

COMMONWEALTH OF PUERTO RICO
SOUTHWEST LOCAL WORKFORCE DEVELOPMENT BOARD, INC.

**PUBLIC POLICY FOR THE CERTIFICATION AND
DECERTIFICATION OF LOCAL WORKFORCE BOARDS**

Section 1. The Southwest Local Workforce Development Board, Inc. establishes based on Public Law 113-128, the Workforce Innovation and Opportunity Act (WIOA), the Public Policy for Local Board Certification and Desertification.

Section 2. Transfund

The State Workforce Development Board is the advisory body to the Governor on matters relating to the Workforce Investment System, including all matters relating to the design, promulgation and establishment of public policy. Pursuant to Section 107 of WIOA, the establishment in each Local Area of a Local Board, the composition of which is set forth in Section 107(b)(2)A, is a condition precedent. The Governor, in coordination with the State Board, shall establish uniform criteria for the use of Boards of Mayors or Chief Elected Officials (Mayors), as appropriate, in the nomination of Local Board candidates, in accordance with the requirements detailed in subsection 2 of Section 107 of WIOA. Local Boards shall be certified by the Governor of the Commonwealth of Puerto Rico every two years.

Section 3. Legal Basis

This Rulemaking is issued pursuant to Section 107 of Public Law 113-128 of July 22, 2014, the Workforce Innovation and Opportunity Act (WIOA); Public Law 171-2014 establishing the Workforce Development Program under the Department of Economic Development and Commerce (DDEC); and Information Bulletin No. OE-2014-64 of December 22, 2014 to designate DDEC as the depository, administrator, and fiscal surveillance of WIOA funds and to establish the State Workforce Investment Board.

Section 4. Applicability of Public Policy

This Public Policy applies to Mayors and Chief Elected Officials of the Local Areas as a public policy guideline and guide for the certification and decertification of Local Boards.

Section 5. Definitions

1. **Economic and Community Development Agency** - Commission, Corporations or Local Boards, Planning and Zoning Boards, community development agency and other local agencies responsible of the regulations, development or assistance in economic development of the Local Area, including economic development entities in the private sector.
2. **Local Area (LA)** - Pursuant to Section 106 of WIOA, is the designation by the Governor of a representative entity of a geographic area composed of one or more municipalities for the purpose of receiving WIOA funds for Puerto Rico.

3. **Workforce Learning Advisor** - Means an individual employed by an organization who possesses the knowledge and skills necessary to advise other employees of the organization about the education, skills development, training, career counseling services, and credentialing, including services provided through the workforce development system, necessary to achieve the occupational goals of these employees so that they can meet the employer's requirements for available jobs and promotions that promote economic self-sufficiency.
4. **Professional and Business Associations** - An organization that admits among its members any company, institution, person and/or entity, such as, but not limited to, the Puerto Rico Chamber of Commerce, the United Retailers Center, Industrial Association, among others.
5. **Optimum Policy-Making Authority** - An individual who can reasonably be presumed to have the delegated authority to speak affirmatively on behalf of the entity he or she represents and who can make commitments on behalf of the entity to a particular course of action.
6. **Standing Committees** - Committees appointed by the Local Board to provide information and assist the Local Board in carrying out its responsibilities, which shall be chaired by a member of the Local Board. May include other Local Board members and must include individuals other than Local Board members who have demonstrated expertise and experience.
7. **Consortium** - Two or more municipalities that voluntarily join together under Act No. 81 of August 30, 1991, the Autonomous Municipalities Act, as amended, organized through an inter-municipal agreement, which as a governmental entity has the legal authority to operate and administer activities for youth, adults, and displaced persons financed with WIOA funds. Through the Principal Elected Executive (PEE), it is the sub-recipient entity of WIOA funds. Once constituted, pursuant to Section 2.001(p) of the Autonomous Municipalities Act, as amended, it acquires its own legal personality separate from the municipalities that compose it.
8. **Economic Development and Commerce Department (DDEC)** - Government agency of the Commonwealth of Puerto Rico created by Reorganization Plan No. 4 of 1994, as amended, to which by virtue of Act 171-2014 the Labor Development Program (PDL) is integrated, designated as administrator of the federal block grant funds received by the Government of Puerto Rico pursuant to Public Law 113-128 of July 22, 2014 known as the Workforce Innovation and Opportunity Act (WIOA).
9. **Performance Successfully** - Means "meeting" or "exceeding" the performance levels of the primary indicators negotiated between the Governor and the Local Board and the PEE described in WIA Section 116(b)(2)(A), as in effect prior to the passage of WIOA, for the two (2) consecutive program years prior to the passage of WIOA.

