

TITLE 11 LABOR AND WORKERS' COMPENSATION
CHAPTER 2 JOB TRAINING
PART 6 WORKFORCE INVESTMENT ACT (WIA) ONE-STOP DELIVERY SYSTEM

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

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

11.2.6.3 STATUTORY AUTHORITY: The Workforce Investment Act; Interim Final Rules, Section 11, "Establishment of a One-Stop Delivery System" as well as to the Federal Register Volume 64, Number 72, dated April 15, 1999, under Part 666, "Performance Accountability Under Title I of the Workforce Investment Act," and any amendments thereto, and the New Mexico Workforce Development Act, New Mexico House Bill 740, Chapter 260, Laws of 1999, Forty-fourth Legislature.
[11.2.6.3 NMAC – N, 7/1/2000]

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

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

11.2.6.6 OBJECTIVE: Title I of the WIA assigns responsibilities at the local, State and Federal levels the creation and maintenance of a One-Stop delivery system that enhances the range and quality of workforce development services that are accessible to individuals seeking assistance. The system must include at least one comprehensive physical center in each local area that must provide the core services noted herein and must provide access to other programs and activities carried out by the One-Stop partners. State and local boards should effectively coordinate and collaborate with the network of other service agencies, including Temporary Assistance to Needy Families (TANF) agencies, transportation agencies and providers, community planning, and the broad range of partners who work with youth. One-Stop operators are required to give priority to low-income individuals and recipients of public assistance in the event that adult funds are limited, as required by WIA.
[11.2.6.6 NMAC – N, 7/1/2000]

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

11.2.6.8 ACTION: To provide Local Workforce Development Areas and their WIA subrecipients with guidance and instruction on the One-Stop system under Title I of the WIA. The cornerstone of the new workforce investment system is One-Stop service delivery which unifies numerous training, education and employment programs into a single, customer-friendly system in each community. The underlying notion of the One-Stop system is the coordination of programs, services and governance structures so that the customer has access to a seamless system of workforce investment services. It is envisioned that a variety of programs could use common intake, case management and job development systems in order to take full advantage of the One-Stops' potential for efficiency and effectiveness. A wide range of services from a variety of training and employment programs will be available to meet the needs of employers and job seekers.

- A. One-Stop Partners.** One-Stop partners are the entities that carry out:
- (1) Title I WIA programs serving adults, dislocated workers, youth, Job Corps, Native American programs, migrant and seasonal farmworker programs, and Veterans' workforce programs;
 - (2) Programs authorized under Wagner-Peyser;
 - (3) Adult education and literacy activities;
 - (4) Vocational rehabilitation programs;
 - (5) Welfare-to-Work (WtW) programs;
 - (6) Senior community service employment activities;
 - (7) Post secondary vocational education activities;

(8) Trade Adjustment Assistance (TAA) and North American Free Trade Agreement (NAFTA) activities;

(9) Activities authorized for local veterans' employment representatives and disabled veterans;

(10) Employment and training activities under the Community Services Block Grant;

(11) Employment and training activities carried out by the Department of Housing and Urban

Development; and,

(12) Programs authorized under State unemployment compensation laws.

B. Additional Partners. WIA provides that other entities that carry out a human resource program, including Federal, State, or local programs and programs in the private sector may serve as additional partners in the One-Stop system if the local board and chief elected official(s) approve the entity's participation. Additional partners may include:

(1) Local Temporary Aid to Needy Families (TANF) programs;

(2) Employment and training programs authorized under the Food Stamp Act;

(3) Work programs authorized under the Food Stamp Act;

(4) Programs authorized under the National and Community Service Act; and,

(5) Other appropriate programs, including programs related to transportation and housing.

C. The term "entity" does not include the service providers that contract with or are subrecipients of the local administrative entity.

D. For programs that do not include local administrative entities, the responsible State agency should be the partner.

E. In local areas where the national programs specified are not present, State and local boards should take steps to ensure that customer groups served by these programs have access to services through the One-Stop delivery system.

