

**PUBLIC POLICY: WIOA 23-002
WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA)**

I. SUBJECT

Public Policy on Diversity, Equity, Inclusion, and Accessibility.

II. BACKGROUND

Workforce Innovation and Opportunity Act (WIOA).

The Guaynabo-Toa Baja Local Workforce Development Board (GTB-LWDB) works to ensure equal opportunities and ensure that every person feels included and respected in the Organization, regardless of their gender, sexual orientation, religion, culture, nationality, disability, or other personal characteristics.

This document presents the public policy promoted by the GTB Local Workforce Development Board to ensure diversity, equity, and inclusion.

It is important to share this Policy with all employees in the GTB Local Workforce Development Board to ensure compliance and encourage the use of reconciliation measures and benefits as permitted by job requirements and applicable legislation.

III. LEGAL BASIS

- Workforce Innovation and Opportunity Act (WIOA), Public Law 113-128.
- "Diversity, Equity, Inclusion and Accessibility in the Federal Workplace", Executive Order 14035 dated June 25, 2022.
- "Advancing Racial Equity and Support for Underserved Communities Through the Federal Government", Executive Order 13985 (86 FR 7009).
- "Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation", Executive Order 13988 (86 FR 7023).

- "Advancing Equality for Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex Individuals", Executive Order 14075 (87 FR 37189).

IV. DEFINITIONS

Accessibility: This refers to the design, construction, development, and maintenance of physical facilities, as well as the ease of using communication and information technology, promoting programs, and services so that all individuals, including those with disabilities or functional diversity, can have complete access to programs and information freely and independently. It also includes providing accommodations and modifications to ensure equal access to employment opportunities and participation in activities for people with disabilities or functional diversity, reducing or eliminating physical and attitudinal barriers for equitable opportunities, a commitment to ensuring that people with disabilities or functional diversity can independently access all activities, programs, or electronic spaces, and seeking best practices such as universal design.

Local Area (LA): In accordance with Section 106 of WIOA, it is a representative entity of a geographical area composed of one or several municipalities with the purpose of receiving WIOA funds for Puerto Rico.

Underserved Populations: This term refers to populations that share characteristics, as well as geographic communities that have been systematically deprived and/or marginalized when it comes to participating in certain economic, social, and civic aspects compared to the rest of society. For example, in the federal context, this term includes individuals belonging to groups such as African American, Indigenous, Hispanic, Native American communities, among others. It also includes individuals who belong to communities facing discrimination based on gender, sexual orientation, gender identity (including lesbians, gays, bisexuals, homosexuals, transgender, queers, gender non-conforming, and non-binary individuals, identified within the LGBTQ+ community). Likewise, individuals facing discrimination based on pregnancy or parenthood, caregivers, among others. Additionally, this definition includes individuals belonging to communities facing discrimination based on their religion or disability (functional diversity), first-generation professionals or first-generation college students, individuals with limited English proficiency, immigrants, individuals belonging to communities facing barriers in obtaining employment based on their older age or criminal records, people living in rural areas, veterans and military spouses, and individuals negatively affected by poverty, discrimination, or inequality. Individuals who may belong to more than one underserved community and face social barriers are also included.

Department of Labor (DOL): Refers to the acronym in English used to identify the U.S. Department of Labor.

DEIA: Refers to the acronym in English for Diversity, Equity, Inclusion, and Accessibility in accordance with Executive Order 14035 signed by President Joseph R. Biden on June 25, 2021.

Diversity: is the practice of including the largest number of participants from communities, identities, races, ethnicities, backgrounds, abilities, cultures, and beliefs, including populations from underserved disadvantaged communities, as previously defined.

Equal Employment Opportunity Commission: EEOC, for its acronym in English, is the federal commission responsible for enforcing federal statutes that make it illegal to discriminate against a job applicant or an employee because of the person's race or color, religion, sex (including pregnancy and related conditions, gender identity, or sexual orientation), national origin, age (40 or older), disability or functional diversity, or genetic information.

Equity: refers to consistent and systematically fair and impartial treatment for all individuals equally, including those individuals belonging to underserved communities who may have been denied such treatment.

Inclusion: means recognizing, appreciating, and utilizing the talents and skills of individuals from all backgrounds.

Local Board (LB): a body established under Section 107 of WIOA that, in coordination and/or collaboration with the Mayors' Board, shares the responsibility of establishing public policy and carrying out the functions and responsibilities established by WIOA for each Local Area.

Labor Development Program (PDL): a work unit attached to the DDEC, created under Law 171-2014, whose function is to administer, advise, coordinate, oversee, and implement the public policy of the workforce development system.

Sponsors: Employers with an apprenticeship program, duly approved by the U.S. Department of Labor, and subsidized by the Apprenticeship Program of the Workforce Development Program of the DDEC under the WIOA Act.

WIOA: Refers to the acronym in English for the federal law "Workforce Innovation and Opportunity Act," known in Spanish as the "Ley de Oportunidades y de Innovación de la Fuerza Laboral."