10. Sustained Fiscal Integrity - Means when the Secretary of the Federal Department of Labor has not issued a formal determination in any of the two consecutive years preceding the determination relating to such integrity to either the recipient of the funds or the Local Area administrative entity, has misspent funds provided under Subtitle B of WIOA, or, if applicable, under Title I of WIA, as in effect prior to the passage of WIOA, due to willful disregard of the requirements of the statutory provisions involved, gross negligence, or failure to comply with accepted management standards; or in lieu thereof, if the Governor has not issued a determination regarding compliance with the uniform administrative requirements contained in 2 CFR Part 200, through monitoring and/or external audit resolutions issued by the DDEC Workforce Development Program, as evidenced by annual reviews of financial systems, in consideration of the following criteria:

- a. Reported amounts of fixed costs, accrued expenses, obligations, stand-in costs, programmatic gains/interest that are accurate, allowable, and supported with appropriate documentation.
- b. Cost allocation methodologies used by Local Areas are in compliance with Federal and State Office of Management and Budget guidelines; that costs are appropriately and equitably allocated to benefits, cost objectives and documentation is maintained to support these allocations.
- c. That the Local Area is consistent in developing, utilizing and maintaining the budget to maintain delegated funds and costs are being tracked against the approved budget.
- d. The internal controls of the financial management system are adequate and reliable.

11. Board of Mayors (BM) - A body created under Section 107 of WIOA that in coordination and/or collaboration with the Board of Mayors shares responsibility for establishing public policy and carrying out the functions and responsibilities established by WIOA for each LA.

12. Local Board (LB) - A body created under Section 107 of WIOA that in coordination and/or collaboration with the Board of Mayors shares responsibility for establishing public policy and carrying out the functions and responsibilities established by WIOA for each LA.

13. Demonstrated Experience and Expertise Representative - An individual who:

- a. Is a workplace occupational counselor, as defined in Section 3(70) of WIOA;
- b. Contributes to the field of workforce development, human resources, development and training, or core program functions; or
- c. The LB recognizes your significant contributions in the field of education or workforce development.

14. **Principal Elected Executive (PEE)** - The principal elected official (Mayor) of a municipality appointed to the LA; in the event that it includes more than one general government unit. Named Municipal Consortiums, shall be the President of the Board of Mayors elected by the Mayors of the component Municipalities.
15. **Labor Development Program (PDL)** - Labor unit attached to the DDEC, created by virtue of Act 171-2014, whose function is to administer, advise, coordinate, oversee and implement the public policy of the workforce development system.
16. **Representatives of Entities Administering Education and Training Activities** - Individuals representing eligible providers administering Title II adult education and literacy activities, representatives of institutions of higher education that provide workforce investment activities, including representatives of local educational agencies and labor, community-based organizations with expertise and demonstrated experience in addressing the education and training needs of individuals with barriers to employment.
17. **Workforce Representatives** - Individuals representing labor organizations, for the LA where employees are represented by the labor organization, or, for an LA where employees are not represented, any other employee representative.
- Shall include a representative, who shall be a member of a labor organization or, the training director of a coordinated management apprenticeship program or, if no such program exists, a representative of the apprenticeship program, if one exists.
- May include representatives of community-based organizations with demonstrated expertise and experience in addressing the employment needs of individuals with barriers to employment, including organizations that serve veterans or that provide or support integrated competitive employment for people with disabilities.
- They may also include representatives of organizations with demonstrated expertise and experience in addressing the education, employment and training needs of eligible youth, including organizations that serve Out of School Youth.
18. **Representatives of Governmental, Economic and Community Development Entities** - Individuals representing economic and community development entities, including a representative of the Office of State Employment Service under the Warner-Peyser Act, a representative of the Vocational Rehabilitation Program other than the agency designated to conduct the client assistance program and American Indian tribal vocational rehabilitation services, and representatives of agencies or entities administering transportation, housing and public assistance programs and philanthropic organizations.
19. **Business Representatives** - Business owners, chief operating officers of private commercial enterprises or other executives who have optimum participation in the management decision-making process and authority over recruitment in the businesses they represent on the LB, including small businesses, organizations that provide employment opportunities that, at a minimum: include industry sectors, high quality job-related training and industry sector development as business representatives shall be individuals nominated by trade organizations and professional and business associations.

