

TITLE 11 LABOR AND WORKERS' COMPENSATION
CHAPTER 2 JOB TRAINING
PART 5 WORKFORCE INVESTMENT ACT (WIA) STATE WORKFORCE DEVELOPMENT BOARD

11.2.5.1 ISSUING AGENCY: New Mexico Department of Labor.
[11.2.5.1 NMAC – N, 7/1/2000]

11.2.5.2 SCOPE: The State Administrative Entity (SAE), New Mexico Workforce Development Areas/Local Workforce Development Boards (NMWDAs/LWDBs) and WIA subrecipients.
[11.2.5.2 NMAC – N, 7/1/2000]

11.2.5.3 STATUTORY AUTHORITY: The Workforce Investment Act; Interim Final Rule at Section 111, "State Workforce Investment Boards," and the Federal Register, Volume 64, Number 72, dated April 15, 1999, Part 661, "Statewide and Local Governance of the Workforce Investment System under Title I of the Workforce Investment Act," and any amendments thereto, Section 506(c), Pub. L. 105-220; 20 U.S.C. 9276(c), and the New Mexico Workforce Development Act, New Mexico House Bill 740, Chapter 260, Laws of 1999, Forth-fourth Legislature.
[11.2.5.3 NMAC – N, 7/1/2000]

11.2.5.4 DURATION: Permanent.
[11.2.5.4 NMAC – N, 7/1/2000]

11.2.5.5 EFFECTIVE DATE: July 1, 2000 unless a later date is cited at the end of a section.
[11.2.5.5 NMAC – N, 7/1/2000]

11.2.5.6 OBJECTIVE: Under Title I of the WIA, the workforce development system provides the framework for delivery of workforce development activities at the State and local levels to individuals who need those services (dislocated workers, disabled, youth, veterans, etc.) and employers. Thus, the objective of this policy is to provide direction on the designation of the State Workforce Development Board (WDB) and to identify its role, functions, responsibilities and authority.
[11.2.5.6 NMAC – N, 7/1/2000]

11.2.5.7 DEFINITIONS: [RESERVED]
[11.2.5.7 NMAC – N, 7/1/2000]

11.2.5.8 ACTION: State WDB membership, roles and responsibilities are described below:
A. Membership.

(1) The State Board is established by the Governor in accordance with the Requirements of WIA Section 111 and 20 CFR Part 661. Members of the board that represent organizations, agencies, or other entities shall be individuals with optimum policymaking authority within the organizations, agencies, or entities. The members of the board shall represent diverse regions of the State, including urban, rural, and suburban areas. A majority (at least 51%) of the members of the State Board shall be representatives of businesses in the State. These members must be 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 Workforce Development Boards. They must represent businesses with employment opportunities that reflect the employment opportunities of the State and are appointed from among individuals nominated by State business organizations and business trade associations. The Governor must select a chairperson of the State Board from the business representatives on the board.

(2) State Board membership shall also include the Governor (or designate), Cabinet Secretaries of the Department of Labor, Economic Development, and Human Services, the Director of Vocational Rehabilitation, the Director of the Commission for the Blind, the Superintendent of Public Instruction, and 2 members of each chamber of the State legislature, appointed by the presiding representatives of the following groups; 2 from organized labor who have been nominated by State labor federations; 2 chief elected officials representing both cities and counties; 2 from organizations that have special knowledge and experience with youth programs, 2 from organizations that have

experience and expertise in the delivery of workforce investment activities, including 1 chief executive officer of a community college; 1 from a community-based organization that conducts training activities.

(3) All terms shall be for 4 years. A vacancy on the board shall be filed in the same manner as regular appointments for the unexpired term. In making appointments, the speaker of the house, the president pro-tem of the senate and the Governor shall consider gender, ethnicity and geographic diversity.

B. Roles and Responsibilities. The State Board must conduct its business in an open manner by making available to the public, on a regular basis through open meetings, information about the activities of the State Board, including information about the State Plan prior to submission of the plan, information about membership, and on request, minutes of formal meetings of the state Board.

C. The State Board must assist the Governor to develop the Five-Year State Plan that shall be updated annually and revised in accordance with the requirements of WIA as follows:

(1) Development and improve Statewide activities that are funded pursuant to WIA and the One-Stop delivery system, including development of linkages to assure coordination and nonduplication among the programs and activities described in WIA;

(2) Review local plans;

(3) Comment annually on the measures taken pursuant to Section 113(b)(14) of the Carl D. Perkins Vocational and Technical Education Act;

(4) Designation of local workforce investment areas;

(5) Develop allocation formulas for adult employment and training activities and youth activities to local areas in accordance with WIA;

(6) Develop continuously improving comprehensive State performance measures to assess the effectiveness of workforce investment activities as required under WIA;

(7) Develop the Statewide employment statistics system as described in Section 15(e) of the Wagner-Peyser Act; and,

(8) Prepare reports and applications required for submissions to the federal government.

D. The Board shall also review, evaluate and report annually on the performance of all workforce Development activities administered by state agencies involved in workforce development which entails that these state agencies shall annually submit to the Board for its review and potential inclusion in the Five-Year Plan, their goals, objectives and policies. The plan shall include recommendations to the legislature on the modification, consolidation, initiation or elimination of workforce training and education programs in the State.

E. The Board shall develop linkages with the State Board of Education to ensure coordination and non-duplication of vocational education, apprenticeship, adult education and vocational rehabilitation programs with other workforce development and training programs.

F. The Board shall provide policy advice regarding the application of federal or state law that pertains to workforce development.

G. Conflict of Interest. A member of a State Board may not vote on a matter under consideration regarding the provision of services by such member (or by any entity that such member represents), or that would provide direct financial benefit to such member of the immediate family of such member, or engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the State Plan.

[11.2.5.8 NMAC - N, 7/1/2000]

11.2.5.9 RESCISSIONS: None.

[11.2.5.9 NMAC - N, 7/1/2000]

11.5.10 CONTACT ENTITY: Inquiries regarding this Issuance should be directed to the New Mexico Department of Labor at (505) 827-6827 in Santa Fe.

[11.2.5.10 NMAC - N, 7/1/2000]

11.2.5.11 DISTRIBUTION: NMWDA and LWDB Chairpersons, SAE/NMWDA/LWDB Legal Counsel, NMWDA/LWDB Administrative Entities, SAE/NMWDA/LWDB EO Office, SAE Subrecipients, NMWDA/LWDA Subrecipients, USDOL Federal Representative and New Mexico State Records and Center and Archives.

[11.2.5.11 NMAC - N, 7/1/2000]

11.2.5.12 ATTACHMENTS: [RESERVED]

[11.2.5.12 NMAC - N, 7/1/2000]