F. Responsibilities/Core Services to be Provided by One-Stop Partners. The partners must make available through the One-Stop delivery system the core services, to include but not limited to, the following:

(1) Outreach, intake (which may include worker profiling) and orientation to the information and other services available through the One-Stop delivery system;

(2) Initial assessment of skill levels, aptitudes, abilities, and supportive service needs;

(3) Job search and placement assistance, and where appropriate, career counseling;

(4) Provision of employment statistics information, including job vacancy listing in such labor market areas, information on job skills necessary to obtain the jobs previously described;

(5) Information relating to local occupations in demand and the earnings and skill requirement for such occupations;

(6) Provision of information on eligible providers of training services and eligible providers of youth activities, providers of adult education, providers of postsecondary vocational rehabilitation program activities;

(7) Provision of accurate information relating to the availability of supportive services at a minimum, including child care and transportation, available in the local area, and referral to such services, as appropriate;

(8) Provision of information regarding filing claims for unemployment compensation;

(9) Assistance in establishing eligibility for welfare-to-work activities available in the local area, programs of financial aid assistance for training and education programs that are not funded under this Act and are available in the local area;

(10) Follow-up services, including counseling regarding the workplace, for participants in workforce investment activities authorized under this subtitle who are placed in unsubsidized employment, for not less than 12 months after the first day of employment, as appropriate;

(11) Provision of information on how the local area is performing on the local performance measures and any additional performance information with respect to the One-Stop delivery system in the local area; and,

(12) The State recommends that the One-Stop partner determine eligibility and register eligible clients for provision of or referral to intensive and/or training services; however, local boards have the option to make other arrangements to accomplish this. Delivery of intensive services shall be provided through the One-Stop operator or through contracts with service providers which may include contracts with public, private and profit providers, approved by the local board.

G. Required One-Stop partners must also create and maintain the One-Stop delivery system to include coordination for possible referrals with entities (i.e. New Mexico Departments of Health and Human Services) that will benefit the participant with needed services as identified through initial profiling/assessment.

H. Partners must enter into a Memorandum of Understanding (MOU), with the Local Board, relating to the operation of the One-Stop system that meets the requirements of the WIA, including a description of services,

how the cost of the identified services and operating costs of the system will be funded, and the methods for referrals.

I. Partners will participate in the operation of the One-Stop system consistent with the terms of the MOU and requirements of authorizing laws.

J. Partners will serve as a representative on the Local Workforce Development Board.

K. Partners will use a portion of the funds made available to the partner's program, to the extent not inconsistent with the Federal law authorizing the partners program.

L. At a minimum, the core services that are applicable to the program of the partner and that are in addition to the basic labor exchange services traditionally provided in the local area under the Wagner-Peyser program, must be made available at the comprehensive One-Stop center. These services must be made available to individuals attributable to the partner's program who seek assistance at the center. The adult and dislocated work program partners are required to make all of the core services listed available at the center.

M. The applicable core services may be made available by the provision of appropriate technology at the comprehensive One-Stop center, by co-locating personnel at the center, cross-training of staff, or through coordination with appropriate entities which provide services the participant is assessed to be in need of.

N. Each Local Board, through the One-Stop center, must make available to customers the State list of eligible providers required in WIA Section 122(e). The list will include a description of the programs through which the providers may offer the training services, the information identifying eligible providers of on-the-job training and customized training required under WIA Section 122(h), where applicable, and the performance and cost information about eligible providers of training services described in WIA Sections 122(e) and (h).

O. In addition to the provision of core services, One-Stop partners must provide access to the other activities and programs carried out under the partner's authorizing laws.

P. Funding of costs providing services through the One-Stop delivery system and the operating costs of the One-Stop delivery system should be proportionate to the use of the system by individuals attributable to the partner's program.