20. **Career Services** - Services for adults and dislocated workers, described in WIOA Section 134(c) and (d) and the Planning Guide, such as determination of eligibility for service provision, recruitment orientation and promotion, initial assessment of skills and aptitude levels, labor market information exchange services, referrals and coordination of activities with other programs, individual and group counseling, comprehensive assessments, career planning, internships and work experiences, relocation assistance, follow-up services, among others.

Section 6. Composition of the Local Board (LB)

- 1. Each LB shall be composed, at a minimum, of the following representatives, as defined in this Public Policy:
 - a. **Business Representatives** - The representatives should have optimum authority in the making decisions process of his business; authority to recruit personnel and the business that the member represent must reflect the demand for employment in the ALDLS. At a minimum, two members should represent small businesses, as defined by the Small Business Administration. **Minimum number of members: 10.**
 - b. **Workforce Representatives** - At least twenty percent (20%) of the LB members must be from this sector. Their representatives must be nominated by local labor federations or other employee representatives. It shall include two or more representatives of labor organizations or employee representatives, one or more representatives of a joint labor-management apprenticeship program, and one or more representatives of a community-based organization. **Minimum number of members: 4.**
 - c. **Representatives of Education and Training Activity Management Entities** - Shall include at least one representative of eligible providers of adult education and literacy activities and one representative of higher education institutions of workforce investment activities. If there are multiple eligible providers of adult education and literacy activities or multiple educational institutions serving ALDLS each representative shall be appointed from among the individuals nominated by the provider representatives of such institutions. **Minimum number of members: 2.**
 - d. **Representatives from Governmental, Economic and Community Development Entities** - Shall include one representative from any economic and community development entity; one representative from the state employment service office under the Wagner-Peyser Act; and one representative from the Vocational Rehabilitation program who is not from the agency designated to conduct the client assistance program or from American Indian Tribal vocational rehabilitation services. **Minimum number of members: (3).**
 - e. Any other individual or entity that the LB or, in the case of a Municipality, the ALDLS PEE, deems necessary.
- 2. The minimum number of members required shall be broken down as follows:

<u>Sector</u>	<u>Minimum Quantity</u>
Business Representatives	10
Workforce Representatives	4
Entity Representatives	2
Education and Training Administrators	
Entity Representatives	3
Governmental, Economic and Community Development	
TOTAL MEMBERSHIP	19

3. The members of the LB shall represent the various geographic areas within the LA.
4. A simple majority of the membership shall represent the private business sector of the LA, from among whose representatives the Chairperson of the Board shall be selected.
5. An individual may be appointed as a representative of more than one entity if the individual meets all of the criteria for representation for each category, including the criteria set forth in the federal regulations.
6. A member of the LB representing a business may also be a member of the State Board, pursuant to WIOA Section 107(b)(2)(A)(i).

