

(7) provide a credential upon successful completion of the program; credentials must meet the employability development plan requirements such as: a certificate, certification of completion, diploma, license, or degree.

D. LWDBs shall ensure that their training contracts for programs of demonstrated effectiveness include, at a minimum, the following contract elements:

(1) job description (use of O Net [<http://online.onetcenter.org>]), training outline or curriculum, including provision for any required classroom/adult basic education/or vocational training as established by the needs assessment;

(2) participant hourly wage rate and allowable training hours (work zones as noted on O Net);

(3) provision for wage increases based upon successful achievement of training goals as provided to other similar employees, if applicable;

(4) provision for assurances not to reduce wage rates after completion of training contract;

(5) agreement on the maximum amount of reimbursement and/or allowable costs of training;

(6) provisions for participant time off, if necessary, to attend WIA sponsored meetings, workshops, classes or other events;

(7) duration of contract;

(8) a provision for recoupment of overpayments;

(9) a provision for termination due to lack of funds or lack of participant attendance or unsatisfactory progress;

(10) a provision allowing for LWDBs or their designee, state and federal staff monitoring and review of training records;

(11) a provision for meeting record retention requirement;

(12) employer requirement to maintain attendance and payroll records to support requests for reimbursement;

(13) provision for the submittal of participant reimbursement/progress evaluations on a timely basis;

(14) state taxpayer identification numbers for payment of state gross receipts tax and unemployment compensation tax;

(15) workers' compensation coverage, if applicable;

(16) a provision for equal employment opportunity;

(17) a provision for a drug-free workplace;

(18) a provision for debarment and suspension, where applicable; and

(19) other provisions as required by local policies and procedures.

E. An "occupation in demand" will be defined by the LWDB and the method for identifying those occupations shall be documented. No documentation is required if the occupation is listed as an "in demand" occupation by the economic research and analysis bureau of the New Mexico department of labor, or its successor agency.

F. LWDBs shall make provisions for the maintenance and retention of records of programs of demonstrated effectiveness, including systems of issuance, funding obligations/expenditures, oversight and completion in accordance with WIA record retention requirements. Such records shall be retained for a period of three (3) program years from the date the individual participant exits, unless an unresolved audit is pending. In that case, records must be retained until final resolution of the audit.

G. LWDBs shall ensure that, at a minimum, one core and one intensive service are provided to each WIA participant prior to their participation in any training activity. Documentation to support the provision of the core and intensive services must be maintained in the participant folder.

H. LWDBs shall establish and collect relevant performance criteria/programs outcomes for each contract provider.

I. A "low income individual" is defined in WIA, Section 101(25). The special participant population eligible for a training services program of demonstrated effectiveness is identified in 20 CFR 663.430(b). The governor has determined that no additional groups, other than those defined by the regulation, will be identified as hard-to-serve for purposes of granting exceptions to individual training accounts.

J. LWDBs or their designee shall monitor each training contract through attendance and completion records to determine that the amounts claimed for reimbursement are substantiated and that training is being provided in accordance with the contract. Monitoring includes reviewing participant progress to ascertain that the participant is gaining the necessary skills and to determine if supportive services are needed. Upon placement, the LWDB shall also monitor at the work site to determine whether the participant is employed in the occupation for

which training was provided, and is earning a self-sufficient wage as defined by the LWDB. Annual monitoring of the provider shall include administrative and fiscal records.

K. LWDBs or their designee shall ensure that selected service providers are afforded appropriate training and technical assistance necessary to deliver the required WIA services.

[11.2.22.8 NMAC - N, 12/31/05]

11.2.22.9 CONTACT ENTITY: Inquiries regarding this rule should be directed to the state administrative entity (SAE) in Santa Fe at (505) 827-6827.

[11.2.22.9 NMAC - N, 12/31/05]

11.2.22.10 DISTRIBUTION: SWDB and LWDB chairpersons, LWDB administrative entities, all SAE WIA subrecipients, SAE legal counsel, SAE EEO officer, USDOL federal representative and New Mexico commission of public records.

[11.2.22.10 NMAC - N, 12/31/05]

HISTORY OF 11.2.22 NMAC: [RESERVED]