

Joint Meeting
of the
Region IV, Chief Elected Officials
and the
Southwestern Area Workforce Development Board

Joint Meeting Agenda

Grant County Veterans Memorial Business & Conference Center

3031 Highway 180 East
Silver City, NM 88062

To join the meeting by phone, dial (346) 248-7799, then enter Meeting ID: 860 8272 8829

To join the meeting online via Zoom, go to: <https://us02web.zoom.us/j/86082728829>

Thursday, March 26, 2026, at 2:00 p.m. (MDT)

*Commissioner Chris Ponce – CEO Chair
Ms. Jacqueline Fryar – SAWDB Chair*

I. Call to Order

II. Pledge of Allegiance

III. Roll Call and Abstentions

- a) Southwestern Area Workforce Development Board (SAWDB)
- b) Chief Elected Officials (CEO)

IV. *Public Comment (3-Minute Limit)

V. Approval of Agenda

VI. Consent Agenda Items

a) **Southwestern Area Workforce Development Board Consent Agenda Items**

- i. Approval of December 11, 2025, Meeting minutes. **pg. 7**
- ii. **SAWDB Resolution 25 – 15** approves travel, meals, hotel, and conference fees for Southwestern Area Workforce Development Board members to attend the New Mexico Workforce Conference, with a revised date and location, previously approved on August 14, 2025. **pg. 12**
- iii. **SAWDB Resolution 25 – 16** approves the SAWDB PY24 Annual Report. **pg. 13**

b) **Chief Elected Officials Consent Agenda Items**

- i. Approval of August 14, 2025, Joint Meeting minutes. **pg. 15**
- ii. **CEO Resolution 25 – 09** concurs with the Southwestern Area Workforce Development Board to approve new and amended policies as approved on August 14, 2025. **pg.21**
- iii. **CEO Resolution 25 – 10** concurs with the Southwestern Area Workforce Development Board to approve profit incentives to be included in the PY25 Adult and Dislocated Worker Services Contract. **pg. 122**
- iv. **CEO Resolution 25 – 11** concurs with the Southwestern Area Workforce Development Board to approve profit incentives to be included in the PY25 Youth Services Contract. **pg. 123**

- v. **CEO Resolution 25 – 12** concurs with the Southwestern Area Workforce Development Board to approve profit incentives to be included in the PY25 One-Stop Operator Services Contract. **pg. 124**
- vi. **CEO Resolution 25 – 13** concurs with the Southwestern Area Workforce Development Board to approve the amended Individual Training Account Policy 17-08.6. **pg. 125**
- vii. **CEO Resolution 25 – 14** concurs with the Southwestern Area Workforce Development Board to designate Southwestern Area Workforce Development Board bank account signatories. **pg. 133**
- viii. **CEO Resolution 25 – 15** concurs with the Southwestern Area Workforce Development Board to approve travel, meals, hotel, and conference fees for Southwestern Area Workforce Development Board members to attend the New Mexico Workforce Conference, with a revised date and location, previously approved on August 14, 2025. **pg. 134**
- ix. **CEO Resolution 25 – 16** authorizes WIOA grant agreement approval contingent upon DWS funding award and WIOA Administrator and Board Chair review, and authorizes the Lead CEO to sign. **pg. 135**
- x. **CEO Resolution 25 – 17** appoints members to the Southwestern Area Workforce Development Board for terms beginning April 1, 2026. **pg. 198**

VII. SAWDB Discussion, Consideration, and Possible Action Regarding

- a) **SAWDB Resolution 25 – 17** accepts the Independent Auditor’s Report for the period of July 1, 2024, through June 30, 2025. **pg. 203**
- b) **SAWDB Resolution 25 – 18** approves a Corrective Action Plan between SAWDB and Equus Workforce Solutions for the WIOA Youth Services Contract. **pg. 212**
- c) **SAWDB Resolution 25 – 19** approves the SAWDB PY25 Revised Open Meetings Act Resolution **pg. 213**
- d) **SAWDB Resolution 25 – 20** approves new and amended policies. **pg. 219**

VIII. CEO Consent – Concurrence – Approval of SAWDB Action *(The items below are considered consent concurrence items and are approved with the motion to concur with the SAWDB action in the resolutions listed above).*

- a) **CEO Resolution 25 – 18** concurs with SAWDB Resolution 25 – 18. **pg. 230**
- b) **CEO Resolution 25 – 19** concurs with SAWDB Resolution 25 – 20. **pg. 231**

IX. CEO Discussion, Consideration, and Possible Action Regarding

- a) **CEO Resolution 25 – 20** accepts the Independent Auditor’s Report for the period of July 1, 2024, through June 30, 2025. **pg. 233**
- b) **CEO Resolution 25 – 21** approves the Region IV, CEO PY25 Revised Open Meetings Act Resolution. **pg. 242**

X. Reports and Information Items (*Items b. and c. below will not be presented at the meeting. These reports are available in the packet*)

- a) Administrative and Financial Reports **pg. 249**
 - i. WIOA Administrator
 - ii. Technical Assistance & Training
 - iii. Financials
- b) One-Stop Operator Report **pg. 266**
- c) Service Provider Reports **pg. 295**
 - i. Youth Services (*Alamo Navajo School Board*)
 - ii. Youth Services (*Equus Workforce Solutions*)
 - iii. Adult/Dislocated Worker Services (*Equus Workforce Solutions*)
- d) Updates from DWS

XI. Other

- a) SAWDB member input
- b) CEO member Input

XII. Next Meeting

- a) SAWDB meeting – Thursday, June 25, 2026
- b) CEO meeting – Friday, June 5, 2026

XIII. Adjournment

*Public comments can be emailed to sawdb@employnm.com before March 26, 2026, at 2:00 p.m. (MDT). All public comments will be read at the meeting in the order received.



Scan the QR code to join the meeting via Zoom

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Consent Agenda Items



SAWDB

Consent Agenda Items

**Southwestern Area
Workforce Development Board**

**Sierra County Government Building
1712 N. Date
Truth or Consequences, NM 87901**

To join the meeting by phone, dial (346) 248-7799, then enter Meeting ID: 865 9805 5385
To join the meeting online via Zoom, go to: <https://us02web.zoom.us/j/86598055385>

Thursday, December 11, 2025, at 10:00 a.m. (MDT)

DRAFT OF MEETING MINUTES

I. Call to Order

- a. SAWDB Chair appointed Mr. Olguin to chair the meeting. Chair Olguin called the meeting to order at 10:05 a.m. and welcomed all attendees.

II. Roll Call and Abstentions

- a. Ms. Grijalva called roll. There were no abstentions.

Present:

Cassie Arias-Ward*
Tricia Brainard*
Mary Ann Chavez-Lopez*
Marcos Martinez*
Michael Olguin
Joshua Orozco*
Erik Padilla
Tiffany Romero
Anton Salome*
JC Trujillo
Mary Ulrich*
Gary Whitehead*

Staff:

Skylar Arnold, Fiscal Administrator
Fayth Grijalva, Administrative Specialist
Glory Juarez, WIOA Administrator*
Angela Longovia, Communications Manager
Diana Luchini, Fiscal Clerk
Melissa Ochoa, WIOA Program Coordinator*
Jaymi Simms, WIOA Program Manager
Krisye Shook, WIOA Program Monitor

Absent:

Alisa Estrada (*with cause*)
Jacqueline Fryar (*with cause*)
Ross Marks (*with cause*)
Magdaleno Manzanárez (*with cause*)
Debbie Schoonover (*with cause*)
Kim Skinner (*with cause*)

Guests:

Veronica Alonzo*
Manuela Castillo*
Nicole Garnier
Leroy Garcia*
Crystal Hollon*
Peter Martinez
Marissa Molano*
Chanin Kelly-O'Rourke*
Giselle Palomares
Monica Perry*
Ramon Pazos*
Sarah Raney
Chris Ruiz*
Joshua Stroller
Becky Vega*
Priscilla Zuniga

*attended virtually

47 **III. Public Comment**

48 a) No public comment

49 **IV. Approval of Agenda** *(Items listed in the Consent Agenda Items section below were approved*
 50 *with the motion to approve the agenda unless a member requested to remove a specific item*
 51 *for separate action. There was no discussion on these items).*

52 a) Mr. Trujillo **motioned to approve the agenda, seconded by Mr. Padilla. The motion**
 53 **passed.** The roll call vote was as follows:

54 Ms. Arias-Ward – Yes	Mr. Padilla – Yes
55 Ms. Brainard– Yes	Ms. Romero – Yes
56 Ms. Chavez-Lopez– Yes	Mr. Salome– Yes
57 Mr. Martinez – Yes	Mr. Trujillo – Yes
58 Mr. Olguin – Yes	Ms. Ulrich – Yes
59 Mr. Orozco – Yes	Mr. Whitehead – Yes

60 **V. Consent Agenda Items**

61 a) Approval of August 14, 2025, Joint Meeting minutes

62 **VI. Professional Development**

63 Ms. Juarez presented key points of the Open Meetings Act and the approved SAWDB
 64 resolution, emphasizing the importance of attending meetings in person, unless it is difficult or
 65 impossible to attend.

66 Mr. Olguin suggested holding SAWDB meetings at a centralized location and encouraged in-
 67 person attendance in compliance with the Open Meetings Act.

68 **VII. Action Items**

69 Ms. Juarez recommended approval of Resolution 25 – 09 and Resolution 25 – 10 by a single
 70 vote, adding that it be contingent upon review by Joshua Orozco and the SAWDB Chair, and
 71 authorizes the SAWDB Chair to sign by December 31, 2025.

72 a) Resolution 25 – 09 approves profit incentives to be included in the PY25 Adult and
 73 Dislocated Worker Services Contract.

74 b) Resolution 25 – 10 approves profit incentives to be included in the PY25 Youth Services
 75 Contract.

76 Ms. Ulrich requested that the profit incentives be distributed to all Board members for
 77 review. Ms. Juarez stated they would be sent out and noted they would be similar to last
 78 year, with a few changes pending due to outstanding questions.

79 Mr. Padilla **motioned to approve Resolution 25 – 09 and Resolution 25 – 10 as**
 80 **amended, contingent upon review by Mr. Orozco and SAWDB Chair; seconded by**
 81 **Mr. Trujillo. By unanimous consent, the motion passed.** The roll call vote was as follows:

82 Ms. Arias-Ward – Yes	Mr. Padilla – Yes
83 Ms. Brainard– Yes	Ms. Romero – Yes
84 Ms. Chavez-Lopez– Yes	Mr. Salome– Yes
85 Mr. Martinez – Yes	Mr. Trujillo – Yes
86 Mr. Olguin – Yes	Ms. Ulrich – Yes
87 Mr. Orozco – Yes	Mr. Whitehead – Yes

88
 89 c) Resolution 25 – 11 approves profit incentives to be included in the PY25 One-Stop
 90 Operator Services Contract.

91 Mr. Salome asked if Mr. Orozco and the Board Chair would also review this item. Ms.
 92 Juarez stated that the profit incentive is the same as last year's.

93 Ms. Juarez stated that the One-Stop Operator worked diligently to meet the profit incentive
 94 performance measures and attendance requirements, reflecting improvements over the

95 prior year. Ms. Brainard noted her participation in many of the initiatives and concurred that
96 the team has performed exceptionally well.

97 Mr. Trujillo motioned to approve Resolution 25 – 11, seconded by Mr. Padilla. The motion
98 passed. The roll call vote was as follows:

99	Ms. Arias-Ward – Yes	Mr. Padilla – Yes
100	Ms. Brainard– Yes	Ms. Romero – Yes
101	Ms. Chavez-Lopez– Yes	Mr. Salome– Yes
102	Mr. Martinez – Yes	Mr. Trujillo – Yes
103	Mr. Olguin – Yes	Ms. Ulrich – Yes
104	Mr. Orozco – Yes	Mr. Whitehead – Yes

105
106 d) Resolution 25 – 12 approves the amended Individual Training Account Policy 17-08.6.

107 Ms. Simms stated that the language had been updated to be clearer for staff and that the
108 short-term certification period had been extended from one year to two years, allowing
109 more time to complete the certification.

110 Mr. Padilla **motioned to approve Resolution 25 – 12, seconded by Ms. Romero. The**
111 **motion passed.** The roll call vote was as follows:

112	Ms. Arias-Ward – Yes	Mr. Padilla – Yes
113	Ms. Brainard– Yes	Ms. Romero – Yes
114	Ms. Chavez-Lopez– Yes	Mr. Salome– Yes
115	Mr. Martinez – Yes	Mr. Trujillo – Yes
116	Mr. Olguin – Yes	Ms. Ulrich – Yes
117	Mr. Orozco – Yes	Mr. Whitehead – Yes

118
119 e) Resolution 25 – 13 approves the revised Memorandum of Understanding between the
120 Southwestern Area Workforce Development Board and American Job Center Partners.

121 Ms. Juarez said that this Memorandum of Understanding establishes partnerships among
122 America's Job Center core and mandated partners, adds the Commission for the Blind, and
123 updates the workforce center names to America's Job Center.

124 Mr. Padilla **motioned to approve Resolution 25 – 13, seconded by Ms. Romero The**
125 **motion passed.** The roll call vote was as follows:

126	Ms. Arias-Ward – Yes,	Mr. Padilla – Yes
127	Ms. Brainard– Yes	Ms. Romero – Yes
128	Ms. Chavez-Lopez– Yes	Mr. Salome– Yes
129	Mr. Martinez – Yes	Mr. Trujillo – Yes
130	Mr. Olguin – Yes	Ms. Ulrich – Yes
131	Mr. Orozco – Yes	Mr. Whitehead – Yes

132
133 f) Resolution 25 – 14 designates Southwestern Area Workforce Development Board bank
134 account signatories.

135 Ms. Arnold stated that checks require two signatures, and only Executive Director Jay
136 Armijo and board member Kim Skinner are authorized to sign. She added that having two
137 signatories will ensure operations can continue should Mr. Armijo or Ms. Skinner be
138 unavailable. Ms. Juarez added that Tiffany Romero and Gary Whitehead were
139 recommended as signatories based on their locations.

140 Mr. Trujillo **motioned to approve Resolution 25 – 14, seconded by Mr. Padilla. The**
141 **motion passed.** The roll call vote was as follows:

142	Ms. Arias-Ward – Yes	Mr. Padilla – Yes
143	Ms. Brainard– Yes	Ms. Romero – Yes
144	Ms. Chavez-Lopez– Yes	Mr. Salome– Yes
145	Mr. Martinez – Yes	Mr. Trujillo – Yes
146	Mr. Olguin – Yes	Ms. Ulrich – Yes
147	Mr. Orozco – Yes	Mr. Whitehead – Yes

148 **VIII. Reports and Information Items**

149 a) Administrative and Financial Reports

150 i. WIOA Administrator

151 Ms. Juarez said we have guests from Equus visiting from out of town and asked Mr.
152 Martinez to introduce them. He introduced Nicole Garnier, Vice President of
153 Operations, and Priscilla Zuniga, Regional Director. Ms. Garnier expressed support
154 for in-person attendance and thanked everyone on behalf of herself and the CEO.

155 Ms. Juarez reported that the annual report has been submitted to DWS. Ms.
156 Longovia will distribute and post the report after it is finalized.

157 Ms. Juarez stated that the Board Certification process required by the WIOA has
158 been submitted to DWS. She also noted that efforts are underway, in collaboration
159 with the One-Stop Operator, DWS, and service providers, to review office foot traffic
160 and plan next steps to increase it.

161 ii. Technical Assistance and Training

162 Ms. Simms reported PY24 Q4 & PY25 Q1 technical assistance sessions, hours, and
163 Performance Goals & Actuals for the Adult, Dislocated Worker, and Youth programs.

164 iii. Financials

165 Ms. Arnold reported the PY24 closeout financials and financials for PY25 Q1. Both
166 reports included the Balance Sheet and Statement of Revenues, Expenditures, and
167 Fund Balances. She also presented graphs showing Expenditures by Fund and
168 County, and Participant Training Obligations by County and Program.

169 Ms. Kelly-O'Rourke with DWS asked about the zero count for Lordsburg in Ms.
170 Arnold's report. Ms. Arnold clarified that it is for Equus Youth. Ms. Juarez noted they
171 are coordinating with the Juvenile Continuum of Services and plan to engage judges
172 and justice-involved youth in the area early next year.

173 Given that Program Years 24 and 25 are listed under the Statement of Revenues
174 and Expenditures, Mr. Trujillo inquired if this is because we are closing out the
175 previous program year. Ms. Arnold said yes and explained that carry-over funds from
176 the prior year were used first, which is why both years are included.

177 b) Service Provider Reports

178 i. One-Stop Operator Report

179 Ms. Palomares and Ms. Raney presented PY25 Q1 data, achievements, and foot
180 traffic.

181 c) Updates from DWS

182 Ms. Juarez asked Mr. Martinez with Equus to provide updates on plans in Hidalgo
183 County. Mr. Martinez shared that one challenge is the lack of a workforce center in the
184 county. Outreach efforts have been mostly virtual, with plans to increase them. Ms. Kelly-
185 O'Rourke asked if the Be Pro Be Proud truck had visited the high school. Ms. Juarez said
186 a request will be submitted.

187 Ms. Alonzo stated that they expect to release the annual report before the end of the
188 calendar year. She added that Board Certifications, required biannually, are in progress,
189 and she anticipates a response to SAWDB soon.

190 Ms. Alonzo stated that the state plan modifications, which occur every two years, are now
191 available on the Department of Workforce Solutions website. The public comment period
192 will run through mid-February.

193 Ms. Alonzo stated that the annual Eligible Training Provider Performance report was
194 submitted on October 1, as required by the Department of Labor. The report details the
195 performance of each provider on the statewide Eligible Training Provider list and is
196 expected to be publicly available before the end of the calendar year.

197 The State Board meeting is scheduled for December 18, 2025, in Albuquerque.

198 Ms. Alonzo stated that they are updating state policies, aiming to have one to two policies

199 reviewed and approved at each State Board meeting.
200 The Department of Workforce Solutions is conducting a survey to understand barriers to
201 labor force participation. Ms. Alonzo asked the Board to forward it if it had not already
202 been done. The deadline is December 19, 2025. Ms. Brainard requested an extension to
203 allow student participation, and Ms. Alonzo will check for flexibility and follow up.

204 **IX. Other**

- 205 a) Member Input
- 206 i. Mr. Orozco expressed the importance of the labor force survey and the extension.

207 **X. Next Meeting**

- 208 a) Thursday, February 12, 2026, at 10:00 a.m.

209 **XI. Adjournment**

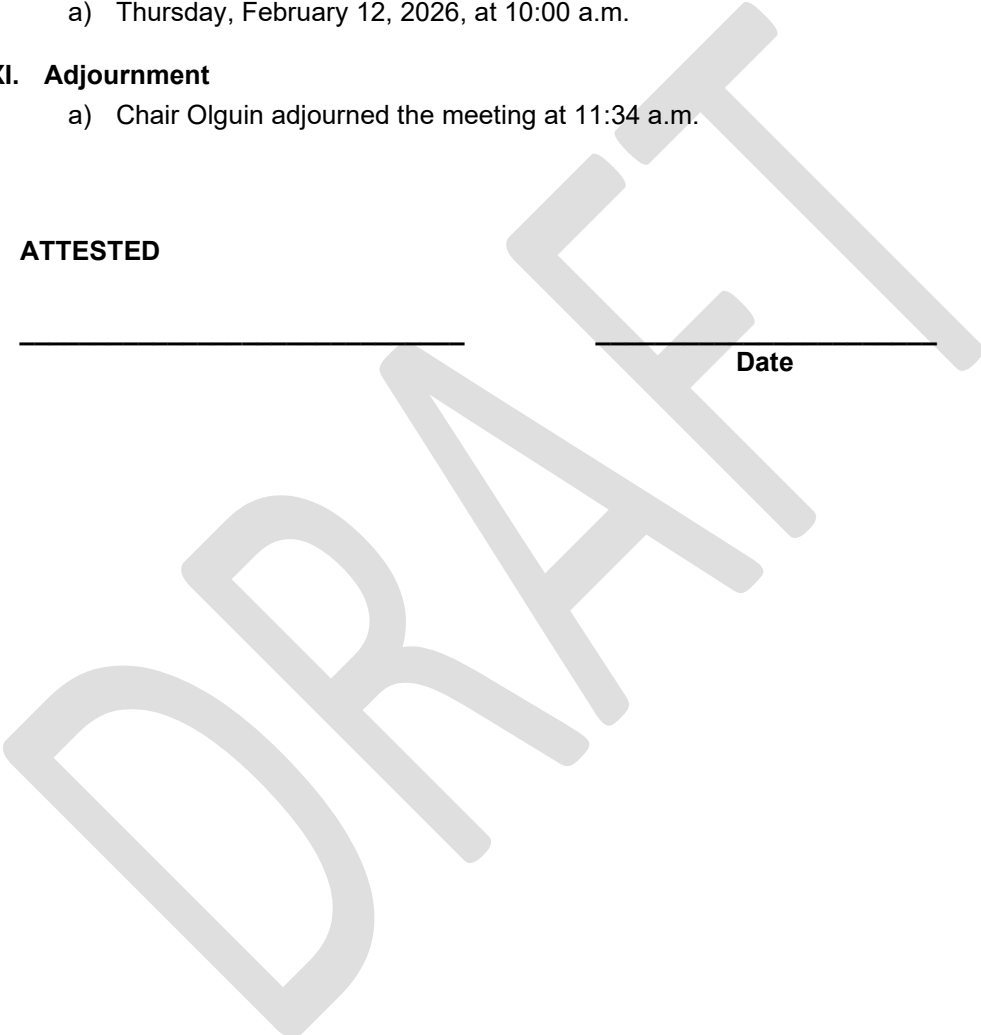
- 210 a) Chair Olguin adjourned the meeting at 11:34 a.m.

211

212 **ATTESTED**

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214 _____ **Date**



AGENDA ITEM SUMMARY

Joint Meeting of Region IV, Chief Elected Officials and Southwestern Area Workforce Development Board	March 26, 2026
<p>SAWDB Consent Agenda Item SAWDB Resolution 25 – 15 approves travel, meals, hotel, and conference fees for Southwestern Area Workforce Development Board members to attend the New Mexico Workforce Conference, with a revised date and location, previously approved on August 14, 2025</p>	
<p>SUMMARY OF AGENDA ITEM</p> <p>The New Mexico Department of Workforce Solutions originally scheduled the 2025 New Mexico Workforce Conference for October 29 – 30, 2025, in Albuquerque, NM. The SAWDB approved board member attendance for that conference on August 14, 2025, but DWS postponed the event.</p> <p>This item is presented for your consideration to approve travel, meals, hotel, and conference fees for Southwestern Area Workforce Development Board members to attend the rescheduled event, 2026 New Mexico Workforce Conference on May 4 – 5, 2026, in Santa Fe, NM. This event is in partnership with Innovate+Educate.</p> <p>RECOMMENDATION</p> <p>A motion to approve SAWDB Resolution 25 – 15.</p> <p>BOARD’S OPTIONS ARE TO</p> <ul style="list-style-type: none"> • Accept the recommendation • Amend the recommendation • Reject the recommendation • Table the item • Take no action on the item <p>DEPENDING ON ACTION TAKEN, ITEM MAY BE REFERRED OR REPORTED TO</p> <ul style="list-style-type: none"> • Staff or committee, as directed. <p>THIS ITEM SUPPORTS STRATEGIC PLAN GOAL(S)</p> <ul style="list-style-type: none"> • Supports all strategic plan goals <p>LIST OF SUPPORTING INFORMATION FOR YOUR REVIEW</p> <ul style="list-style-type: none"> • None 	

AGENDA ITEM SUMMARY

Joint Meeting of Region IV, Chief Elected Officials and Southwestern Area Workforce Development Board	March 26, 2026
<p>SAWDB Consent Agenda Item SAWDB Resolution 25 – 16 approves the SAWDB PY24 Annual Report.</p>	
<p>SUMMARY OF AGENDA ITEM</p> <p>This item is presented for your review and approval of the Southwestern Area Workforce Development Board Program Year 2024 Annual Report.</p> <p>In accordance with WIOA requirements, the Annual Report provides a summary of performance accountability and a narrative highlighting key activities, accomplishments, and challenges for the program year.</p> <p>The full report is available for review via the link provided below.</p> <p>RECOMMENDATION</p> <p>A motion to approve SAWDB Resolution 25 – 16.</p> <p>SAWDB'S OPTIONS ARE TO</p> <ul style="list-style-type: none"> • Accept the recommendation • Amend the recommendation • Reject the recommendation • Table the item • Take no action on the item <p>DEPENDING ON ACTION TAKEN, ITEM MAY BE REFERRED OR REPORTED TO</p> <ul style="list-style-type: none"> • Staff or committee, as directed. <p>THIS ITEM SUPPORTS STRATEGIC PLAN GOAL(S)</p> <ul style="list-style-type: none"> • Supports all strategic plan goals <p>LIST OF SUPPORTING INFORMATION FOR YOUR REVIEW</p> <ul style="list-style-type: none"> • The PY24 Annual Report may be viewed or downloaded at: SAWDB PY24 Annual Report-DRAFT 	



CEO

Consent Agenda Items

Joint Meeting
of the
The Region IV, Chief Elected Officials
and the
Southwestern Area Workforce Development Board

Grant County Veterans Memorial Business & Conference Center

3031 Highway 180 East

Silver City, NM 88062

To join the meeting by phone, dial: (346) 248-7799, then enter Meeting ID: 860 8272 8829

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Thursday, August 14, 2025, at 10:00 a.m. (MDT)

DRAFT OF MEETING MINUTES

I. Call to Order

- a. SAWDB Chair was vacant. Vice-Chair Fryar chaired the meeting.
- b. Vice-Chair Fryar called the joint meeting to order at 10:04 a.m. with CEO Vice-Chair Day.

II. Pledge of Allegiance

- a. Vice-Chair Fryar asked everyone to join her in the Pledge of Allegiance.

III. Roll Call and Abstentions

- a. Southwestern Area Workforce Development Board (SAWDB)
 - i. Ms. Grijalva called roll for the SAWDB; there were no abstentions.
- b. Chief Elected Officials (CEO)
 - i. Ms. Grijalva called roll for the CEOs; there were no abstentions.

SAWDB Members Present

Tricia Brainard*
Alisa Estrada*
Jacqueline Fryar
Magdaleno Manzanarez
Ross Marks*
Marcos Martinez*
Michael Olguin*
Erik Padilla
Tiffany Romero
Kim Skinner*
Mary Ulrich*

SAWDB Members Absent

Cassie Arias-Ward *(with cause)*
Mary Ann Chavez-Lopez *(without cause)*
Joshua Orozco *(with cause)*
Anton Salome *(with cause)*
Debbie Schoonover *(with cause)*
JC Trujillo *(without cause)*
Gary Whitehead *(without cause)*

Voting CEO Members Present

Commissioner Travis Day*
Commissioner Art Malott
Commissioner Manny Sanchez*
Commissioner Ray Trejo*

Voting CEO Members Absent

Commissioner Joe Gonzales
Commissioner Buster Floyd Green
Commissioner Chris Poncé

43 **Non-Voting CEO Members Present**

44 None

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Non-Voting CEO Members Absent

Chapter Vice-President Jeremiah Apachito
Mayor Ravi Bhasker
Mayor Jacob Biggler
Mayor Eric Enriquez
Mayor Glenda Greene
Mayor Rolf Hechler
Mayor Russell Hernandez
Mayor Hilda Kellar
Mayor Ken Ladner
Mayor Arnold Lopez
Mayor Diana Murillo-Trujillo
Mayor John L. Ojinaga
Mayor Javier Perea
Mayor Phil Mortensen
Mayor Richard Rumpf
Mayor Michelle "Micki" Shillito
Mayor Phillip Skinner
Mayor Ed Stevens
Mayor Deb Stubblefield
Mayor Dennis Torres

64 **Staff Present:**

65 Jay Armijo, SCCOG Executive Director
66 Skylar Arnold, Fiscal Administrator
67 Fayth Grijalva, Administrative Specialist
68 Glory Juarez, WIOA Administrator
69 Angela Longovia, Communications Manager
70 Diana Luchini, Fiscal Clerk*
71 Melissa Ochoa, WIOA Program Coordinator
72 Krisye Shook, WIOA Program Monitor
73 Jaymi Simms, WIOA Program Manager

Guests:

Leroy Garcia*
Crystal Hollon
Carolyn Kirlin*
Peter Martinez
Marissa Molano
Chanin Kelly-O'Rourke*
Juanisha Padilla*
Giselle Palomares
Ramon Pazos*
Monica Perry*
Sarah Raney
Chris Ruiz
Josh Stoller
Kerena Vazquez Levario*
Becky Vega*

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80 *Virtual attendance (via phone or Zoom)

81 **IV. Public Comment**

82 a. No public comment

83 **V. Approval of Agenda** *(The items listed in the Consent Agenda Items section below are approved*
84 *with the motion to approve the agenda unless a member requests that a specific item be removed*
85 *for its own action. There is no discussion on these items).*

86 Ms. Juarez requested to remove CEO Consent Agenda item iii (CEO Resolution 25 – 02), and
87 SAWDB Discussion items a, b, and c (Resolutions 25 – 02, 25 – 03, and 25 – 04). With the
88 removal of SAWDB Discussion items, CEO Consent Concurrence items a, b, and c, were also
89 removed from the agenda.

90 i. Southwestern Area Workforce Development Board Approval of Agenda.
91 Mr. Manzanarez **made a motion to approve the agenda as amended; seconded by**

92 Mr. Padilla. **By unanimous consent, the motion passed.** The roll call vote was as
 93 follows:

94	Ms. Brainard – Yes	Mr. Olguin – Yes
95	Ms. Estrada – Yes	Mr. Padilla – Yes
96	Ms. Fryar – Yes	Ms. Romero – Yes
97	Mr. Manzanarez – Yes	Ms. Skinner – Yes
98	Mr. Marks – Yes	Ms. Ulrich – Yes
99	Mr. Martinez – Yes	

100 ii. Chief Elected Officials Approval of Agenda.
 101 Commissioner Malott **made a motion to approve the agenda as amended;**
 102 **seconded by** Commissioner Trejo. **By unanimous consent, the motion passed.** The
 103 roll call vote was as follows:

104	Commissioner Day – Yes	Commissioner Sanchez – Yes
105	Commissioner Malott – Yes	Commissioner Trejo – Yes

106 VI. Consent Agenda Items – *(These items were approved when the agenda was approved)*

- 107 a. Southwestern Area Workforce Development Board Consent Agenda Items
- 108 i. *Approval of June 20, 2025, Joint meeting minutes
- 109 ii. *Resolution 25 – 01 approves travel, meals, hotel, and conference fees for
 110 Southwestern Area Workforce Development Board members to attend the 2025 New
 111 Mexico Workforce Conference scheduled for October 29 – 30, 2025, in Albuquerque,
 112 NM.
- 113 b. Chief Elected Officials Consent Agenda Items
- 114 i. *Approval of June 20, 2025, Joint meeting minutes
- 115 ii. *Resolution 25 – 01 concurs with the Southwestern Area Workforce Development
 116 Board to approve travel, meals, hotel, and conference fees for Southwestern Area
 117 Workforce Development Board members to attend the 2025 New Mexico Workforce
 118 Conference scheduled for October 29 – 30, 2025, in Albuquerque, NM.

119 VII. Professional Development

120 Ms. Juarez stated that this presentation was intended to provide an overview of the Open
 121 Meetings Act. She indicated that she will propose an amended resolution at the next meeting
 122 and present the changes. She noted that the telephonic and virtual attendance section will be
 123 revised, and language will be added to provide examples of what constitutes difficult or
 124 impossible situations. Additionally, she reminded members that in-person attendance is
 125 expected.

126 Commissioner Malott requested that the updated Open Meetings Act proposed resolution be
 127 emailed to members once available.

128 VIII. SAWDB Discussion, Consideration, and Possible Action Regarding

- 129 a. SAWDB Resolution 25 – 05 authorizes the administrative entity to issue a Request for
 130 Proposals for WIOA Youth services.