Section 7. Nomination Procedure

7. The PEE is responsible for appointing the members of the LB, in accordance with the criteria set forth in subsection (b) of Section 107 of WIOA.
8. The process shall be initiated by direct invitation to entities representing the different sectors in the ALDLS to submit their nominations.
9. The letter of invitation shall be accompanied by the nomination letter format, instructions, and deadline for submission of nomination letters. Each nomination shall be accompanied by a brief summary of the nominee in order to substantiate that the nominee meets the requirements for optimum general decision-making authority.
10. All nominations for each representative sector shall be submitted to the PEE for evaluation and appointment.

Sección 8. Appointment

1. The power to appointment the respective LB members from among the nominees rests with the PEE. Any appointment made shall conform to the composition requirements and representativeness criteria for Local Boards established by WIOA Circular WIOA-2-2015, in accordance with the WIOA Act and its federal regulations.
2. When two or more municipalities have joined together in a Consortium, their mayors shall grant an agreement specifying the individual roles of each mayor in:
 - a. The appointment of the members of the LB of the individuals nominated or recommended by municipality;
 - b. The execution of other responsibilities assigned to such mayors under WIOA.
3. In the absence of a responsibility agreement, the Governor shall make appointments to the LB from among those nominated or recommended in the process.
4. Term of Appointment
 - a. All appointments shall be for fixed terms of not more than four (4) years, and staggered, the duration of which shall be determined by the PEE or the MB for the type of sector membership involved. Not more than one-half of the appointments may expire at any one time.
 - b. Appointments to replace vacancies shall follow the procedure set forth herein for the original appointment.
 - c. The PEE or the ALDLS Board, at its discretion and in the best interests of the ALDLS, may reappoint, with a new appointment for an additional term, those members whose term has expired, without having to go through the process. For such purposes, it shall not have to exhaust the established invitation and nomination procedure.

Section 9. Standing Committees

The LB may appoint and direct the activities of Standing Committees to carry out its functions. The LB shall designate at a minimum the following Standing Committees:

1. One Stop System Operational Committee

Provide information and assist with operational and other matters related to the single management service delivery system, which may include as members representatives of the single management center partners.

2. Youth Committee

Provide information and assist with planning and operational issues related to the provision of services to youth, which should include community-based organizations with proven experience successfully serving eligible youth.

3. Committee for Persons with Disabilities

Provide information and assist with operational and other issues related to the provision of services to persons with disabilities, including the prohibition of discrimination and provisions under the Americans with Disabilities Act regarding programmatic and physical accessibility to the services, programs and activities of the single management system, as well as adequate training to staff in providing supports or accommodations and in seeking employment opportunities for persons with disabilities.

4. Other Standing Committees

It is recommended that other standing committees be created according to the structure and needs of the LB, such as monitoring, planning and evaluation, among others. The LB may designate as a standing committee any entity that existed at the effective date of WIOA, such as the youth council, as long as that entity meets the requirements set forth in WIOA Section 107(b)(4).

Section 10. Functions of the Local Board

Pursuant to Section 107(d) of WIOA, the functions of the LB include the following:

1. Local Plan: Consistent with the provisions of Section 108 of WIOA, develop and submit a four-year local plan, in coordination with the local board or PEE. In the event that the ALDLS is part of a regional plan that includes other local areas, the ALDLS shall collaborate with the other local boards and the PEE of those local areas in the preparation and submission of the regional plan, as described in WIOA Section 106(c)(2).
2. Labor Market Analysis and Regional Workforce Research: conduct analyses of the economic conditions, knowledge and skills, workforce and activities, including training and education, of the region; assist the Governor in the development of an integrated statewide labor market and workforce information system, specifically the collection, analysis, and utilization of labor market information for the region; any other studies, data collection, and analyses related to regional workforce needs that the LB deems necessary to carry out its functions.
3. Convening, Brokering, Leveraging: Convene workforce development system stakeholders to assist in the development of the local plan and identify non-federal experts and resources to further support workforce development activities.

