

**COMMONWEALTH OF PUERTO RICO  
LA FORTALEZA  
SAN JUAN, PUERTO RICO**

Administrative Bulletin No. OE-2000-06

**EXECUTIVE ORDER OF THE GOVERNOR OF PUERTO RICO**

**TO CREATE THE PUERTO RICO STATE WORKFORCE INVESTMENT BOARD, AS MANDATED BY THE ACT OF CONGRESS KNOWN AS THE WORKFORCE INVESTMENT ACT OF AUGUST 7, 1998 ("WIA"), AND TO DEFINE THE STATE BOARD'S MEMBERSHIP REQUIREMENTS, FUNCTIONS AND RESPONSIBILITIES, AS REQUIRED BY THE FEDERAL ACT AND ITS REGULATIONS, AND TO ABOLISH THE EXECUTIVE ORDER OF JUNE 22, 1998, ADMINISTRATIVE BULLETIN NO. OE-1998-17.**

**WHEREAS:** On August 7, 1998, the Workforce Investment Act (Public Law No. 105-220) was signed into law by the President of the United States, William J. Clinton, changing the current funding streams and eliminating the former Job Training Partnership Act (JTPA) system.

**WHEREAS:** All states and territories including Puerto Rico, must transition from JTPA to the Workforce Investment Act (WIA) system no later than July 1, 2000, when the JTPA will be effectively repealed, and must have submitted and obtained approval from the United States Department of Labor of a five (5) year State Plan implementing certain education, training and employment programs specified in the federal act.

**WHEREAS:** Federal funds received under WIA will be disbursed for the development of a workforce preparation and employment system designed to meet the needs of employers for skilled workers and the need of job seekers for education, training and employment.

**WHEREAS:** Section 111 (a) of WIA requires that the Governor of a State shall establish a State Workforce Investment Board to assist in the development of the State Plan described in Section 112 and to carry out the other functions described in Section 111(d).

**WHEREAS:** Section 111(b) (1) of WIA specifies that the membership of the State Board must include:

"(A) the Governor;

- (B) two (2) members of each chamber of the State Legislature, appointed by the appropriate presiding officers of each such chamber; and
- (C) representatives appointed by the Governor who are:
- (i) representatives of business in the State, who
    - (I) are owners of businesses, chief executives or operating officers of businesses, and other business executives or employers with optimum policymaking or hiring authority, including members of local boards described in Section 117 (b) (2) (A) (i);
    - (II) represent businesses with employment opportunities that reflect the employment opportunities of the State; and
    - (III) are appointed from among individuals nominated by State business organizations and business trade associations;
  - (ii) chief elected officials (representing both cities and counties, where appropriate);
  - (iii) representatives of labor organizations, who have been nominated by State labor federations;
  - (iv) representatives of individuals and organizations that have experience with respect to youth activities;
  - (v) representatives of individuals and organizations that have experience and expertise in the delivery of workforce investment activities, including chief executive officers of community colleges and community-based organizations within the State;
  - (vi)
    - (I) the lead State agency officials with responsibility for the programs and activities that are described in Section 121(b) and carried out by one-stop partners; and
    - (II) in any case in which no lead State agency official has responsibility for such a program, service, or activity, a

representative in the State with expertise relating to such program, service, or activity, and

(vii) such other representatives and State agency officials as the Governor may designate, such as the State agency officials responsible for economic development and juvenile justice programs in the State."

**WHEREAS:** Section 111(b) (2) of WIA specifies as to the Authority and Regional Representation of Board Members that:

"Members of the Board that represent organizations, agencies or other entities shall be individuals with optimum policymaking authority within the organizations, agencies, or entities and the members of the Board shall represent diverse regions of the State, including urban, rural and suburban areas".

**WHEREAS:** Section 111(b) (3) of WIA requires that:

"A majority of the members of the State Board shall be representatives described in paragraph (1) (C) (i) [of Section 111(b), above, that is representative of businesses in the State]."