131 Ms. Estrada **made a motion to approve SAWDB Resolution 25 – 05; seconded by Ms.**
 132 **Romero. By unanimous consent, the motion passed.** The roll call vote was as follows:

133	Ms. Brainard – Yes	Mr. Olguin – Yes
134	Ms. Estrada – Yes	Mr. Padilla – Yes
135	Ms. Fryar – Yes	Ms. Romero – Yes
136	Mr. Manzanarez – Yes	Ms. Skinner – Yes
137	Mr. Marks – Yes	Ms. Ulrich – Yes
138	Mr. Martinez – Yes	

- 139 b. SAWDB Resolution 25 – 06 approves a one-year subscription for Engage by Cell’s text
140 messaging platform and mobile web app.
- 141 Mr. Manzanarez **made a motion to approve SAWDB Resolution 25 – 06; seconded by Mr.**
142 **Padilla. By unanimous consent, the motion passed.** The roll call vote was as follows:
- | | |
|--------------------------|-------------------|
| 143 Ms. Brainard – Yes | Mr. Olguin – Yes |
| 144 Ms. Estrada – Yes | Mr. Padilla – Yes |
| 145 Ms. Fryar – Yes | Ms. Romero – Yes |
| 146 Mr. Manzanarez – Yes | Ms. Skinner – Yes |
| 147 Mr. Marks – Yes | Ms. Ulrich – Yes |
| 148 Mr. Martinez – Yes | |
- 149 c. SAWDB Resolution 25 – 07 approves new and amended policies.
150 Ms. Juarez stated that the policy updates include the name changes from New Mexico
151 Workforce Connection to America’s Job Center and updating the required verbiage.
- 152 Ms. Romero **made a motion to approve SAWDB Resolution 25 – 07; seconded by Ms.**
153 **Estrada. By unanimous consent, the motion passed.** The roll call vote was as follows:
- | | |
|--------------------------|-------------------|
| 154 Ms. Brainard – Yes | Mr. Olguin – Yes |
| 155 Ms. Estrada – Yes | Mr. Padilla – Yes |
| 156 Ms. Fryar – Yes | Ms. Romero – Yes |
| 157 Mr. Manzanarez – Yes | Ms. Skinner – Yes |
| 158 Mr. Marks – Yes | Ms. Ulrich – Yes |
| 159 Mr. Martinez – Yes | |
- 160 d. SAWDB Resolution 25 – 08 ratifies committee appointments.
161 Ms. Juarez welcomed Tiffany Romero and Tricia Brainard to the SAWDB Board. Both agreed
162 to serve on designated committees.
- 163 Mr. Estrada **made a motion to approve SAWDB Resolution 25 – 08; seconded by Mr.**
164 **Padilla. By unanimous consent, the motion passed.** The roll call vote was as follows:
- | | |
|--------------------------|-------------------|
| 165 Ms. Brainard – Yes | Mr. Olguin – Yes |
| 166 Ms. Estrada – Yes | Mr. Padilla – Yes |
| 167 Ms. Fryar – Yes | Ms. Romero – Yes |
| 168 Mr. Manzanarez – Yes | Ms. Skinner – Yes |
| 169 Mr. Marks – Yes | Ms. Ulrich – Yes |
| 170 Mr. Martinez – Yes | |
- 171 e. Election of Officers
172 An election of officers takes place annually. The officers must be from the private sector and
173 can serve no more than two consecutive terms in a single position. The one-year term begins
174 September 1, 2025.
- 175 Mr. Manzanarez **motioned to elect Jacqueline Fryar as SAWDB Chair and Kim Skinner**
176 **as SAWDB Vice-Chair, seconded by Mr. Padilla. The motion passed.** The roll call vote was
177 as follows:
- | | |
|--------------------------|-------------------|
| 178 Ms. Brainard – Yes | Mr. Olguin – Yes |
| 179 Ms. Estrada – Yes | Mr. Padilla – Yes |
| 180 Ms. Fryar – Yes | Ms. Romero – Yes |
| 181 Mr. Manzanarez – Yes | Ms. Skinner – Yes |
| 182 Mr. Marks – Yes | Ms. Ulrich – Yes |
| 183 Mr. Martinez – Yes | |

184 **IX. CEO Consent – Concurrence – Approval of SAWDB Action** *(The items below are considered*
 185 *consent concurrence items and were approved with the motion to concur with the SAWDB action*
 186 *in the resolutions listed above).*

187 Commissioner Malott **made a motion to approve CEO Consent Concurrence items with one**
 188 **vote; seconded by** Commissioner Trejo. **By unanimous consent, the motion passed.** The roll
 189 call vote was as follows:

190 Commissioner Day – Yes Commissioner Sanchez – Yes
 191 Commissioner Malott – Yes Commissioner Trejo – Yes

192 a. CEO Resolution 25 – 06 concurs with SAWDB Resolution 25 – 05.

193 b. CEO Resolution 25 – 07 concurs with SAWDB Resolution 25 – 06.

194 **X. CEO Discussion, Consideration, and Possible Action Regarding**

195 a. Resolution 25 – 08 approves the CEO meeting calendar through June 30, 2026.

196 Vice-Chair Day asked when the CEOs typically meet. Ms. Longovia said usually the first
 197 Friday of each quarter. Commissioner Day listed December 5, March 6, and June 5, and
 198 asked the members if those dates worked. Commissioners responded yes.

199 Commissioner Sanchez **made a motion to approve CEO Resolution 25 – 08; seconded by**
 200 Commissioner Malott. **By unanimous consent, the motion passed.** The roll call vote was as
 201 follows:

202 Commissioner Day – Yes Commissioner Sanchez – Yes
 203 Commissioner Malott – Yes Commissioner Trejo – Yes

204 **XI. Reports and Information Items**

205 a. Administrative and Financial Reports

206 i. WIOA Administrator

207 Ms. Juarez stated that we have been reviewing the PY23 and PY24 monitoring findings
 208 and working to close them out.

209 Ms. Juarez stated that with the new program year, we have new contracts and will meet
 210 with a service provider in a roundtable discussion to set goals and initiatives, review
 211 contract measures, and revise policies to align with state changes.

212 Ms. Juarez added that the state has taken the lead on sector strategies. She noted a
 213 recent energy-focused event held in the northern region, and an agriculture event was
 214 held on August 6 in Las Cruces, covering the Southwestern and Eastern regions.

215 Looking ahead, an energy sector strategy session is scheduled for October in Las
 216 Cruces.

217 ii. Technical Assistance and Training

218 Ms. Simms reported the Technical Assistance and Training Sessions and Hours for the
 219 Adult & Dislocated Worker, Youth programs, and the ETPL from July 1, 2024, through
 220 June 30, 2025. She also presented Program Performance Goals & Actuals for Q4.

221 iii. Financials

222 Ms. Arnold presented the Balance Sheet and Fund Balances with non-close out
 223 numbers. She shared Expenditures by Fund and County and provided an Obligations
 224 report for Adult & Dislocated Worker and Equus Youth by County and programs.

225 b. One-Stop Operator Report

226 Ms. Palomares and Ms. Raney presented PY24 data, achievements, and PY25 goals.

227

- 228 c. Service Provider Reports
- 229 i. Youth Services (Alamo Navajo School Board)
- 230 Ms. Padilla reported for PY24 Q4. Program highlights included Enrollment Goals, Work
- 231 Experience/Placements, Budget Expenditure Report, and Training Opportunities.
- 232 ii. Youth Services (Equus Workforce Solutions)
- 233 Mr. Ruiz reported Enrollments by Funding Stream, Individual Training Account Success
- 234 Rates, and Percentage of Employed Youth Exiters from July 1, 2024, through June 30,
- 235 2025
- 236 iii. Adult/Dislocated Worker Services (Equus Workforce Solutions)
- 237 Mr. Ruiz reported on the Individual Training Account Successful Completion Rate and
- 238 Supportive Services by Type for the Adult and Dislocated Worker programs.
- 239 d. Updates from DWS
- 240 There were no updates. Ms. Juarez thanked Ms. Hollon from DWS for attending the meeting.

241 **XII. Other**

- 242 a. SAWDB member input
- 243 i. Mr. Manzanarez congratulated Ms. Fryar on being elected Chair.
- 244 b. CEO member input
- 245 i. No member input.

246 **XIII. Next Meetings**

- 247 a. The next SAWDB meeting is scheduled for Thursday, October 9, 2025, at 10:00 a.m., with
- 248 the location to be determined.
- 249 b. The next CEO meeting is scheduled for Friday, December 5, 2025, at 10:00 a.m., with the
- 250 location to be determined.

251 **XIV. Adjournment**

252 Meeting adjourned at 11:48 a.m.

253 **ATTESTED**

254 _____
255 *Signature*

Date

Mission: Our mission is to empower individuals with access to quality employment, education, and training, fostering a skilled workforce that meets local employer needs and drives community economic growth.

The Region IV, Chief Elected Officials and the Southwestern Area Workforce Development Board are Equal Opportunity Employer and will make every effort to provide reasonable accommodations for people with disabilities who wish to attend a public meeting. Please provide notification at least 72 hours before the meeting by calling (575) 744-4857. WIOA Title I-financially assisted programs and activities are an Equal Opportunity Employer/Program. Auxiliary aids and services are available upon request to individuals with disabilities. Relay New Mexico: 711 (Voice) or 1-800-659-8331 (TTY). For program funding, visit <https://www.employnm.com/funding>.

AGENDA ITEM SUMMARY

Joint Meeting of Region IV, Chief Elected Officials and Southwestern Area Workforce Development Board	March 26, 2026
<p>CEO Consent Agenda Item CEO Resolution 25 – 09 concurs with the Southwestern Area Workforce Development Board to approve new and amended policies as approved on August 14, 2025.</p>	
<p>SUMMARY OF AGENDA ITEM</p> <p>As a function of the Chief Elected Officials, this item is presented for your review and consideration to concur with the Southwestern Area Workforce Development Board to approve new and amended policies as approved on August 14, 2025.</p> <p>The following policies have been amended:</p> <ul style="list-style-type: none"> • 17-01 Oversight Monitoring Policy • 17-03.4 On-the-Job Training Policy • 17-08.6 Individual Training Account Policy • 17-09.6 Supportive Services Policy • 17-12 Technical Assistance and Training Policy • 17-16.1 Self-Sufficiency Policy • 17-17.1 One-Stop Delivery System Policy • 17-18.2 Follow-Up Services Policy • 17-19.1 Electronic Files Content & Records Management Policy • 17-20 Incumbent Worker Training Activities • 17-21 Performance Policy • 17-22 Conflict of Interest Policy • 18.01 Contract Approval Authority • 18-02 Co-Enrollment Policy • 18-03.1 Youth Additional Assistance Policy • 18-05.1 Referral Process Policy • 18-06 Veteran's Referral Process Policy • 18-07.1 Use of Assessments Policy • 18-11 Internet Usage and Equipment Policy • 18-13.1 Incentive Policy • 19-01.1 Customized Training Policy • 19-03 Supplemental Wage Data Policy • 19-04 Transitional Jobs Policy • 21-01 Individual Career Services Policy <p>RECOMMENDATION</p> <p>A motion to approve Resolution 25 – 09.</p>	

CEO'S OPTIONS ARE TO

- Accept the recommendation
- Amend the recommendation
- Reject the recommendation
- Table the item
- Take no action on the item

DEPENDING ON ACTION TAKEN, ITEM MAY BE REFERRED OR REPORTED TO

- Staff or committee, as directed

THIS ITEM SUPPORTS STRATEGIC PLAN GOAL(S)

- Supports all strategic plan goals

LIST OF SUPPORTING INFORMATION FOR YOUR REVIEW

- Policies

**SOUTHWESTERN AREA
WORKFORCE DEVELOPMENT BOARD**

OVERSIGHT & MONITORING
POLICY 17-01.1

DATE OF ISSUE

June 29, 2017

EFFECTIVE DATE

~~July 1, 2017~~ August 14, 2025

APPLICABILITY

WIOA Adults, Dislocated Workers, and Youth

PURPOSE

This policy sets forth requirements for oversight and monitoring of all Service Provider entities receiving Workforce Innovation & Opportunity Act (WIOA)

BACKGROUND

WIOA requires that the local Board shall conduct oversight with respect to local program of youth activities local adult and dislocated worker employment and training activities and the One Stop delivery system in the local area.

WIOA further requires each Board under WIOA Title 1 to conduct regular oversight and monitoring of its WIOA activities conducted by its Service Providers/Contractors ~~in order to~~:

- A. Determine that expenditures have been made against the cost categories and within the cost limitations specified in the Federal ~~Regulations;~~ Regulations.
- B. Determine whether or not there is compliance with uniform administrative requirements as applicable and other provisions of the Act; Federal Regulations' State Regulation; SAWDB policy and guidelines; and other applicable laws and regulations; and

Provide training and technical assistance as necessary and appropriate.

ACTION

Southwestern Workforce Development Board, One Stop Providers, and Youth Providers will adopt this Oversight and Monitoring Policy and forms referenced herein.

SCOPE

The following systems or areas of Service Provider/Contractor operations are included within the scope of the on-sight monitoring reviews as appropriate:

Program monitoring activities

- A. Administrative ~~procedures;~~ procedures.
- B. Grievance ~~procedures;~~ procedures.
- C. EEO ~~procedures;~~ procedures.
- D. Adherence with the provisions of the Americans with Disabilities Act; ~~Act.~~
- E. ~~Procurement;~~ Procurement.
- F. Property ~~management;~~ management.
- G. Fiscal ~~accountability;~~ accountability.
- H. An examination of actual expenditures against the cost categories and cost ~~limitations;~~ limitations.
- I. Audit ~~resolution;~~ resolution.
- J. Program goals and ~~objectives;~~ objectives.
- K. ~~Assessment;~~ Assessment.
- L. Eligibility verification as ~~applicable;~~ applicable.
- M. Monitoring ~~functions;~~ functions.
- N. Program performance (actual versus planned);
- O. Programmatic areas such as ITAs OJT, WE, basic skills training or other customized training and ~~activities;~~ activities.
- P. Service Providers self-monitoring activities; and

Q. Other areas as necessary.

The local Board will conduct annual onsite fiscal monitoring activities to ensure that grant funds and other assets are adequately safeguarded and that their use ~~is in compliance with~~ following federal, state, local requirements, and the circulars or rules of the office of management and budget. Processes and procedures used to determine sub-recipient and contract service provider performance are included within the scope of on-sight monitoring reviews as appropriate:

Fiscal monitoring activities

- A. Accounting and reporting ~~systems;~~systems.
- B. Budget ~~Methodologies;~~Methodologies.
- C. Cash management ~~practices;~~practices.
- D. Cost allocation plans and ~~processes;~~processes.
- E. Cash disbursement compliance and ~~documentation;~~documentation.
- F. Program income identification and ~~reporting;~~reporting.
- G. Insurance coverage and risk ~~exposure;~~exposure.
- H. Oversight and monitoring ~~functions;~~functions.
- I. Payroll ~~administration;~~administration.
- J. Purchasing and procurement processes and ~~procedures;~~procedures.
- K. Property accountability and ~~safeguarding;~~safeguarding.
- L. Internal controls; and
- M. Other areas as necessary.

BACKGROUND

To ensure compliance with the Act and Federal Regulations, the SAWDB shall annually ensure a review of each contract during the Program Year is being conducted. Desk reviews will be conducted periodically.

PROCEDURE

Schedule

A monitoring schedule will be set and updated as required after it is set. The schedule will list, at a minimum, Service Provider/Contractor names and address, contract number & planned date(s) of review.

REVIEW NOTIFICATION

The SAWDB will provide advance notification to each of its Service Providers/Contractors prior to any on-site review (preferably two weeks in advance of an on-site review).

MONITORING INSTRUMENT/QUESTIONNAIRE

The SAWDB monitoring instrument/questionnaire will be completed for each on-site visit. Procedures at this level will include performance reviews to ensure that performance and customer data will be collected and analyzed for all program activities included, but not limited to:

- A. Administrative,
- B. General compliance, and
- C. Programmatic

ON-SITE REVIEW PROCESS

An on-site review is conducted consisting of:

- A. An Entrance Conference to brief Service Provider/Contractor administrators/staff on the scope of the review and to make appropriate ~~arrangements;~~arrangements.
- B. A review of administrative, and programmatic systems and ~~transactions;~~transactions.
- C. Performance of test work, based on a review and examination of WIOA records and/ or interviews, to determine if adequate internal controls and procedures are in place; and
- D. An Exit Conference to ~~notify~~advise Service Provider/Contractor officials of probable Findings and Areas of Concern.

DESK REVIEWS

Desk reviews of the participant files on ~~American Job Centers (AJC);~~NMJobs will be done from the AE office prior to the onsite visit. All activities and documents uploaded will be reviewed.

DOCUMENTATION**Findings and Areas of Concern**

After each review, all findings will be documented in writing and will include a description of the specific non-compliance of federal or State laws, policies, regulations, and/or Grant Agreement. The detailed written report will note Finding and specify the Act, policy, regulation or contractual provision resulting in the finding. Areas of Concern will include recommended corrective action to be taken.

WORKING FILE

During the on-site review, a working file will be maintained. The working file will be ~~in an organized in a~~ manner, contain documentation of the tests performed and all Findings that will be documented in the report. It will also contain other documentation as deemed appropriate to substantiate that monitoring has occurred. Organization of the file may be by systems reviewed, actual test work performed, or any other method deemed appropriate.

FORMAL MONITORING REPORT

After each review, a monitoring report will be prepared within 30 days from the date of the Exit Conference detailing Findings and requiring ~~the appropriate~~ appropriate corrective action, or to indicate that there are no Findings. Areas of concern should also be indicated and ~~recommending~~ recommend corrective action to be taken. The following elements will be included in the monitoring report:

- A. An identification of all members who participated in the ~~monitoring;~~ monitoring.
- B. The dates of the review, program area(s), customers and service area(s) covered in the ~~review;~~ review.
- C. A sequential listing of Findings and Areas of Concern, if applicable. Where Findings are noted, each Finding shall consist of an objective narrative description of a non-compliance of federal or State law, SAWDB policy, regulation, and /or Grant Agreement; and
- D. Each Finding and/or Area of Concern is to be followed by a corrective action which sets forth

the most appropriate action to address any deficiency or non-compliance noted to include a specific ~~time line~~ timeline for the corrective action to be completed.

DOCUMENTATION**Findings**

After each review, all Findings will be documented in writing and ~~will include~~ include a description of the specific non-compliance of federal or State laws, policies, and/or Grant Agreement. The detailed report will note Finding and ~~specify~~ specifying the statute, regulation, policy, or grant agreement that has been noted as non-compliant. Each Finding will have a corresponding Required Action that identifies what action must be taken or documentation provided ~~in order for~~ for a Finding to be resolved.

AREAS OF CONCERN

Areas of Concern are issues, policies, or practices observed during the review that ~~is~~ are negatively impacting effective contract management or provision of services to participants. They may also be areas that, if not corrected, could lead to an area of non-compliance in future monitoring reviews. Each Area of Concern should have a corresponding recommendation for improving the issue/practice. Service Providers/Contractors are encouraged to implement the suggested action for improving/resolving the Area of concern issue/practice. If during the review, outcomes observed are sufficiently effective or innovative to warrant "highlighting" in the report, they can be shared with other sub-recipients and contract service providers.

CORRECTIVE ACTION

The Monitoring report will be forwarded to the monitored Service Provider via a transmittal letter requiring a written response from the Service Providers/Contractors within 30 working days from the day of ~~report~~ the report. The Service Provider monitored will be required to identify specific corrective action measures to be implemented for each Finding and/or Areas of Concern identified.

Upon receipt of the monitored Service Provider's corrective action plan (CAP), the SAWDB monitor(s) will review the response and in writing comment on the acceptability of the proposed corrective action. If the corrective action is deemed acceptable, the Finding is resolved. If the CAP or any part thereof is unacceptable, additional corrective action is required. The Finding and/or Area of Concern will remain unresolved until accepted.

FOLLOW-UP MONITORING AND VERIFICATION OF CORRECTIVE ACTION

Based on the CAP submitted, the SAWDB will institute follow-up monitoring. If follow-up is appropriate, the review will be to determine if the corrective action measures and/or documentation were implemented to resolve the noted Finding.

APPEAL PROCESS

All final determinations may be appealed pursuant to the process according to §683.420.

ACCESS TO RECORDS

- A. The local Board, or its authorized representatives, has the right to access any records in a timely manner consisting of books, documents, papers, computer records, emails, or other records or Sub-Recipients and contract service providers that are relevant to the use of any WIOA funds administered by the Board and may also make excerpts, transcripts, and photocopies of documents as appropriate.
- B. Right to access also includes timely access to personnel for interviews and discussions related to reviewed documents.
- C. ~~Right~~The right to access is not limited to any required record retention but will last as long as the records are retained. Except as otherwise provided, records must be retained for three years from ~~date~~the date of exit. If any litigation, claim, negotiation, audit or other actions involving the records ~~has~~have begun before the expiration of the 3-year period, the records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the regular 3-year period, whichever is later.
- D. Right to access will also include any service provider that no longer retains their contract, and then the local Board will review all files for

any compliance issues. Any compliance issues found will be brought into compliance by that service provider before turning over to the local Board.

PERMANENT MONITORING FILES

Permanent and official monitoring files will be maintained by the SAWDB. A separate file will be maintained for each on-site visit. At a minimum, the file will contain the following records:

- A. The letter announcing the monitoring visit; when an email is used to announce the monitoring visit, a copy of that email shall be ~~retained;~~retained.
- B. Completed pre-on-site planning ~~documents;~~documents.
- C. Completed monitoring instrument/questionnaire(s);
- D. Letter and transmitted Monitoring report to Service Provider/Contractor and, if applicable, requiring ~~a corrective~~corrective action from the Service Provider/Contractor;
- E. Letter to Service Provider/Contractor accepting/rejecting corrective action; and
- F. Working papers to include actual test work performed and documentation to support finding(s) and/or observations.

DESK MONITORING

There may be times when a contract is entered into where only a small number of customers (5 or less) are involved in the training. In such cases, it may not be practical or cost effective to conduct an on-site monitoring visit. Therefore, desk monitoring may be used on a limited basis for contracts of this type. The following are the criteria that must be met for desk monitoring to occur:

- A. ~~Contract~~The contract is for five (5) or less customers;
- B. The total cost of the contract does not exceed \$25,000.00
- C. Adequate documentation is obtained and maintained in the permanent monitoring file to document:
 - 1) ~~Eligibility;~~Eligibility.
 - 2) Time and/or attendance ~~reports;~~reports.

- 3) Progress reports to document that ~~customer has~~customers have not dropped ~~out;~~out.
 - 4) Record of completion of training/credit hours earned/~~passed;~~passed.
 - 5) License or ~~certificate;~~certificate.
 - 6) Placement and wage information, where ~~applicable;~~applicable.
 - 7) Financial records (e.g. invoices for payments, amount of Pell Grant where applicable; and
 - 8) Adequate documentation to ~~insure~~ensure accuracy of information.
- D. There are no known problems with the contractor operations that would warrant an on-site visit; and
- E. The SAWDB has determined and documented that determination that desk monitoring is the most practical means of monitoring the contractor.

In all cases, desk monitoring is to be the exception and not the rule.

SERVICE PROVIDER INTERNAL MONITORING

All SAWDB Service Providers, per RFP and contract terms, are expected to perform self-monitoring of the customer and fiscal activities undertaken to ensure compliance with the act, CFR's, OMB Circulars, State regulation, SAWDB policies and procedures, and Grant Agreement provisions. Items that should be reviewed include those listed within the Scope to monitoring by the SAWDB earlier identified. The Service Provider should establish and transmit to the SAWDB a monitoring schedule ~~for~~with the first quarter of its contract period; undertake carry-over client file monitoring

within the first quarter; undertake newly enrolled clients and fiscal expenditures no later than early in the third quarter of the contract period; prepare and have available for review by the SAWDB reports regarding the self-monitoring. The majority of all Service Provider internal monitoring should be completed before the fourth quarter. This is to ensure that customer files and/or expenditures associated with them have been resolved, and all contracted activities have been met.

The SAWDB will review the Service Provider internal monitoring reports when it undertakes monitoring of each Service Provider. ~~As a general rule~~In general, the SAWDB will undertake monitoring of Service Providers during ~~late~~the late second quarter or early third quarter; but each Service Provider will receive notice in advance of any SAWDB monitoring to be undertaken.

INQUIRIES

Questions related to this policy may be directed to the Administrative Entity at 575-744-4857.

ATTESTED

This policy was reviewed and approved by the SAWDB _____ on:

SAWDB Chairman

_____ Date

**SOUTHWESTERN AREA
WORKFORCE DEVELOPMENT BOARD**

ON-THE-JOB TRAINING
POLICY 17-03.54

DATE OF ISSUE

~~August 19, 2026~~ April 25, 2019

EFFECTIVE DATE

May 1, 2019

APPLICABILITY

This applies to Southwestern Area Workforce Development Board's (SAWDB) Adult, Dislocated Worker, and Youth service providers providing On-the-Job training. OJT is an allowable activity for youth but should be discouraged when it conflicts with educational goals and achievements.

PURPOSE

The objective of this rule is to establish requirements for the SAWDB in the delivery ~~of the~~ ~~On-the-Job~~ training services under the Workforce Innovation & Opportunity Act (WIOA). Priority of service for Adult funds must be given as defined in TEGL 3-15.

BACKGROUND

On-the-job training (OJT) provides WIOA ~~participants~~ ~~participants with~~ the opportunity to receive training while employed and to be paid wages and benefits comparable to other similar positions. OJT also provides ~~employer~~ ~~employers with~~ the opportunity to be ~~reimbursed~~ ~~reimbursed for~~ a percentage of the wages paid to WIOA participants who are engaged in productive work.

ACTION

OJT services shall be provided by an employer or a registered apprenticeship program sponsor in the public, private non-profit or private for-profit sector with payment for WIOA participant(s) engaged in productive work that: (a) an official employer orientation shall be provided and documented before the OJT contract period begins, including

review of OJT contract, training plan, progress report/invoice forms, and contact information; (b) provides knowledge or skills essential to full and adequate performance of the job; (c) provides reimbursement to the employer of up to 75% of the participant's wage rate (excluding benefits) for the extraordinary costs of providing training; for employers with 50 or fewer employees and up to 50% for employers with fifty-one (51) or more employees as defined in CFR 680.730(d) is limited in duration as appropriate to the occupation and considering the individual's prior work experience and employment development plan; must also be no less than 160 hours; and (e) prepares the participant for long-term, unsubsidized employment; any individual referred to a center by an employer (commonly referred to as a "reverse referral") shall go through the system in the same manner as other job seekers and be determined to be eligible and in need of training in order to participate in OJT.

PARTICIPANT ELIGIBILITY

OJT Training as defined by the WIOA, who are unemployed or underemployed and additionally meet ~~ALL of ALL~~ the following:

- A. All eligibility requirements for WIOA and Training services
- B. Enrollment into WIOA prior to beginning OJT contract
- C. Determined to ~~be in need of~~ ~~need~~ training to meet ~~self a~~ ~~self~~-sufficient level of income
- D. Determined to be a good candidate for the position described in the Individual Employment Plan

WIOA mandates that training services for OJT training be provided ~~through the use of~~ ~~with~~ a contract.

- A. Each OJT contract shall be designed for a particular participant and employer.

Procurement of OJT contracts is conducted through non-competitive negotiations. Documentation detailing how the price was derived must be developed and maintained in contract.

- B. Contracts shall not be written for seasonal, intermittent, or other types of temporary employment and must not involve payment in the form of a commission, tip, or similar kinds of payments. Occupations which have not traditionally required specific occupational training as a prerequisite for performance, such as porters, janitors, stackers, laborers, etc. (~~Adult & Dislocated Worker Technical Assistance Guidance Pg17~~). Generally, contracts should be written for full-time employment; the standard for what constitutes "full-time" employment may vary depending on the occupation, industry or needs of the participant.
- C. OJT contracts may be issued within the local area in any occupation in which an employer provides employment and training in a permanent, full-time position with reasonable expectation of retention in unsubsidized employment upon successful completion of training.
- D. Service providers must have adequate internal controls, such as a participant roster with their estimated earnings or other system, to determine whether an OJT contract can be issued for less than their "Median Earnings" performance measure. This is to ensure that the overall negotiated performance measure for "Median Earnings" is being met.
- E. The local workforce development board shall make efforts to ~~assure~~ensure that the occupations and positions are those which afford adults and dislocated workers the opportunity to become self-sufficient as defined in the local four-year plan.

The service provider shall ensure that OJT contracts are not written with employers who have had two or more previous OJT's and exhibited a

pattern of failing to provide participants with continued, long-term (9 months or longer) employment as regular employees with wages and working conditions the same as other employees. The service provider must consider whether the OJT participant quit voluntarily, was fired for cause or if business conditions changed the employment opportunities with the employer. Employers may be sanctioned and determined ineligible for no less than 6 ~~months~~months, but not longer than 18 months. Employers may appeal the service provider decisions following WIOA Program Complaint Resolution Procedures.

The service provider ~~must~~shall ensure that OJT contracts are not written with employers which ~~has~~have relocated within the last 120 days and dislocated workers at ~~its~~their previous location.

The service provider shall ensure that OJT contracts are not written with employers in which the participants will be employed to carry out the construction, operation, or maintenance of any part of a facility that is used or to be used for sectarian instruction or as a place for religious worship. ~~Adult and Dislocated Worker Services Technical Assistance Guidance page 17~~.

OJT contracts may also be written for eligible employed workers. An eligible employed worker is an individual who is job attached but in need of skills upgrade and not earning a self-sufficient wage as determined by the SAWDB. Contracts must relate to the introduction of new technologies, introduction to new production or service ~~procedure~~procedures, upgrading to new jobs that require additional skills, workplace literacy.

~~If a participant receives an upgrade, the AE and/or the Service Providers must provide proof that an upgrade to position and wages have occurred. This may entail receiving documents from the OJT provider and the participant. This documentation must be uploaded to NMJobs in the participants file.~~

TRAINING ORIENTATION

An official participant orientation shall be provided

and documented before the OJT contract begins. At a minimum, the orientation should include the following: 1) OJT training plan review; 2) participation requirements; 3) time sheet tracking and payroll verification requirements including OJT progress report and invoice form; 4) information regarding additional services and activities, including supportive services available through the workforce system, to ensure successful participation. Specific Vocational Preparation (SVP) is available either through the O*Net or [the NMJobs website https://www.state.nm.us.American Job Centers \(AJC\) New Mexico Workforce Connection Online System \(NMWCOS\)](https://www.state.nm.us.NMJobs)

OJT participants allowed with an employer: ~~No~~; **No** more than 50% of the number of the employer's full-time workforce at the location where training is to take place may be trained under OJT at any one time. An ~~employer having employer who has~~ a regular full-time workforce of one may train one individual under OJT.

OJT TRAINING CONTRACT

The SAWDB shall ensure that OJT contracts include, at a minimum, the following contract elements:

- A. Job description (using O-Net [\[http://onelineonline.onetcenter.org\]](http://onelineonline.onetcenter.org) or other source) training online or curriculum, including provision for any required classroom/adult basic education/or vocational training as established by the needs assessment.
- B. participant hourly wage rate and allowable training hours (work zones as noted on O-Net);).
- C. provision for wage increases based upon successful achievement of training goals as provided to other similar employees, if ~~applicable~~; **applicable**.
- D. provision for assurances not to reduce wage rates after completion of training ~~contract~~; **contract**.
- E. agreement on the maximum amount of

reimbursement and/or allowable costs of ~~training~~; **training**.

- F. provisions for participant time off, if necessary; to attend WIOA sponsored meetings, workshops, classes or other ~~events~~; **events**.
- G. duration of ~~contract~~; **contract**.
- H. a provision for recoupment of ~~overpayments~~; **overpayments**.
- I. a provision for termination due to lack of funds or lack of participant attendance or unsatisfactory ~~progress~~; **progress**.
- J. a provision for termination due to failure of the employer to comply with initial or upgraded employment requirement (OJT for employed workers only);).
- K. a provision for ~~allowing for~~ **allowing** SAWDB or their designee, state and federal staff monitoring and review of training ~~records~~; **records**.
- L. a provision for meeting record retention ~~requirements~~; **requirements**.
- M. identification and reporting of new employees versus employed workers (OJT for employed workers only);).
- N. employer requirement to maintain attendance and payroll records to support requests for ~~reimbursement~~; **reimbursement**.
- O. provision for the submittal of participant reimbursement/progress evaluations on a timely ~~basis~~; **basis**.
- P. state and federal taxpayer identification numbers for payment of state gross receipt tax and unemployment compensation ~~tax~~; **tax**.
- Q. worker's compensation coverage; (not required for exempt employers)
- R. a provision for equal employment ~~opportunity~~; **opportunity**.
- S. a provision for drug-free ~~workplace~~; **workplace**.
- T. a provision for debarment and suspension,

Field Code Changed

where ~~applicable;applicable~~.

- U. a requirement that the service providers report program ~~outeomes;outcomes~~.
- V. a requirement for job retention beyond the training period; and
- W. 23) other provisions as required by local policies and ~~procedures;procedures~~.
- X. 24) signatures and dates must be in place on OJT contracts before the participant begins ~~training;training~~.
- Y. 25) The reimbursement for training ~~eastcosts~~ will be based on the employer's normal full week, at 30 hours per week. Reimbursement claim ~~can-notcannot~~ be for time trainee is absent from training including illness, holiday, plant down time or any other time no training occurs.

Note: New employees hired under OJT must at a minimum be paid the employer's usual entrance wage rate for the occupation in which they are to be training and employed, which must not be lower than the federal, state, or local minimum wage rate.

Service Providers will use the following forms that are located on ~~nmemployemploynm~~.com and uploaded to participants file in ~~NMJobs NMWCGS~~.