Q. Local Boards, in consultation with the One-Stop partners and other community service providers, must develop a policy on supportive services that ensures resource and service coordination in the local area. Such policy should address procedures for referral to such services, including how such services will be funded when they are not otherwise available from other sources. The provision of accurate information about the availability of supportive services in the local area, as well as referral to such activities, is one of the core services that must be available to adults and dislocated workers through the One-stop delivery systems [WIA Section 134(d)(2)(H)].

(1) A number of methods, consistent with the requirements of the relevant Office of Management and Budget (OMB) circulars, may be used for allocating costs among the partners including allocations based on direct charges, cost pooling, indirect cost rates and activity-based on direct charges, cost pooling, indirect cost rates and activity-based cost allocation plans.

(2) Title I does not require One-Stop partners to use their funds for individuals who are not eligible for the partner's program or for services that are not authorized under the partner's program. Requirements of the partner's program continue to apply. The resources of each partner may only be used to provide services that are authorized and provided under the partner's program to individuals who are eligible under such program.

R. Memorandum of Understanding (MOU). The MOU is an agreement developed and executed between the Local Board, with the agreement of the CEO, and the One-Stop partners relating to the operation of the One-Stop delivery system.

(1) The MOU must contain the provisions required by WIA which cover services to be provided through the One-Stop delivery system; the funding of the services and operating costs of the system; and methods for referring individuals between the One-Stop operators and partners.

(2) The MOU's provisions also must determine the duration and procedures for amending the MOU, and may contain any other provisions that are consistent with WIA and these regulations agreed to by the parties.

(3) A single "umbrella" MOU may be developed that addresses the issues relating to the local One-Stop delivery system for the Local Board and all partners, or the Local Board and the partners may decide to enter into separate agreements between the Local Board and one or more partners. Financial agreements may be negotiated with each partner annually to clarify funding of services and operating costs of the system under the MOU.

(4) Local boards and partners may request MOU assistance from a State agency responsible for administering the partner program, the Governor, State Board, or other appropriate parties. The State agencies, the State Board, and the Governor may also consult with the appropriate Federal agencies to address impasse situations after exhausting other alternatives. Local Boards and partners must enter into good faith negotiations.

(a) The Local Board and partners must document the negotiations and efforts that have taken place.

(b) Any failure to execute an MOU between a Local Board and a required partner must be reported by the Local Board and the required partner to the Governor or State Board, and the State agency responsible for administering the partner's program, and by the Governor or the State Board and the responsible State agency to the Secretary of Labor and to the head of any other Federal agency with responsibility for oversight of a partner's program.

S. Role/Certification of the One-Stop Partner. The types of entities that may be selected to be the One-Stop operator include postsecondary educational institutions, employment service agencies established under the Wagner-Peyser Act on behalf of the local office of the agency, private non-profit organizations (including community-based organizations), private for-profit agencies, government agencies and other interested organizations or entities.

(1) One-Stop operators may be a single entity or a consortium of entities and may operate one or more One-Stop centers. There may be more than one One-Stop center in a local area.

(2) The agreement between the Local Board and the One-Stop operator shall specify the operator's role. That role may range between simply coordinating service providers within the center to being the primary provider of services within the center.

T. The Local Board, with the agreement of the CEO, must designate and certify One-Stop operators in each local area. The One-Stop operator is designated or certified through a competitive process, or under an agreement between the Local Board and a consortium of entities that includes at least three or more of the required One-Stop partners previously identified.

U. The Local Board may be designated or certified as the One-Stop operator only with the agreement of the CEO and the Governor.

[11.2.6.8 NMAC – N, 7/1/2000]

11.2.6.9 RESCISSIONS: None.

[11.2.6.9 NMAC – N, 7/1/2000]

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

[11.2.6.10 NMAC – N, 7/1/2000]

11.2.6.11 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 Center and Archives

[11.2.6.11 NMAC – N, 7/1/2000]

11.2.6.12 ATTACHMENT: [RESERVED]

[11.2.6.12 NMAC – N, 7/1/2000]