. The supervisor will maintain communication through telephone calls, virtual conferences, and other secure technological systems, both individually and in groups. It is of vital importance to verify the teamwork plans. Response time must be a suitable one. Daily, at the end of the workday, workers have to electronically submit an assigned completed task report, using the form: Report of Tasks Performed, provided by the Office of Human Resources, in accordance with the Work Plan submitted by each supervisor and approved by the Executive Director of the Local Board. The report will be sent to the Supervisor with a copy to the Human Resources Manager.
3. The news, events or others that are published on the cybernetic pages, will be related to the services offered to clients, participants, and employers, as well as benefits offered by other government entities. It is vitally important that authorized personnel can answer the questions arisen as part of the publications .

4. The Information and Planning Systems Administrator/Coordinator will offer technical support related to problems of connectivity, "software", and "hardware".

5. In the particular case of active participants in Work Experience Activities, Transitional Employment and Job Training, will ensure that workplaces are exempt, as established in Executive Order No. OE-2020-023 and in the Circular Letters 2020-02 and 2020-03 issued by the Hon. Manuel Laboy Rivera, Secretary for the Economic and Trade Development Department.

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6. In relation to Individualized Career Services (groups) and Occupational Skills Development through the modality of Individual Training Accounts (ITA'S), the Participants will not be authorized to attend the entities. They will use distance meetings and the Service Providers will use electronic platforms methods to deliver the studies and training.

The Service Providers will submit a Work Plan to the Executive Director of the Local Board or designated official. It will include the method, the electronic platform used, evidence, and any other information they consider relevant. This Work Plan needs to be approved by the Executive Director of the Local Board, upon recommendation of the Interagency Coordinator, by delegation of the Local Board as long as it meets the objectives of the proposal, as approved.

The contract will be amended to reflect that the training and studies will not be delivered in person, as well as the clauses related to the payment method, evidence to submit, and the completion dates, as apply.

7. Given that most of the participants in the activities of Work Experiences, Transitional Jobs, and Internship are not attending workplaces due to the closure, public policy will be established to subsidize the payment of payroll during the period in which the COVID-19 closure measures are in effect.

V. PUBLIC POLICY

The following statements constitutes this public policy:

1. Continue the promotions of our services offered on Facebook, Instagram, and other platforms.
2. In relation to Individualized Career Services (groups) and Occupational Skills Development through the modality of Individual Training Accounts { ITA'S), the Participants will not be authorized to attend the entities. They will meet at a distance and the Service Providers will use the electronic platforms educational method. In the particular case of participants enrolled in post-secondary institutions, as part of our support services, school, and other supplies could be subsidized so that the participant can continue to participate effectively through online courses. This could include tablets, computers, internet access, and webcam, among others. These supplies will be their property so that they continue to use them in their post-secondary studies. Each case will be evaluated individually. The purchases will be done in accordance with the applicable norms and procedures, as well as availability of funds. Should there be no funds a modification to the budget may be requested.
3. The officials will counsel all employers interested (exempt) in recruiting participants. Provide information about the available services. Evaluate proposals and contract those that are approved. All processes will be carried out through electronic means. The proposals will be evaluated by the Proposal Evaluation Committee attached to the Local Board. The evaluation will take place through surveys through electronic methods and virtual meetings so that the evaluation process is not delayed and adversely affect the services provided to the participants within our system.

In relation to the documents that are requested to the employers, they can deliver them by accessing the electronic pages of the pertaining granting agencies. If they are not electronically available, then they may be delivered no later than thirty (30) calendars after the closure of the governmental entities is finished.



In order to ensure that the physical facilities in which the participants are located comply with the health and safety standards , the Unique Permit will be requested . If the Permits Management Office (OGPe) or the Autonomous Municipalities, as applicable, have not granted the permit, employers may submit, as established in the Administrative Order OGPe 2019-11, issued by the Permit Management Office, issued by the Department of Economic and Trade Development, on the 25th of November of 2019, one of the following:

A. For new requests or facility's additional uses:

- a. Permit for Conditional Use
- b. Authorization of Occupation

B. For Renewal requests or Unique Permit pending Inspection

- a. Request of Renewal - all request of renewal has the effect of extending the validity of the Unique Permit

4. Should there be no participants that meet all the requirements to determine eligibility through interviews and documents evaluation pertaining to general eligibility, then interviews will be conducted through telephone calls and/or virtual conferences. Participants may send, by email or other digital tool, the documents that are available. In the particular case of Displaced Workers, to determine the category of displacement, if the client does not have the evidence, he may present a certification in which establishes the name of the company, name of the employer, address and telephone number of the employer, and the reason and date on which he was displaced (declaration of eligibility or " self-attestation "). If some of the documents are missing, they need to be submitted within the first five (5) days of restarting the normal operations.
5. For the purpose of making payments, related to necessity pay, and/or wages of the participants who are in remote mode, in the activities of Individualized Career Services (groups), Work Experiences, Transitional Jobs, and Occupational Skills Development through the modality of Individual Training Accounts (ITA'S), the Director of the Finance Office and the Interagency Coordinator will determine how to certify attendance. They will design the certification model that will be used to validate the attendance of the participants, which will be approved by the Executive Director of the Local Board, since during this period the regular attendance sheet will not be used.