- A. OJT Pre-Award Survey Checklist
- B. OJT Employer Contract
- C. OJT Training Plan
- D. OJT Training Plan Modification
- E. OJT Progress Report and Invoice Forms

~~F~~. OJT Contract Assurances

OJT TRAINING DURATION

The Maximum duration of an OJT contract is 1040 training hours. Determining length of training should include the following

- A. Skill gap is the gap between the skills of a participant and the skills needed for the job.

- B. The skill gap will determine the number of training hours for which an employer will be reimbursed
- C. ~~Training~~The training plan shall be consistent with the duration of the contract
- D. Specific Vocational Preparation (SVP) is defined as the amount of time required to learn techniques for a specific job

~~Keep in consideration with the OJT provider/employer when coming up with the training plan they are utilizing skills that would be considered "Skilled" within the number of hours defined as the required time to learn techniques for certain jobs.~~

Exception: ~~Training~~ Training can exceed 1040 hours based on the need for individuals with a documented disability to obtain the skills necessary for the job.

SVP	Number of Training hours
2	160
3	320
4	640
5	800
6	960
7	1040

In determining an employer's viability for a contract, the employer's ~~past-history~~history with OJT and OJT must be considered. The SAWDB may also consider the employer's finances, lay-offs, relocation, labor

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disputes, as well as the occupational and industry outlook.

SAWDB Administrative Entity and/or designee Service Providers shall make provisions for the maintenance and retention of all on-the-job training records, including systems of issuance, funding obligations/expenditures, oversight, and completion in accordance with WIOA 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.

SAWDB Administrative Entity and/or designee Service Providers shall establish and collect relevant performance criteria/program outcomes for each of their service providers.

SAWDB Administrative Entity and/or designee the Service Providers shall ensure ~~that,that~~ career services are made available to individuals in One Stop Centers.

SAWDB Administrative Entity and/or the Service Providers ~~or designee~~ shall ensure that selected training providers are afforded appropriate training

and technical assistance necessary to deliver the required WIOA services.

SAWDB Administrative Entity and/or their Service Providers ~~designee~~ shall review each OJT contract on-site to determine that payroll and time and attendance records substantiate amounts claimed for reimbursement and that training, wages, hours, benefits, and working conditions are provided in accordance with the contract.

INQUIRIES

Questions related to this policy should be directed to the Administrative Entity at (575) 744-4857.

ATTESTED

This policy was reviewed and approved by the SAWDB on April 25, 2019

SAWDB Chairman

Date

SOUTHWESTERN AREA WORKFORCE DEVELOPMENT BOARD

INDIVIDUAL TRAINING ACCOUNT POLICY 17-08.7

DATE OF ISSUE

August 19, 2026

EFFECTIVE DATE

August 9, 2024

APPLICABILITY

This applies to Southwestern Area Workforce Development Board (SAWDB), providers of Workforce Innovation and Opportunity Act (WIOA) Adult, Dislocated Worker, out-of-school youth employment, and training services.

PURPOSE

Establish a policy for local workforce development boards regarding individual training accounts.

BACKGROUND

The Individual Training Account (ITA) is established on behalf of a participant to provide training services. Adult, Dislocated Workers & Youth purchase training services from eligible providers selected from the Eligible Training Provider list of approved providers and in consultation with the case manager.

ACTION

References include the following: Public Law WIOA

Individual Training Accounts (ITA) ~~provides a mechanism for paying a mechanism for the payment of~~ training expenses to eligible training providers for individuals receiving funds from the Workforce Innovation and Opportunity Act. (WIOA)

- A. ITAs shall be limited to individuals unable to obtain other grant assistance or require assistance beyond that available from other grant assistance programs. The service provider, at each training enrollment period (i.e., semester, quarter), shall document the unavailability of other funding sources such as Pell Grants, Trade Adjustment Act (TAA), Temporary Assistance for Needy Families (TANF), or other federal grants. Participant must apply for other forms of financial assistance prior to receiving an ITA and throughout WIOA funded training as appropriate. Application, applicant statement, receipt, or denial of financial aid must be maintained in the participant file.
- B. ITAs shall only be issued to individuals who have been determined to need training services to obtain employment.
- C. ITAs shall be developed jointly by the individual and case manager using the results of the assessment and an Individual Employment Plan (IEP). The case manager shall verify that the participant meets the training provider's enrollment criteria for admission to the training program or course of study as well as coordinate the provider's acceptance of the participant into the program and coordination of case management.
- D. Customer choice. The foundation of the WIOA is "informed customer choice" with the ultimate decision

resting with the customer within state and local parameters and policy.

- E. It is the responsibility of the local board and local service provider to assist customers in making informed choices regarding career paths and training through the dissemination of information on state and local targeted industry and occupations in demand.
 - 1) Participants shall be able to use their ITAs to acquire training services from any training provider on the statewide eligible training provider list in a manner that maximizes informed customer choice.
 - 2) WIOA is not an entitlement program. Customer choice shall be exercised within the targeted industry and demand occupations designated. Individuals, eligible or otherwise, that seek training outside of these designated areas can be provided assistance in pursuing other sources of financial aid.
- F. The policy does not have a minimum hourly wage requirement for an occupation, which allows a service provider to issue an ITA in an occupation that meets the requirements. The service provider should consider whether a low wage occupation can lead to a career path for higher earnings, and when the service provider's Median Earnings Report shows that it can offset a lower wage occupation. For example, a person who has no or little work skills can train for an occupation that can incrementally lead toward the self-sufficiency wage – such as, a CNA, whose path leads to an LPN, and RN. In areas where the low wage occupation does not lead to a career path to a self-sufficiency wage, the service provider is responsible for assisting the customer in making informed choices regarding career pathways and training through the dissemination of information on the state and local targeted industries and occupations in demand. Accordingly, if the low wage occupation does not lead toward a self-sufficiency wage, then the customer has the information to make an informed decision as to which occupation to pursue. A customer cannot be restricted from enrollment based on the wage of the occupation when it leads toward a self-sufficiency wage and when the service providers Median Earnings Report shows that it can off-set a lower wage occupation. A service provider and the customer should consider the career pathway based on the customer's work skill level and if the occupational training will lead to higher earnings.
 - 3) Out-of-school youth participants, ages 16-24 may receive an individual training account to access occupational skill training with or without co-enrolling in the adult and dislocated workers program.
- G. In consideration of Sections E. (2) and F. (1), service providers must examine the occupations in demand and develop a strategy to address the level of skilled workers available to employers within various occupations.
 - 1) The service provider needs to consider how it will spread its limited funds among the different occupations in demand throughout the service area. Accordingly, the service provider may temporarily limit or stop issuing ITAs in an occupation or occupations.
 - 2) When the labor market information shows that an occupation has been adequately supplied in the region, the service provider has the discretion to reduce or stop the issuance of ITA contracts until the labor market information shows a need to issue ITAs.
- H. The Administrative Entity must be notified in writing prior to the service provider temporarily limiting or stopping the issuance of ITAs to an occupation or occupations. The Administrative Entity must approve the moratorium in writing.
- I. Training programs may only be selected from the approved Eligible Training Provider list and must be an "occupation in demand". The participant will have access to the list of eligible training providers through the Virtual One Stop System.

- J. An "occupation in demand" is defined by the SAWDB as those that have an annual opening of 4 or more, or Total Percent Change of 8% or more. Projections can be found in the Labor Market Information on America's Job Center online system (NMJobs) and uploaded into the participant's online file. The SAWDB may also approve training services for occupations determined in sectors of the economy that have a high potential for sustained demand or growth in the local area and/or those designated as priority industries within the region.
- 1) Exceptions to the "occupation in demand" criteria are allowed when a participant provides a "letter of hire" from an employer, signed by an individual with the authority to hire on company letterhead, stating they will employ the participant as a full-time employee upon successful completion of the training program. Employment is defined as any service, including service in interstate commerce, performed for wages or under any contract of hire, written or oral, expressed or implied.
 - 2) The "letter of hire" is not applicable to jobs that are based on commission earnings that do not include at least 32 hours of wage or salary earnings per week. The wage rate or salary must be at the minimum employment wage rate under federal, state, or local law plus commission.
 - 3) The occupation in demand or letter of hire must be documented in the participants' file.
 - 4) The following are the required elements for the letter of hire:
 - (i) Statement indicating an "offer of employment"
 - (ii) Employment start date
 - (iii) Salary or hourly rate of pay, and that the position is full-time at minimum of 32 hours per week
 - (iv) Fringe benefits, such as insurance, retirement, or vacation, if offered
 - (v) Supervising position of the participant
 - (vi) Statement indicating pay frequency, such as bi-weekly, weekly, semimonthly, etc.
 - (vii) Statement, signature, and date line for applicant to confirm the acceptance of the job offer
 - (viii) State the contingencies of employment, such as degree, certificate or license that must be in hand prior to start date; expirations of offer, if contingencies are not met; verification of eligibility to work in the United States; background check and drug screening, if applicable.
 - 5) Prior to issuing a letter of hire, employers should verify applicant's eligibility to work in the United States and re-verify prior to the first day of employment.
 - 6) Service providers will verify employment and case note the follow-up within the first quarter after exit.
- K. Participants must be able to use their ITA to procure services from any eligible training provider on the local/state list.
- L. The SAWDB, or its designee, shall establish a mechanism for payment to an approved training provider. This process shall include tracking expenditures of all resources paid for the participant's training, including WIOA Title I funds of the ITA.
- M. Participants shall be able to use their ITAs to acquire training from any eligible training provider on the state list, or training provider lists of other states.
- N. When an individual is approved for training and an eligible provider is selected, an ITA must be completed by the case manager. The application should contain a commitment to complete training, to provide attendance information, grades or progress reports with a cumulative grade point average of 2.0 or above, and credentials to utilize the provider's resources for placement, and when hired, to provide placement and follow-up information to the case manager. Provisions should also be included for follow-up activities to

determine employment retention and wages after employment, including authorization for access to unemployment insurance (UI) wage records.

- O. The allowable amount of training costs applicable to all Individual Training Accounts (ITAs) is dependent upon the type of occupational skill training and the range of costs for such training. The maximum cost per individual using ITAs shall not exceed the following:

Degree or Certification	Maximum Years	*Maximum Amount Per Year	Total Maximum Amount
Bachelors	5	\$3,000.00	\$15,000.00
Associates	3	\$3,000.00	\$9,000.00
Short-term Certifications	1	\$8,000.00	\$8,000.00

- 1) *The maximum amount per year is determined by when the first contract for an ITA is issued. A year begins on the date of the first ITA contract, not on a calendar year or program year.
 - 2) **For example:** If the first ITA contract is issued on August 15, 2018, then the one-year term ends on August 14, 2019.
 - 3) A waiver request may be submitted to the WIOA Administrator to exceed the Maximum Amount per Year or the Total Maximum Amount when it is demonstrated that the participant's financial need exceeds their financial resources. The WIOA Administrator is authorized to grant or not grant the waiver. The Administrative Entity will provide a guidance letter on the waiver request criteria and submission instructions.
- P. Only the full payment for each semester, quarter, or other training period will be allowed if the training provider has a published prorated refund policy applicable for all students who may drop out of that training institution. Advanced payments beyond each training period are not allowed.
 - Q. The durational limit of an ITA for an individual participant is based on the needs identified in the Individual Employment Plan (IEP) but cannot exceed the number of training years set in the above table.
 - R. Exceptions to pursuing an additional credential through an ITA training within a five-year period, training exceeding allotted number of years, and cost limitations may be allowed under extenuating circumstances following the SAWDB waiver policy and must be documented in the participant's file.
 - S. Use of an ITA is necessary for the following types of training:
 - 1) Occupational skills training services, including training for nontraditional employment; Prerequisite courses required for acceptance into a vocational/occupational skills training program ~~is allowable only when the entire program including prerequisites are allowable only when the entire program, including prerequisites, can be completed within the allotted number of years. In the event the completion of prerequisites may not result in the acceptance and entrance into a vocational/occupational skills training program, prerequisites must be completed and acceptance into a program documented prior to enrollment into WIOA funded~~ that the completion of prerequisites may not result in acceptance and

entrance into a vocational/occupational skills training program, prerequisites must be completed and acceptance into a program documented prior to enrollment into WIOA-funded training.

- 2) Programs that combine workplace training with related instruction which including appropriate education programs
 - 3) Training programs for occupations in demand operated by the private sector
 - 4) Skill upgrading and retraining
 - 5) Entrepreneurial training
 - 6) Adult basic education/ESL/literacy provided in combination with the above training
 - 7) Post-secondary education for careers in demand
 - 8) Bureau of Apprenticeship Training (BAT) approved apprenticeship programs.
- T. Short-term prevocational activities not allowed under an ITA. Short-term prevocational activities are Individualized Career Services that prepare individuals for employment or enable workers with skills to acquire a necessary occupational credential through short-term continuing education. Examples include development of (1) basic learning, communication, and interviewing skills, such as punctuality, personal maintenance, and personal conduct skills, (2) employability skills training such as job preparation and work maturity skills developed in SCANS (Secretary's Committee on Achieving Necessary Skills) and (3) in the development of occupational literacy skills to complete a training program or class, such as a basic computer class in Word. Basic skill/academic remediation including Developmental Math/English, English-as-a Second Language (ESL), literacy training, GED preparation, employment skills enhancement and others leading to the attainment of a high school diploma or equivalent, or attainment of basic and employment skills competencies are considered to be pre-vocational short-term trainings funded under Intensive Services, but only after exhausting and documenting the lack of other available resources to provide such training. If taken alone and funded as an Intensive Service, participants must be able to complete needed academic remediation/developmental instruction in preparation for employment or regular curriculum in 12 months or less.
- U. ITAs are not used for customized training or a training services program of demonstrated effectiveness serving special participant populations that face multiple barriers to employment.
- V. SAWDB or providers shall monitor the use of ITAs to ensure that training services are provided in a manner that maximizes customer choice regarding career paths and training through the dissemination of information on state and local targeted industry and occupations in demand, with sound accounting and payment procedures used and local limitations are observed.
- W. SAWDB Administrative Entity or designee shall ensure that Career Services are made available to individuals in the One Stop Centers, which must include the completion of an Individual Employment Plan (IEP) prior to participation in any training activity. The IEP must document the participant's ability to succeed in the selected training program.
- X. The ITA will cover all books, fees, and training materials, supplies and uniforms as required in the training institution participant statement as issued by the training provider in addition to tuition except for those covered by other forms of financial assistance. WIOA funds are intended to supplement other sources of funding for training to participants who are unable to find other grant assistance or whose financial needs exceed the assistance available from other sources. ITAs must be coordinated with other grant assistance to ensure that WIOA funds are not used to pay for the cost of training when grant assistance from other sources are available to pay the costs. The following documentation for the ITA contract must be scanned

into NMJobs:

1. ITA Contract (signed by all parties)
 2. Fund Training Sheet
 3. Class Schedule,
 4. Degree Plan
 5. Customer Choice
 6. Approved WIOA Program Screenshot
 7. Occupation in demand Screenshot (Projected annual job openings/projected employment growth)
 8. Training Institution's Participant Statement
- Y. A WIOA participant may enroll in a training program with WIOA funds while application for Pell Grant funds are pending, but the local Workforce Development Board must be reimbursed for the amount of the Pell Grant used for training if the application is approved. Only that portion provided for tuition is subject to reimbursement. Permission must be given to the service provider by the participant to obtain financial aid information by the post-secondary institution,
- Z. Enrollment in an ITA and the execution of the ITA contract must be done no later than the start of a training. The Board will not pay for training on an ITA contract executed after the first day of training, and service providers will be responsible for paying the costs with non-WIOA funds.
- AA. ITA modification must be done when there is a change in the contract to the tuition/fees, books, or supplies. The modification must be signed by all parties. When the amount of the contract is different than the amount of the institutions invoice then a de-obligation must be made to the voucher in NMJobs,
- BB. Service Provider Case Managers will ensure that tracking mechanisms are in place to ensure funding caps are not exceeded.
- CC. Service Provider Case Managers will maintain contact with participants during training to track performance, attendance, and change in status, as well as inform participants of their account status. All contact will be documented in the participant's files in America's Job Center Online System (NMJobs)
- DD. SAWDB shall make provisions for the maintenance and retention of ITA records, including systems of issuance, funding obligations/expenditures, oversight, and completion in accordance with WIOA record retention requirements. Such records shall be retained for a period of three 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.
- EE. SAWDB shall ensure that selected training providers are afforded appropriate training and technical assistance necessary to deliver the required WIOA services.

INQUIRIES

Questions related to this policy should be directed to the Administrative Entity at (575) 744-4857.

ATTESTED

This policy was reviewed and approved by the SAWDB on August 8, 2024

SAWDB Chairman

Date

SOUTHWESTERN AREA
WORKFORCE DEVELOPMENT BOARD

SUPPORTIVE SERVICES
POLICY 17-09.~~76~~

DATE OF ISSUE

August 19, 2026

~~September 16, 2021~~

EFFECTIVE DATE

October 4, 2021

APPLICABILITY

This applies to Southwestern Area Workforce Development Board (SAWDB), providers of Workforce Innovation and Opportunity Act (WIOA) Adult, Dislocated Worker, out-of-school youth employment, and training services.

PURPOSE

To provide SAWDB contractors of WIOA, Adult, Dislocated Worker and Youth supportive services with a supportive services policy.

BACKGROUND

To provide the Southwestern Area Workforce Development Board (SAWDB) WIOA contractors with a guideline for determining supportive services, the restrictions hereto, and eligibility criteria and procedures for payment of supportive services to participants enrolled into WIOA programs see TEGL 19-16.

To provide guidance regarding the roles of the training institution(s), local Board and/or service providers with respect to tracking certification of participant time, attendance, and other related issues as applicable to payment to supportive services.

ACTION

Southwestern Area Workforce Development Board Service Providers shall adopt this Supportive Services Policy and forms referenced herein.

GENERAL PROVISIONS

- A. All WIOA program applicants and participants shall be informed by their case manager of paid and unpaid supportive services available through the local One-Stop system including the One-Stop partners, Service Providers, and any applicable community resources.
- B. Supportive services may only be provided to individuals who are: (a) participating in career or training services, to include training in any WIOA program (Title I, II, III, and IV), and other trainings that are not within the WIOA programs, or (b) unable to obtain supportive services through other programs providing such services. Additionally, supportive services may only be provided when they are necessary to enable individuals to participate in Title I activities.
- C. To ensure successful participation in the appropriate employment or training activities, program staff shall determine the supportive service needs of each individual to be enrolled. Such determination shall be based

on the comprehensive assessment along with the documented justification and approval of supportive services as outlined in the participant's Individual Employment Plan (IEP)

- D. As a requirement for applying for supportive services, service providers must first explore to see if the needed services are available through other agencies in the local area. Participants shall secure documentation of at least one denial letter from other agencies, or a case note in the participant's NMWCOSfile showing due diligence. To prevent the duplication of costs and efforts, participants first must exhaust related available services before WIOA services will be authorized.
- E. Service providers will review the participant's need for, and the receipt of supportive services, and will document actions in the participant's online files (case note, etc.). Changes in supportive service needs are to be reflected in the assessment Objective Assessment Summary (OAS), and case noted appropriately. Sound case management and timely participant follow-ups are essential to ensuring completion of activities, and in meeting IEP goals and objectives.
- F. Authorization of supportive service payments shall be made using the appropriate local board supportive service forms to request approval of supportive service payments for groups of participants. A modification to the supportive services form is required when there are changes in payment amounts or duration.
- G. All required documents must be uploaded in America's Job Center (AJC) and appropriate service activity created in NMJobs; vouchers shall be created at that time. Youth payment of supportive service will be made directly by the youth provider in agreement with the youth contract scope of work. Payments issued shall have copies of the checks uploaded to participant files. For payments issued directly to participants, proof of receipt of payment, such as copy of the check signed and dated by participant and uploaded to the electronic record.
- H. Service Providers are responsible for tracking participant attendance, timekeeping, and related duties. For On-the-Job Training (OJT) employers, the reimbursement negotiated in each contract includes time keeping, reporting, and other related duties as specified in the OJT contract.
- I. Provision of paid WIOA supportive services shall be limited to twelve months after the date of WIOA exit.
- J. Supportive services request and payment forms or their subsequent replacements are located on Employnm.com. SAWDB forms shall not be modified without prior written authorization from SAWDB staff.
- K. Supportive Services shall not be provided during follow-ups for Adult and Dislocated Worker.

ALLOWABLE WIOA PAID SUPPORTIVE SERVICES

Transportation and Temporary Shelter Allowable Supportive Services include the following:

Transportation Mileage/Commuting assistance Determination

To compute distance for transportation assistance, participants may determine actual point-to-point mileage between locations traveled to (i.e. city-to-city, etc.), or the local board may establish a standard methodology. The Southwestern Area Workforce Development Board will allow career and training participants living 25 (rounded to the nearest mile) or more miles from the training site to receive \$0.25 per mile for travel for attendance. This need must be verified and documented by the case manager in the participant's counseling record and must be maintained in the participant's online file.

A. Bus Passes

Bus passes will be provided based on scheduled days and will be supported by a class schedule, work schedule, or attendance log. Passes may be obligated for the duration of the training, not to exceed a

semester. Passes may be distributed no more than 30 days at a time. Daily bus passes may be issued for job search; a job search log will be needed to support the voucher.

B. Vehicle Repair

Vehicle repair costs may be provided but must be directly linked to an allowable activity. Required documentation includes: 1) copy of title or registration showing the client or their spouse, ~~parent,~~ parent/guardian legally owns the vehicle; 2) proof of car insurance. No cosmetic repairs will be paid using WIOA funds.

The participant cannot receive mileage reimbursement and vehicle repairs during the same week. If vehicle repairs are paid, no transportation will be paid concurrently.

Other Supportive Services

1. Background check/finger printing

This service must be work or education related in order for the participant to obtain employment or for admission in post-secondary education. Documentation must include a statement from the employer or educational institution indicating the ~~requirement~~requirements.

2. Clothing and footwear assistance

The clothing items must be directly related to their occupation goal. Clothing that can be purchased includes uniforms and footwear required as a condition of training or employment. No undergarments, makeup, hair accessories, or personal hygiene items are allowed. Clothing is limited to \$300.00 per program year. The participant must submit proof from the employer or training ~~site~~site where the items are required.

3. Tools or equipment

The participant must submit proof that the employer or training provider requires the participant to have specific tools or equipment to perform job duties or complete training. The participant must submit documentation from the employer or training institute that the items are required.

4. Rent assistance

The participant must indicate a need and sign an applicant statement requesting ~~the assistance~~assistance. Rent assistance is limited to ~~one time~~one per household per program year. Deposits are not allowable since the amount may be reimbursed to a participant at a later date. Payment of late fees or interest charges are not ~~allowable~~allowed. Required documentation for payment includes a copy of a signed lease with the participant's signature; monthly amount due; and a notice of late payment from the landlord.

If the lease is not in the participant's name, an applicant statement must be made explaining the relationship between the participant and ~~person~~the person named in the lease.

5. Gas or electric utilities assistance

The participant must indicate a need and sign an applicant statement requesting ~~the assistance~~assistance. Gas or electric utilities assistance is limited to one time per household per program year. Deposits or startup costs are not acceptable. Required documentation ~~include~~includes shut off notice and a service note documenting that the participant attempted to receive this assistance elsewhere but was determined ineligible.

6. Car insurance assistance

Documentation of linkage to authorized activity must be in ~~ease~~case of note; the participant must complete an ~~applicant~~applicant's statement and indicate a need. Car insurance assistance is limited to one time and only for ~~one a~~one-month premium. No pre-payment of premiums is ~~allowable~~allowed. Required documentation include copy

of title or registration showing that participant or their parent/guardian legally owns the vehicle and invoice from the insurance provider.

7. Vehicle registration renewal

Documentation of linkage to authorized activity must be in case notes; the participant must complete an ~~applicant~~applicant's statement and indicate a need. Vehicle registration is limited to ~~one-time~~one per household. Required documentation includes a copy of the renewal letter and proof of insurance showing that the participant or their parent/guardian legally owns the vehicle.

8. Laptop and software purchase assistance

Participants that need laptops, internet service, and other supportive services must provide written documentation from the training site indicating the need for these services. The laptop may be retained by the participant after the completion of training. Laptop assistance may not exceed \$1,000.00 and will only be provided one time per participant. Internet services shall not exceed \$100.00 per month. These supportive services for internet are limited to the time that the individual is in a training activity.

The need for the above services must be necessary, and the cost reasonable to the purpose of the program defined by the Service Provider unless otherwise stated.

Other Supportive Services: Supportive services not listed in other sections of this policy may be paid to allow an individual participating in a WIOA or non-WIOA training to obtain or retain employment. Such items include, but are not limited to:

- Medical exams or tests
- State licensing fees
- Application or exam fees
- Government Issued Driver's License
- Government Issued Identification Card
- Government Issued Birth Certificate

Temporary Housing/Emergency Shelter

Participants that need temporary housing/shelter - The service provider must document that the service is necessary and that the cost is reasonable. Participants must provide appropriate documentation to ~~verify~~verify ~~that~~ that no other sources of temporary housing/emergency shelter are available.

A. Training Related Short-term Housing Assistance

Short-term housing assistance may be provided to individuals that are attending training more than 60 miles from their permanent residence. The amount paid to the participant shall not exceed the participant's balance of unmet need as reflected on the ITA cost sharing document.

B. Emergency Shelter

Assistance may be provided to participants who are in need to enable them to attend career or training activities. The amount paid must be reasonable and for no more than seven consecutive (7) days.

CHILD CARE

Childcare assistance may be provided to eligible participants who require such assistance in order to participate in a WIOA activity and whose need has been identified in their IEP. To qualify, participants must have legal responsibility or custody of the children thirteen (13) years of age or younger and must furnish documentation that they do not have any other source available to care for the child(ren), which include immediate family members. Children placed in a licensed day care facility, or with a certified day care provider as verified by the case manager must furnish documentation of a paid receipt in order to continue to receive childcare payment

at this level. A participant may receive thirty-five dollars (\$35.00) per day per child for certified or licensed childcare. Service providers must verify the participant's children's age(s). Days of childcare will be determined by the ~~participant's~~ participants' timesheet.

MEDICAL AND HEALTH CARE SUPPORTIVE SERVICES

Minor medical and health care services that may be provided include, but are not limited to:

- A. Physical examinations
- B. Eye and/or ear examinations
- C. Filling of eyeglass prescriptions
- D. Purchase of hearing aids
- E. Purchase of orthopedic devices (must refer to Vocational Rehabilitation)

Other minor medical or health care services not listed ~~herein that~~ herein are necessary in order for the individual to participate in the program. With the exception of hearing aids, a one-time maximum of five hundred dollars (\$500.00) for minor health or medical care services may be provided to participants enrolled in a WIOA funded training activity that require such assistance in order to participate in the program. The participant must provide proof of need (statement from ~~healtha~~ health care or medical practitioner). The participant shall only be eligible for this assistance if he/she cannot obtain such services from other available resources as documented in the participant file by the case manager (i.e. One-Stop partners, local community healthcare programs, etc.). Payment for services shall be made directly to the vendor or provider upon receipt of billing. Participants shall not be paid directly or reimbursed after-the-fact for these services.

Participants in the "HOLD" status are not eligible to receive payments for this service. HOLD status is based on an individual who is not in a training activity, not receiving services but not exiting or becomes ill and cannot complete their activity.

Documentation should be tracked by a case manager in a participant's online file based on their minimum need. The *need* is to be greater than or equal to the amount of supportive services that will be received.

NEEDS-RELATED PAYMENTS

Needs-related payments provide financial assistance for the purpose of enabling individuals to participate in training and are one of the supportive services authorized by WIOA. Eligibility requirements for adult and dislocated worker to receive needs-related assistance are as follows: §CFR680.950 – 680.990

Adults must: (a) be unemployed due to no fault of their own, and (b) not qualify for or have ceased qualifying for unemployment compensation, and (c) be enrolled in a program of training services.

Dislocated Workers must: (a) be unemployed, and (1) have ceased to qualify for unemployment compensation or trade adjustment allowance under the Trade Adjustment Assistance Act (TAA) or the North American Free Trade Agreement (NAFTA)-TAA due to no fault of their own, and (2) be enrolled in a program of training services by the end of the 13th week after the most recent layoff that resulted in a determination of the worker's eligibility as a dislocated worker, or if later, by the end of the 8th week after the worker is informed that a short-term layoff will exceed 6 months; or (b) be unemployed and did not qualify for unemployment compensation or trade adjustment assistance under TAA or NAFTA-TAA.

Local boards may submit a written request to the SAE for a 30-day extension to this time limitation to address appropriate circumstances.

DETERMINATION OF THE LEVEL OF NEED-RELATED PAYMENTS §680-970

The level of needs related payments shall be determined as follows:

- A. The level for adults will be the same as the level for dislocated workers
- B. For dislocated workers, payments must not exceed the greater of either of the following levels:
 - 1) For participants who were eligible for unemployment compensation as a result of the qualifying dislocation, the payment may not exceed the applicable weekly level of the unemployment compensation benefit for the participant's situation (such as working at spot jobs or part time) or
 - 2) For participants who did not qualify for unemployment compensation as a result of the qualifying layoff, the weekly payment may not exceed the poverty level based on family size for an equivalent period. The weekly payment level must be adjusted to reflect changes in total family income.

Supportive Services for Youth Supportive services are one of the 14 required program elements for youth and shall be made available to all WIOA youth participants, and may include the following:

- A. Linkages to community services
- B. Assistance with transportation costs
- C. Assistance with childcare and dependent care costs
- D. Assistance with housing costs
- E. Referrals to medical services
- F. Assistance with uniforms or other appropriate work attire and work-related tool costs, including items such as eyeglasses and protective eye gear.
- G. Needs related payment for youth 18-24 years of age

SUPPORTIVE SERVICES PAYMENT PROCESS

Timesheets need to be completed and sent to the Fiscal Agent's office following the WIOA supportive service payment schedule developed by the Fiscal Agent.

- A. Fiscal Agent processes timesheets for payment
- B. Payment is then sent to the America's Job Center office

DIRECT PAYMENT TO PARTICIPANTS

The appropriate Supportive Services Request and Approval forms shall be used to authorize supportive services payments for participants. Supporting payment documentation e.g. timesheets, paystubs and receipts shall be uploaded into NMJobs.

PAYMENT TO VENDORS AND SERVICES PROVIDERS

For payment to vendors and providers of medical care, and other health care services, the supportive service forms approved by the SAWDB are available at www.employnm.com.

GENERAL LIMITATIONS

A. Time Limits

For eligible Adults and Youth, supportive services may be provided for a period of time required to complete the IEP objectives; however, ~~shall~~they shall not exceed the participation time limitations established in the Southwestern Area plan or board policy.

B. Budget Limitations

The amount and types of supportive services in each local area ~~is~~are based on funding available to the local boards. No supportive services in any WIOA title ~~is~~are to be considered an entitlement.

C. Participants in "Hold" Status.

Participants who are in a "Hold" Status, for whom continued training is scheduled, will not be eligible for health care and minor medical services, group services and/or other supportive services that are not paid directly to the participant during this "hold" status.

SERVICE PROVIDER AND TRAINING INSTITUTION TIME AND ATTENDANCE REPORTING AND RELATED RESPONSIBILITIES/ROLES

Service providers are responsible for overall tracking and reporting on participant activities as specified in their sub grants or contracts. They are also responsible for coordinating with area training institutions on time and attendance for those participants concurrently enrolled in classroom training, WE, OJT, or enrolled in a customized training activity and receiving supportive services. As part of the ITA agreements, training institutions are required to track and report on participant time and attendance. In order to help defray some of the administrative overhead associated with additional responsibilities including item keeping and reporting, training institutions may charge a reasonable administrative cost normally charged for performing related functions. WE and OJT employers are responsible for tracking/reporting time and attendance of participants assigned to them. WIOA program staff shall be available to assist employers as necessary.

INQUIRIES

Questions related to this policy should be directed to the Administrative Entity at (575) 744-4857.

ATTESTED

This policy was reviewed and approved by the SAWDB on October 14, 2021.

SAWDB Chairman

**SOUTHWESTERN AREA
WORKFORCE DEVELOPMENT BOARD**

TECHNICAL ASSISTANCE AND TRAINING
POLICY 17-1~~2~~1

DATE OF ISSUE

May 4, 2017 August 19, 2026

EFFECTIVE DATE

July 1, 2017

APPLICABILITY

This applies to Workforce Innovation and Opportunity Act (WIOA), Adults, Dislocated Workers, Youth Participants, Business Service Teams, & Eligible Training Providers.

PURPOSE

To provide Adults, Dislocated Workers and Youth Provider Services, Business Service Teams, & Eligible Training Providers for which contracts are entered with the Southwestern Area Workforce Development Board (SAWDB/ Local Board) for guidance technical assistance and training.

BACKGROUND

This policy provides updated and comprehensive guidelines for Workforce Innovation and Opportunity Act (WIOA) service providers regarding technical assistance and training.