4. Employer Engagement: To undertake efforts necessary to engage a range of diverse employers and with regional entities to promote business representatives in the LB/WDB that reflect existing and newly created employment opportunities in the region; to develop effective linkages with employers in the region to support employers' use of the local workforce development system and its activities; to ensure that workforce investment activities meet the needs of employers and support economic growth in the economic development and service provider region; and to develop and implement proven and promising strategies that meet the employment and skill needs of workers and employers in a manner that supplies the needed workforce of employers in the region and increases employment and career advancement opportunities for system participants in in-demand occupations or industry sectors.
5. Career Pathway: The LB/WDB, with representatives from secondary and postsecondary education programs, shall promote efforts in the ALDLS to develop and implement career pathways by aligning employment, training, education and support services needed by youth and adults, particularly those with barriers to employment.
6. Proven and Promising Practices: Undertake efforts to identify and promote proven and promising strategies and initiatives that meet the needs of employers, workers and jobseekers, including individuals with barriers to employment, in the workforce development system, including the provision of physical and programmatic accessibility to the single management system for people with disabilities; and identify and disseminate information on practices being undertaken in ALDLS to meet those needs.
7. Technology: Develop strategies for the utilization of technology to maximize the accessibility and effectiveness of the workforce development system for employers, employees and jobseekers through:
 - a. Facilitating linkage between the single management partner programs' intake and case management information systems to support a comprehensive workforce development system in ALDLS;
 - b. The facilitation of access to services provided through the single management system, including access in remote areas;
 - c. Identifying strategies to meet and enhance the needs of individuals with barriers to employment, including strategies that expand traditional service delivery and increase access to the services and programs of the single management system, such as improving digital literacy skills; and
 - d. Maximizing capacity and resources within the local workforce development system, including resources and capacity for services to individuals with barriers to employment.
8. Programmatic Oversight: In coordination with the MB or PEE, shall oversee the youth workforce investment activities, training and employment activities and the single management system at ALDLS; ensure proper use and management of funds for the activities and system; ensure proper use, management and investment of funds to maximize implementation results.
9. Negotiation of Local Implementation Measures: In coordination with the MB or PEE and the Governor will negotiate and agree on local implementation levels.
10. Selection of Operators and Providers:
 - a. Selection of One Stop Operators: In agreement with the LB or the PEE, it shall designate or certify the operators of the single management centers, whose eligibility may be terminated for just cause.

- b. Selection of Youth Program Operators: Shall identify providers for youth workforce investment activities through a competitive process for delegation of funds or award of contracts based on the recommendations of the Youth Standing Committee, which may terminate their eligibility for cause.
 - c. Identification of Eligible Training Service Providers: Pursuant to WIOA Section 122, identify training service providers in the ALDLS.
 - d. Identification of Career Services Providers: Identify eligible career services providers by awarding contracts when the single management center operator does not provide the same at ALDLS.
 - e. Consumer Choice Requirements: In collaboration with the State, shall ensure that there are sufficient types and numbers of career and training service providers, including those with expertise in assisting persons with disabilities and adults with educational and literacy needs, serving ALDLS and providing services in a manner that maximizes consumer choice, as well as the provision of opportunities for competitive integrated employment for persons with disabilities.
11. **Coordination with Education Providers**: Review applications to provide adult education and literacy activities under Title II for ALDLS to determine if the application is consistent with the Local Plan; make recommendations to the eligible agency to promote alignment with the Local Plan; replicate and implement cooperative agreements that promote the provision of services to persons with disabilities and other individuals, such as staff training, technical assistance, information sharing, cooperative efforts with employers, and other coordination and collaboration efforts.
12. **Administration and Budget**: Develop a budget for LB activities consistent with the Local Plan and its responsibilities, subject to approval by the MB or the PEE. The administrative entity for funds for the pursuit of workforce investment activities will make disbursements at the direction of the LB.
13. **Accessibility for Persons with Disabilities**: Shall annually assess the physical and programmatic accessibility of the ALDLS One-Stop Management Center in accordance with WIOA Section 188 and the ADA.