**WHEREAS:** Section 111(d) of WIA specifies that the State Board "shall assist the Governor" in performing the following functions:

(1) development of the State Plan;  
(2) development and continuous improvement of a statewide system of activities that are funded under this subtitle or carried out through a one-stop delivery system described in Section 134(c) that receives funds under this subtitle (referred to in this title as a 'statewide workforce investment system'), including

(A) development of linkages in order to assure coordination and nonduplication among the programs and activities described in Section 121(b) [one-stop partners]; and

(B) review of local plans;

(3) commenting at least once annually on the measures taken

pursuant to Section 113(b) (14) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 USC 2323 (b) (14);

- (4) designation of local areas as required in Section 116;
- (5) development of allocation formulas for the distribution of funds for adult employment and training activities and youth activities to local areas as permitted under Sections 128(b) (3) (B) and 133(b) (3) (B);
- (6) development and continuous improvement of comprehensive State performance measures, including State adjusted levels of performance, to assess the effectiveness of the workforce investment activities in the State as required under Section 136(b);
- (7) preparation of the annual report to the U.S. Secretary of Labor described in Section 136(d);
- (8) development of the statewide employment statistics system described in Section 15(e) of the Wagner-Peyser Act; and
- (9) development of an application for an incentive grant under Section 503”.

**WHEREAS:** Section 112 (a) of WIA requires that for a State to receive an allotment under Section 127 or 132 of WIA, or to receive financial assistance under the Wagner-Peyser Act, the Governor of the State shall submit to the U.S. Secretary of Labor “a single State Plan (referred to as the ‘State Plan’) that outlines a five (5) year strategy for the statewide workforce investment system of the State and that meets the requirements of Sections 111 and 112”.

**WHEREAS:** Section 112 (b) of WIA specifies in detail what the State Plan must include, as prepared by the State Board in conformity with Sections 111(d) and 112(b).

**THEREFORE:** **I, PEDRO ROSSELLO**, Governor of Puerto Rico, by virtue of the authority vested in me by the Constitution and laws of the Commonwealth of Puerto Rico, hereby order as follows:

**FIRST:** There is hereby created the Puerto Rico State Workforce Investment

Board (hereinafter, the State Board), ascribed to the Office of the Governor of Puerto Rico, whose function is to assist the Governor in the development of the State Plan described in Section 112 and to carry out the other functions described in Section 111(d) of WIA.

**SECOND:**

The members of the State Board, who are not public employees, shall receive payment of a per diem for their attendance at the meetings or hearings, as prescribed by the regulations for such type of activity. A Board Member may also have the power to decline the emolument. In addition, the members of the State Board shall have the right to be reimbursed for those expenses reasonably incurred in the exercise of their functions as Board Members and for the benefit of the State Board. Such reimbursable expenses shall be directly related to functions authorized by the Chairperson or by the State Board.

**THIRD:**

The State Board shall have juridical personality, and by means of this Executive Order there is conferred upon the State Board all of the rights and powers that are necessary and convenient in order for it to accomplish the purposes of this Executive Order, including, although without limitation, the following:

1. Make agreements and contracts in order to effectuate the purposes of this Executive Order, including, but not limited to, the lease, purchase and sale of real and personal property, as well as its disposition, and the acquisition of services.
2. Establish the policies and internal regulations necessary for WIA's implementation subject to Section 111(g) of the WIA: "Sunshine Provision".
3. Develop a work plan which shall include the necessary budget to allow the Board to perform its duties. Said funds shall be included in the plan request and be assigned from statewide activities funds. The funds shall remain under the control of the Occupational Development and Human Resources Council ("Consejo de Desarrollo Ocupacional y

Recursos Humanos"), an operational component of the Department of Labor and Human Resources, presided over by the Secretary of Labor and Human Resources.

4. Appoint and employ personnel; and contract employees, agents, and professional and technical services; and compensate for these services and fix and pay whatever emolument is allowed by law. Such personnel shall be considered employees of the Office of the Governor.

5. Accept funds, donations and any other forms of assistance from other public or private sources in order to accomplish the goals expressed in this Executive Order.