ACTION

This policy authorizes the Administrative Entity to administer guidance and technical assistance and training for providers as stated in WIOA Title I Sec 168

TECHNICAL ASSISTANCE

Technical assistance will be used to address performance and encourage an environment of continuous improvement. Upon request, the local board will assist the service provider or sub-recipient with identification of technical assistance resources. Subject to the availability of funds, service providers or sub-recipients through the local board may apply to the state administrative entity

for funds to support technical assistance initiatives. Such funds will not be provided for administrative costs, staff salaries or benefits, out-of-state travel, meals or refreshments, capital equipment purchases, including computers or other equipment. Local boards or sub-recipients may apply their performance incentive awards for technical assistance. Technical assistance may include, but is not limited to, training or support on the following:

- A. Improving assessment processes and methodology.
- B. Performance management and associated record keeping.
- C. Case management.
- D. Monitoring of participant online files.
- E. Use of management information systems.
- F. Follow-up services.
- G. Linkages with business, Required Workforce System Partners, and stakeholders.
- H. Identifying areas that need improvement can be a collaborative effort by sponsoring a session to review problems or issues.

TRAININGS

The trainings provided by the Administrative Entity are mandatory for attendance of at least one member from each office or educational providers. Prior approval must be given by the Administrative Entity if there is an extenuating circumstance preventing a member from attending the training.

WIOA CASE MANAGERS

Training will be provided to; improve management of participant online files, America's Job Center (AJC) data entry, including case notes, usage of the systems alerts, performance measures, policies & procedures, accuracy in filling out

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participant/employer forms, Individual Training Accounts (ITA), On-the-Job Training (OJT), Customized Training & Work Experience contracts, other trainings as needed.

The Administrative Entity will provide training as deemed necessary to ensure case managers are provided with quality customer service.

The Administrative Entity's goal for the Local board is to provide quarterly trainings as deemed necessary to ensure case managers are giving quality customer service, however the Administrative Entity may deem it necessary to skip training for unforeseen reasons.

The training provided by the Administrative Entity are mandatory for all WIOA funded Case Managers. Prior approval must be given by the Administrative Entity if an extenuating circumstance prevents a case manager from attending a training engagement.

BUSINESS SERVICE TEAMS

Training is provided for the purpose of improving relationships with business executives in order to become familiar with their workforce needs. It shall also assist businesses to access and implement valuable services for addressing their employment needs, promoting peer-to-peer networking, and effective communication.

The Administrative Entity may provide quarterly training courses to ensure the business service team members are providing quality customer service and are familiar with the needs of the business.

ELIGIBLE TRAINING PROVIDERS

Training will be provided to the Eligible Training Providers (ETP's) to understand the importance of entering provider and program information into the NMJobs ~~data-based~~database accurately.

The Administrative Entity's will provide trainings as deemed necessary to ensure the relationship between the Eligible Training Providers (ETP), Service Providers, Administrative Entity and the Local Board. The goal is to provide quarterly trainings as deemed necessary to ensure that Eligible Training Providers understand the purpose of entering all ~~information-is~~information critical to the currency and accuracy of the ~~data based~~database (NMJobs).

INQUIRIES

Questions related to this policy may be directed to the Administrative Entity or Fiscal Agent at 575-744-4857.

ATTESTED

This policy was reviewed and approved by the SAWDB
on: _____

SAWDB Chairman

Date

SOUTHWESTERN AREA
WORKFORCE DEVELOPMENT BOARD

SELF-SUFFICIENCY
POLICY 17-16.24

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DATE OF ISSUE

May 4, 2017 April 9, 2024 August 19, 2026

EFFECTIVE DATE

July 1, 2017 April 9, 2024

APPLICABILITY

This applies to Southwestern Area Workforce Development Board (SAWDB), providers of Workforce Innovation and Opportunity Act (WIOA) providers of the Adult/Dislocated Worker and Youth Programs, adult employment and training services.

PURPOSE

To update the SAWDB WIOA Self-Sufficiency Wage Standards for grant recipients on the use when determining eligibility for participants in need of Individualized Career Services and/or Training Services under the (WIOA). In addition, the annual updated Self-Sufficiency Wage Standard will be used on receipt of any updated Guidance Letters from NMDWS thereafter.

REFERENCE(S)

A. Workforce Innovation and Opportunity Act (WIOA) §134(a)(3)(A)(xii) and §133(b)(2)(B)

B. WIOA Joint Final Rules, 680.210

C. NMDWS Workforce Guidance Letter: State WIOA Self-Sufficiency Wage, July 3, 2023

B.

Southwestern Area Workforce Development Board Program Year 2023 Self-Sufficiency Wages \$53.4032.62/Hour

BACKGROUND

WIOA Eligibility—Except as provided in clause (ii), funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B).

shall be used to provide training services to adults and dislocated workers, respectively—

- (I) Who, after an interview, evaluation, or assessment, and career planning, have been determined by a one-stop operator or one-stop partner, as appropriate, to— (aa) be unlikely or unable to obtain or retain employment, that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment, through the career services described in paragraph (2)(A)(xii); (bb) be in need of training services to obtain or retain (bb) be in need of training services to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment; and (cc) have the skills and qualifications to successfully participate in the selected program of training services;
- (II) who select programs of training services that are directly linked to the employment opportunities in the local area or the planning region, or in another area to which the adults or dislocated workers are willing to commute or relocate;
- (III) who meet the requirements of subparagraph (B); and who are determined to be eligible in accordance with the priority system in effect under subparagraph (E).

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GENERAL GUIDANCE ON SELF-SUFFICIENCY WAGE STANDARD

The State Administrative Entity is responsible for reviewing and updating the self-sufficiency standard for each local area using a living wage model or comparable data that draws upon

geographically specific expenditures that incorporates the income need of individuals, families, and sub-state geographical considerations. This information is then applied by the SAWDB when determining eligibility for employed individuals to determine if they meet Self-Sufficiency Wage Standards before approving Individualized Career Services and/or Training Services. The self-sufficiency wage is included in the annual SAWDB grant agreements and may be revised as needed.

SAWDB is directed to use the following definition of "self-sufficiency" as it applies to a currently employed worker who is applying for WIOA Individualized Career Services and/or Training Services through the local workforce development system:

- A. An individual who is employed in a full-time job (employment that provides compensation for at least 32 hours each week) at a pay rate at or above the designated self-sufficiency wage shall be considered to have achieved employment that allows for self-sufficiency. Therefore, the individual shall be considered to be self-sufficientself-sufficient, and a determination shall be made that Individualized Career Services and/or Training Services are not required.
- B. If the individual's current job does not meet the definition of "Employment Leading to Economic Self-Sufficiency," Individualized Career Services and/or Training Services may be offered as determined appropriate.

REQUIREMENTS FOR DOCUMENTING "SELF-SUFFICIENCY"

1. Information about the customer's current hourly wage must be recorded in the "Work History" portion of the NMDWS Workforce Connection Online System (WCOS) America's Job Center Online System (NMJobs), including each of the following elements:

- Job Title;
- Employer Name;
- Dates of Employment: From / To (Month, Year);
- Wage;

- Wage Type (Hourly, Annual, Other); and
- Hours per Week.

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2. Acceptable verification sources include:

- Copy of a recent paycheck or paystub;
- Employer letter or other document describing the customer's current wage
- Self-Attestation (method of last resort)

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EXCEPTION: SAWDB can determine the eligibility of an employed worker using the most current Lower Living Standard Income Level (LLSIL). If a worker's current pay rate is at or below 125% of the LLSIL, a determination shall be made that the individual does not meet the definition of "Employment Leading to Economic Self-Sufficiency".

EXCEPTION: If the individual is an eligible Dislocated Worker, "self-sufficiency" shall be defined as full-time employment at a rate of pay equal to or greater than the pre-layoff wage rate- even if the pre-layoff wage was greater than the designated self-sufficiency wage.

INQUIRIES

Questions related to this policy may be directed to the Administrative Entity or Fiscal Agent at 575-744-4857.

ATTACHMENTS

Attachment (A)-LLSIL

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ATTESTED

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SAWDB Chairman

SELF-SUFFICIENCY POLICY 17-16.1
Effective ~~July 1, 2017~~ April 9, 2024
Page 3

Date

**SOUTHWESTERN AREA
WORKFORCE DEVELOPMENT BOARD**

**ONE-STOP DELIVERY SYSTEM
POLICY 17-17.1**

DATE OF ISSUE

April 11, 2024

EFFECTIVE DATE

August 9, 2024

APPLICABILITY

Adult, Dislocated Worker, Youth Providers and Partners

PURPOSE

This policy provides service providers and other workforce system sub-recipient(s) with instruction and guidance on the New Mexico one-stop delivery system and emphasizes, encourages and supports the continued development of a seamless statewide one-stop delivery system that is business-driven, skills-based, and accessible. This policy ensures the statewide system focuses on quality and seamless services to business and job seeker customers through coordination and non-duplication among the programs and activities carried out by workforce system partner(s).

DEFINITIONS

- A. ~~New Mexico Workforce Connection Center~~ America's Job Center are also referred to as one-stop centers.
- A. Local workforce investment boards referenced in the WIOA are called local Workforce Development Boards.
- B. Workforce System Operator(s) are also referred to as one-stop operators.
- C. The term seamless refers to a service delivery system that maintains individual agency identities and formal supervision lines of authority, however, provides an integrated approach to serving job seeker and business customers through a focus on functions rather than agencies and funding streams. [11.2.5 NMAC]

BACKGROUND

Title I of the WIOA assigns responsibilities at the local, state, and federal levels for the creation and maintenance of a one-stop delivery system. The one-stop delivery system is charged with enhancing the range and quality of workforce development services available to job seekers and businesses through a coordinated approach among partner agencies. The Governor has assigned the role of State Administrative Entity (SAE) to the Department of Workforce Solutions (DWS). A state board is appointed by the Governor according to WIOA requirements. The State Board and the SAE are responsible for guiding the establishment of a statewide seamless one-stop delivery system, called the ~~America's Job Center~~ ~~New Mexico Workforce System~~(s). This system is a collaborative effort among education, business, public agencies, and community-based organizations to provide services to job seekers and employers in a seamless manner. Participating entities are called Workforce System Partner(s). Services are provided through a variety of access points. Each local workforce development area (local area) is required to have at least one comprehensive (center) that includes, at a minimum, three partners: WIOA adult and dislocated worker services, Wagner-Peyser labor exchange, and access to unemployment insurance services. Additional access points may include affiliate centers as well as stand-alone partner agency locations.

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LOCAL BOARD RESPONSIBILITIES

- B. The WIOA requires a workforce development board be established and be certified by the governor to set policy for the local area. Herein is specific guidance related to the roles and responsibilities of local boards in regard to the workforce system. The Local Board will comply with 20 CFR §679.370.
- C. Service delivery. The workforce system shall include at least one physical comprehensive center in each designated local area. Local boards may choose to establish additional comprehensive and [America's Job Center affiliate centers](#) as determined appropriate. Decisions regarding additional comprehensive centers shall be made in collaboration with the DWS Cabinet Secretary as the State Administrative Entity (SAE) designated by the Governor.
- 1) Comprehensive centers. The comprehensive center shall provide core services specified in §463.305, and provide job seeker and employer access to partner services specified in §463.420. Each comprehensive center shall have on-site WIOA adult and dislocated worker services, Wagner-Peyser labor exchange services, and access to unemployment insurance services. WIOA and Wagner-Peyser services shall be present and available full-time during posted work hours with access to information regarding unemployment insurance and partner services. Information regarding unemployment insurance will include written instructions and technology-based support such as a phone for job seekers to use to contact the unemployment insurance call center, use of a fax machine to transmit paperwork to the unemployment insurance call center, or access to a computer in the resource room. Required partners shall be available on-site or through electronic means or formalized referral processes. Partners are encouraged to co-locate in centers either full-time or on an itinerant basis and will be given priority over other tenants when space is assigned. Center hours may vary; however, centers are required to be open during the core hours of 8:00 am to 5:00 pm
- D. Affiliate centers §463.310. [An America's Job Center affiliate center](#) shall, at a minimum, include the full-time physical presence of WIOA adult and dislocated worker services during the core hours of 8:00 am – 5:00 pm. In addition, [America's Job Center an affiliate center](#) may have one or more partner services and activities available through scheduled on-site presence, via technology, cross-training of staff, or referral.
- E. Stand-alone partner services §463.315. An office that provides stand-alone workforce system partner services, such as Wagner-Peyser services, will not be considered an [America's Job Center affiliate center](#) and will not be the responsibility of the respective local board or operator.
- F. Itinerant services. Local boards may authorize itinerant services defined as WIOA adult and dislocated worker services or youth services offered on a part-time basis at a location other than [America's Job Center affiliate or comprehensive centers](#), such as stand-alone partner locations, libraries or community-based organizations. Locations where only itinerant WIOA adult and dislocated worker services or youth services are offered are not considered an affiliate center and will not be the responsibility of the respective local board or operator.
- 2) Relocation or closure of a center. Local boards shall notify the DWS Cabinet Secretary of any plan for potential comprehensive center closure or relocation. The local board and the DWS Cabinet Secretary will work together to evaluate the potential center closure or relocation and seek alternative means to continue services in the affected area. The final decision to close or relocate a comprehensive center will be a joint decision between the local board and the DWS Cabinet Secretary. To ensure successful coordination and continued effectiveness of workforce system services, the local board and DWS Cabinet Secretary shall be notified of all relocation or closure of affiliate or Wagner-Peyser stand-alone facilities.
- G. Operator. Local boards are responsible for the oversight of the local workforce system. This is accomplished in part through the designation of the operator. Local boards shall designate an operator for their local area that will ensure oversight and seamless service delivery within each center. The operator shall be designated through one of the following processes.

WIOA Title I-financially assisted programs and activities are an Equal Opportunity Employer/Program.
 Auxiliary aids and services are available upon request to individuals with disabilities. Relay New Mexico:
 711 (Voice) or 1-800-659-8331 (TTY). FUNDED BY THE U.S. DEPARTMENT OF LABOR.

- 1) Competitive process.
 - 2) Under agreement between the local board and a consortium of entities that includes at least three or more of the required one-stop partners as identified at §463.400(b)(1).
 - 3) In the event the local board determines it will utilize a consortium of entities as the one-stop operator, the following parameters shall be met.
 - a) Shall be a consortium of three specific one-stop partners; WIOA adult and dislocated worker service provider and Wagner-Peyser, as the two required partners in a comprehensive center, and a third required partner chosen by the local board.
 - b) Individual consortium partners will be designated by their participating partner agency, shall work in the local area, and have supervisory authority over staff within the respective local area.
- H. Operator agreement. The agreement shall describe in detail how the following will be accomplished and maintained.
- 1) Staff partners that are physically located within an affiliate or comprehensive center shall be organized and coordinated by function.
 - 2) Assurance that seamless service delivery is implemented and managed in all affiliate and comprehensive centers to include details of the day-to-day functional supervision that may take the form of a site manager or other means as determined effective.
 - 3) Development of a customer flowchart together with partners that includes access to and services available for basic career, individualized career and follow-up services.
 - 4) Detail operational procedures and protocols that promote effective seamless service delivery for all partners and do not negatively impact the performance or outcomes of any individual partner program.
 - 5) Convene meetings to be held at least quarterly between the operator and other required partners to discuss services, customer flow, partner referrals, performance outcomes and other issues as appropriate.
 - 6) Ensure communication of workforce system policy, guidance and information to affiliate and comprehensive center staff and required partners.
 - 7) Establish policies and procedures for situations such as inclement weather, holidays, breaks or time off, accounting for relevant policies that may not be consistent across partners. (state employees shall be governed by state personnel rules, collective bargaining agreements and state policy)
 - 8) Assure that success indicators established by the local board or State Administrative Entity are met and recommend additional metrics to the local board that support seamless service delivery and apply across partner services and activities.
 - 9) Enforce the prohibition against the local board directly delivering services to include a statement to ensure that the local board(s), its members, and its employees do not directly control or supervise the daily activities of its workforce service providers.
- I. Memorandum of understanding (MOU). The purpose of the MOU is to improve the accessibility and quality of services made available to a shared customer pool. Local boards are responsible for the development, execution, and maintenance of a memorandum of understanding with all partners physically located in each of their comprehensive and affiliate centers.

PARTNER RESPONSIBILITIES

All WIOA required or local board approved partners who wish to be physically co-located within a center shall be willing to provide their services within the following parameters.

- A. Partners shall make their core services available and seamless as directed by the operator or site manager.
- B. Partners shall make available through a seamless process other activities and programs carried out under their program direction or authorizing law.
- C. Partners shall ensure their staff is trained on their respective program rules and regulations and capable of effectively delivering program services and activities within a seamless service delivery environment.
- D. Partners shall enter into a MOU with the local board establishing shared success indicators, operating strategies and procedures, and customer flow for an effective seamless service delivery.
- E. Partners shall participate in cross-training of staff as determined necessary by the operator.
- F. Partners shall coordinate leave requests with the operator to ensure adequate staff coverage at all times.
- G. Partner shall maintain direct supervision over their respective staff and the volunteers that support their program.
- H. Partners shall ensure when applicable, state personnel rules and regulations, collective bargaining agreements and other partner agency policy continue to govern state partner staff in a center.
- J. Partner staff shall comply with center operational procedures but certain exceptions may exist such as Veterans staff that shall comply with veterans' program requirements and responsibilities in accordance with their authorizing legislation.

While the operator may be asked to assist and provide information necessary to support certain personnel actions, the partner agency retains sole discretion for anything that may affect the current base pay, status, and tenure of their respective staff such as any of the following employee actions.

- 1) Hiring.
- 2) Termination.
- 3) Discipline.
- 4) Promotion.
- 5) Permanent assignments. (functional supervisors may temporarily assign state staff to ensure coverage and positively impact service and a seamless service delivery)
- 6) Permanent transfer. (functional supervisors may temporarily assign state staff to ensure coverage)
- 7) Performance evaluations - with input from the functional supervisor.
- 8) Grievances.
- 9) Corrective action.
- 10) Disciplinary action.
- 11) Timesheet and leave approval.

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- 12) Approval costs not addressed in the MOU with the local board related to the operation of the center such as travel, training, etc.

STATE ADMINISTRATIVE ENTITY RESPONSIBILITIES

The State Administrative Entity, under the direction of the Governor and the state workforce development board (DWS), is responsible for establishing and overseeing the workforce system and service delivery. For the SAE responsibilities regard to establishing and overseeing the statewide seamless service delivery system see §463.705.

COMMON MANAGEMENT INFORMATION SYSTEM

The centers will utilize a common management information system, the [America's Job Center \(NMJobs\)-NM Workforce Connection Online System \(NMWCOS\)](#) or other system as determined by DWS. The system is used for all data collection and reporting for all required partners located in comprehensive and affiliate centers. Shared information and data agreements will be utilized to support access to information and information sharing between the partners as allowed by authorizing law and regulation

OUTREACH AND BRANDING

The workforce system outreach and branding is a shared state and local board responsibility. The center branding will be used to ensure recognition of the statewide seamless workforce system. Brochures, flyers, advertising media and announcements, stationery, business cards, and name tags used by the center staff will reflect the [New Mexico Workforce Connection America's Job Center](#) branding only. Signage outside and inside all affiliate, comprehensive centers and Wagner-Peyser stand-alone partner facilities will reflect the [New Mexico Workforce Connection America's Job Center](#) branding. No single partner or other tenants' signage will be combined or incorporated on the center signage. Modification to branding can be directed by the DWS Cabinet Secretary as SAE.

WORKFORCE SYSTEM COMMUNICATION PROTOCOL

To promote better coordination of the delivery of workforce services, all communication regarding state workforce system policy, guidance and information will flow from the SAE to the local boards, local workforce system administrative entities (local AE(s)), operators and site managers. The operators and site manager shall inform affiliate and comprehensive center staff. Communications regarding partner program policy, guidance and information will be communicated from the program authority at the state level to appropriate center staff responsible for program administration ensuring the local administrative entity and the operator and site manager are simultaneously copied. Communication directly related to state personnel matters will be sent directly to individual staff from the state supervisor or official.

APPLICABILITY

All [America's Job Centers Workforce Connection Centers](#) for the Southwestern NM – Adult & Dislocated Worker and Youth Services

INQUIRIES

Questions related to this policy should be directed to the Administrative Entity at (575) 744-4857.

ATTESTED

This policy was reviewed and approved by the SAWDB on April 11, 2024.

SAWDB Chairman

SOUTHWESTERN AREA
WORKFORCE DEVELOPMENT BOARD

FOLLOW-UP SERVICES
POLICY 17-18.2

DATE OF ISSUE

September 16, 2021

EFFECTIVE DATE

October 4, 2021

APPLICABILITY

This applies to ~~Southwestern~~the ~~Southwestern~~ Area Workforce Development Board (SAWDB) providers of Workforce Innovation and Opportunity Act (WIOA) Adult, Dislocated Workers and Youth providers.

PURPOSE

To provide Southwestern Area Workforce Development Board service providers with the guidance needed to do follow up services for WIOA Adult, Dislocated Workers, and Youth providers.

BACKGROUND

This Follow-Up Service policy provides guidance for those customers accessing services through the Southwestern Region Service Providers; see TEGL 19-16 and CFR 681.580.

ACTION REQUIRED

Adult/Dislocated Workers

In an effort to clarify Adult/Dislocated Worker follow-up services for the WIOA program, upon employment participants assessed as in need, a follow-up service will be provided, supportive services are not allowed during Exit for Adult/Dislocated see TEGL 19-16. Follow-up activity known as data entry in our state data base system ~~America's Job Center (NMJobs)~~~~New Mexico Workforce Connection Online System (NMWCOS)~~ is required. Information from the follow-ups must be entered into the State ~~data-based~~database called ~~the NMWCOS~~NMJobs, under the WIOA application once the participant's activities have been closed and the application has gone into Exit, the quarterly follow-ups will automatically generate in the system 90 days following exit. All contacts and attempts to contact an individual for a ~~follow-up~~follow-up must be entered into NMJobs. Evidence of a minimum of 2 attempts to contact an individual not available must be documented in NMJobs to constitute a follow-up.

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For those customers who have completed education and training services, secured unsubsidized employment, and are assessed as in need of such follow-up services, the services will be made available. The Adult/Dislocated Worker Follow-Up services include but are not limited to the following:

- A. Additional career planning and counseling
- B. Contact with the participant's employer including assistance with work-related problems
- C. Peer support groups
- D. Information about additional educational opportunities
- E. Referral to other community services

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SAWDB must provide follow-up services for Adult/Dislocated Worker participants who are placed in unsubsidized employment, for up to 12 months after the first day of employment. Follow-up services do not extend the date of exit in performance reporting see TEGL 10-16.

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ACTION REQUIRED Youth

Follow-up services are critical services provided following a youth's exit from the program to help ensure the youth is successful in employment and/or postsecondary education and training. Follow-up services may include regular contact with a youth participant's employer, including assistance in addressing work-related problems that ~~arise~~^{rise}, see CFR 681.580. Information from the Youth follow-ups must be entered into the State data base called ~~America's Job Center (NMJobs) New Mexico Workforce Connection Online System (NMWCOS)~~, quarterly following exit. All contacts and attempts to contact an individual for a ~~follow-up~~^{follow-up} must be entered into ~~NMJobs~~^{NMWCOS}. Evidence of a minimum of 2 attempts to contact an individual not available must be documented in ~~NMJobs~~^{NMWCOS} to constitute a follow-up.

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Follow-up services for youth also may include the following program elements:

- A. Supportive Services;
- B. Adult mentoring;
- C. Financial literacy education;
- D. Services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services; and
- E. Activities that help youth prepare for and transition to postsecondary education and training.

SAWDB must provide follow-up services that align with their individual services strategies. Follow-up services must be provided for all Youth participants for up to 12 months unless ~~participant~~^{the participant} declines or cannot be located. Follow-ups do not extend the exit in performance reporting see TEGL 10-16

FOLLOW-UP SERVICES POLICY 17-18.2

Effective October 4, 2021
Page 2

■

INQUIRIES

Questions related to this policy should be directed to the Administrative Entity at (575) 744-4857.

ATTESTED

This policy was reviewed and approved by the SAWDB on October 14, 2021.

SAWDB Chair

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**SOUTHWESTERN AREA
WORKFORCE DEVELOPMENT BOARD**

**ELECTRONIC FILES CONTENT & RECORDS RETENTION MANAGEMENT
POLICY 17-19.1**

DATE OF ISSUE

February 10, 2020

EFFECTIVE DATE

February 17, 2020

APPLICABILITY

Southwestern Area Workforce Development Board and its sub-recipients

DATE OF ISSUE

To establish the local board policy regarding electronic file storage and imaging standards for workforce programs utilizing the [America's Job Center \(NMJobs\) New Mexico Workforce Connection Online System \(NMWCOS\)](#).

ACTION

The State established a standard for an electronic file (e-file) which includes a paperless registration, eligibility determination, and program enrollment. Effective January 1, 2015, all new program enrollments are required to be completed in an e-file format. The results are a real-time environment for storing and viewing applicant verification and eligibility determination documents. Authorized personnel are required to scan, import, and save all verification documents at the time they are being reviewed during the application process in [NMJobs NMWCOS](#) per distinct program requirements.

E-files for purposes of this policy and all programs related to this policy, refer to the comprehensive storage of participant files in an electronic format using the [NMWCOSNMJobs](#). The program application, related activities, case notes, and all other relevant individual/entity information are captured and stored solely in [NMJobsNMWCOS](#), the state integrated management information system, and all documentation and eligibility verifications specific to each applicant are scanned and stored

in the Content Management System in the [NMJobsNMWCOS](#).

Content Management Access for all users shall be granted based on the users' security access profile.

Any and all pertinent documentation that is scanned is required to be legible in view and printed form. Illegible images must be ~~removed~~[removed](#), and the document must be rescanned until a legible image has been captured.

The process of deleting an image that has already been saved to an applicant's electronic file can only be performed by the State or Local System Administrator. Scenarios requiring the deletion of images may include the following:

- A. Image was saved to an incorrect program applicant's file, or
- B. Image was saved under an incorrect document type

Documents scanned into the Content Management System are required to be scanned by case management staff. Uploaded documents must be processed, maintained, or discarded by case management staff to ensure the confidentiality of information and to safeguard against misuse.

Use of Content Management System in accordance with this policy provides opportunities for monitoring to be performed remotely. Information is readily available, and files are current due to the real-time entry of all documentation.

The State and Local Workforce Board are responsible for completing the full scope of monitoring as outlined in federal, state, and local policies including all elements of notification, reporting, entrance, and exit conferences and associated timelines. Transition to e-files and utilization of the content management system expands opportunity for remote monitoring as

appropriate but does not eliminate any of the requirements for program administration and monitoring.

The Document Tag List attached is to be ~~followed~~followed, and no variation is to be made to this list.

RECORDS RETENTION

The purpose of the records retention section of this policy is to ensure that complete historical records are ~~maintained~~maintained, and that overrides are restricted to an individual's record in the NMJobsNMWCOS or in areas identified in 2 CFR 200.333.

The SAWDB will follow the federal regulations in 2 CFR§ 200.333 (a), (b) and (d).

2 CFR 200.333 (a), (b), and (d) state, "Financial records, supporting documents, statistical records, and all other non-Federal entity records pertinent to a Federal award must be retained for a period of three years from the date of submission of the final expenditure report or, for Federal awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, respectively, as reported to the Federal awarding agency or pass-through entity in the case of a subrecipient. Federal awarding agencies and pass-through entities must not impose any other record retention requirements upon non-Federal entities. The only exceptions are the following:

(a) If any litigation, claim, or audit is started before the expiration of the 3-year period, the records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken.

(b) When the non-Federal entity is notified in writing by the Federal awarding agency, cognizant agency for audit, oversight agency for audit, cognizant agency for indirect costs, or pass-through entity to extend the retention period.

(d) When records are transferred to or maintained by the Federal awarding agency or pass-through entity, the 3-year retention requirement is not applicable to the non-Federal entity"

Specific to participant records, service providers must ensure that:

(a) The following participants' documents are signed & dated, scanned, and uploaded in the NMJobsNMWCOS:

- (1) Application

- (2) Individual Employment Plan
- (3) Objective Assessment Summary
- (4) Credential

The above documents cannot be ~~deleted~~deleted, only updated, resigned and scanned into NMJobsNMWCOS. With the exception of a credential.

- (b) Case notes are an integral part of the participant's record and must include detailed accounts of the participant's progress in accordance with their plan.
- (c) Case ~~note~~notes must be included prior to any changes made to the exit dates and activity codes.
- (d) Overrides must be case noted and will only be allowed on a case by case bases with a justification as long as exit dates are not affected in the NMJobsNMWCOS.
- (e) As part of the SAWDB's monthly desk review and annual on-site monitoring of the service provider, the Administrative Entity will sample participant files for records retention and include its findings in the monitoring report that is submitted to the SAWDB's monitoring committee for review and action.

INQUIRIES

Questions related to this policy should be directed to the Administrative Entity at (575) 744-4857.

ATTESTED

This policy was reviewed and approved by the SAWDB

on: _____

SAWDB Chairman

Date

**SOUTHWESTERN AREA
WORKFORCE DEVELOPMENT BOARD**

INCUMBENT WORKER TRAINING ACTIVITIES
POLICY 17-20.1

DATE OF ISSUE

~~June 20, 2025~~ May 4, 2017

EFFECTIVE DATE

~~June 20, 2025~~ July 1, 2017

APPLICABILITY

This applies to Southwestern Area Workforce Development Board (SAWDB), Adult and Dislocated Workers service providers of Workforce Innovation and Opportunity Act (WIOA).

PURPOSE

The purpose of this guidance is to provide ~~direction~~ directions to service providers regarding the permissible use of ~~A~~ adult and ~~D~~ dislocated ~~W~~ worker funds for ~~Incumbent Worker T~~ training activities ~~associated with incumbent workers.~~

REFERENCES

- ~~_____~~ Workforce Innovation and Opportunity Act (WIOA), July 22, 2014, §108, §122, §134, §181 and §194.
- ~~_____~~ WIOA Final Rules – U.S. Department of Labor (Title I): 20 CFR §680.780, §680.790, §680.800, §680.810, §680.820, §680.830 and §680.840.
- ~~_____~~ Office of Management and Budget (OMB), Uniform Guidance at 2 CFR §200, et al., Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.
- ~~_____~~ Training and Employment Guidance Letter WIOA No. 19-16 Operating Guidance for the Workforce Innovation and Opportunity Act.
- ~~_____~~ Training and Employment Guidance Letter WIOA No. 10-16, Change 3
- ~~_____~~ Fair Labor Standards Act (FLSA) §203.

BACKGROUND

The Workforce Innovation and Opportunity Act (WIOA) of 2014 explicitly allows for and encourages the use of incumbent worker training as a workforce strategy. This training strategy is designed to meet the special requirements of an employer (including groups of employers) to retain a skilled workforce or avert the need to lay off employees by assisting the workers in obtaining the skills necessary to retain employment. In addition, ~~i~~ncumbent ~~W~~worker ~~T~~training must be focused on increasing the competitiveness of the employee or ~~employer,~~ ~~and employer and~~ be conducted with a commitment by the employer to retain or avert the layoffs of the incumbent worker(s) trained.

DEFINITIONS

- A. **High-Priority Occupation (HPO)** is an in-demand occupation that has higher skill needs and is likely to provide a self-sufficient wage. Statistical data, regional expert and local area inputs are combined to determine ~~whether or~~ ~~not~~ ~~whether~~ an occupation meets the high-priority criteria.
- B. **Incumbent Worker** is an individual who is employed, meets Fair Labor Standards Act requirements for an employer-employee relationship, and has an established employment history with the employer for six (6) months or more.
- C. **Incumbent Worker Training (IWT)** is training provided to an incumbent worker that is designed to meet the needs of an employer(s) to retain a skilled workforce or avert the need to lay off employees; increase the competitiveness of the employer or employee; and be conducted with a commitment by the employer to retain or avert the layoffs of the incumbent worker trained.
- 1) Such training may also include the upskilling of an employer's current

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workforce, which may lead to additional opportunities for potential jobseekers.

D. ***In-Demand Industry Sector*** is an industry sector that has a substantial current or potential impact (including jobs that lead to economic self-sufficiency and opportunities for advancement) on the state, regional, or local economy, as appropriate, and that contributes to the growth or stability of other supporting businesses, or the growth of other industry sectors.

E. ***In-Demand Occupation*** is an occupation that currently has or is projected to have a number of positions (including positions that lead to economic self-sufficiency and opportunities for advancement) in an industry sector ~~so as to~~ have a significant impact on the state, regional, or local economy, as appropriate.

Note: The determination of whether an industry sector or occupation is in-demand in a local area is made by the local board, as appropriate, using business and labor market projections and statistics. Incumbent Worker Training must lead to an in-demand ~~occupation, but~~ occupation but does not necessarily have to lead to an HPO. However, all HPOs are considered in-demand occupations, and therefore, eligible for incumbent worker training.