Section 11. Certification and Desertification of Local Boards (LBs)

- 1. The Governor shall certify one LB for each LA every two (2) years, in accordance with the composition set forth in Circular Letter WIOA-2-2015.
- 2. Six (6) months prior to the expiration of the certification the DDEC Labor Development Program shall notify the Local Board of the initiation of the process for subsequent certification of the Local Board.
- 3. The PEE shall submit all evidence and documentation required for subsequent Local Board certification no later than one month prior to the certification expiration date. During the process, the Local Boards will have the technical assistance of the PDL.
- 4. Subsequent LB certifications will be further based on the extent to which the LB has ensured that the workforce investment activities carried out in the LA have enabled to comply with applicable performance measures and has demonstrated substantial fiscal integrity.
- 5. Failure to achieve subsequent certification of the LB will lead to the appointment and certification of a new LB, following the process set forth herein.

6. The Governor has the authority to decertify any LB at any time, upon notice and opportunity to be heard, for:
 - a. Fraud or abuse; or
 - b. Failure to comply with the functions set forth in Section 107(d) of WIOA.
7. The Governor may decertify any LB if it fails to comply with the performance measures established for the ALDLS for two (2) consecutive years, after receiving technical assistance, in accordance with Section 116(g) of WIOA.
8. If the Governor decertifies for the above causes, he/she may require that a new LB be appointed and certified in accordance with the Reorganization Plan developed by the Governor in consultation with the MB or the PEE and following the process set forth herein.
9. The LB and the LA or the PEE of an LB that has been subject to a reorganization plan may appeal the decision to the Governor, within thirty (30) calendar days from the receipt of the notification of the Reorganization Plan, to have it rescinded or revised. The Governor shall issue a final determination within 30 days of receipt of such appeal.
10. The LA's and MB or PEE may appeal the Governor's final determination to the Secretary of the Federal Department of Labor within thirty (30) calendar days of receipt of notice of the final determination, or after the Governor's final determination has been issued. The Secretary of the Federal Department of Labor shall issue a final determination within 30 calendar days of receipt of such appeal.

Section 12. Evidence Needed to Certify the LB

1. The following documents must be submitted for consideration by the DDEC Workforce Development Program to achieve certification.
 - a. A list of the members with their names, by representative sector, name and type of organization, title or position held in the organization or business, address, telephone number and date of commencement and expiration of term.
 - b. A copy of the letters of invitation for nominations sent by the PEE to the organizations entitled to nominate and the nominations received by each representative sector, in accordance with Section 107 of WIOA.
 - c. The letters of appointment from the PEE specifying the term of appointment and the sector it represents.
 - d. Copy of the agreements between Mayors (in case of Consortiums), pursuant to Article IV subsection B of WIOA Circular Letter WIOA-2-2015.
 - e. The Cooperative Agreement between the PEE and the LB. Said agreement shall include, among others:
 - i. The procedure for the development of the Four-Year Plan.
 - ii. The identification of the subrecipient funding entity and administrative entity designated by the EEP, pursuant to WIOA Section 107(d)(12)(i)(II).
 - iii. Distribution and delegation of tasks to be shared between the two bodies and any other aspect necessary for the better functioning of the LA in complying with the provisions of WIOA.
 - f. A description of the basic structure through which the LB will carry out its designated responsibilities under WIOA. This description shall include the following:

- i. Internal organizational structure, including description of standing and "ad hoc" committees;
 - ii. Internal staffing and budget of the LB;
 - iii. Approved Public Policies and Guidelines for Adult, Displaced and Youth activities;
 - iv. Rules of procedure;
 - v. Code of Ethics, including limitations on voting rights in cases of conflict of interest of members, in accordance with Section 107(h) of WIOA.
- 2. Certification of the LB shall be subject to the LB's compliance with the relevant enforcement measures and its substantial fiscal integrity.
- 3. The Governor shall certify the LB if he/she determines that after evaluating all documentary evidence required herein, it has complied with the conditions and requirements set forth in WIOA Circular Letter WIOA-2-2015 and pursuant to WIOA. Such certification shall be granted or denied within ninety (90) days of submission of all relevant documentation.
- 4. In cases of certification, the PEE shall convene a first meeting within thirty (30) days after the LB is certified, where the President, who must belong to the private business sector, shall be elected.