V. BACKGROUND

The mission of the U.S. Department of Labor (DOL) is to "foster, promote, and develop the welfare of wage earners, job seekers, and retirees of the United States; improving their working conditions, enhancing sustainable employment opportunities, and ensuring workplace safety, benefits, and

rights." Additionally, Executive Order 13985 aims to promote racial equity and support underserved communities through the Federal Government. This complements and reinforces the basic functions of the DOL, which require close attention to the needs of workers who have faced and continue to face exclusion, marginalization, and discrimination.

The Federal Government is committed to promoting equality by fostering diversity, equity, inclusion, and accessibility (DEIA) through equitable employment opportunities. To this end, the U.S. Department of Labor reviewed the regulations contained in 29 CFR 30 on equal employment directed at apprenticeship programs to emphasize the policy of equitable opportunities for all populations.

Furthermore, they emphasize the prohibition of harassment and discrimination in apprenticeship programs. In such review, the DOL clarified terms such as gender identity (which includes more than sexual preferences, encompassing how a person feels and presents themselves), discrimination based on age (those over 40), and sex (discrimination based on pregnancy, gender identity, and sexual orientation).

VI. POLICY

The Federal Government's public policy is to eliminate vestiges of unequal treatment based on considerations of sex, sexual orientation, gender, physical disabilities or functional diversity, origin or social status, minority groups, color, family origin, political and religious ideologies, among others. Aligned with this policy, it is necessary to adopt measures to protect diversity, equity, inclusion, and accessibility consistent with the constitutional precepts of equality and the inviolability of the human being.

The Guaynabo-Toa Baja Local Board (GTB-LB), as a sub-recipient and administrator of federal WIOA funds, affirms and pursues ensuring that the principles of diversity, equity, inclusion, and accessibility are respected among visitors, applicants, beneficiaries of programs under WIOA, as well as among its own employees of the Guaynabo-Toa Baja Local Area (GTB-LA). The GTB-LA shall identify strategies to advance diversity, equity, inclusion, and accessibility, and eliminate, where applicable, barriers to equity when conducting work related to programs funded in whole or in part with WIOA funds so that all individuals, regardless of their social or economic conditions, gender identity, sexual orientation, race, religious ideology, participation or identification with minority ethnic groups, can, if eligible, participate in programs and services offered on equal terms as the rest of the population.

Likewise, and in harmony with the principle of merit, they must ensure that activities related to recruitment, employee hiring, background investigations, promotions, retention, performance evaluations and recognitions; professional development or training programs, mentoring programs, sponsorship initiatives, internships, scholarships, pre-apprenticeship or apprenticeship

programs; employee resource groups and affinity programs; temporary employee details and assignments, pay and compensation policies, benefits, including health benefits, retirement benefits, and employee services and work-life programs, if any; disciplinary measures or adverse actions against employees; reasonable accommodations for employees and job applicants with functional diversity; anti-discrimination policies in employment to prevent gender-based violence (including domestic violence, stalking, and sexual violence); reasonable accommodations for employees who are members of religious minorities; and training, learning, and onboarding programs comply with public policy in favor of Diversity, Equity, Inclusion, and Accessibility.

Furthermore, this policy expressly reaffirms the prohibition of employment harassment practices, including the modality of sexual harassment for which the GTB-LA already has policies and regulations to prevent, report, respond to, and investigate allegations of sexual harassment in employment. A policy of zero tolerance for sexual harassment or any conduct that could constitute a form of discrimination or retaliation against an allegation of harassment is reaffirmed. The GTB-LB through this document promotes a data-driven approach to increase transparency and accountability based on the managerial directives of the reporting process of the Equal Employment Opportunity Commission (EEOC). Similarly, sponsors of the Local Area Registered Apprenticeship Program, as well as any other program subsidized with WIOA funds, have the responsibility to ensure and promote that their apprenticeship programs provide equitable access to all individuals interested in enrolling in them, taking into account this public policy on diversity, equity, inclusion, and accessibility, as defined above.

VII. SEVERABILITY CLAUSE

If any provision of this public policy is challenged by before a Court and declared unconstitutional or void, such decision shall not affect, impair, or invalidate the remaining provisions of this public policy, but its effect shall be limited to the provision or specific topic specifically pointed out. The nullity or invalidity of any provision or topic shall not affect or impair its application or validity in any other case, except when specifically, and expressly invalidated for all cases.

VIII. FAIR PRACTICES AND ACCESIBILITY


It is the policy of the GTB-LB that all individuals have equal opportunities and access to services, programs, and physical facilities without criteria such as race, religion, color, gender, age (for those over 40 years old), national origin or ancestry, marital status, parental status, sexual orientation, disability, impairment, or veteran status being considered for access to employment or participation in programs funded with WIOA funds.

Local areas are responsible for ensuring necessary support for participants with physical disabilities or functional diversity who require assistance to access facilities and the services offered therein in accordance with available resources.

IX. EFFECTIVENESS

This Public Policy shall take effect immediately upon its approval.

In Guaynabo, Puerto Rico, this 19th day of December 2023.


/s/ Mr. Oriel Ramirez Rodriguez
Chairman
Local Workforce Development Board
Guaynabo-Toa Baja