RESERVATION AND USE OF FUNDS

The Local Workforce Development Board authorizes the use of not more than 20 percent of the overall Adult and Dislocated Workforce funds allocated to the LWDB for the federal share of the cost of the IWT an incumbent worker training program. (See WIOA section 134(d)(4).

For example, if a Local WDB receives \$1.5 million in Adult funds and \$1.0 million in DW funds; it may use up to \$500,000 (20 percent of the total) for Incumbent Worker Training. This 20 percent can be used for incumbent worker training activities that are programmatic in nature, as administrative activities must be paid out of the board's administrative funds. Neither USDOL, nor the SAE places any additional requirements on the use of such funds; however, LWDBs are encouraged to exercise caution as this will reduce the funds

available for other jobseekers, especially those experiencing barriers to employment.

EMPLOYER PAYMENT OF NON-FEDERAL SHARE FUNDING IWT

Employers receiving funds for incumbent worker training are required to pay for the non-federal share of the cost of providing such training. LWDBs are required to establish the non-federal share of such cost in accordance with WIOA Sec. 134(d)(4)(C-D) prior to the delivery of services.

Employers participating in the IWT program are required to pay the non-Federal share of the cost of training. The non-Federal share may not be less than The employer share is based on the size of the workforce (wages paid to the participant while in training can be included as part of that share and the share can be provided as cash or in-kind that is fairly evaluated) as follows:

- At least 10 percent of the cost for employers with 50 or fewer employees or less;
- At least 25 percent of the cost for employers with 51 to 100 employees; and
- At least 50 percent of the cost for employers with more than 100 employees.

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Employer contributions may be ~~donemade~~ through both cash payments and fairly evaluated in-kind contributions. The employer contribution may include the wages the employer pays to the incumbent worker trainee while the worker is attending training. ~~Official payroll records documenting the worker's hours and wages must be used to determine the amount of the employer's share of cost.~~ LWDBs shall must track and document employer cost share contributions. Official payroll records documenting the ~~worker's~~ workers' hours and wages must be utilized to determine the amount of the employer's share of cost.

The employer size means the number of employees currently employed at the local operation where the incumbent worker training placements will be made. Employer size is determined by the number of employees at the

time of the execution of the incumbent worker training contract. This applies to all employers, including employers with seasonal or intermittent employee size fluctuations.

CONTRACT PROCESS

- A. Contract will be completed using the SAWDB Training Contract for Employed Individuals
- B. Contract will show the employers non-federal share for the cost of providing the training
- C. Contract will include the exhibits; Statement of Work, Training Application, Budget Worksheet, Drug Free Workplace, Employee Registration Form, Civil Rights Grievance Resolution, New Mexico's Workers Compensation Certificate, Monthly report, Final report and Allocation of Funds by the program

RESTRICTIONS UNALLOWABLE COSTS

Service Providers ~~shall~~ must be familiar with the limitations and prohibitions ~~restrictions~~ on the use of funds allocated to the local area under WIOA title I-B §181 and Part 680 of federal regulations, as follows.

- A. WIOA funds cannot be used to pay the wages of incumbent employees during their participation in an economic development activity provided through a statewide workforce development system.
- B. When a relocation of a business results in the loss of employment of any employee of such business, no funds provided for employment training can be used for incumbent worker training until after 120 days has passed since the relocation that caused the loss of employment at an original business location in the United States.
- C. WIOA work-based training funds ~~shall~~ must not be used to directly or indirectly assist, promote, or deter union organizing.
- D. WIOA work-based training funds may not be used to directly or indirectly aid in the filling of a job opening which is vacant because the former occupant is on strike, or is being locked

out in the course of a labor dispute, or the filling of which is otherwise an issue in a labor dispute involving a work stoppage.

DEVELOPMENT OF IWT STRATEGIES

IWT activities must be consistent with the career pathways and sector strategy approaches in the New Mexico WIOA Plan and the LWDB's Local Plan, or with in-demand occupations based on business and labor market projections.

IWT may be used for underemployed incumbent workers that would prefer full-time employment but are working part-time within a company for economic reasons. While these workers are employed, they may have accepted reduced hours to gain or maintain employment, or a previous dislocation has led them to accept reduced employment and often lower wages that may have a permanent effect on their careers. ~~The use of these strategies may focus. This strategy focuses on increasing the skills for underemployed frontline workers to advance these workers to more skilled positions with the same employer or industry sector leading to an increase in earnings through more work hours or an increase in pay.~~

ELIGIBILITY CRITERIA

Incumbent Worker Eligibility

Service providers must consider the following factors when determining incumbent worker eligibility. An Incumbent worker must ~~be~~:

- A. ~~be~~ employed;
- B. meet Fair Labor Standards Act requirements for an employer-employee relationship; and
- C. have an established employment history with the employer for six (6) months or more. ~~In the event that the incumbent worker training is being provided to a group of employees, only a majority of the employees in the group being trained must establish such employment history.~~

There is one exception to the six (6) month requirement, if IWT is being provided to a cohort of employees, not every employee in the cohort must have an established history with the employer for six

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~~(6) months or more if most of those employees being trained meet the employment history requirement.~~

~~Incumbent worker eligibility is determined by the employer; therefore, the incumbent worker does not have to meet the eligibility requirements for career and training services for the Adult and Dislocated Worker programs under WIOA. If the incumbent workers meet those requirements, they may also be enrolled as a participant and receive other services from the WIOA Adult or Dislocated Worker programs.~~

~~The competitiveness of workers participating in IWT may be increased by enhancing existing skills, learning new skills, and earning employer or industry-recognized credentials, in addition to retaining employment, maintaining their careers, and/or increasing their earnings potential. An ideal IWT project allows employers to promote incumbent workers with increased skill levels, which creates backfill opportunities for other WIOA participants, including fewer skilled or underemployed employees within the company, or for WIOA participants seeking employment.~~

~~Incumbent worker training can also be used for underemployed workers, such as for workers who would prefer full-time work but are working part-time for economic reasons. While these workers are employed, they may have accepted reduced hours to gain or maintain employment or a previous dislocation has led them to accept reduced employment and often lower wages that may have a permanent effect on their careers. The use of these strategies may focus on increasing skills for underemployed frontline workers in an effort to advance these workers to more skilled positions with the same employer or industry sector leading to an increase in earnings through more work hours or an increase in pay.~~

~~An incumbent worker does not have to meet the eligibility requirements for career and training services for adults and dislocated workers under WIOA, unless they are also enrolled as a participant in the WIOA adult or dislocated worker program.~~

EMPLOYER ELIGIBILITY

The service provider must consider the following factors when determining the eligibility of employers to receive the ~~IWT/WIOA incumbent worker~~ funds.

- A. The strategy of the LWDB in fulfilling the vision and goals established for the local area (i.e., the local plan).
- B. The characteristics of the incumbent workers to be trained (i.e., the extent to which these individuals—~~historically~~ represent ~~individuals with populations with~~ barriers to employment as defined in WIOA Section 3(24), and how such individuals would benefit from a skills-gain that results in retention or advancement).
- C. The quality of the training (e.g., industry-recognized credentials, advancement opportunities, etc.).
- D. The number of participants the employer plans to train or retrain.

~~E. The wage and benefit levels of participants at the beginning of the training and anticipated upon completion of the training (the new wage rate after training is completed must be higher than the employee's prior wage rate). (before and after training).~~

~~F. Layoffs averted as the result of the training.~~

~~F.G. The occupation(s) for which incumbent worker training is being provided must be in-demand as defined by WIOA Section 3(23) and as determined by workforce development area-specific labor market information.~~

~~G.H. Employer's industry status including wether the-Is the employer is in:~~

- 1) an in-demand industry as defined by WIOA Section 3(23) and determined by labor market information; or
- 2) a stable industry as determined by labor market information; or
- 3) a declining industry, but there are compelling reasons (e.g., evidence of long-term viability of the employer) justifying investment in incumbent worker training?

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H.I. Recent lay-offs and relocations. The employer must not have laid off workers within 120 days to relocate from another state.

~~I.~~ Employer's unemployment insurance and workers' compensation status. The employer must be current on unemployment insurance and workers' compensation taxes, penalties, and/or interest or related payment plan.

Service providers ~~shall~~ must document the factors that were considered in approving an incumbent worker training project with an employer.

IWT is designed to increase the competitiveness of the employer by developing a highly skilled workforce that will result in increased business financial viability, stability and productivity. Training provided should increase employee skills as a layoff avoidance strategy or that leads to a significant upgrade in employee skills.

EMPLOYER REGULATORY REQUIREMENTS

- Employer's unemployment insurance and workers' compensation status. The employer must be current on unemployment insurance and workers' compensation taxes, penalties, and/or interest or related payment plan.
- Business must not be presently disbarred, suspended, declared ineligible or voluntarily excluded from participation by USDOL.
- LWDBs shall require employers to disclose any known outstanding tax liabilities, including those with other states, prior to entering the IWT agreement.
- Business must have current approvals and licenses required to conduct business in the state of New Mexico.
- Businesses must not have any outstanding civil, criminal or penalties owed to or pending in the state of New Mexico.
- The employer must not have laid off workers within 120 days to relocate from another state.

PERFORMANCE ACCOUNTABILITY

~~Individuals receiving IWT services are not subject to the eligibility criteria that apply to participants in the Adult or Dislocated Worker programs; individuals receiving career services under those programs may be subject to eligibility criteria. Individuals who receive only IWT and no other WIOA Title I career or training service(s), are not included in WIOA performance indicator calculations. However, individuals who receive only IWT are considered reportable, therefore Providers are required to collect and report the outcomes of individuals in receipt of incumbent worker training IWT on the primary indicators of performance. Service providers are required to collect and report the outcomes of individuals in receipt of incumbent worker training on the primary indicators of performance, among other required elements in NMWCOS. Due to WIOA sec. 134's unique eligibility requirements, individuals who receive only incumbent worker training are reportable individuals and not participants required for inclusion in the WIOA performance accountability calculations. As a result, an individual who only receives incumbent worker training and does not become a core program participant will not be included in the calculation of the primary indicators of performance for negotiations and accountability purposes.~~

PROCESS FOR COLLECTING PERFORMANCE AND DATA ENTRY

- A. Credential received from the employer for the training completion
- B. Credential scanned into NMWCOS - NMJobs and information entered

CONFLICT OF INTEREST

State and local board members and members of standing committees may not vote ~~or not~~ participate in any decisions regarding the provision of services by such members or any organization they directly represent, nor on any matter that would provide any direct financial benefit to that member

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or the member's immediate family. For example, a ~~LWDB~~an LWDB member who is also an employer who wants to use services on a fee-for-service basis would be prohibited from voting to approve the use of local area services, facilities, or equipment for employment and training activities to such board member's incumbent workers. Neither membership on the state board, local board, or standing committee, nor receipt of WIOA funds to provide training and related services, by itself, violates these ~~conflict-of-interest~~conflict-of-interest provisions. In accordance with §200.112 of the Uniform Guidance, recipients of federal awards must disclose in writing any potential conflicts of interest. Sub-recipients must disclose in writing any potential conflict of interest to the recipient of grant funds.

INQUIRIES

Questions related to this policy should be directed to the Administrative Entity at (575) 744-4857.

ATTESTED

This policy was reviewed and approved by the SAWDB

on: June 20,
2025
==

SAWDB Chairman

Date

SOUTHWESTERN AREA WORKFORCE DEVELOPMENT BOARD

CONFLICT OF INTEREST POLICY 17-22.1

Date of Issue: ~~October 16, 2017~~ August 19, 2026

Effective Date: November 1, 2017

Background: A ~~conflict of interest~~conflict-of-interest policy is required ~~in order to~~to ensure that individuals or representatives of organizations entrusted with WIOA funds will not personally or professionally benefit from the award or expenditure of such funds. This policy is established for sub-recipients, contractors, staff and board members of the Southwestern Area Workforce Development Board (SAWDB).

DEFINITIONS:

Conflict of Interest: Conflict between the official responsibilities and the private interests of a person or entity that is in a position of trust. A conflict of interest would arise when an individual or organization has a financial or other interest in or participates in the selection or award of funding for an organization. Financial or other ~~interest~~interests can be established either through ownership or employment.

Immediate Family: "Immediate family" means a spouse, children, parents, ~~brothers~~brothers, and sisters. NM Statue 13-1-62. Definition; immediate family.

Individual: ~~An~~An employee, officer, board member, SAWDB committee member, sub-recipient, subcontractor or agent of the SAWDB.

Organization: ~~A~~A for profit or not-for-profit entity that employs, or has offered a job to, an individual defined above. An entity can be a partnership, association, trust, estate, joint stock company, insurance company, or corporation, whether domestic or foreign, or a sole proprietor.

Partner: ~~A~~A business associate of an individual, whether an equal participant in a business with the individual, a supervisor or sub-ordinate.

ACTION

- A. Before any matter is brought before any committee or the board of the SAWDB for action, individuals who believe they may have a conflict of interest must announce the nature and extent of the conflict of interest or relationship fact to the voting body and excuse themselves from any further discussion and/or vote on the matter in question. Any abstentions will be recorded in the meeting minutes.
- B. Any person that may have a conflict of interest should notify the SAWDB prior to taking office, local board members must provide to the board chair a written declaration of all substantial business interests or relationships they, or their immediate families, have with all businesses or organizations that have received, currently receive or are likely to receive contracts or funding from the SAWDB. Such declarations must be updated annually or within 30 days to reflect any changes in such business interests or relationships. This will be reviewed by the SAWDB Administrative Entity.
- C. The SAWDB is responsible for monitoring ~~the potential conflict~~potential conflicts of interest and ~~bring~~bringing it to the board ~~members~~members' attention in the event a member does not make a self-declaration.
- D. In order to avoid a conflict of interest, the SAWDB must ensure that the service providers do not employ or otherwise compensate a current or former local board member or local board employee who was employed or compensated by the local board or its administrative entity, fiscal agent, or grant recipient anytime during the previous 12 months.

-
- E. SAWDB members or their organizations may receive services as a customer of the local service provider or workforce system partner. To avoid conflict of interest, the SAWDB must ensure that the board members or its administrative staff do **not** directly control the daily activities of its workforce service providers, workforce system ~~partners~~partners, or contractors.
- F. ~~One-Stop Operators~~One-stop operators must disclose any potential conflicts of interest arising from relationships with training providers and other service providers.

INQUIRIES

Questions related to this policy should be directed to the Administrative Entity at (575) 744-4857.

ATTESTED

SAWDB Chairman

Date

**SOUTHWESTERN AREA
WORKFORCE DEVELOPMENT BOARD**

CONTRACT APPROVAL AUTHORITY POLICY 18.01.1

DATE OF ISSUE

~~August 2, 2018~~ August 19, 2026

EFFECTIVE DATE

September 1, 2018

APPLICABILITY

This applies to ~~Southwestern~~the Southwestern Area Workforce Development Board (SAWDB).

PURPOSE

To establish ~~policy for a policy~~ that authorizes the Chair or Vice Chair to sign contract modifications that increase funding to an existing contract that the board has previously authorized.

BACKGROUND

Previously, contracts modifications from the ~~New Mexico Department of Workforce Solutions America's Job Center~~ would be reviewed for consideration by the Board or Executive Committee for authorization. This process took time to assemble the Board/Executive Committee and authorize the contract modification for additional funds.

ACTION

When a contract that the Board has approved is being modified with an increase in funding, the Board Chair or Vice Chair, with the recommendation of approval by the Administrative Entity, may choose to review and consider approving the contract on behalf of the Board.

The contract modification will be considered for ratification by the Board at their ~~next board~~next meeting.

This policy is only applicable to increases in funding and not decreases in funding.

INQUIRIES

Questions related to this policy should be directed to the Administrative Entity at (575) 744-4857.

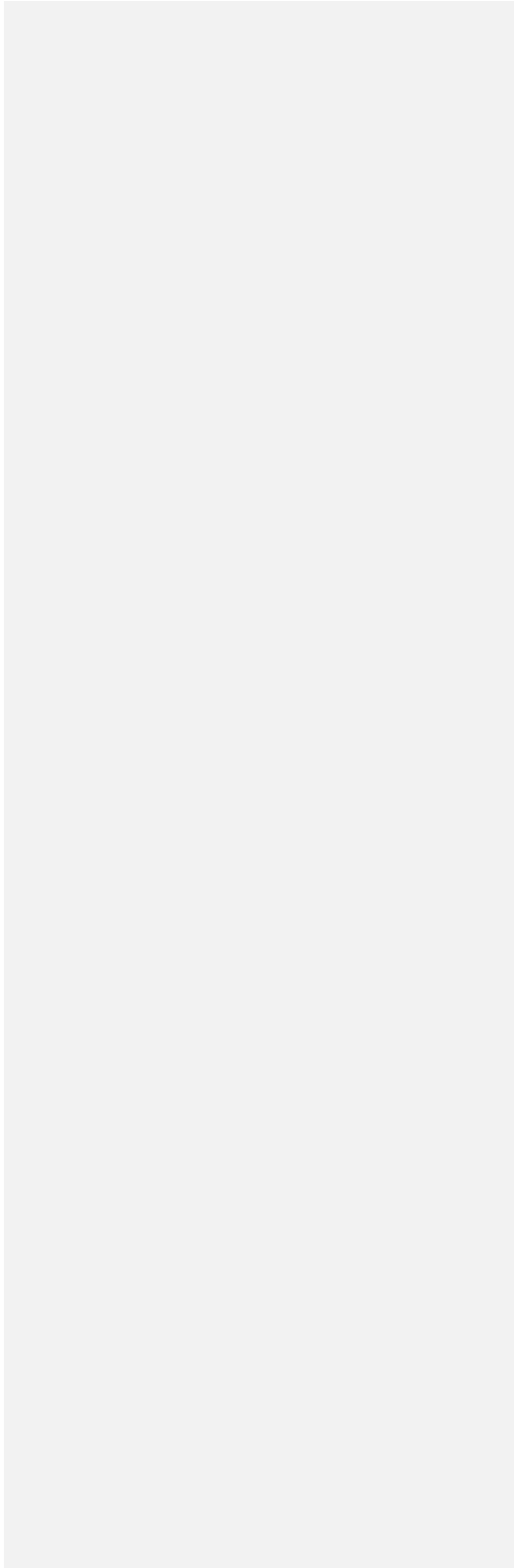
ATTESTED

This policy was reviewed and approved by the SAWDB on August 2, 2018.

SAWDB Chairman

Date

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SOUTHWESTERN AREA WORKFORCE DEVELOPMENT BOARD

CO-ENROLLMENT POLICY 18-02.1

DATE OF ISSUE

~~October 25, 2018~~ June 20, 2025

EFFECTIVE DATE

~~November 1, 2018~~ June 20, 2025

APPLICABILITY

WIOA Adult, Dislocated Worker, and Youth

PURPOSE

This policy provides instruction and guidance regarding co-enrollments across funding streams and serves to encourage coordination and leveraging of resources among workforce system partner(s). In this policy, the Southwestern Area Workforce Development Board outlines expectations on co-enrollment and the framework for requirements to support co-enrollment.

BACKGROUND

WIOA is designed to encourage coordination across partner agencies to help job seekers and business customers with a wide range of services. ~~New Mexico Workforce Connection Center(s)-American Job Centers~~ provide a single location for customers to access these services. Partners who provide services through centers have varied eligibility and participation requirements and may have unique performance outcome goals. Enrollment in more than one program at a time provides a comprehensive menu of services and activities to help an individual get and keep a job.

CO-ENROLLMENT

No single partner can be everything to every ~~participant~~ customer, so it is critical to leverage the limited resources ~~through the use of~~ with co-enrollment. When appropriate, the local board encourages partners to co-enroll across funding streams to leverage resources, eliminate duplication, and meet the needs and expectations of ~~participant~~ customers. Co-enrollment

necessitates a greater level of communication and coordination. Coordination of services in a customer-focused approach minimizes the possibility of subsequent reentry into the system in cases where needed services were not provided, or possible barriers not addressed. Coordination among partners also enhances performance outcomes across individual programs and facilitates:

- A. General population system entry: Wagner-Peyser is the typical point of entry for ~~AJC participants~~ workforce system customers. Individuals seeking workforce development services will be registered as Wagner-Peyser program participants. Once registered as Wagner-Peyser program participants, individual attention will be given to job seekers using a triage approach that focuses on the most appropriate next step based on need. Wagner-Peyser participants, who require additional services, may be subsequently co-enrolled in the WIOA adult program in addition to other partner programs.
- B. Dislocated worker system entry: Individuals may initially present as dislocated workers. In these instances, the individual may not begin their system enrollment as a Wagner-Peyser participant, although they will be subsequently co-enrolled in Wagner-Peyser. If a Trade Act petition is certified, co-enrollment between WIOA dislocated worker and Trade Act programs is encouraged. In addition, an eligible WIOA dislocated worker may be co-enrolled in the WIOA adult program.
- C. Youth system entry: WIOA youth participants may be co-enrolled in all appropriate programs that serve youth, such as discretionary grant programs. Out of School youth may be co-enrolled in the WIOA adult program.

COORDINATION

~~In order to~~To serve the needs of the ~~participant~~Customers better and to avoid duplication of services, co-enrollments will require a great deal of coordination with the Partners. It ~~must~~ shall be clear ~~at all times~~ what services are being provided and by whom.

- A. Determine at intake ~~whether or not~~ whether a ~~Customer-participant~~ is already enrolled in another program.
- B. If a ~~participant~~Customer is enrolled in another WIOA program, co-enrollment will first be discussed with the initial partner. If the Partner seeks to refer a ~~participant~~Customer to another program, the possibility of co-enrollment will be discussed with the new Partner or Service Provider. All information regarding the co-enrollment will be documented in New Mexico ~~Workforce Connection Online System (NMWCOS)-Jobs (NMJobs)~~.
- C. There will be one primary enrolling Partner or Service Provider. This will normally be the first enrolling service provider.
- D. The primary enrolling service provider will coordinate activities and ensure all services are document in the Customer's case notes and Individual Employment Plan (IEP).
- E. Normally, a co-enrolled Customer may receive only one Individual Training Account (ITA) but may receive and On-the-Job (OJT) that is linked to the vocational training provided by the ITA. Training caps must be maintained per individual enrollment period.
- F. Placement information will be shared among the Partners. The primary enrolling service provider will enter the outcomes in ~~NMWCOS~~NMJobs.
- G. Exit decisions must be coordinated with the Partners and Service Providers. Only one

Service Provider can be the "exiting" agency.

- H. Follow-up activities and services will be coordinated between both Service Provider

PERFORMANCE MEASURES

Co-enrolled Customers will count in the performance measurements for all grants they are enrolled in.

- A. Enrollment: Each enrollment counts towards the enrollment goals of the individual grant.
- B. Entered Employment Rate and Other Performance Measured at Exit: Exits will count towards the exiting service provider's Entered Employment Rate.
- C. Follow-Up Information Will Be Shared: Follow-up contacts are conducted at different times for different grants and have separate performance measures. This effort will be coordinated to ensure that all follow-up requirements are met for all grants. Adult and Youth Service Providers should refer to their contracts for their follow-up requirements.

INQUIRIES

WIOA Administrative Entity; (575) 744-4857.

ATTESTED

This policy was approved through board resolution on ~~October 25, 2018~~ June 20, 2025

SAWDB Board Chair Signature

DATE

**SOUTHWESTERN AREA
WORKFORCE DEVELOPMENT BOARD**

YOUTH REQUIRES ADDITIONAL ASSISTANCE
POLICY 18-03.~~21~~

DATE OF ISSUE

~~August 19, 2026~~ January 10, 2019

EFFECTIVE DATE

February 1, 2019

APPLICABILITY

WIOA Youth

PURPOSE

To provide Youth Service Providers, contracted by the Southwestern Area Workforce Development Board SAWDB) guidance regarding the definition, “an individual (including a youth with a disability) who requires additional assistance to complete an educational program or secure and hold employment”.

BACKGROUND

The WIOA mandates that youth participants between the ages of 14 to 21 In-school youth or 16 to 24 Out-of-School Youth not only be income eligible but must have **one** (1) of fourteen (14) barriers to employment.

ACTION REQUIRED

SAWDB contracted youth service providers will use the SAWDB’s definition of the following criteria:

Out-of-School Youth (16-24):

A low-income individual who requires additional assistance to:

- A. complete an educational program; a youth who is in need of a high school diploma or equivalent; or has dropped out of a post-secondary educational program during the past 12 calendar months; or has a diploma but requires additional education ~~in order to~~ obtain or retain employment;

OR

- B. secure and hold employment: a youth that is not currently attending any school (including a youth with a diploma or equivalent) who has not held a full-time job for more than three consecutive months; or has a poor work history, to include no work history; or has been fired from a job in the last 6 calendar months; or lacks work readiness skills necessary to obtain and/or retain employment;

AND

Includes at least one of the following characteristics:

- 1) Child of Incarcerated Parent(s)
- 2) Lacks occupational and/or educational goals/skills
- 3) Migrant Youth
- 4) Chronic behavior problems at school
- 5) Native American
- 6) Youth at-risk of court involvement
- 7) Refugee
- 8) Substance abuse
- 9) Family Illiteracy
- 10) Victim/witness of domestic violence or other abuse

In-School Youth (14-21)

A youth who requires additional assistance to:

- A. complete an educational program: a youth who is at risk of dropping out of high school as documented by his/her school; or had previously dropped out of an educational program but has returned to school (including an alternative school); has below average grades; or a youth with poor attendance patterns in an educational program during the last twelve calendar months; or has previously been placed in out-of-home care (foster care,

group home, or kinship care) for more than 6 months;

OR

- B. secure and hold employment: an in-school youth who has not held a job for more than three consecutive months; or has a poor work history to include no work history; or has been fired from a job in the last 6 calendar months; or lacks work readiness skills necessary to obtain and/or retain employment;

AND

Includes at least one of the following characteristics:

- 1) Child of Incarcerated Parent(s)
- 2) Lacks occupational and/or educational goals/skills
- 3) Migrant Youth
- 4) Chronic behavior problems at school
- 5) Native American
- 6) Youth at-risk of court involvement
- 7) Refugee
- 8) Substance Abuse
- 9) Family Illiteracy
- 10) Victim/witness of domestic violence or other abuse

Enrollment using the additional assistance barrier is limited to 5% of in-school youth.

Acceptable documentation:

- a) IEP denoting disability or exceptionality that requires;
- b) Letter from physician or other professional diagnostician denoting disability or;
- c) Documentation from Social Security Administration denoting disability or;
- d) Documentation from the Division of Vocational Rehabilitation denoting disability

INQUIRIES

WIOA Administrative Entity; (575) 744-4857.

ATTESTED

This policy was approved through board resolution on January 10, 2019

SAWDB Board Chair Signature

Date

SOUTHWESTERN AREA WORKFORCE DEVELOPMENT BOARD

REFERRAL PROCESS POLICY 18-05.~~21~~

DATE OF ISSUE

~~August 19, 2026~~ January 10, 2019

EFFECTIVE DATE

February 1, 2019

APPLICABILITY

WIOA Adult, Dislocated Worker & Youth

PURPOSE

The purpose is to provide entities ~~awarded~~ awarded with a contract with the Southwestern Area Workforce Development ~~Board~~ Board with a referral process policy for ~~the adult~~ adult, dislocated worker, youth and workforce delivery system partners.

BACKGROUND

- A. The vision of WIOA Partnerships in American Job Center is to:
- B. Connect all customers to the full range of services available in their communities;
- C. Provide seamless, customer-focused, integrated service delivery across all programs and enhance access to the programs' services;
- D. Ensure that businesses and ~~job-seekers~~ jobseekers have access to information and services that lead to positive employment outcomes.
- E. Grantees, subrecipients, and contractors funded under the Workforce Innovation and Opportunity Act (WIOA) must abide by WIOA law, regulations, and guidance, state and local WIOA policies.
- F. In addition, as agreed to in the Memorandum of Understanding core partners agree to:
- G. Provide substantive referrals in accordance

with this policy – to customers who are eligible for supplemental and complementary services and benefits under partner programs

ACTION REQUIRED

The choice of referral process depends on the customer's needs, what arrangements, if any, have been agreed to with the service to which the customer is to be referred. In addition, the capacity of both the referring organization and the service to which the customer is being referred must be considered at any ~~particular point~~ point in time.

Referral processes can occur in a telephone environment, in ~~face-to-face~~ face-to-face settings or in the form of written communication (including e-mail) or a combination of these channels. A referral process selected may combine aspects of each of the processes

FEEDBACK AND FOLLOW-UP

When a referral is made, it is always useful to obtain customer feedback about the referral as well as feedback from the ~~agency~~ agency((s)) to which referrals are made. A follow up call should be made to each to ensure the referral was effective.

Possible term	Characteristics	Possible advantages and disadvantages
Passive referral	The customer is given contact information for appropriate service(s) and is left to make her/his own contact at a time that best suits the customer.	This process gives responsibility to the customer <u>responsibility to the customer</u> to take action on their own behalf. However, there is a greater likelihood that the referral will not be taken up.
Facilitated referral	The customer is helped to access the other service, for example, the referring organization makes an appointment with the other service on the customer's behalf, asks the other service to make contact with <u>contact</u> the customer/s or a caller is transferred to the other service.	The other service is made aware of the customer, and the customer is helped to access that other service. The customer may need to wait for a response to the other service.
Active referral	The referring organization, with the customer's consent, provides the organization to which it is referring the customer with information that it has collected about the customer or with its professional assessment of the customer's needs.	The customer does not need to repeat all of <u>all of</u> their story and the agency to which the customer is referred has relevant information about the customer. However, there is a risk that the information is communicated out of context and therefore misinterpreted by the service <u>service</u> , which is receiving the referral, especially if not done as a 'warm' referral (see below).
Cold referral	The customer is transferred to another service, without any immediate communication between the service providers,	The other service may be unaware of the nature of the call or of any information or services that have already been provided. The customer may be frustrated that they have to <u>must</u> re-tell their story or may not communicate their needs in a way that allows the other service to see why the customer has been referred.
Warm referral	A 'live' three-way conversation in the presence of the customer (whether face to face or by	This provides an open and transparent process in which information can be exchanged

	<p>telephone) in which the referring organization introduces the customer, explains what has already been done to assist the customer and why the customer is being referred.</p>	<p>between all services services provided involved. Issues can be clarified immediately. The customer does not need to repeat their entire story.</p> <p>The process relies on someone being available at the other service at the time the customer is to be referred.</p>
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TRACKING OF REFERRALS

Referrals made by core partners should be made by phone or email with case notes in [America's Job Center New Mexico Workforce Connection Online System](#) reflecting the referrals made. This ~~include~~ includes referrals made to core and non-core partners. Case notes should also be entered regarding all follow up made on referrals. Referrals will be monitored by the Southwestern Area Workforce Development Board.

STAFF SKILLS

Sound skills and practices are critical to effective referral. Staff who make referrals must also possess the knowledge and skills needed to support people in accessing other services if required, including negotiating ways to overcome barriers to access to services.

The following checklist may assist staff to make effective referrals:

- A. I understand the customer's situation and perceived needs.
- B. The customer and I have talked about how to prioritize these needs and what options exist to help address them.
- C. The customer is willing and ready to be referred.
- D. We have discussed what issues might make it difficult for the customer to follow through with the referral.

Some additional points for staff are:

- A. I have considered whether a facilitated, warm or active referral would be desirable, based on the customer's;
 - (1) ability to negotiate complex social situations
 - (2) ability to provide and receive information
 - (3) ability to tolerate waiting
 - (4) level of ambivalence about seeking help
 - (5) interpersonal style (eg. passive or argumentative)
- B. If the referral is a passive or cold referral, I have provided sufficient information and 'coaching' to help make the referral successful.
- C. (Where appropriate) I have made a plan to follow up with the customer to see how things went and to determine next steps

INQUIRIES

WIOA Administrative Entity; (575) 744-4857.

ATTESTED

This policy was approved through board resolution on February 1, 2019

SAWDB Board Chair Signature

Date

SOUTHWESTERN AREA WORKFORCE DEVELOPMENT BOARD

VETERAN'S REFERRAL PROCESS POLICY 18-06.1

DATE OF ISSUE

~~August 19, 2026~~ ~~October 25, 2018~~

EFFECTIVE DATE

November 1, 2018

APPLICABILITY

WIOA Adult & Dislocated Worker

PURPOSE

The purpose of this policy is to provide service providers and partners within the WIOA workforce ~~systems~~ system with a process for staff to refer veterans with Significant Barriers to Employment (SBE) to the appropriate veteran program for services.