6. The Service Provider will send the certifications, to validate the attendance of the participants, the official appointed through electronic means, will use the digitized signature to certify them .
7. In relation to the participants, active in the activities, prior to the emergency decree, will send of the copy of the payroll through digital methods, to the Programs Technician.

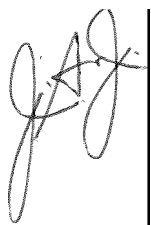
They will be reviewed, recommended, and certified if they are complete in all their parts and will be submitted by email to the Finance Office, for the proper procedure. The originals will be delivered the day the operations are resume, in the regular manner.

8. The designated officials will evaluate the received documents and certify those that comply with what is established in the attendance certification. Those that do not comply will be returned to the Service Provider, by email, with a copy to the immediate supervisor or any other designated official. Certifications that comply with the requirements will be submitted, by email, to the Director of the Finance Office for the appropriate processing.
9. The Finance Office officials will be responsible to pre intervene, reconcile, and make payments. When the entrance to the facilities is authorized, payments can be made as appropriate.
10. In relation to the invoices of the Providers of the Individualized Career Services, and Occupational Skills Development, through the modality of Training Individual Accounts (ITA'S), they will be submitted by email to the designated official. The appointed official will review the invoices and the supporting evidence, evaluate, recommend, and certify them. They will email those that comply with all the requirements to the Finance Office, for the proper processing. Those that do not comply with the requirements shall be returned to the Service Supplier for correction.
11. In relation to the invoices of the Employment Training activity, the employers will email them using digital signature, as well as the evidence supporting the payments. The designated official will review, recommend, and certify them. They will email

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those that comply with all the requirements, to the Finance Office, for the proper processing . Those that do not comply with all the provisions will be returned to the employer for correction.

12. The monitor assigned by the Local Board will execute the corresponding overseeing activities using the desk review technique. Incoming and outgoing conferences, the initial and exit meetings with the Monitoring Committee will be held through virtual means. The work will be done according to the approved Procedure and the Work Plan. To make changes to the Work Plan, they will need to coordinate with President the Monitoring Committee.
13. The Executive Director of the Local Board together with the Director of Finance and the Work team, particularly the Coordinator of Programs, will review budget, expenses, and obligations. They will analyze the obligations (with emphasis on current services) and project the services that authorized Service Providers can execute remotely. If necessary, a budget modification may be requested.
14. Other activities not described in this policy and inherent to the services that are being offered, such as: determination of eligibility, record, case management, follow up, and identification of patrons, will be offered at a distance following the applicable norms. All actions related to these services, shall be documented in the archives as soon as physically coming back to the office.
15. Employees who have personal equipment, can use it to carry out the activities established in this policy and any other that arises by instructions of the State Board, the Program for Labor Development (PDL) or ETA. If they do not have the equipment, they should immediately inform the Supervisor. Subject to the availability, the following can be done:
 - a. Transfer to the employee, the equipment routinely uses in the work area.
 - b. Buy equipment subject to the budget and market availability



The equipment will be delivered based on the established functions and priorities. When it is delivered, the employee will send a certification, through electronic mail, describing the equipment and the asset property number or other document as determined by the Finance Office. This will be submitted to the officer in charge of asset property management.


16. The Director of Finance or the designated official is authorized to manage purchases, under the emergency mechanism, of technological equipment and/or materials to develop the established Work Plan. They will use the Internal Controls Manual, as approved, to procure materials, supplies, equipment, and services necessary to comply with the activities to be carried out related to the emergency. Executing the ordinary purchasing process, entails an unnecessary delay, which slows the execution and to satisfy the immediate need of responding to the emergency scenario. In these cases, a written record must be established, describing the facts and / or circumstances of urgency or emergency that precluded the use of the bidding or the ordinary purchase process; and that the costs were reasonable, considering the market availability. When there is only one bid, the reasonableness of the price will be evaluated, considering the historical record of purchases of products or services of the same nature that compare favorably with the targeted article or service. If there is not a comparable, it will be certified that there is not a comparable. The documentation will include the name of the contractor (supplier), the quantity of the purchase, the list of what was acquired in each purchase order and the criteria established to determine the need. As part of process, the documentation will comply with the following :
 - a. On those cases, due to the functions carried out, arise the need to make purchases or acquire services in an emergency basis, the articles, supplies or services may be procured, without the need of the regular bidding process. They will be able to procure goods, equipment, or services without preparing the corresponding purchase order first.
 - b. When placing the purchase order, they will verify that there is budget for it and that there is money on the corresponding account.
 - c. On equipment purchases, the approval of the Labor Development Program shall be requested.