**FOURTH:** The State Board shall be presided over by a Chairperson who will be selected by the Governor, as mandated by Section 111(c) of WIA.

**FIFTH:** The State Board shall elect a Vice-Chairperson from among its members to assist the Chairperson and the Board in the exercise of their duties and functions.

**SIXTH:** The State Board shall select an Executive Secretary who will be responsible for the administrative and operational functioning of the Board in all of its aspects. The Executive Secretary shall assist the Board in carrying out its responsibilities under WIA.

**SEVENTH:** The State Board shall select a Treasurer either from among its members or on a service contract basis who will oversee the financial transactions of the State Board, including the Administrative Office; establish the fiscal control and fund accounting procedures as required by Sections 112(b) (11) and 184 of WIA; keep the State Board informed of the status, availability and use of the federal funds provided to Puerto Rico under WIA; and perform the other functions assigned to him (her) by the Chairperson and the State Board.

**EIGHTH:** The Secretary of Labor and Human Resources and her staff shall work closely with the members of the State Board and the Executive Secretary in developing the State Plan as described in Section 112 of WIA as well

as in complying with the other provisions of WIA.

- NINTH:** The Secretary of Labor and Human Resources shall submit to the State Board for its consideration, the functions of the operational components and the other units of the Department of Labor and Human Resources in implementing WIA, in order to avoid the duplication prohibited by Section 112(b) (8) (A) (i-x).
- TENTH:** The State Board shall determine what other Commonwealth of Puerto Rico agencies that receive federal funds pursuant to the laws specified in Section 112(b) (8) (A) (i-x) are or will be duplicating the receipt of such funds, in order to comply with the prohibitions of WIA.
- ELEVENTH:** The State Board shall comply with Section 111(g) of WIA, the "Sunshine Provision", which obligates the State Board to assure freedom of information with regard to its functions.
- TWELVETH:** The State Board shall comply with Section 111(f) of WIA, regarding "Conflict of Interest".
- THIRTEENTH:** The State Board shall have the authority to request any other Puerto Rico Government agency to provide information, technical assistance or other aid in the preparation and implementation of the State Plan, and such agencies will timely respond to the State Board's request.
- FOURTEENTH:** The Occupational Development and Human Resources Council, an operational component of the Department of Labor and Human Resources, pursuant to Article 8 of Reorganization Plan No.2 of May 4, 1994, and presided over by the Secretary of Labor and Human Resources, will be the depository and administrator of the funds that Puerto Rico receives in conformity with the Workforce Investment Act of 1998. The Executive Director of the Occupational Development and Human Resources Council shall be responsible and accountable to the State Board for the receipt, custody and disbursement of the federal funds received pursuant to WIA and shall post a fidelity bond as prescribed by the laws of Puerto Rico for public employees.

- FIFTEENTH:** The State Board will perform its functions pursuant to the WIA, the U.S. Department of Labor regulations implementing WIA (20 CFR - Part 652 and Parts 660 through 671), and all other applicable Federal and Commonwealth of Puerto Rico laws and regulations.
- SIXTEENTH:** The State Board will be governed by its own regulations which, when approved by a majority of the Board Members, shall be filed with the Department of State in accordance with the applicable legal requirements.
- SEVENTEENTH:** The Executive Order entitled "To Create the Puerto Rico Workforce Development Board Within the Department Of Labor and Human Resources in Support of the System of Integrated Information, Education, Training, Employment and Reemployment Services" of June 22, 1998, Administrative Bulletin No. OE-1998-17, is hereby abolished.
- EIGHTEENTH:** This Executive Order shall take effect immediately upon its promulgation.

IN WITNESS WHEREOF, I sign the present and affix thereto the Great Seal of the Commonwealth of Puerto Rico, in the city of San Juan, on this 14 day of February 2000.



*Pedro Rosello*  
**PEDRO ROSSELLO**  
**GOVERNOR**

Promulgated according to law, today 18 day of February 2000.

*Angel Morey*  
**Angel Morey**  
**Secretary of State**