BACKGROUND

In accordance with all relevant Veterans Program Letters (VPLs) there are multiple categories of veterans and transitioning military personnel who are moving into post service careers that are eligible for services by the Disabled Veteran Outreach Program Specialist (DVOPS). Notwithstanding the guidance as set forth VPLs 03-14, 03-14 Ch.1, 04-14 and 07-14, VPL 08-14 clarifies three additional populations of transitioning service members who can receive DVOP services. These three categories of service members include:

- A. Those who have not met Career Readiness Standards as signed by their commanding officer or have received a DD-2658 form
- B. Service members aged 18-24 regardless of whether they meet Career Readiness Standards or not
- C. ~~Active-duty~~ Active-duty service members being involuntarily separated through a standard reduction in Personnel

DVOPS will provide services to veterans and other eligible persons with SBEs in accordance with all ~~direction~~ directions and guidance provided by US DOL VETS and the Veterans Program Coordinator (VPC) as deemed appropriate. The goal is to provide intensive services through case management which can include:

- A. Conducting a comprehensive assessment
- B. Developing an employment plan that must be documented
- C. Coordinating supportive services
- D. Career counseling
- E. Providing short term prevocational services
- F. Group counseling and
- G. Referrals to AJC Partner or Federal Agencies as appropriate

ACTION REQUIRED

It is the responsibility of the public workforce system to identify veterans or other eligible persons with SBEs and refer these individuals to the DVOPs for assistance. The staff will use the Military Service Form LB-1118 (April 2016) as an initial screening tool to establish eligibility. The veteran or other eligible person will complete the MSF to identify their qualification for services and then be referred to the appropriate AJC Partner as needed. If a DVOP Specialist is not available, the veteran or other eligible person should be referred to the appropriate AJC staff. In some cases where the eligible individual requests to specifically be seen by the DVOP, the staff should instruct them to schedule an appointment with their local DVOP. Standard procedure for all AJC customers, including veterans, is that they are greeted by the welcome desk and referred to the appropriate AJC staff for assistance

Referral processes can occur in a telephone environment, in ~~face-to-face~~ face-to-face settings or

in the form of written communication (including e-mail) or a combination of these channels. ~~A referral~~The referral process selected may combine aspects of each of the processes.

Case Management and Tracking:

DVOPs must record and track services provided to veterans, and other eligible persons, and conduct extensive follow-up services. Coordinating with ~~partners~~partners' services can provide additional resources that will benefit the veteran. The DVOP should work closely with the Local Veteran Employment Representatives and the Business Services ~~Team-staff~~Team for veterans who are identified as job-ready so they can be promoted to employers for job placement.

CASE NOTES:

All activities, along with corresponding case notes, will be recorded in Virtual One-Stop as required by

additional guidance provided to OVOPS by the Veterans Program Letters

INQUIRIES

WIOA Administrative Entity; (575) 744-4857.

ATTESTED

This policy was approved through board resolution on October 25, 2018

SAWDB Board Chair Signature

Date

SOUTHWESTERN AREA WORKFORCE DEVELOPMENT BOARD

USE OF ASSESSMENTS POLICY 18-07.~~21~~

DATE OF ISSUE

~~June 20, 2025~~ ~~January 10, 2019~~

EFFECTIVE DATE

~~July 1, 2025~~ ~~February 1, 2019~~

APPLICABILITY

WIOA Adult & Dislocated Worker & Youth

PURPOSE

The purpose of this policy is to provide local ~~American Job Center/Workforce Connection Center (WCCAJC)~~ offices guidance regarding established standards for the use of assessments that minimizes duplication and provides information on the provision of basic and individualized career services for initial and objective assessments. It further provides information on the types of assessments utilized and accepted within the Southwestern area ~~AJCWCC~~ system.

BACKGROUND

The Workforce Innovation and Opportunities Act (WIOA) affirms the ~~WCC-AJC~~ commitment to providing high quality services to customers that provides seamless service delivery and minimizes duplication. As part of the framework to accomplish this it is necessary to establish a uniform methodology and crosswalk for assessments for use and acceptance within the ~~WCCAJC~~.

DEFINITIONS

Assessment: For the purposes of ~~WCC-AJC~~ offices, assessment is a process to assist staff with identification of strengths, transferrable skills, interests, work values, and personal priorities as they relate to employment.

Basic Skills Assessment: This is an assessment of the proficiency level of an individual in reading,

writing, and mathematics. This assessment is conducted through use of a standardized assessment tool such as the Test of Adult Basic Education (TABE), GAIN, CASAS and MAPT, but not limited to.

Career Assessment: Is a process of assessing the interests, skills, personality traits and values and applying those to occupational options to identify which occupations best match the individual.

Initial Assessment (IA): The gathering of information from observations, personal interviews and any information provided by the customer. IA should be part of the eligibility process and needs assessment.

Needs Assessment: Working with the customer the ~~AJCWCC~~ staff must identify and document barriers that would hinder or prevent the customer from fully engaging in and achieving career objectives. Staff must identify and record those needs and then identify local resources available to meet those needs.

Objective Assessment (OA): Objective Assessment is a comprehensive and exploratory approach to properly evaluate the needs of customers without regard to services or programs available. It should include the full composite of interviews, career exploration, interests, basic skill levels and behavioral observations.

ACTION

During the enrollment process in the ~~WCCAJC~~, individuals must receive an assessment. Assessments are a holistic, ongoing process and should not be viewed as a one-time event. They provide valuable information that allows center staff to best guide an individual as they strive to meet their employment goal. The results of assessments must be explained to a job seeker and analyzed to provide guidance in determining action steps and

services to be included in their individual employment plan.

One-Stop Centers are required to provide direct linkage to one stop services provided in the One-Stop system. Appropriate one-stop partners and services for an individual are determined through the assessment process and based off the participant's desire to work with the various partner agencies. Active Resource Coordination is the first step in the development of a seamless service delivery system.

Initial Assessment

Initial assessment is part of the overall intake process and includes the initial determination of the following:

- 1) Basic skills
- 2) Identification of strengths
- 3) Identification of workplace skills
- 4) Career interests
- 5) Work values
- 6) Identification of prior work history
- 7) Family situation
- 8) Service needs

When an Initial Assessment is completed, staff should enter the Initial Assessment service and a case note describing the assessment results.

Objective Assessment

The results from an Objective Assessment assists in the development of a Title I participant's employment plan. An Objective Assessment is not required for Title III Wagner-Peyser participants. Formal assessment results within the last six months, that the participant may have, or a partner agency provides, are acceptable to use in place of new formal Assessments.

Youth: An objective assessment must be completed during the youth enrollment process prior to a youth becoming a participant.

The Objective Assessment shall include a review of the following:

- 1) Basic skills (to determine basic skills deficiency, see [EAWDB-SAWDB](#) eligibility policy)
- 2) Identification of strengths
- 3) Identification of workplace skills
- 4) Career interests
- 5) Work values
- 6) Identification of prior work history
- 7) Family situation
- 8) Service needs

Encouraged Assessments:

- 1) Digital Literacy
- 2) Financial situation
- 3) Reality check

Basic Skills Assessments

To minimize duplication of effort for customers the SAWDB will accept formalized assessments performed by partner agencies or community colleges so long as the results are provided in a manner that is allowable for documentation purposes (See ~~Section~~ [Documentation 1](#)). For the purposes of establishing basic skills deficiency, Attachment A provides a list some of the acceptable assessments and their corresponding English as a Foreign Language (EFL) from National Reporting System (NRS) Testing Benchmarks. This Attachment will be updated as other possible assessments are identified and will not require reapproval of the policy.

Documentation

In order for offices to utilize assessments provided by other entities an actual copy of the results must be obtained for the E-file then the following steps performed:

- 1) Assessment result copies should be uploaded to the documentation portion of the [NMWCOS-NMJobs](#) and entered into the assessment portion of the [NMWCOS NMJobs](#) utilizing the appropriate file

naming conventions established by the SAWDB and document tags.

- 2) Assessment results should also be entered into the assessment portion of the ~~NMWCOS~~NMJobs. If there is not an assessment in ~~NMWCOS~~NMJobs that fits the assessment provided, include a summary in case notes and upload as previously described.
- 3) When an Objective Assessment service is recorded a note indicating the assessments completed and the overall results should be entered.

If an Adult or Dislocated Worker, refuses to complete a basic skills assessment to determine their basic skills levels within 60 days of eligibility, they may still receive program services under basic or individualized career services. However, if a participant is eligible for training services such as ITA or OJT but refuses to complete the basic skills assessment and 60

days has passed, we will not provide training services until the assessment is completed.

INQUIRIES

WIOA Administrative Entity; (575) 744-4857.

ATTESTED

This policy was approved through board resolution on ~~January 10, 2019~~June 20, 2025

SAWDB Board Chair Signature

Date

ATTACHMENT A

NRS Test Benchmarks for Educational Functioning Levels
Updated February 2018

Adult Basic Education (ABE)

Educational Functioning Level (EFL)	Test Benchmarks
<p style="text-align: center;">Beginning ABE Literacy (Level 1)</p>	<p>TABE¹ (9–10) scale scores (grade level 0–1.9):</p> <p>Reading: 367 and below Total Math: 313 and below Language: 389 and below</p> <p>Wonderlic GAIN² scale scores:</p> <p>English: 200–406 Math: 200–314</p> <p>CASAS³ Life and Work Reading scale scores:</p> <p>Reading: 200 and below Math: 200 and below</p> <p>Tests Aligned to New ABE EFL Descriptors⁴</p> <p>TABE (11–12) scale scores (grade level 0–1):</p> <p>Reading: 300–441 Mathematics: 300–448 Language: 300–457</p> <p>CASAS Reading GOALS scale scores:</p> <p>Reading: 203 and below</p>

¹ TABE = Tests of Adult Basic Education

² GAIN = General Assessment of Instructional Needs

³ CASAS = Comprehensive Adult Student Assessment System

⁴ See Appendix B of the NRS Technical Assistance Guide for more information on the new EFL descriptors.

Educational Functioning Level (EFL)	Test Benchmarks
<p style="text-align: center;">Beginning Basic Education (Level 2)</p>	<p>TABE (9–10) scale scores (grade level 2–3.9): Reading: 368–460 Total Math: 314–441 Language: 390–490</p> <p>CASAS Life and Work Reading scale scores: Reading: 201–210 Math: 201–210</p> <p>Wonderlic GAIN scale scores: English: 407–525 Math: 315–522</p> <p>MAPT⁵ scale scores: All tests: 200–299</p>
	<p style="text-align: center;">Tests Aligned to New ABE EFL Descriptors</p> <p>TABE (11–12) scale scores (grade level 2–3): Reading: 442–500 Mathematics: 449–495 Language: 458–510</p> <p>CASAS Reading GOALS scale scores: Reading: 204-216</p>

⁵ MAPT = Massachusetts Adult Proficiency Test

Educational Functioning Level (EFL)	Test Benchmarks
<p style="text-align: center;">Low Intermediate Basic Education (Level 3)</p>	<p>TABE (9–10) scale scores (grade level 4–5.9): Reading: 461–517 Total Math: 442–505 Language: 491–523</p> <p>Wonderlic GAIN scale scores: English: 526–661 Math: 523–669</p> <p>MAPT scale scores: All tests: 300–399</p> <p>CASAS Life and Work Reading scale scores: Reading: 211–220 Math: 211–220</p> <p>Tests Aligned to New ABE EFL Descriptors</p> <p>TABE (11–12) scale scores (grade level 4–5): Reading: 501–535 Mathematics: 496–536 Language: 511–546</p> <p>CASAS Reading GOALS scale scores: Reading: 217–227</p>

Educational Functioning Level (EFL)	Test Benchmarks
<p style="text-align: center;">High Intermediate Basic Education (Level 4)</p>	<p>TABE (9–10) scale scores (grade level 6–8.9): Reading: 518–566 Total Math: 506–565 Language: 524–559</p> <p>CASAS Life and Work Reading scale scores: Reading: 221–235 Math: 221–235</p> <p>Wonderlic GAIN scale scores: English: 662–746 Math: 670–775</p> <p>MAPT scale scores: All tests: 400–499</p> <p>Tests Aligned to New ABE EFL Descriptors</p> <p>TABE (11–12) scale scores (grade level 6–8): Reading: 536–575 Mathematics: 537–595 Language: 547–583</p> <p>CASAS Reading GOALS scale scores: Reading: 228–238</p>

Educational Functioning Level (EFL)	Test Benchmarks
<p style="text-align: center;">Low Adult Secondary Education (Level 5)</p>	<p>TABE (9–10): scale scores (grade level 9–10.9): Reading: 567–595 Total Math: 566–594 Language: 560–585</p> <p>CASAS Life and Work Reading scale scores: Reading: 236–245 Math: 236–245</p> <p>Wonderlic GAIN scale scores: English: 747–870 Math: 776–854</p> <p>MAPT scale scores: All tests: 500–599</p> <p>Tests Aligned to New ABE EFL Descriptors</p> <p>TABE (11–12) scale scores (grade level 9–10): Reading: 576–616 Mathematics: 596–656 Language: 584–630</p> <p>CASAS Reading GOALS scale scores: Reading: 239 – 248</p>

Educational Functioning Level (EFL)	Test Benchmarks
<p style="text-align: center;">High Adult Secondary Education (Level 6)</p>	<p>TABE (9–10): scale scores (grade level 11–12): Reading: 596 and above Total Math: 595 and above Language: 586 and above</p> <p>CASAS Life and Work Reading scale scores: Reading: 246 and above Math: 246 and above</p> <p>Wonderlic GAIN scale scores: English: 871–1000 Math: 855–1000</p> <p>MAPT scale scores: All tests: 600–700</p> <p>Tests Aligned to New ABE EFL Descriptors</p> <p>TABE (11–12) scale scores (grade level 11–12): Reading: 617–800 Mathematics: 657–800 Language: 631–800</p> <p>CASAS Reading GOALS scale scores: Reading: 249 and above</p>

English as a Second Language (ESL)

Educational Functioning Level (EFL)	Test Benchmarks
Beginning ESL Literacy	<p>CASAS Life and Work Reading scale scores: Reading: 180 and below L&W Listening: 162–180</p> <p>BEST⁶ Plus 2.0: 88–361 BEST Literacy: 0–20 (SPL 0–1)</p> <p>TABE CLAS-E⁷ scale scores⁸: Total Reading and Writing: 225–394 Total Listening and Speaking: 230–407</p>
Low Beginning ESL	<p>CASAS Life and Work Reading scale scores: Reading: 181–190 L&W Listening: 181–189</p> <p>BEST Plus 2.0: 362–427 BEST Literacy: 21–52 (SPL 2)</p> <p>TABE CLAS-E scale scores: Total Reading and Writing: 395–441 Total Listening and Speaking: 408–449</p>
High Beginning ESL	<p>CASAS Life and Work Reading scale scores: Reading: 191–200 L&W Listening: 190–199</p> <p>BEST Plus 2.0: 428–452 BEST Literacy: 53–63 (SPL 3)</p> <p>TABE CLAS-E scale scores: Total Reading and Writing: 442–482 Total Listening and Speaking: 450–485</p>

⁶ BEST = Basic English Skills Test

⁷ TABE CLAS–E = Test of Adult Basic Education Complete Language Assessment System – English

⁸ Refer to the TABE CLAS–E Technical Manual for score ranges for individual reading, writing, listening and speaking tests. Table shows only total scores.

Educational Functioning Level (EFL)	Test Benchmarks
<p>Low Intermediate ESL</p>	<p>CASAS Life and Work Reading scale scores: Reading: 201–210 L&W Listening: 200–209</p> <p>BEST Plus 2.0: 453–484 BEST Literacy: 64–67 (SPL 4)</p> <p>TABE CLAS-E scale scores: Total Reading and Writing: 483–514 Total Listening and Speaking: 486–525</p>
<p>High Intermediate ESL</p>	<p>CASAS Life and Work Reading scale scores: Reading: 211–220 L&W Listening: 210–218</p> <p>BEST Plus 2.0: 485–524 BEST Literacy: 68–75 (SPL 5)</p> <p>TABE CLAS-E scale scores: Total Reading and Writing: 515–556 Total Listening and Speaking: 526–558</p>
<p>Advanced ESL</p>	<p>CASAS Life and Work Reading scale scores: Reading: 221–235 L&W Listening: 219–227</p> <p>BEST Plus: 525–564 (exit 565 and higher) BEST Literacy⁹: 76–78 (SPL 6)</p> <p>TABE CLAS-E scale scores: Total Reading and Writing: 557–600 Total Listening and Speaking: 559–600</p>

⁹ Students can be placed into advanced ESL using Best Literacy but the test does not assess skills beyond this level so students cannot exit Advanced ESL with this test. Retesting of students who enter this level with another assessment is recommended.

**SOUTHWESTERN AREA
WORKFORCE DEVELOPMENT BOARD**

**BOARD MEETING ACCESSIBILITY
POLICY 18-08**

DATE OF ISSUE

October 25, 2018

EFFECTIVE DATE

November 1, 2018

APPLICABILITY

Southwestern Workforce Development Area

PURPOSE

To provide Access to all meetings for anyone that may have a disability and require assistance or auxiliary aid.

BACKGROUND

The Southwestern Area Workforce Development Board has an Open Meetings Act Resolution that states that anyone with a disability can request assistance to be able to attend the Board meetings.

ACTION REQUIRED

The SAWDB will make sure that the advertised notices for all meetings has the contact information listed for directions to request assistance for the meetings.

INQUIRIES

WIOA Administrative Entity; (575) 744-4857.

ATTESTED

This policy was approved through board resolution on October 25, 2018

SAWDB Board Chair Signature

Date

SOUTHWESTERN AREA WORKFORCE DEVELOPMENT BOARD

INTERNET USAGE AND EQUIPMENT POLICY 18-11.1

DATE OF ISSUE

~~August 19, 2026~~ January 10, 2019

EFFECTIVE DATE

February 1, 2019

APPLICABILITY

Users of computer equipment tagged as property of the Southwestern Area Workforce Development Board to include, but not limited to, the New Mexico Workforce Connection centers and offices.

PURPOSE

This policy outlines the requirements for those using computer equipment tagged as property of the Board. It addresses usage regarding electronic mail, monitoring of electronic mail, internet, acceptable use, professional development, rules of use of the internet, downloading files, prohibited use, PC policy, new applications, and software copyrights.

BACKGROUND

- (1) The Southwestern Area Workforce Development ~~provides~~ for provides computer equipment at various locations throughout its service area for sub-recipients' and customers' use.

- B. This policy safeguards the proper use of the equipment for the purpose of delivering workforce services.

ACTION REQUIRED

A. Electronic Mail

- (1) Users provided with E-mail accounts shall regularly read and respond to e-mail in the same way they respond to telephone calls. In general, E-mail correspondence should be short, concise and withstand the scrutiny of public disclosure.

- (2) All E-mail made or received by any user in pursuance of law or in connection with the transaction of public business is subject to the public records laws and will maintain all such emails.
 - (i) E-mail generated by Outlook within this organization shall be for work-related activity only.
 - (ii) All E-mail messages are the property of the Southwestern Area Workforce Development Board.
 - (iii) Jokes sent and/or forwarded are not considered Southwestern Area Workforce Development Board business and are prohibited.
 - (iv) Harassing or obscene messages are strictly prohibited.

B. Monitoring of Electronic Mail

- (1) As a matter of general policy, the Southwestern Area Workforce Development Board will not read electronic mail messages. However, the Southwestern Area Workforce Development Board reserves the right to access messages under the following circumstances or when determined by the One Stop Operator or Administrative Entity:
 - (i) When necessary to investigate a possible violation of Southwestern Area Workforce Development Board policy;
 - (ii) When reasonable suspicion exists that a user has committed or is committing a crime; or
 - (iii) When internal or external investigations are requested by the Executive Director; and

(iv) When necessary to support the Southwestern Area Workforce Development ~~Board need for~~Board, supervision, control and efficiency in the workplace.

(2) When a user ends employment with the Southwestern Area Workforce Development Board, the users' mail is accessed for the purpose of ensuring compliance with the public records law.

C. Internet Policy

(1) This policy is to ensure that privacy, security and legal issues concerning Internet access and use are addressed, and that guidelines are established to ensure proper use of this tool by Southwestern Area Workforce Development Board users.

(2) Acceptable Use

(i) The use of any Southwestern Area Workforce Development Board provided, publicly accessible computer network such as the Internet is a privilege. Unauthorized use of the Internet will result in the loss of access for the user and may result in disciplinary action, up to and including termination.

(ii) Southwestern Area Workforce Development Board users have an obligation to use their Internet access in a responsible and informed way, conforming to network etiquette, customs and courtesies, and representing the organization in a positive manner.

(iii) Performance of job responsibilities

(a) During working hours, users shall use the Internet for business and work-related communication only. Users may use internet access

during lunch periods and after normal working hours for personal use providing such use does not violate the Prohibited Use portion of this policy.

(b) Examples of ~~job-related~~job-related responsibilities include: accessing external databases, searching online public access information, disseminating documents to individuals or groups, participating in electronic mail discussion groups on job related topics, and gaining access to software user support information.

(iv) Professional Development

(a) The Internet may be used to maintain professional and career development activities.

(3) Rules for Use of the Internet

(i) Messages transferred via the Internet are public information. If you desire to transmit confidential communications or sensitive information, do not use the Internet.

(4) Users are responsible and accountable for communications on the Internet and shall treat the Internet as a formal communications tool similar to the telephone or any written communications.

(5) Computer network facilities outside the Southwestern Area Workforce Development Board may have their own policies governing the use of those resources. When accessing remote computers through Southwestern Area Workforce Development Board facilities, users are responsible for obeying both the policies set forth in this document and the policies of other organizations.

(6) Downloading of Files

- (i) It is prohibited to download from the internet including, but not limited to ~~to~~, such programs that install Spyware on the computer. Any form of music file is also ~~prohibited, prohibited~~; these files pose the risk of copyright infringements and use of resources.
 - (ii) Acceptable downloads are work-related documents used in ~~performance~~ the performance of work duties.
- (7) Prohibited Use
- (i) Prohibited use of the Internet and Intranet includes, but is not limited to, the following:
 - (a) Use of the Internet for profit-making activities is strictly prohibited;
 - (b) Users shall not use these services or resources to slander, defame, harass, discriminate or sexually offend others;
 - (c) Users shall not use Internet nor e-mail services to conduct non-Southwestern Area Workforce Development Board commercial activity;
 - (d) Users shall not use the Internet nor e-mail service to conduct other inappropriate activities, including but not limited to:
 - i. Unlawful or malicious activities; or abusive or objectionable language;
 - ii. Misrepresentation of the Southwestern Area Workforce Development Board;
 - iii. Activities such as sending frivolous or non-Southwestern Area Workforce Development Board work related group messages, chain e-mails, jokes or participating in chat rooms;
 - iv. Use of the Internet to access obscene, pornographic and X-rated materials, or using such computers for gambling, or entering contest;
 - v. Use of the Internet or e-mail for communications that contain ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on race, national origin, sex, sexual orientation, age, disability or religious beliefs;
 - vi. Using systems to transmit or receive sexually explicit or otherwise offensive images, messages or cartoons; Threats; Political endorsements; Sending copies of documents in violation of copyright laws; Sending e-mail that appears to have come from someone else; Subscribing to automatic electronic mailings; that are not Southwestern Area Workforce Development Board business; Posting on electronic bulletin boards material that violates existing laws or Southwestern Area Workforce Development Board Rules and Regulations.
 - vii. Attempting to monitor or tamper with another user's electronic communications, or reading, copying, changing, or deleting another user's files or software without the explicit

agreement of the owner. Files owned by individual users are to be considered private property, ~~whether or not~~ whether or not they are accessible by other users;

viii. Activities will not be considered misuse when authorized in writing by the Executive Director for administrative purposes;

ix. Downloading of software products from Internet sites is not permitted without the prior approval of the Executive Director.

(8) PC Policy

- (i) During working hours, computer equipment is to be used only for the purpose for which it is assigned and is not to be used for non- Southwestern Area Workforce Development Board business unless approved by your supervisor.
- (ii) During non-working hours, users may use their Southwestern Area Workforce Development Board supplied computer equipment for personal, non-business, use as long as they comply with the other provisions of these policies.
- (iii) The following conditions apply to all computer users of the Southwestern Area Workforce Development Board. Violations of any of the conditions are considered unethical and may be unlawful. An individual's computer use privileges may be suspended immediately upon the discovery of a possible violation of these ~~policies~~ policies, and the individual may be subject to discipline, up to and

including termination. Suspected violations will be reported to the Executive Director or ~~designee~~ the Designee.

(9) New Applications

- (i) Users shall not install any applications onto a Southwestern Area Workforce Development Board PC without first requesting that special applications be installed. The software media, installation ~~documentation~~ documentation, and proof of license must accompany the request. The Southwestern Area Workforce Development Board adheres to all applicable software copyright policies and will not install software without a license. All outside diskettes received from third parties must be checked for viruses.

(10) Prohibited Use

- (i) Prohibited uses of the PC includes, but is not limited to, the following:
 - (a) Knowingly or carelessly running or installing on any computer system or network, or giving to another user, a program intended to damage or to place excessive load on a computer system or network. This includes, but is not limited to, programs known as computer viruses, Trojan Horses, and worms;
 - (b) Storing large files on the system which could compromise system integrity or preclude other users right of access to disk storage;
 - (c) Using your login for any activity that is commercial in ~~nature~~ nature, i.e. paid for by non-Southwestern Area Workforce Development Board funds.

Commercial activities include, but are not limited to, consulting, typing services, and developing software for sale;

- (d) Attempts to use other user's ID's without authorization for other than the intended purpose.
- (e) Game playing is not allowed on the system during normal working hours.

(11) Software Copyright Policies

- (i) It is unlawful to copy software from third parties or provide unlicensed copies of software packages to other individuals. Computer users agree to the proprietary rights of all software. Computer software protected by copyright is not to be copied from, into or by using Southwestern Area

Workforce Development Board computers, ~~excepting~~except as permitted by law or by contract with the owner of the copyright.

INQUIRIES

WIOA Administrative Entity; (575) 744-4857.

ATTESTED

This policy was approved through board resolution on January 10, 2019

SAWDB Board Chair Signature

Date

**SOUTHWESTERN AREA
WORKFORCE DEVELOPMENT BOARD**

INCENTIVE
POLICY 18-13.24

DATE OF ISSUE

~~August 19, 2026~~ April 25, 2019

EFFECTIVE DATE

April 26, 2019

APPLICABILITY

Workforce Innovation and Opportunity Act (WIOA) Youth Participants.

PURPOSE

Incentives are a way to encourage workforce participant's participation or to reward participants for achieving specific elements with work experience, education, or training indicated in the participant's employment plan

BACKGROUND

Participant incentive programs have been proven to motivate ~~participants~~ participants, resulting in enhanced skills for future employment and education.

ACTION

This policy authorizes the Administrative Entity or Fiscal Agent to establish and issue participant incentives through programs where participant incentives are allowed under WIOA. Service providers must add the incentives they intend to issue ~~into~~ their contracts each year.

INCENTIVES

The purpose of incentive awards is to reward participants that accomplish a goal that the service provider helped set. Example: Attainment of Degree or Certificate, Work Readiness Skills Attainment, Placement and Retention in

Employment or Education, or Skill Gains, but not limited to. The incentive must be linked to an achievement and must be tied to training and education, work readiness skills and/or an occupational skills attainment goal as identified in the IEP. Such achievements must be documented in ~~New Mexico Workforce Connection Online System (NMWCOS)~~ America's Job Center (NMJobs). Incentives cannot be given for any political affiliation. 20 CFR 681.640 that states: Federal funds may not be spent on entertainment costs. Incentives may not include entertainment, such as movie or sporting event tickets or gift cards to movie theaters or other venues whose sole purpose is entertainment.

If the youth has exited and is in follow-up status, they are still eligible to receive incentives.

- A. Attainment of a Degree or Certificate for high school diploma or GED incentive: Up to \$300.00 Maximum

The participant must not possess this degree prior to enrollment; documentation will be a copy of the high school diploma, GED or official transcripts verifying completion of a diploma or GED.

For recognized credential incentive: the participant must not possess the credential prior to youth program enrollment; documentation will be a copy of the certificate, degree or official transcripts.

- B. Work Readiness Skill Attainment: Up to \$100.00 Maximum

Documentation will be test scores indicating level of increase in Reading, Language or Math; copy of work readiness pre and post test scores; transcript indicating completed courses

for one year or a minimum of two semesters related to reading, language or math skills. The documentation must indicate ~~progression~~the progression of score levels in one of the three levels.

C. Placement in Employment or Education: Up to \$100.00 Maximum

Entered Employment; the participant must obtain employment after enrollment in the program. A copy of employment information which may include check stub, letter of employment, etc. is to be in the participant's file online. Placement in Employment including Military; the participant must enlist during WIOA youth program participation or have already enlisted prior to youth participation. Appropriate documentation includes a copy of military records in the participant's file online. Enrolled in Post-Secondary Education or Training; the participant must enroll in or be enrolled in education during WIOA youth program participation. Appropriate documentation includes a copy of training records or school transcripts.

D. Financial Literacy and Community Service Incentives: Up to \$100.00 Maximum

The participant must complete the Financial Literacy training and obtain a certificate of completion. A copy of ~~certificate~~the certificate must be in ~~participant's~~the participant's online file.

E. Community Service: Up to \$100.00 Maximum

The participant must complete the Community Service hours and obtain a letter of completion

from the organization. A copy of the letter must be in ~~participant's~~the participant's online file.

NOTE: Incentives may be given once per category, per program year, per participant. Participants may qualify for several categories per program year.

F. Payment to Participants

~~Dependent~~Depending on the program/funding source, participants may receive their monetary incentives directly from the Board's service provider or by the Board's fiscal agent. These would be separate payments aside from payroll. An Incentive Request and Approval Form must be completed and documented in NMWCOS to authorize the incentive payments.

Service providers are responsible for overall tracking and ~~reporting on~~reporting participant incentives as specified in their sub grants or contracts.

INQUIRIES

WIOA Administrative Entity; (575) 744-4857.

ATTESTED

This policy was approved through board resolution on April 25, 2019

SAWDB Board Chair Signature

Date

SOUTHWESTERN AREA WORKFORCE DEVELOPMENT BOARD

CUSTOMIZED TRAINING POLICY 19-01.24

DATE OF ISSUE

~~August 19, 2026~~ April 8, 2021

EFFECTIVE DATE

April 30, 2021

APPLICABILITY

This applies to Southwestern Area Workforce Development Board (SAWDB), providers of Workforce Innovation and Opportunity Act (WIOA) Adult and Dislocated Workers.

PURPOSE

The purpose of this policy is to provide direction to Southwestern Area Workforce Development Board (SAWDB) Service Provider regarding the permissible use of adult and dislocated worker funds for customized training activities.

REFERENCE

- A. Workforce Innovation and Opportunity Act (WIOA), July 22, 2014, §108, §122,
- B. §134, §181 and §194.
- C. WIOA Final Rules – U.S. Department of Labor (Title I): 20 CFR §680.110, §680.760, §680.830, and §680.840.
- D. Office of Management and Budget (OMB), Uniform Guidance at 2 CFR §200, et al., Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.
- E. Training and Employment Guidance Letter WIOA No. 19-16 Operating Guidance for the Workforce Innovation and Opportunity Act.
- F. Fair Labor Standards Act (FLSA) §203.

BACKGROUND

The Workforce Innovation and Opportunity Act (WIOA) of 2014 explicitly allows for the use of customized training contracts as a workforce strategy. This training strategy is designed to meet the special requirements of an employer (including groups of employers) with the commitment that the employer(s) hire an individual upon successful completion of the training.

DEFINITIONS

- A. **Appropriate Commitment** to hire an individual means to maintain an employer- employee relationship meeting the requirements of the Fair Labor Standards Act for a minimum of one (1) year.
- B. **Customized Training** is ~~a training~~ training by an employer or group of employers generally for the hiring of new or recent employees and not for retraining existing employees.
- C. **High-Priority Occupation (HPO)** is an in-demand occupation that has higher skill needs and is likely to

provide a self-sufficient wage. Statistical data, regional expertise, and local workforce development area inputs are combined to determine whether an occupation meets the high-priority criteria.

- D. **Incumbent Worker** is an individual who is employed, meets Fair Labor Standards Act requirements for an employer-employee relationship, and has an established employment history with the employer for six (6) months or more.
- E. **Incumbent Worker Training (IWT)** is training provided to an incumbent worker that is designed to meet the needs of an employer(s) to retain a skilled workforce or avert the need to lay off employees; increase the competitiveness of the employer or employee; and be conducted with a commitment by the employer to retain or avert the layoffs of the incumbent worker trained. Such training may also include the upskilling of an employer's current workforce, which may lead to additional opportunities for potential [jobseekersjob seekers](#).
- F. **In-Demand Industry Sector** is an industry sector that has a substantial current or potential impact (including jobs that lead to economic self-sufficiency and opportunities for advancement) on the state, regional, or local economy, as appropriate, and that contributes to the growth or stability of other supporting businesses, or the growth of other industry sectors.
- G. **In-Demand Occupation** is an occupation that currently has or is projected to have [a number of several](#) positions (including positions that lead to economic self-sufficiency and opportunities for advancement) in an industry sector [so as to to](#) have a significant impact on the state, regional, or local economy, as appropriate.

