

TITLE 11 LABOR AND WORKERS' COMPENSATION
CHAPTER 2 JOB TRAINING
PART 14 WORKFORCE INVESTMENT (WIA) ACT LOCAL BOARDS

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

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

11.2.14.3 STATUTORY AUTHORITY: The Workforce Investment Act (WIA) Interim Final Rule, Sections 116, "Local Workforce Investment Areas," 117, "Local Workforce Investment Board," 118, "Local Plan," 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 the New Mexico Workforce Development Act, New Mexico House Bill 740, Chapter 260, Laws of 1999, Forty-fourth Legislature.
[11.2.14.3 NMAC – N, 7/1/2000]

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

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

11.2.14.6 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 issuance is to provide direction on the designation of local Workforce Development Boards (WDBs) and to identify their roles, responsibilities and authority.
[11.2.14.6 NMAC – N, 7/1/2000]

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

11.2.14.8 ACTION:
A. Membership.

(1) For purposes of this issuance, the chief elected official is the chief elected executive officer of a unit of general local government in a local area, which is the mayor, county commission chair or Native American tribal governor or president.

(2) The Local Workforce Development Board (Local Board) will be appointed by the chief elected official in each local area in accordance with State criteria and is certified by the Governor every 2 years. The criteria for certification will also be described in the State Plan described below.

(3) At a minimum, 51% of the membership of each local board will include representatives of business in the local area, who are owners of businesses, chief executives or operating officers of businesses and other business executives or employers with optimum policy-making or hiring authority. They will represent businesses with employment opportunities that reflect the employment opportunities of the local area and will be appointed from among individuals nominated by local business organizations and business trade associations.

(4) There will be representatives of local educational entities, including 2 representatives of local schools and 1 postsecondary educational institution representative, including representation of community colleges selected from among individuals nominated by regional or local educational agencies, institutions or organizations representing such local education entities.

(5) There will be 2 representatives of labor organizations nominated by local labor federations.

(6) There will be 2 representatives of community-based organizations.

(7) There will be 1 representative of economic development, which may include private sector economic development entities.

(8) There will be a representative of each of the One-Stop partners that include the following

state and federal agencies (if those have an office anywhere in the area): New Mexico Department of Labor, New Mexico Department of Human Services, New Mexico Division of Vocational Rehabilitation, New Mexico Department of Education, Adult Basic Education or Literacy, New Mexico Older Workers, Native American grants, Jobs Corps and United States Department of Housing and Urban Development Employment and Training.

(9) There will be a representative of the Commission for the Blind.

B. Appointing Authority.

(1) The chief elected officials may execute an agreement that specifies the respective roles of the individual chief elected officials:

(a) In the appointment of the members of the Local Board from the individuals nominated or recommended; or,

(b) In any other responsibilities assigned by the Act.

(2) If the local officials are unable to reach an agreement, the Governor may appoint members of the Local Board from those nominated or recommended.

C. Roles and Responsibilities.

(1) The Local Board is responsible for developing the five-year local Workforce Development Plan (Local Plan);

(2) Selecting One-Stop operators with the agreement of the chief elected official, to include termination and decertification of same;

(3) Selecting eligible youth service providers based on the recommendations of the youth council, and identifying eligible providers of adult and dislocated worker intensive services and training services, and maintaining a list of eligible providers with performance and cost information;

(4) Identifying eligible providers of training services;

(5) Identifying eligible providers of intensive services – if the One-Stop operator does not provide intensive services in a local area, the Local Board will identify eligible providers of intensive services in the local area by awarding contracts;

(6) Program monitoring and oversight in partnership with the chief elected officials;

(7) Developing a budget for the purpose of carrying out the duties of the Local Board, subject to the approval of the chief elected official;

(8) Negotiating and reaching agreement on local performance measures with the chief elected official and the Governor;

(9) Assisting the Governor in developing the statewide employment statistics system under the Wagner-Peyser Act;

(10) Coordinating Workforce Development activities with economic development strategies and developing employer linkages.

(11) Promoting private sector involvement in the Statewide Workforce Development system through effective connecting, brokering, and coaching activities through intermediaries, such as the One-Stop operator in the local area or through other organizations, to assist employers in meeting hiring needs;

(12) In cooperation with the chief elected official, appointing a youth council as a subgroup of the Local Board, coordinating workforce and youth plans and activities with the youth council; and,

(13) Carrying out regional planning responsibilities required by the State.

(14) The Local Board will conduct business in an open manner as required by WIA by making available to the public, on a regular basis through open meetings, information about the activities of the Local Board, including information about the local plan before submission of the Plan, and about membership, the designation certification of One-Stop operators, and the awards of grants or contract to eligible providers of youth activities, and on request, minutes of formal meetings of the Local Board.

D. Conflict of Interest.

(1) A member of a Local Board may not vote on a matter under consideration by the Local Board regarding the provision of services by such member (or by an 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.

(2) Failure to Carry Out Functions/Responsibilities.

(3) Failure of a Local Board to achieve certification shall result in reappointment and certification of another Local Board for the Local Area.

(4) The Governor may decertify a Local Board at any time after providing notice and an opportunity for comment for fraud and abuse, and failure to carry out the functions of the Local Board.

(5) The Governor may decertify a Local Board if a local area fails to meet the local performance measures for such local area for 2 consecutive program years.

(6) If the Governor decertifies a Local Board for a local area, the Governor may require that a new local board be appointed and certified for the local area pursuant to a reorganization plan developed by the Governor, in consultation with the chief elected official in the local area, and in accordance with the information noted above.

[11.2.14.8 NMAC – N, 7/1/2000]

11.2.14.9 RESCISSIONS: None.

[11.2.14.9 NMAC – N, 7/1/2000]

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

[11.2.14.10 NMAC – N, 7/1/2000]

11.2.14.11 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 NM State Records Center and Archives.

[11.2.14.11 NMAC – N, 7/1/2000]

11.2.14.12 ATTACHMENTS: [RESERVED]

[11.2.14.12 NMAC – N, 7/1/2000]