- d. The Procurement Official shall maintain the proper documentation of all Emergency purchases.
- e. On purchases done under the emergency process sufficient and adequate documentation justifying the reasons for dispensing the requirement to issue a purchase order at the time of making the purchase. The documentation will be included in the required documents to issue the payment disbursement without the corresponding purchase order.
- f. In these cases, the written authorization of the Executive Director of the Local Board will be required and is part of the procurement written justification to be filed. The Executive Director of the Local Board will authorize the Purchasing Official to process the emergency purchase without the issuance of the Purchase Order form, on a priority basis, simultaneously with the purchase, or if feasible, to quickly process the payment directly through the Disbursement Request through the Finance Director.
- g. In these cases, the Finance Director or authorized representative will prepare the correspondent purchase order within ten (10) days subsequent to the date on which the purchase was made.
- h. If the purchase can be done using the regular Purchase Order Form, it has to be annotated, in a clearly visible spot, the facts or circumstances that justify the purchase. In these cases, the Executive Director of the Local Board will approve the purchase on said order form.
- i. Once authorized, emergency cases will be processed on a priority basis, with the available bids, within the timeframe the required goods and services are needed.
- j. None of the foregoing, exempts of compliance with the Law in the granting of contracts prior to the procurement of services. In cases where the emergency is of such nature that makes it difficult to print a contract, it must at least be stated in writing. The ALDL should prepare a contract template, which will be available and to which the necessary information can be added. All the manuscript documents, have to be initiated by all the undersigned, so that the identity of the parties can be established and verified. In the cases of remote work, they need to have the digitized signature of the service supplier.

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17. Officials , to which equipment to execute their activities described above was provided, have to comply with it following:

- a. Cell phone – will only be used for authorized functions.
- b. Computers and / or laptops - computers will only be used to do the work inherent to the authorized functions. It is prohibited to use the equipment for other purposes that are not related to their functions. You must secure it at all times during the assigned time period. The use by other persons outside of the Service System is prohibited.
- c. Access Points (" Hotspots ") - Internet access through the " hotspot " is limited to job related tasks. Activities like access to information on the internet, connect to meetings, send and receive electronically official information, and other related chores.
- d. Communication Platforms - Access to communication platforms is restricted to the assigned work. It is forbidden to access them for matters not related with the job. Free and secured platforms can be used.



18. The Executive Director of the Local Board will regularly inform the members the Local Board and the Board of Mayors, through a summary of the undergoing activities and any limitations to its execution, if apply.

19. The Executive Director of the Local Board will make sure a Work Plan prepared, anticipating the moment when the services are restarted in person in the offices. This will include , among others :

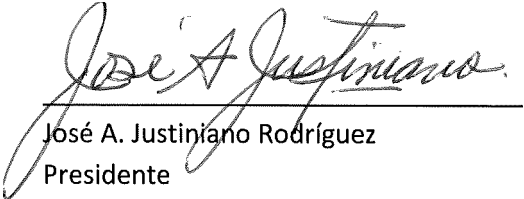
- a. Procurement of materials or other devices for the protection of the customers, participants, and officials' health articles like rubbing alcohol, "hand sanitizer", disinfectants and others.
- b. Identify and hire a person or company to physically disinfect the facilities previous to the personal returning to their work areas.

- c. Identify which officials or employees could continue to work remotely, to whom for health reasons or other justifiable reasons, returning to the offices, represents a risk or imminent danger. All these individual cases need to be documented .
 - d. Establish how the services offered to clients who visit the CGU-AJC and participants will be handled. An example of this is limiting the number of participants in the reception area and the direct services areas, among others.
 - e. Any other preventive measure esteemed necessary to protect the health of our customers, participants, employees, officials and / or any other visiting person.
20. A high degree of confidentiality is required in the handling of records. The Social Security number, birth certificate and/or personal data cannot be published. The signature has to be protected, sending the data in PDF format. The files must be stored in a file, or a safe box designated for that purpose. All services rendered or activities must be documented onto the file. When returning to the office the files and/or any other document provided to work from home during the emergency situation, have to be returned,.
21. The provisions related with the subsidy of the salaries of the system officials will be in accordance with the stipulations of the **Public Policy to Authorize leave of absence for unexpected situations** approved by the Executive Committee of the Local Board on 24th of April of 2020. It was approved by the Board of Mayors on 11th of April of 2020.

VI. APPROVAL AND VALIDITY

This public policy was approved by the Executive Committee of the Local Board, in a virtual meeting held on April 24, 2020. Given the urgency for its approval and put in effect, pertaining approval information will be delivered through electronic means, to the members of the Local Board. It will have immediate effect after its approval. It is the responsibility of the Executive Director of the Local Board to inform the personnel as soon as it is approved.

For the record, I hereby sign this Public Policy in Mayaguez , Puerto Rico today April 24, 2020,
on Mayagüez , Puerto Rico.



Handwritten signature of José A. Justiniano Rodríguez in cursive script, written over a horizontal line.

José A. Justiniano Rodríguez
Presidente

Labor Development Local Area Board