Note: The determination of whether an industry sector or occupation is in-demand in a local area is made by the local board, as appropriate, using business and labor market projections and statistics. Customized Training must lead to an in-demand occupation but does not necessarily have to lead to an HPO. However, all HPOs are considered in-demand occupations, and therefore, eligible for customized training.

~~Recent~~[A recent e](#)Employee is an individual who is employed, meets Fair Labor Standards Act requirements for an employer-employee relationship, and has an established employment history with the employer for six (6) months or less.

EMPLOYER PAYMENT OF SIGNIFICANT COST OF TRAINING

Employers receiving funds for customized training are required to pay a significant cost of the customized training. This can be done through both cash and fairly evaluated in-kind contributions. Rules for matching funds can be found in the Uniform Guidance at 2CFR 200.306 and 2 CFR 2900.8.

The share of the cost of training can include elements such as the expenses related to the:

- A. Instruction or the instructor
- B. Curriculum development
- C. Course materials or books

Expenses that are **not** permissible under the match and are not reimbursable through a customized training contract include:

- A. Equipment purchases
- B. Administration

- C. Facility upgrades/ renovations
- D. Travel and incidentals

The employer share is based on the size of the workforce as follows:

- A. At least 10 percent of the cost for employers with 50 or fewer employees;
- B. At least 25 percent of the cost for employers with 51 to 100 employees; and
- C. At least 50 percent of the cost for employers with more than 100 employees.

SAWDB Service Providers will track and document employer cost share contributions.

~~The employer~~Employer size means the number of employees currently employed at the local operation where ~~the customized~~customized training placement will be made. Employer size is determined by the number of employees at the time of the execution of the customized training contract. This applies ~~at~~to all employers, including employers with seasonal or intermittent employee size fluctuations.

RESTRICTIONS

SAWDB will comply with the limitations and prohibitions on the use of funds allocated to the local area under WIOA title I-B §181 and Part 680 of federal regulations, as follows:

- A. WIOA funds cannot be used to pay the wages of employees during their participation in an economic development activity provided through a statewide workforce development system.
- B. When a relocation of a business results in the loss of employment of any employee of such business, no funds provided for employment training can be used for customized training until after 120 days has passed since the relocation that caused the loss of employment at an original business location in the United States.
- C. WIOA work-based training funds must not be used to directly or indirectly assist, promote, or deter union organizing.
- D. WIOA work-based training funds may not be used to directly or indirectly aid in the filling of a job opening which is vacant because the former occupant is on strike or is being locked out in the course of a labor dispute, or the filling of which is otherwise an issue in a labor dispute involving a work stoppage.
- E. WIOA work-based training funds must not be used to directly or indirectly provide supportive services described in §680.900 or §681.570.

ELIGIBILITY CRITERIA

Customized Training Agreement

SAWDB will address the following factors and document when developing a customized training agreement:

- A. Special training requirements of the employer (or group of employers);
- B. Agreement that the employer will pay for the significant cost of the training;
- C. Agreement that an appropriate commitment is made by the employer to employ the individual upon successful completion of the training;
- D. Curriculum;
- E. Performance and;

- F. A clearly stated goal.

Employer Eligibility

SAWDB will consider the following factors when determining the eligibility of employers to receive the WIOA customized training funds.

- A. The strategy of the LWDB in fulfilling the vision and goals established for the local area (i.e., the local plan)
- B. The characteristics of the workers to be trained (i.e., the extent to which these individuals historically represent individuals with barriers to employment as defined in WIOA Section 3(24), and how such individuals would benefit from a skill gain that results in retention or advancement).
- C. The quality of the training (e.g., industry-recognized credentials, advancement opportunities, etc.).
- D. The number of participants the employer plans to train.
- E. The wage and benefit levels of participants (before and after training).
- F. The occupation(s) for which customized training is being provided must be in-demand as defined by WIOA Section 3(23) and as determined by workforce development area- specific labor market information.
- G. Employer's industry status. Is the employer in:
 - 1) An in-demand industry as defined by WIOA Section 3(23) and determined by labor market information; or
 - 2) A stable industry as determined by labor market information; or
 - 3) A declining industry, but there are compelling reasons (e.g., evidence of long- term viability of the employer) justifying investment in customized training?
- H. Recent lay-offs and relocations. The employer must not have laid off workers within 120 days to relocate from another state.
- I. Employer's unemployment insurance and workers' compensation status. The employer must be current on unemployment insurance and workers' compensation taxes, penalties, and/or interest or related payment plan (including timely Quarterly Reports).
- J. Be located in and have operations in the Southwestern Area.
- K. Employ at least one full-time employee.
- L. Keep accurate records of the project's implementation process for audit purposes for a minimum of five years.

EMPLOYED WORKER ELIGIBILITY

Customized Training funds may be used to provide training to eligible employed workers for an employer (or group of employers) when the following conditions are met:

- A. Employee is not earning a self-sufficient wage;
- B. All other provisions of Customized Training are met; and
- C. Customized Training relates to the introduction of new technologies, introduction to new production or service procedures, upgrading to new jobs that require additional skills or workplace literacy.

Exception: Customized training is generally for hiring new or recent employees (less than six months) and not for retraining existing employees which is reserved for incumbent worker training, although there may be instances where customized training is appropriate in that circumstance. In those instances, customized training may be used for individuals making more than self-sufficient wages if all appropriate criteria are ~~met~~met, and it leads to comparable or higher than previous employment.

PERFORMANCE ACCOUNTABILITY

Due to the unique eligibility requirements in WIOA sec. 134, individuals who receive only customized training are reportable individuals, but not participants required for inclusion in the WIOA performance accountability calculations. As a result, an individual who only receives customized training and does not become a core program participant will not be included in the calculation of the primary indicators of performance for negotiations and accountability purposes. However, LWDBs are required to collect and ~~report~~report on the outcomes of individuals in receipt of customized training on the primary indicators of performance, among other required elements.

CONFLICT OF INTEREST

State and local board members and members of standing committees may not vote or nor participate in any decisions regarding the provision of services by such members or any organization they directly represent, nor on any matter that would provide any direct financial benefit to that member or the member's immediate family. For example, a SAWDB member who is also an employer who wants to use services on a fee-for-service basis would be prohibited from voting to approve the use of local area services, facilities, or equipment for employment and training activities to such board member's workers. Neither membership on the state board, local board, or standing committee, nor receipt of WIOA funds to provide training and related services, by itself, violates these ~~conflict of interest~~conflict-of-interest provisions. In accordance with §200.112 of the Uniform Guidance, recipients of federal awards must disclose in writing any potential conflicts of interest. Sub-recipients must disclose in writing any potential conflict of interest to the recipient of grant funds.

PROCESS FOR CONTRACTING

Process

Customized training is a service that focuses on the needs of ~~businessa~~ business. All required customized training documentation shall be kept on file with the service provider, business and Workforce Connection Online System (WCOS)~~America's Job Center (NMJobs)~~. Service providers ~~shall~~should make all files and documentation available for monitoring, ~~audits~~audits, and data validation as required.

Customized training processes can include the following:

- A. Service providers may work with an employer to obtain the eligibility documentation ~~on~~for potential trainees. Special attention shall be paid to eligibility documentation requirements to ensure all data validation requirements are met.
- B. Service providers do not have to maintain individual file folders for each participant as long as all required information and documentation is kept on file collectively for each customized training contract by the service provider and business.

CUSTOMIZED TRAINING AGREEMENT PROVISIONS

Customized training agreements shall at a minimum include the following elements:

- A. The occupation for which training will be provided; the skills and competencies

to be ~~achieved~~acquired and the length of time for the training.

- B. The name of each employee to be trained, social security number, date of birth, gender, selective service registration, I-9 on file with employer, hourly pay, hours per week, and employee start date.
- C. The employer's assurance that customized training is needed based upon the individual skill sets of trainees.
- D. Training outline.
- E. Method and maximum amount of reimbursement.
- F. The cost and documented description of any ancillary items or supportive services that may be needed.
- G. Other appropriate training outcomes related to the training (includes ~~obtainment~~obtaining of veteran status, highest grade completed, household/family size and increases in earnings after training if applicable).
- H. Appropriate assurances and certifications as defined in the agreement:
 - 1) ~~Employer~~Employers shall provide worker's compensation coverage for the participants on the same basis as the compensation is provided to other individuals in the same employment. 20 CFR 680.700 (b).
 - 2) Employer shall verify that the training will relate to the introduction of new technologies, introduction to new production or service procedures, or is an upgrade to a new job that requires additional skills, workplace literacy, or other appropriate identified by the local WDB. 20 CFR 680.710 (C).
 - 3) Employer certifies that the company is financially solvent on the date of the contract, and the employer's best projection is that they will remain financially able to meet contract obligations at the end of the training period, including training participant retention.
 - 4) ~~Employer agrees~~Employers agree that wage and labor standards will be adhered to and to pay the participants at the same rates, including increases, and benefits as trainees or employees who are situated in similar jobs. Such rates shall be in accordance with applicable law, but in no event less than the higher rate specified in section 6(a) (1) of the Fair Labor Standards Act of 1938 (and as amended in 1996) or the applicable state or local minimum wage law and WIOA 20 CFR Part 683.275.
 - 5) Conditions of employment and training will be in full accordance with all applicable federal, state, and local laws and ordinances (including but not limited to anti-discrimination, labor and employment laws, environmental laws or health and safety laws), 29 CFR part 38.
 - 6) Employer certifies that the training will not impair existing agreements for services or collective bargaining agreements and that either it has the concurrence of the appropriate labor organization as to the design and conduct of training, or it has no collective bargaining agreement with a labor organization that covers the participants' position.
 - 7) Employer assures that they are not debarred or suspended in regard to federal funding. 29CFR 180 Sub Part H, (Verifiable at <https://www.sam.gov/portal/SAM/#1#1>).
 - 8) Employer further assures that federal funds will not be used to assist, promote or deter union organizing, 20 CFR 663.730.
 - 9) Employer certifies that no member of the training participant's immediate family will directly supervise the participant. For the purpose of this contract, immediate family is defined as spouse, children,

parents, grandparents, grandchildren, brothers, sisters or person bearing the same relationship to the participant's spouse, 20 CFR 683.200 (a).

- 10) Employer assures that the participants will not be employed to carry out the construction, operation or maintenance of any part of a facility that is used or to be used for sectarian instruction or as a place for religious worship, 29 CFR part 2, Subpart D.
- 11) Employer assures that the participant(s) has not been hired into or will remain working in any position when any other person is on layoff from the same or a substantially equivalent job within the same organizational unit or has been bumped and has recall rights to that position, nor if the training is created in a promotional line that infringes on opportunities of current employees, 20 CFR 680.710.
- 12) Employer is committed to employ and/or retain the individual upon successful completion of the training for a minimum of twelve months as specified in section 680.760 (b), WIOA July 22, 2014.

CUSTOMIZED TRAINING DOCUMENTATION

The Customized Training Agreement and its related information and documentation may be kept by the service provider and business. The local board and service provider are responsible for ensuring the information and documentation is available for monitoring and review as required:

- A. Customized Training Agreement and supporting documentation.
- B. Customized Training Plan.
- C. Customized Training Modification(s), if applicable.
- D. Customized Training Progress Report and Invoice.

INQUIRIES

Questions related to this policy may be directed to the Administrative Entity at (575) 744-4857.

ATTESTED

This policy was approved through board resolution on April 8, 2021.

SAWDB Board Chair Signature

Date

SOUTHWESTERN AREA WORKFORCE DEVELOPMENT BOARD

SUPPLEMENTAL WAGE DATA POLICY 19-03.1

DATE OF ISSUE

~~August 19, 2026~~ May 8, 2020

EFFECTIVE DATE

May 12, 2020

PURPOSE

The purpose of this guidance is to provide direction to the Service Providers regarding the permissible use of supplemental wage information to assist in fulfilling the performance accountability requirements under §116 of the Workforce Innovation and Opportunity Act (WIOA).

REFERENCE(S)

- A. Workforce Innovation and Opportunity Act (WIOA), July 22, 2014: §116.
- B. WIOA Final Rules - U.S. Department of Labor (Title I): 20 CFR §677.175.
- C. Training and Employment Guidance Letter WIOA No. 19-16 and 26-16 Operating Guidance for the Workforce Innovation and Opportunity Act

BACKGROUND

The Workforce Innovation and Opportunity Act (WIOA) ~~sets~~sets out the primary indicators of performance and performance reporting requirements. This policy provides guidance on the use of supplemental wage information, when reliance on such information is necessary for verifying and ~~reporting on~~reporting employment related performance indicators.

AVAILABILITY OF SOCIAL SECURITY NUMBERS (SSNs) AND WAGE RECORDS

The use of wage records to measure the primary indicators of performance is the primary data source for employment related performance indicators. ~~New Mexico Department of Workforce Solutions (NMDWS)~~America's Job Center(AJC) does recognize there may be circumstances where systems may not be able to capture wages records. To ensure that programs can track participants for performance accountability even if their information is not contained in the quarterly wage record system, described below, it is permissible to use other information as is necessary to measure the progress of those participants through methods other than quarterly wage information.

CIRCUMSTANCES FOR COLLECTING EMPLOYMENT RELATED DATA USING SUPPLEMENTAL METHODS

The quarterly wage record system will be the primary data source for verifying participant outcomes for the purpose of calculating the ~~employment related~~employment-related primary indicators of performance. The quarterly wage record system includes wages from:

- A. The employer tax filings in the New Mexico UI wage system,

- B. The Wage Record Interchange System (WRIS) which contains employer tax filings from member state UI wage systems, and
- C. The Federal Employment Data Exchanges (FEDES) which contains employment records from Federal employers (OPM, DOD, and USPS).

Within each quarter after exit for which wages are required to be collected, if a direct match from the quarterly wage record system is used to determine both employment status and wages for the period, then the same direct wage match record must be used for both wages and employment status. Likewise, if supplemental wage information is used to determine both employment status and wages within the same reporting period, then the same supplemental wage information must be used for both wages and employment status. There is no requirement that the same direct wage record match or supplemental wage information be used across multiple reporting periods.

Participants quarterly earnings used to determine the median earnings indicator must only reflect actual wages paid, not earned, to the participant during the quarter.

SUPPLEMENTAL WAGE INFORMATION METHODS

Acceptable forms of supplemental wage information relevant to the core program include:

Tax documents, payroll records, and employer records, including the following:

- A. Copies of quarterly tax payment forms to the Internal Revenue Service, such as a Form 941 (Employer's Quarterly Tax Return);
- B. Copies of pay stubs (minimum of two pay stubs); or
- C. Signed letter or other information from employer on company letterhead attesting to an individual's employment status and earnings.

Other supplemental wage records, such as the following:

- A. Income earned from commission in sales or other similar positions;
- B. Data matching with other partners with whom data sharing agreements exist; or
- C. One-Stop operating systems' administrative records, such as current records of eligibility for programs with income-based eligibility (e.g., Temporary Assistance for Needy Families (TANF) or Supplemental Nutrition Assistance Program (SNAP).

Since the New Mexico UI wage system is a source of data to the quarterly wage record system, documentation obtained from the New Mexico UI wages system is not an acceptable form of supplemental wage data.

TIME PERIOD FOR COLLECTING SUPPLEMENTAL WAGE INFORMATION

The timing for collecting supplemental wage data may vary based on whether the case manager ~~knew~~knows or expects that data will not be available in the quarterly wage record system. The need for supplemental wage data for a participant may not be apparent until no match is found in the quarterly wage record system, which ~~become~~becomes available on a time-lagged basis. Wage data for employment related performance indicators during the second quarter will not become available until the latter part of the third quarter after exit and wage data for indicators during the fourth quarter will not become available until the latter part of the fifth quarter after exit.

The optimal time to collect supplemental wage information is as soon as possible following the close of the second and fourth full quarters after exit. When the case manager knows or predicts that UI wage data will not be available for a participant the case manager does not need to wait two quarters after the close of the second and fourth quarters after exit to formally document the supplemental wage data. The Service Providers must develop or modify participant exit procedures to ensure that case managers inform participants, before exit, that they or their employers may be contacted to obtain confirmation of employment status and earnings, and to explain the expected timeframe for those follow-up contacts.

Table 1: Summarizes the times when data match or supplemental wage data are to be collected.

Table 1: Timeline for Commencing Data Collection for Employment-Related Performance Indicators		
Performance Indicator^a	UI Wage Data Becomes Available	Collection of Supplemental Wage Information May Begin^b
Employment Rate – Second Quarter after Exit (including Title I Youth)	During third or fourth quarter after exit	Beginning third quarter after exit
Employment Rate – Fourth Quarter after Exit (including Title I Youth)	During fifth or sixth quarter after exit (first or second quarter, next program year)	Beginning fifth quarter after exit
Median Earnings – Second Quarter after Exit	During third or fourth quarter after exit	Beginning third quarter after exit
Credential Attainment – within 1 Year after Exit	During second or third quarter after exit	Beginning second quarter after exit

- a. For all performance indicators, exit is the point after which a participant who has received services through any program meets the criteria for exit from that ~~program, or program or~~ meets the criteria for exit under an applicable common exit policy (20 CFR 677.150(c), 34 CFR 463.150(c), and 34 CFR 361.150(c)).
- b. For individuals for whom the agency knows or predicts UI wage data will not be available (such as those participants who do not provide an SSN, or for participants receiving entrepreneurial or self-employment training),

Supplemental wage information should be collected as close to the reference period as possible.

TABLE 2: The timeframes when employment-related information must be reported.

Table 2: Deadlines for Timely Collection of Data for Employment-Related Performance Indicators				
Exit Quarter	Report Employment Rate - 2nd Quarter (including Title 1 Youth) by End of:	Report Employment Rate - 4th Quarter (including Title I Youth) by End of:	Report Median Earnings by End of:	Report Credential Attainment (Employment) – within 1 Year after Exit by End of:
First Quarter (Q1) (July 1 - September 30)	Q1 Next Program Year (four quarters later)	Q3 Next Program Year (six quarters later)	Q1 Next Program Year (four quarters later)	Q3 Next Program Year (six quarters later)
Second Quarter (Q2) (October 1 - December 31)	Q2 Next Program Year (four quarters later)	Q4 Next Program Year (six quarters later)	Q2 Next Program Year (four quarters later)	Q4 Next Program Year (six quarters later)
Third Quarter (Q3) (January 1 - March 31)	Q3 Next Program Year (four quarters later)	Q1 Second Program Year After Exit (six quarters later)	Q3 Next Program Year (four quarters later)	Q1 Second Program Year After Exit (six quarters later)
Fourth Quarter (Q4) (April 1 - June 30)	Q4 Next Program Year (four quarters later)	Q2 Second Program Year After Exit (six quarters later)	Q4 Next Program Year (four quarters later)	Q2 Second Program Year After Exit (six quarters later)

PROCEDURES

Procedures to collect data in a valid and reliable manner are for Self-employed, Contracted, Federal job or Business not reporting in UI System. Supplemental Wage Data activity known as data entry in our state [data basedatabase](#) system (NMWCOSJobs) is required, including documentation in the participant case file and activity coding as applicable.

INQUIRIES

Questions related to this policy should be directed to the Administrative Entity at (575) 744-4857.

ATTESTED

This policy was reviewed and approved by the SAWDB on: _____

SAWDB Chairman

Date

**SOUTHWESTERN AREA
WORKFORCE DEVELOPMENT BOARD**

**TRANSITIONAL JOBS
POLICY 19-04**

DATE OF ISSUE

May 13, 2020

EFFECTIVE DATE

May 14, 2020

PURPOSE

The purpose of this policy is to detail the requirements and eligibility for the WIOA Adult and Dislocated Worker Transitional Employment Training (TJ) program to serve untapped labor pools for transitional jobs in the Southwest Area. The goal of the Transitional Employment program is to help eligible adults a dislocated worker from the untapped labor pools gain practical work experience and sharpen their workplace skills while getting paid and working to improve their chances of achieving suitable employment.

BACKGROUND

Transitional Jobs programs target population with multiple employment obstacles or limited work experience. These programs provide a participant with work experience and an opportunity to develop critical workplace skills. TJ must be combined with career and supportive services, based upon an individual's needs. WIOA 134(d)(5), TEGL 19-16, 20 CFR 680.190 and .195

ACTION

Southwestern Area Workforce Development Board Service Providers shall adopt this Transitional Employment Training Policy and provide written procedures and forms.

DEFINITION

- A. Transitional jobs are paid work experiences that are:
1. Time limited and subsidized;
 2. In the public, private, or nonprofit sector;
 3. Provided to individuals with barriers to employment who may be chronically unemployed or have an inconsistent work history;
 4. Combined with comprehensive employment and supportive services; and,
 5. Designed to help participants establish a work history, demonstrate success in the workplace, and develop skills that could lead to entry into and retention in the unsubsidized employment market.

GENERAL PROVISIONS

- A. All transitional job participants must meet program eligibility requirements, be enrolled in the respective WIOA program, and have received an assessment resulting in the development of an Individual Employment Plan that documents the participant's need for and benefit from a transitional job.

- B. A transitional job opportunity may be provided as a training service to enrolled adults and dislocated workers who have met the priority of service requirements.

GUIDELINES

- A. Under Section 134 (d)(5) of WIOA and 20 CFR 680.195 of the Final Rule, Local Workforce Development Boards (LWDB) may use up to 10 percent of their combined total of adult and dislocated workers funds to provide transitional jobs to individuals with one (1) federally defined barrier to employment or chronic unemployment or inconsistent work history (as defined below). TJ placements should contribute to the occupational development and upward mobility of the participant. Unlike on-the-job training (OJT), there is no requirement that the employer retains the individual upon completion of the TJ; however, retention, where appropriate, is preferred for the benefit of the worker and employer.
- B. Federally Defined Barrier to Employment
 - 1. Displaced homemakers
 - 2. Low income individuals
 - 3. American Indians, Alaska Natives, and Native Hawaiians
 - 4. Individuals with disabilities
 - 5. Older individuals (age 55 or older)
 - 6. Ex-offenders
 - 7. Homeless individuals
 - 8. Individuals who are English language learners, individuals who have low levels of literacy and individuals facing substantial cultural barriers
 - 9. Eligible migrant and seasonal farmworkers
 - 10. Single parents (including single pregnant women)
 - 11. Long-term unemployed individuals (unemployed up to 27 or more weeks)
 - 12. Recipients of public assistance
- C. Individuals with “chronic unemployment” or an “inconsistent work history” are those who:
 - 1. Have been unemployed for 13 weeks or longer; or
 - 2. Were unemployed for at least 26 of the past 52 weeks; or
 - 3. Have held three or more jobs in the past 52 weeks.
- D. Employer Eligibility

For an employer to qualify for Transitional Jobs under the program guidelines, they must:

- 1. Be a private-for-profit business, private non-profit organization, or public sector employer;
- 2. Provide a quality work experience for participants to gain valuable skills; and,
- 3. Provide a safe environment for participants to gain skills.

An Employer will not be eligible to participate as a Host Employer site if:

1. The employer has any other individuals on layoff from the same or substantially equivalent position;
2. The Transitional Job would infringe upon the promotion or lead to the displacement of any currently employed worker or result in a reduction in their hours;
3. The same or a substantially equivalent position is open due to a hiring freeze; or
4. The employer(s) has recently relocated, resulting in the loss of employment of any employee of such business at the original location in the U.S.

E. Transitional Jobs Contract Requirements

1. A pre-award review is required to verify that an establishment is expanding rather than/and not relocating employment from another area. The review will ensure that the establishment did not layoff or displace any workers at another location within the United States.
2. WIOA TJ training is provided based on a formal, written contract with a private, non-profit, or public sector employer that is completed and signed by all parties prior to the initiation of training with a copy given to the employer.
3. A TJ contract must be limited to 120 days in length for employment up to 40 hours of work per week. No overtime is allowed.
4. In determining an employer's viability for TJ contracts, local areas should consider the employer's past history with on-the-job training (OJT), customized training (CT), or other TJ contracts, financial stability, layoffs, relocation and labor disputes, as well as the occupational and industry outlook.
5. A TJ training contract must address:
 - a. The hourly wage of the participant - The minimum starting rate of TJ employees shall be at least the applicable federal minimum wage of the same rate as trainees or employees situated in similar occupations by the same employer and who have similar training, experience and skills, whichever is higher, in accordance with WIOA Section 181(a)(1)(A);
 - b. Length of training;
 - c. A description of the occupation(s) involved, skills(s) and competencies to be provided and learned, assessment and identification of the participant's skills gap;
 - d. Performance outcome requirements;
 - e. A training plan (with a rating scale for skills at hire and at completion of the TJ) that defines successful completion of training;
 - f. Reimbursement level - Employers are eligible to receive up to 100% of hourly wage reimbursement. Employer is responsible for submitting timesheets as proof of hours worked;
 - g. A provision addressing termination for lack of funds or recapture of funds, lack of participant attendance or failure of employer to comply with initial or upgraded employment requirements;
 - h. A provision for maintaining and providing records for Local Workforce Development Area (LWDA), state, and federal monitoring and review. Monitoring may include on-site visits and phone/email communication with trainee to review the participant's progress in meeting training plan objectives and adherence to WIOA and applicable regulations. Service Provider must ensure all

proper documentation is scanned into the New Mexico Workforce Connection Online System (NMWCOS).

INQUIRIES

Questions related to this policy should be directed to the Administrative Entity at (575) 744-4857.

ATTESTED

This policy was reviewed and approved by the SAWDB on: _____

SAWDB Chairman

Date

SOUTHWESTERN AREA WORKFORCE DEVELOPMENT BOARD

INDIVIDUAL CAREER SERVICES POLICY 21-01.1

DATE OF ISSUE

~~August 12, 2021~~[August 19, 2026](#)

EFFECTIVE DATE

October 1, 2021

BACKGROUND

The Workforce Innovation and Opportunity Act (WIOA) Joint Rule 678.430 “What are Career Services”, (6) provides short-term pre-vocational services including development of learning skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct services to prepare individuals for unsubsidized employment or training. In addition, (8) workforce preparation activities are also included. Under WIOA §203 (17) “Workforce Preparation Activities” is defined as activities, programs, or services designed to help an individual acquire a combination of basic academic skills, critical thinking skills, digital literacy skills, and self-management skills, including competencies in utilizing resources, using information, working with others, understanding systems, and obtaining skills necessary for successful transition into and completion of postsecondary education or training, or employment.

ACTION

Southwestern Area Workforce Development Board Service Providers shall adopt this Individual Careers Services Policy and provide written procedures and forms.

DEFINITION

Individual Career Services

All eligible participants may be enrolled in individual career services if the Southwestern Area Workforce Development Board Service Providers staff determine that this level of service is necessary for the participant to gain meaningful employment. These services must be available in all Southwest Area locations. Refer to Chapter VII, WIOA Eligibility Certification Process for more information regarding adult and dislocated worker eligibility.

Individual Career Services (ICS) must be designed by each SAWDB Service Provider to meet the unique needs of the participant and their region. These services include:

- A. Comprehensive and specialized assessments of the skill levels and supportive service needs of eligible adults and dislocated workers, which must include:
 - 1) Diagnostic testing and use of other assessment tools; and
 - 2) In-depth interviewing and evaluation to identify employment barriers and appropriate employment goals;

- B. Development of an Individual Employment Plan (IEP) to identify the employment goals, appropriate achievement objectives and appropriate combination of services for the participant to achieve his or her employment goals;
- C. Group and/or individual counseling and mentoring;
- D. Career planning (e.g., case management);
- E. Short-term, pre-vocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct to prepare individuals for unsubsidized employment or training; in some ~~instances~~instances, pre-apprenticeship programs may be considered as short-term prevocational services;
- F. Internships and work experiences that are linked to careers;
- G. Workforce preparation activities that help an individual acquire a combination of basic academic skills, critical thinking skills, digital literacy skills and self-management skills, including competencies in utilizing resources, using information, working with others, understanding systems, and obtaining skills necessary for successful transition into and completion of post-secondary education, training or employment;
 - ~~1)~~ Provider staff will enter ICS type of services and any required ICS service provider information while using activity code "220 Workforce Preparation" in the [America's Job Center \(NMJobs\)New Mexico Workforce Connection Online System \(NMWCOS\)](#).
 - ~~2)~~1) ICS is not required to be on the approved Eligible Training Provider List
 - ~~3)~~2) A provision addressing termination for lack of funds or recapture of funds, lack of participant attendance or failure of provider to comply with initial or upgraded employment requirements.
 - ~~4)~~3) A provision for maintaining and providing records for Local Workforce Development Area (LWDA), state, and federal monitoring and review. Monitoring may include on-site visits and phone/email communication with ~~trainee~~trainees to review the participant's progress in meeting training plan objectives and adherence to WIOA and applicable regulations. Service Provider must ensure all proper documentation is scanned into the [America's Job Center \(NMJobs\)New Mexico Workforce Connection Online System \(NMWCOS\)](#).
- H. Financial literacy services;
- I. Out-of-area job search assistance and relocation assistance; and
- J. English language acquisition and integrated education and training programs.

Individual Career Services shall not cumulatively exceed \$2,500.00 within a five (5) year period

INQUIRIES

Questions related to this policy may be directed to the Administrative Entity at (575) 744-4857.

ATTESTED

This policy was approved through board resolution on August 12, 2021.

SAWDB Board Chair Signature

AGENDA ITEM SUMMARY

Joint Meeting of Region IV, Chief Elected Officials and Southwestern Area Workforce Development Board

March 26, 2026

CEO Consent Agenda Item

CEO Resolution 25 – 10 concurs with the Southwestern Area Workforce Development Board to approve profit incentives to be included in the PY25 Adult and Dislocated Worker Services Contract.

SUMMARY OF AGENDA ITEM

As a function of the Chief Elected Officials, this item is presented for your review and consideration to concur with the Southwestern Area Workforce Development Board to approve profit incentives to be included in the contract agreement PY25-WIOA-02 between the Southwestern Area Workforce Development Board and Arbor E&T, LLC dba Equus Workforce Solutions, to provide WIOA Adult and Dislocated Worker Services for the period of July 1, 2025, through June 30, 2026.

As part of the PY25 WIOA Adult and Dislocated Worker Services agreement, for-profit entities may negotiate a profit amount that is consistent with WIOA regulations. A Profit Incentives Schedule shall accompany the budget section of such agreement. The profit incentive shall be paid after the close-out is conducted and shall not exceed the amount stated in the Profit Incentives Schedule.

RECOMMENDATION

A motion to approve Resolution 25 – 10.

CEO'S OPTIONS ARE TO

- Accept the recommendation
- Amend the recommendation
- Reject the recommendation
- Table the item
- Take no action on the item

DEPENDING ON ACTION TAKEN, ITEM MAY BE REFERRED OR REPORTED TO

- Staff or committee, as directed.

THIS ITEM SUPPORTS STRATEGIC PLAN GOAL(S)

- Supports all strategic plan goals

LIST OF SUPPORTING INFORMATION FOR YOUR REVIEW

- None.

AGENDA ITEM SUMMARY

Joint Meeting of Region IV, Chief Elected Officials and Southwestern Area Workforce Development Board

March 26, 2026

CEO Consent Agenda Item

CEO Resolution 25 – 11 concurs with the Southwestern Area Workforce Development Board to approve profit incentives to be included in the PY25 Youth Services Contract.

SUMMARY OF AGENDA ITEM

As a function of the Chief Elected Officials, this item is presented for your review and consideration to concur with the Southwestern Area Workforce Development Board to approve profit incentives to be included in the contract agreement PY25-WIOA-06 between the Southwestern Area Workforce Development Board and Arbor E&T, LLC dba Equus Workforce Solutions, to provide WIOA Youth Services for the period of July 1, 2025, through June 30, 2026.

As part of the PY25 WIOA Youth Services agreement, for-profit entities may negotiate a profit amount that is consistent with WIOA regulations. A Profit Incentives Schedule shall accompany the budget section of such agreement. The profit incentive shall be paid after the close-out is conducted and shall not exceed the amount stated in the Profit Incentives Schedule.

RECOMMENDATION

A motion to approve Resolution 25 – 11.

CEO'S OPTIONS ARE TO

- Accept the recommendation
- Amend the recommendation
- Reject the recommendation
- Table the item
- Take no action on the item

DEPENDING ON ACTION TAKEN, ITEM MAY BE REFERRED OR REPORTED TO

- Staff or committee, as directed.

THIS ITEM SUPPORTS STRATEGIC PLAN GOAL(S)

- Supports all strategic plan goals

LIST OF SUPPORTING INFORMATION FOR YOUR REVIEW

- None.

AGENDA ITEM SUMMARY

Joint Meeting of Region IV, Chief Elected Officials and
Southwestern Area Workforce Development Board

March 26, 2026

CEO Consent Agenda Item

CEO Resolution 25 – 12 concurs with the Southwestern Area Workforce Development Board to approve profit incentives to be included in the PY25 One-Stop Operator Services Contract.