Section 13. Vacancies

- 1. Any expired appointment or vacancy arising in the LB shall be notified to the PEE within five (5) working days after the vacancy or expired appointment arises.
- 2. Any expired appointment or vacancy shall be filled in the same manner in which the original appointment was made. If a vacancy arises, the person designated as the member's replacement shall serve for the unexpired term of the original appointment, except if the unexpired term is less than six (6) months in which case the appointment shall be made for the term of the original appointment.
- 3. The PEE shall have fifteen (15) days, following receipt of notification of the vacancy(ies) and/or expired appointment(s), to initiate corrective actions for substitution, so as to ensure that its composition is in compliance with WIOA Circular Letter WIOA-2-2015 and WIOA Section 107.
- 4. Any member that ceases its relationship with the sector it originally represented shall submit its resignation no later than five (5) days after ceasing its relationship with the sector, informing the LB Chair in writing so that it may be replaced in accordance with the procedure set forth in WIOA Circular Letter WIOA-2-2015. Failing this, the LB shall declare his position vacant at the next regular meeting, after such knowledge has been obtained.

Section 14. General Provisions

- 1. The LB may solicit and accept grants and delegations of funds from sources other than federal funds under WIOA.
- 2. The LB may appoint a director and any other personnel to assist the LB in the execution of its duties in the use of funds delegated under WIOA. The LB shall establish and apply objective qualifications for the position of director to ensure that the person selected meets the knowledge, skills, and abilities that will enable him or her to effectively assist the LB in the performance of his or her duties. The salary of the director and other staff shall be in accordance with the budget and rules of austerity and cost control.
- 3. The internal regulations of the LB shall address and include at least the following:
 - a. The nomination process used by the PEE to elect the members and Chairperson of the LB;

- b. The time limitations of the term of appointments and how the term of appointments will be staggered so as to ensure that only a portion of the membership will expire in a given year;
- c. The process for notifying the PEE of any vacancy in the LB membership that ensures prompt nomination;
- d. The proxy and alternate nomination process to be used when a LB member is unable to attend a meeting and assigns a designee;
- e. The use of technology such as telephones, virtual meetings, which promote participation of the LB members;
- f. The process to ensure the active participation of LB members to convene stakeholders in the workforce development system, foster relationships with a diverse range of employers, strengthen support for development activities as deemed appropriate by the PEE;
- g. A description of any other conditions governing the appointment or membership of the State Board as deemed appropriate by the PEE;
- h. The "quorum" and voting rights of all members of the LB. The PEE has the power to confer the right to vote on those individuals who are not members;
- i. Per diems to members of the private sector (optional), in which case they shall establish the criteria and limitations for the receipt thereof, such as, for example, full attendance at the meeting;
- j. Number of regular meetings per year and their frequency;
- k. Term of appointments for each representative sector;
- l. Penalties for continued non-appearance;
- m. Non-delegable attendance at LB meetings;
- n. Transparency clause ("sunshine provision"). It establishes that the LB shall make public, on a regular basis, through electronic methods or open meetings, information related to the activities of the LB, including information on the presentation of the Local Plan prior to its submission, and in relation to the members, the designation and certification of the sole management operators and the delegation of funds or contracts to eligible providers of youth activities and, upon request, the minutes of the formal meetings of the LB.

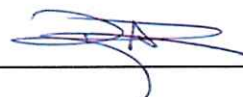
Section 15. Derogations

Circular Letter WIOA-2-2015 rescinds Administrative Memoranda 04-2002 dated September 10, 2002 and 01-2003 dated July 30, 2013.

Section 16. Effective date

This public policy shall become effective immediately upon approval by this Board.

In San Germán, Puerto Rico, this 15th day of April, 2019.



Roque Abad Ramírez Palermo, WDB Local Board Chairman