SUMMARY OF AGENDA ITEM

As a function of the Chief Elected Officials, this item is presented for your review and consideration to concur with the Southwestern Area Workforce Development Board to approve profit incentives to be included in the contract agreement PY25-WIOA-04 between the Southwestern Area Workforce Development Board and Arbor E&T, LLC dba Equus Workforce Solutions to provide WIOA One-Stop Operator Services for the period of July 1, 2025, through June 30, 2026.

As part of the PY25 WIOA One-Stop Operator Services agreement, for-profit entities may negotiate a profit amount that is consistent with WIOA regulations. A Profit Incentives Schedule shall accompany the budget section of such agreement. The profit incentive shall be paid after the close-out is conducted and shall not exceed the amount stated in the Profit Incentives Schedule.

RECOMMENDATION

A motion to approve Resolution 25 – 12.

CEO'S OPTIONS ARE TO

- Accept the recommendation
- Amend the recommendation
- Reject the recommendation
- Table the item
- Take no action on the item

DEPENDING ON ACTION TAKEN, ITEM MAY BE REFERRED OR REPORTED TO

- Staff or committee, as directed.

THIS ITEM SUPPORTS STRATEGIC PLAN GOAL(S)

- Supports all strategic plan goals

LIST OF SUPPORTING INFORMATION FOR YOUR REVIEW

- None.

AGENDA ITEM SUMMARY

Joint Meeting of Region IV, Chief Elected Officials and Southwestern Area Workforce Development Board	March 26, 2026
<p>CEO Consent Agenda Item CEO Resolution 25 – 13 approves the amended Individual Training Account Policy 17-08.6.</p>	
<p>SUMMARY OF AGENDA ITEM</p> <p>As a function of the Chief Elected Officials, this item is presented for your review and consideration to concur with the Southwestern Area Workforce Development Board to approve the amended Individual Training Account (ITA) Policy 17 – 08.6. The amendment updates the allowable timeframe for short-term certifications, increasing the maximum duration from one year to two years. This change aligns the policy with current practice needs and supports participant access to high-demand occupational training</p> <p>After policy approval, staff will conduct a final formatting review to ensure compliance with SAWDB style requirements, including updating headers, transitioning to a single-column layout, and verifying that all required standard verbiage is present and up-to-date.</p> <p>RECOMMENDATION</p> <p>A motion to approve Resolution 25 – 13.</p> <p>CEO'S OPTIONS ARE TO</p> <ul style="list-style-type: none"> • Accept the recommendation • Amend the recommendation • Reject the recommendation • Table the item • Take no action on the item <p>DEPENDING ON ACTION TAKEN, ITEM MAY BE REFERRED OR REPORTED TO</p> <ul style="list-style-type: none"> • Staff or committee, as directed <p>THIS ITEM SUPPORTS STRATEGIC PLAN GOAL(S)</p> <ul style="list-style-type: none"> • Supports all strategic plan goals <p>LIST OF SUPPORTING INFORMATION FOR YOUR REVIEW</p> <ul style="list-style-type: none"> • ITA Policy 	

SOUTHWESTERN AREA WORKFORCE DEVELOPMENT BOARD

INDIVIDUAL TRAINING ACCOUNT POLICY 17-08.7

DATE OF ISSUE

August 19, 2026

EFFECTIVE DATE

August 9, 2024

APPLICABILITY

This applies to Southwestern Area Workforce Development Board (SAWDB), providers of Workforce Innovation and Opportunity Act (WIOA) Adult, Dislocated Worker, out-of-school youth employment, and training services.

PURPOSE

Establish a policy for local workforce development boards regarding individual training accounts.

BACKGROUND

The Individual Training Account (ITA) is established on behalf of a participant to provide training services. Adult, Dislocated Workers & Youth purchase training services from eligible providers selected from the Eligible Training Provider list of approved providers and in consultation with the case manager.

ACTION

References include the following: Public Law WIOA

Individual Training Accounts (ITA) ~~provides a mechanism for paying a mechanism for the payment of~~ training expenses to eligible training providers for individuals receiving funds from the Workforce Innovation and Opportunity Act. (WIOA)

- A. ITAs shall be limited to individuals unable to obtain other grant assistance or require assistance beyond that available from other grant assistance programs. The service provider, at each training enrollment period (i.e., semester, quarter), shall document the unavailability of other funding sources such as Pell Grants, Trade Adjustment Act (TAA), Temporary Assistance for Needy Families (TANF), or other federal grants. Participant must apply for other forms of financial assistance prior to receiving an ITA and throughout WIOA funded training as appropriate. Application, applicant statement, receipt, or denial of financial aid must be maintained in the participant file.
- B. ITAs shall only be issued to individuals who have been determined to need training services to obtain employment.
- C. ITAs shall be developed jointly by the individual and case manager using the results of the assessment and an Individual Employment Plan (IEP). The case manager shall verify that the participant meets the training provider's enrollment criteria for admission to the training program or course of study as well as coordinate the provider's acceptance of the participant into the program and coordination of case management.
- D. Customer choice. The foundation of the WIOA is "informed customer choice" with the ultimate decision

resting with the customer within state and local parameters and policy.

- E. It is the responsibility of the local board and local service provider to assist customers in making informed choices regarding career paths and training through the dissemination of information on state and local targeted industry and occupations in demand.
 - 1) Participants shall be able to use their ITAs to acquire training services from any training provider on the statewide eligible training provider list in a manner that maximizes informed customer choice.
 - 2) WIOA is not an entitlement program. Customer choice shall be exercised within the targeted industry and demand occupations designated. Individuals, eligible or otherwise, that seek training outside of these designated areas can be provided assistance in pursuing other sources of financial aid.
- F. The policy does not have a minimum hourly wage requirement for an occupation, which allows a service provider to issue an ITA in an occupation that meets the requirements. The service provider should consider whether a low wage occupation can lead to a career path for higher earnings, and when the service provider's Median Earnings Report shows that it can offset a lower wage occupation. For example, a person who has no or little work skills can train for an occupation that can incrementally lead toward the self-sufficiency wage – such as, a CNA, whose path leads to an LPN, and RN. In areas where the low wage occupation does not lead to a career path to a self-sufficiency wage, the service provider is responsible for assisting the customer in making informed choices regarding career pathways and training through the dissemination of information on the state and local targeted industries and occupations in demand. Accordingly, if the low wage occupation does not lead toward a self-sufficiency wage, then the customer has the information to make an informed decision as to which occupation to pursue. A customer cannot be restricted from enrollment based on the wage of the occupation when it leads toward a self-sufficiency wage and when the service providers Median Earnings Report shows that it can off-set a lower wage occupation. A service provider and the customer should consider the career pathway based on the customer's work skill level and if the occupational training will lead to higher earnings.
 - 3) Out-of-school youth participants, ages 16-24 may receive an individual training account to access occupational skill training with or without co-enrolling in the adult and dislocated workers program.
- G. In consideration of Sections E. (2) and F. (1), service providers must examine the occupations in demand and develop a strategy to address the level of skilled workers available to employers within various occupations.
 - 1) The service provider needs to consider how it will spread its limited funds among the different occupations in demand throughout the service area. Accordingly, the service provider may temporarily limit or stop issuing ITAs in an occupation or occupations.
 - 2) When the labor market information shows that an occupation has been adequately supplied in the region, the service provider has the discretion to reduce or stop the issuance of ITA contracts until the labor market information shows a need to issue ITAs.
- H. The Administrative Entity must be notified in writing prior to the service provider temporarily limiting or stopping the issuance of ITAs to an occupation or occupations. The Administrative Entity must approve the moratorium in writing.
- I. Training programs may only be selected from the approved Eligible Training Provider list and must be an "occupation in demand". The participant will have access to the list of eligible training providers through the Virtual One Stop System.

- J. An “occupation in demand” is defined by the SAWDB as those that have an annual opening of 4 or more, or Total Percent Change of 8% or more. Projections can be found in the Labor Market Information on America’s Job Center online system (NMJobs) and uploaded into the participant’s online file. The SAWDB may also approve training services for occupations determined in sectors of the economy that have a high potential for sustained demand or growth in the local area and/or those designated as priority industries within the region.
- 1) Exceptions to the "occupation in demand" criteria are allowed when a participant provides a “letter of hire” from an employer, signed by an individual with the authority to hire on company letterhead, stating they will employ the participant as a full-time employee upon successful completion of the training program. Employment is defined as any service, including service in interstate commerce, performed for wages or under any contract of hire, written or oral, expressed or implied.
 - 2) The “letter of hire” is not applicable to jobs that are based on commission earnings that do not include at least 32 hours of wage or salary earnings per week. The wage rate or salary must be at the minimum employment wage rate under federal, state, or local law plus commission.
 - 3) The occupation in demand or letter of hire must be documented in the participants' file.
 - 4) The following are the required elements for the letter of hire:
 - (i) Statement indicating an "offer of employment"
 - (ii) Employment start date
 - (iii) Salary or hourly rate of pay, and that the position is full-time at minimum of 32 hours per week
 - (iv) Fringe benefits, such as insurance, retirement, or vacation, if offered
 - (v) Supervising position of the participant
 - (vi) Statement indicating pay frequency, such as bi-weekly, weekly, semimonthly, etc.
 - (vii) Statement, signature, and date line for applicant to confirm the acceptance of the job offer
 - (viii) State the contingencies of employment, such as degree, certificate or license that must be in hand prior to start date; expirations of offer, if contingencies are not met; verification of eligibility to work in the United States; background check and drug screening, if applicable.
 - 5) Prior to issuing a letter of hire, employers should verify applicant's eligibility to work in the United States and re-verify prior to the first day of employment.
 - 6) Service providers will verify employment and case note the follow-up within the first quarter after exit.
- K. Participants must be able to use their ITA to procure services from any eligible training provider on the local/state list.
- L. The SAWDB, or its designee, shall establish a mechanism for payment to an approved training provider. This process shall include tracking expenditures of all resources paid for the participant's training, including WIOA Title I funds of the ITA.
- M. Participants shall be able to use their ITAs to acquire training from any eligible training provider on the state list, or training provider lists of other states.
- N. When an individual is approved for training and an eligible provider is selected, an ITA must be completed by the case manager. The application should contain a commitment to complete training, to provide attendance information, grades or progress reports with a cumulative grade point average of 2.0 or above, and credentials to utilize the provider's resources for placement, and when hired, to provide placement and follow-up information to the case manager. Provisions should also be included for follow-up activities to

determine employment retention and wages after employment, including authorization for access to unemployment insurance (UI) wage records.

- O. The allowable amount of training costs applicable to all Individual Training Accounts (ITAs) is dependent upon the type of occupational skill training and the range of costs for such training. The maximum cost per individual using ITAs shall not exceed the following:

Degree or Certification	Maximum Years	*Maximum Amount Per Year	Total Maximum Amount
Bachelors	5	\$3,000.00	\$15,000.00
Associates	3	\$3,000.00	\$9,000.00
Short-term Certifications	2 1	\$8,000.00	\$8,000.00

- 1) *The maximum amount per year is determined by when the first contract for an ITA is issued. A year begins on the date of the first ITA contract, not on a calendar year or program year.
 - 2) **For example:** If the first ITA contract is issued on August 15, 2018, then the one-year term ends on August 14, 2019.
 - 3) A waiver request may be submitted to the WIOA Administrator to exceed the Maximum Amount per Year or the Total Maximum Amount when it is demonstrated that the participant’s financial need exceeds their financial resources. The WIOA Administrator is authorized to grant or not grant the waiver. The Administrative Entity will provide a guidance letter on the waiver request criteria and submission instructions.
- P. Only the full payment for each semester, quarter, or other training period will be allowed if the training provider has a published prorated refund policy applicable for all students who may drop out of that training institution. Advanced payments beyond each training period are not allowed.
 - Q. The durational limit of an ITA for an individual participant is based on the needs identified in the Individual Employment Plan (IEP) but cannot exceed the number of training years set in the above table.
 - R. Exceptions to pursuing an additional credential through an ITA training within a five-year period, training exceeding allotted number of years, and cost limitations may be allowed under extenuating circumstances following the SAWDB waiver policy and must be documented in the participant's file.
 - S. Use of an ITA is necessary for the following types of training:
 - 1) Occupational skills training services, including training for nontraditional employment; Prerequisite courses required for acceptance into a vocational/occupational skills training program ~~is allowable only when the entire program including prerequisites are allowable only when the entire program, including prerequisites, can be completed within the allotted number of years. In the event the completion of prerequisites may not result in the acceptance and entrance into a vocational/occupational skills training program, prerequisites must be completed and acceptance into a program documented prior to enrollment into WIOA funded that the completion of prerequisites may not result in acceptance and~~

entrance into a vocational/occupational skills training program, prerequisites must be completed and acceptance into a program documented prior to enrollment into WIOA-funded training.

- 2) Programs that combine workplace training with related instruction which including appropriate education programs
 - 3) Training programs for occupations in demand operated by the private sector
 - 4) Skill upgrading and retraining
 - 5) Entrepreneurial training
 - 6) Adult basic education/ESL/literacy provided in combination with the above training
 - 7) Post-secondary education for careers in demand
 - 8) Bureau of Apprenticeship Training (BAT) approved apprenticeship programs.
- T. Short-term prevocational activities not allowed under an ITA. Short-term prevocational activities are Individualized Career Services that prepare individuals for employment or enable workers with skills to acquire a necessary occupational credential through short-term continuing education. Examples include development of (1) basic learning, communication, and interviewing skills, such as punctuality, personal maintenance, and personal conduct skills, (2) employability skills training such as job preparation and work maturity skills developed in SCANS (Secretary's Committee on Achieving Necessary Skills) and (3) in the development of occupational literacy skills to complete a training program or class, such as a basic computer class in Word. Basic skill/academic remediation including Developmental Math/English, English-as-a Second Language (ESL), literacy training, GED preparation, employment skills enhancement and others leading to the attainment of a high school diploma or equivalent, or attainment of basic and employment skills competencies are considered to be pre-vocational short-term trainings funded under Intensive Services, but only after exhausting and documenting the lack of other available resources to provide such training. If taken alone and funded as an Intensive Service, participants must be able to complete needed academic remediation/developmental instruction in preparation for employment or regular curriculum in 12 months or less.
- U. ITAs are not used for customized training or a training services program of demonstrated effectiveness serving special participant populations that face multiple barriers to employment.
- V. SAWDB or providers shall monitor the use of ITAs to ensure that training services are provided in a manner that maximizes customer choice regarding career paths and training through the dissemination of information on state and local targeted industry and occupations in demand, with sound accounting and payment procedures used and local limitations are observed.
- W. SAWDB Administrative Entity or designee shall ensure that Career Services are made available to individuals in the One Stop Centers, which must include the completion of an Individual Employment Plan (IEP) prior to participation in any training activity. The IEP must document the participant's ability to succeed in the selected training program.
- X. The ITA will cover all books, fees, and training materials, supplies and uniforms as required in the training institution participant statement as issued by the training provider in addition to tuition except for those covered by other forms of financial assistance. WIOA funds are intended to supplement other sources of funding for training to participants who are unable to find other grant assistance or whose financial needs exceed the assistance available from other sources. ITAs must be coordinated with other grant assistance to ensure that WIOA funds are not used to pay for the cost of training when grant assistance from other sources are available to pay the costs. The following documentation for the ITA contract must be scanned

into NMJobs:

1. ITA Contract (signed by all parties)
 2. Fund Training Sheet
 3. Class Schedule,
 4. Degree Plan
 5. Customer Choice
 6. Approved WIOA Program Screenshot
 7. Occupation in demand Screenshot (Projected annual job openings/projected employment growth)
 8. Training Institution's Participant Statement
- Y. A WIOA participant may enroll in a training program with WIOA funds while application for Pell Grant funds are pending, but the local Workforce Development Board must be reimbursed for the amount of the Pell Grant used for training if the application is approved. Only that portion provided for tuition is subject to reimbursement. Permission must be given to the service provider by the participant to obtain financial aid information by the post-secondary institution,
- Z. Enrollment in an ITA and the execution of the ITA contract must be done no later than the start of a training. The Board will not pay for training on an ITA contract executed after the first day of training, and service providers will be responsible for paying the costs with non-WIOA funds.
- AA. ITA modification must be done when there is a change in the contract to the tuition/fees, books, or supplies. The modification must be signed by all parties. When the amount of the contract is different than the amount of the institutions invoice then a de-obligation must be made to the voucher in NMJobs,
- BB. Service Provider Case Managers will ensure that tracking mechanisms are in place to ensure funding caps are not exceeded.
- CC. Service Provider Case Managers will maintain contact with participants during training to track performance, attendance, and change in status, as well as inform participants of their account status. All contact will be documented in the participant's files in America's Job Center Online System (NMJobs)
- DD. SAWDB shall make provisions for the maintenance and retention of ITA records, including systems of issuance, funding obligations/expenditures, oversight, and completion in accordance with WIOA record retention requirements. Such records shall be retained for a period of three 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.
- EE. SAWDB shall ensure that selected training providers are afforded appropriate training and technical assistance necessary to deliver the required WIOA services.

INQUIRIES

Questions related to this policy should be directed to the Administrative Entity at (575) 744-4857.

ATTESTED

This policy was reviewed and approved by the SAWDB on August 8, 2024

SAWDB Chairman

Date

AGENDA ITEM SUMMARY

Joint Meeting of Region IV, Chief Elected Officials and
Southwestern Area Workforce Development Board

March 26, 2026

CEO Consent Agenda Item

CEO Resolution 25 – 14 concurs with the Southwestern Area Workforce Development Board to designate Southwestern Area Workforce Development Board bank account signatories.

SUMMARY OF AGENDA ITEM

As a function of the Chief Elected Officials, this item is presented for your review and consideration to concur with the Southwestern Area Workforce Development Board to authorize Tiffany Romero and Gary Whitehead as signatories on all the Southwestern Area Workforce Development Board's bank accounts.

RECOMMENDATION

A motion to accept Resolution 25 – 14.

CEO'S OPTIONS ARE TO

- Accept the recommendation
- Amend the recommendation
- Reject the recommendation
- Table the item
- Take no action on the item

DEPENDING ON ACTION TAKEN, ITEM MAY BE REFERRED OR REPORTED TO

- Staff or committee, as directed.

THIS ITEM SUPPORTS STRATEGIC PLAN GOAL(S)

- Supports all strategic plan goals

LIST OF SUPPORTING INFORMATION FOR YOUR REVIEW

- None

AGENDA ITEM SUMMARY

Joint Meeting of Region IV, Chief Elected Officials and Southwestern Area Workforce Development Board	March 26, 2026
<p>CEO Consent Agenda Item CEO Resolution 25 – 15 concurs with the Southwestern Area Workforce Development Board to approve travel, meals, hotel, and conference fees for Southwestern Area Workforce Development Board members to attend the New Mexico Workforce Conference, with a revised date and location, previously approved on August 14, 2025.</p>	
<p>SUMMARY OF AGENDA ITEM</p> <p>As a function of the Chief Elected Officials, this item is presented for your review and consideration to concur with the Southwestern Area Workforce Development Board to approve travel, meals, hotel, and conference fees for Southwestern Area Workforce Development Board members to attend the rescheduled event, 2026 New Mexico Workforce Conference on May 4 – 5, 2026, in Santa Fe, NM. This event is in partnership with Innovate+Educate.</p> <p>The New Mexico Department of Workforce Solutions originally scheduled the 2025 New Mexico Workforce Conference for October 29 – 30, 2025, in Albuquerque, NM. The SAWDB approved board member attendance for that conference on August 14, 2025, but DWS postponed the event.</p> <p>RECOMMENDATION</p> <p>A motion to accept CEO Resolution 25 – 15.</p> <p>CEO'S OPTIONS ARE TO</p> <ul style="list-style-type: none"> • Accept the recommendation • Amend the recommendation • Reject the recommendation • Table the item • Take no action on the item <p>DEPENDING ON ACTION TAKEN, ITEM MAY BE REFERRED OR REPORTED TO</p> <ul style="list-style-type: none"> • Staff or committee, as directed. <p>THIS ITEM SUPPORTS STRATEGIC PLAN GOAL(S)</p> <ul style="list-style-type: none"> • Supports all strategic plan goals <p>LIST OF SUPPORTING INFORMATION FOR YOUR REVIEW</p> <ul style="list-style-type: none"> • None 	

AGENDA ITEM SUMMARY

Joint Meeting of Region IV, Chief Elected Officials and Southwestern Area Workforce Development Board	March 26, 2026
<p>CEO Agenda Item CEO Resolution 25 – 16 authorizes WIOA grant agreement approval contingent upon DWS funding award and WIOA Administrator and Board Chair review, and authorizes the Lead CEO to sign.</p>	
<p>SUMMARY OF AGENDA ITEM As a function of the Chief Elected Officials, this item is presented for your review and consideration to approve a contract grant agreement with the New Mexico Department of Workforce Solutions (DWS) to provide Workforce Innovation and Opportunity Act services from July 1, 2025, through June 30, 2027, and authorizes the SAWDB and CEO Chairs or Vice-Chairs to sign the agreement.</p> <p>On an annual basis, the Board receives a contract to fund workforce training services, under Title I of WIOA, in the Southwestern area of New Mexico.</p> <p>The contract amount is currently unknown, but the terms and conditions should remain nearly the same as current and past years. DWS and WIOA AE staff may recommend minor changes, but the Chair and Lead CEO will have the opportunity to review such changes prior to signing.</p> <p>RECOMMENDATION A motion to approve CEO Resolution 25 – 16.</p> <p>CEO'S OPTIONS ARE TO</p> <ul style="list-style-type: none"> • Accept the recommendation • Amend the recommendation • Reject the recommendation • Table the item • Take no action on the item <p>DEPENDING ON ACTION TAKEN, ITEM MAY BE REFERRED OR REPORTED TO</p> <ul style="list-style-type: none"> • Staff or committee, as directed. <p>THIS ITEM SUPPORTS STRATEGIC PLAN GOAL(S)</p> <ul style="list-style-type: none"> • Supports all strategic plan goals <p>LIST OF SUPPORTING INFORMATION FOR YOUR REVIEW</p> <ul style="list-style-type: none"> • Grant Agreement 	

Workforce Innovation and Opportunity Act (WIOA)

xxxx Grant Agreement

Federal Program Year 2026

State Fiscal Year 2027



GRANT AGREEMENT
(insert coversheet)

PART 1 - GRANT AGREEMENT PROVISIONS

I. BACKGROUND

This is an enforceable agreement with mutual consideration, known to the United States Department of Labor (USDOL) as a Grant Agreement (Agreement). The parties to this Agreement are the New Mexico Department of Workforce Solutions (NMDWS) acting as the State Administrative Entity (SAE), the Chief Elected Officials (CEOs) and the Local Workforce Development Board (LWDB). The parties enter into this Agreement pursuant to the Workforce and Innovation and Opportunity Act (WIOA).

The purpose of the WIOA includes:

- Increasing access to and opportunities for the employment, education, training, and supportive services that individuals need, particularly those with barriers to employment, by implementing a customer-focused one-stop delivery system;
- Enhancing and increasing innovative strategies to improve the coordination among key core programs that support employment, education and literacy and vocational rehabilitation activities through the alignment of systems, in support of a comprehensive, accessible, and high-quality workforce development system;
- Improving the quality and labor market relevance of workforce investment, education, and economic development efforts;
- Promoting improvement in the structure and delivery of services; and
- Providing workforce development activities that increase employment, retention, and earnings of participants that also increases credential attainment, as a result. Improve the quality of the workforce, reduce welfare dependency, increase economic self-sufficiency, meet skill requirements of employers, and enhance productivity and competitiveness of the nation.

NMDWS WIOA Vision and Goals

Our vision is a coordinated and streamlined workforce system that empowers all New Mexicans to provide for themselves and their families through meaningful jobs and careers; helps employers find the talent they need to flourish in New Mexico; and is ready for the changing economy of our state and nation.

- **Goal 1:** Collaborate with employers to expand the workforce that supports the safety, health, and well-being of New Mexican families and the modernization of New Mexico's infrastructure.
- **Goal 2:** Build and empower the workforce to thrive in the face of changes to the state and national economy and the way we work.
- **Goal 3:** Increase year-over-year labor force participation rates and economic prosperity for disengaged and difficult to reach New Mexicans.
- **Goal 4:** Attract out-of-state workers to New Mexico and improve retention of New Mexicans within the State, particularly in rural communities.

The Governor of the State of New Mexico has received a grant from the USDOL to administer WIOA funding. The Governor has authorized NMDWS, as Grantor under this Agreement, to award and oversee allocations of these funds to the LWDBs. The WIOA grant authorizes the LWDBs to coordinate activities that organize and facilitate the delivery of employment and training programs consistent with the WIOA, the New Mexico Combined Four-Year State Plan, the Local Workforce Development Board plan, and this Agreement. All parties to this Agreement consent to the following requirements:

II. AGREEMENT REQUIREMENTS

1.1 **Duties and Obligations of SAE:**

The New Mexico Department of Workforce Solutions (NMDWS) shall serve as the State Administrative Entity (SAE) for the WIOA on behalf of the Governor of New Mexico. As the SAE, NMDWS provides staff support to the State Workforce Development Board (SWDB) and shall be responsible for the day-to-day fiscal, program administration, and oversight of the WIOA in New Mexico. The SAE shall provide administrative direction to the Local Workforce Development Board (LWDB) through the development and distribution of federal and state WIOA program guidance, state policies and rules, technical assistance guidance and guidance letters. The SAE shall also provide ongoing program and fiscal monitoring to ensure compliance with federal and state policies and regulations for WIOA. Additionally, the SAE is responsible for coordinating technical assistance, training, and other necessary support to promote the LWDB's successful implementation of the WIOA.

1.2 **Duties and Obligations of the Chief Elected Officials (CEO) and Chief Lead Elected Official (CLEO):**

The chief elected officials (CEOs) as defined in NMAC 11.2.4.7 (A), in a local area, **shall serve as the local grant recipient for, and shall be liable for any misuse of, the grant funds** allocated to the LWDB, unless the chief elected officials reach an agreement with the Governor for the Governor to act as the local grant recipient and bear such liability in accordance with NMAC Title II, Chapter 2, Part 4 11.2.4.7.

A Chief Lead Elected Official (CLEO) shall be named for the local area from among the CEOs, according to the CEO agreement, who shall act in a capacity similar to the role of a board chair. The CLEO shall convene the CEOs and represent them in meetings and in receipt of communication from the SAE and/or SWDB. The CLEO is expected to operate within authority given to them by the broader group of CEOs. The CEO Shared Liability Agreement shall outline the process for designating the CLEO and the decision and actions the CLEO can make on behalf of the CEOs.

The local grant recipient, or an entity established by the Chief Elected Officials, shall disburse the grant funds for workforce investment activities at the direction of the LWDB, pursuant to the requirements of this Agreement. The local grant recipient or entity designated shall disburse the funds immediately upon receiving such direction from the LWDB.

The CEOs are required to meet a minimum of twice annually, with attendance by a minimum 51% of counties represented in the local area, to review program and fiscal activities, provide leadership and guidance to the LWDBs, and support LWDB membership.

The CEOs, together with the LWDB, are charged with making policy decisions for their area, to address the workforce needs of their citizens and residents. **The CEOs are responsible for WIOA Title I grant funds that are awarded to a local area.** When an area is composed of multiple jurisdictions under more than one CEO, the CEOs shall implement a written Shared Liability Agreement that specifies the liability for their respective, individual jurisdictions. The primary responsibilities of the CEOs include:

- Serving as the grant recipient, and holding fiscal responsibility for workforce funds;
- Appointing a fiscal agent while remaining responsible for grant funds;
- Appointing Local Workforce Development Board members along with the discretion to appoint additional board members, subject to Governor’s certification requirements (20CFR 679.350);
- Creating by-laws that govern the Local Workforce Development Board;
- Approving the Local Workforce Development Board budget;
- Entering into agreements with other authorities, as the local workforce area has more than one unit of government, to establish the process for designation of Chief Lead Elected Official (CLEO), and develop local allocation formulas to assure coverage for counties served by the local area;
- Requesting local area designation by the Governor and consulting during the decision-making process;
- Consulting with the Governor, in case of local board reorganization or decertification;
- Reviewing policies that respond to changes in the local economy and recommending alignment and streamlining goals for the system.

The CEOs oversee the operations of the local one-stop center network. They develop and submit a regional plan in coordination with the local board members and other partners of the associated coverage area. The regional plan describes the combined activities, if any, undertaken by the LWDB(s) and their partners as described in their local plans.

In addition, the CEOs review and approve the budget and cost allocation plan for the local workforce development area, as well as the selection of the one-stop operator, following the competitive procurement process.

1.3 Effective Date and Term:

This Agreement shall be effective upon signature of the designated CLEO, Chairperson of the contracting LWDB, and the NMDWS Cabinet Secretary (or their respective designee). Performance of the Agreement shall commence upon signature and terminate no later than June 30, 2028, unless terminated earlier pursuant to the terms of this Agreement.

1.4 Funding:

The SAE shall allocate WIOA funds for services to youth, adults, and dislocated workers based on the USDOL-mandated formulas referenced in USDOL Training and Employment Guidance Letter (TEGL) 12-23 Availability of WIOA funds is predicated upon receipt of federal allocations, and subject to required formula disbursements and rescission. Funds which the LWDB does not expend within the specified period are subject to reversion to the State pursuant to applicable law. Additionally, the SAE may opt to conduct an early one-year recapture of funds for purposes of reallocation. The amount of recapture, if any, shall be based on the amount by which the prior year’s unobligated balance of allocated funds exceeds 20 percent (20%) of that year’s allocation for the program, less any amount reserved (up to 10%) for the costs of administration. Unobligated balances shall be determined based on allocations adjusted for any allowable transfers between the adult and dislocated worker funding streams.

In the event USDOL reduces funding for the current year or retroactively, the SAE shall execute a unilateral modification to the Agreement.

Upon receipt of a fully executed Agreement and all required attachments, the funds may be made available to the LWDB. The allocation letter and any subsequent letters of allocation, notices of increases and/or decreases in funding, or reallocation shall be incorporated into modifications as addendum to this Agreement.

PART 2 - ADMINISTRATIVE STANDARDS AND PROCEDURES

Maintenance of Integrity in the Expenditure of Public Funds under Penalty of Law:

The LWDB shall take every reasonable course of action to maintain integrity in the expenditure of public funds to avoid any favoritism, conflict of interest, disallowed cost, or other questionable or improper conduct as defined in WIOA, the Governmental Conduct Act, the New Mexico Procurement Code and other applicable state and federal laws and by-laws. The parties shall administer this Agreement in an impartial manner, free from personal, financial, political, or other questionable or improper gains or motives. In administering this Agreement, the LWDB, its executive staff, and its employees, shall avoid situations that, to a reasonable person, appear to call into question the party's loyalty to the highest fiduciary standard of conduct.

2.1 Expenditure Authorization Procedures: The LWDB agrees to abide by SAE rules, policies and procedures in requesting, disbursing, recording financial expenditures, and reporting requirements.

- A. Prior to the expenditure of any funds, the LWDB shall establish detailed accounting codes to track the expenditure of funds under this Agreement and develop and submit quarterly fiscal reports to the SAE.
- B. The LWDB shall establish and maintain updated local fiscal policies and procedures for their sub-grantees that shall ensure compliance with applicable federal and state laws. LWDB shall comply with, and enforce, whatever additional provisions it, in its discretion, chooses to impose on sub-grantees.
- C. LWDB may submit a Cash Request Form to the SAE to draw down funds for allowable costs as stated in 2 CFR 200 Subpart E – Cost Principles.
- D. **Expenditure Limitations:** SAE shall not be liable for LWDB or CEO expenditures made in violation of the legal authorities cited in this Agreement, or any other law or regulation applicable to a specific service performed under the grant.
 - i. The SAE shall not be liable for any costs incurred by the LWDB in the performance of a grant which have not been billed to the SAE within the contract closeout period.
 - ii. The LWDB shall expend all funds provided throughout the grant, including funds expended under sub-awards or subcontracts for authorized activities only.
 - iii. The LWDB shall repay to the SAE any funds determined to be expended in violation of the terms and conditions of the grant. The LWDB shall be liable for such funds and shall repay such funds even if a Board's subrecipients or subcontractors made the improper expenditure.
 - iv. Resolution of Disallowed Costs:
 - (1) First Priority: The LWDB shall recover funds from the service provider(s) incurring the liability and utilize such funds to retire the liability to the SAE.

- (2) Second Priority: The LWDB shall recover funds from an insurance carrier or bond issuer and utilize such funds to retire the liability to the SAE.
- (3) Third Priority: The LWDB shall use available stand-in costs to resolve the disallowed costs or other liability to the SAE.
- v. All repayments made by the LWDB shall be from non-federal and non-state funds within thirty (30) calendar days after demand or legal action could result to recover such funds and/or additional costs.

Note: There are other options available to address Sanctions, Corrective Actions and Waiver of Liability included with the Title 20 Chapter V Part 683 Subpart G 683.740 and 683.750

- E. The LWDB acknowledges that USDOL, the SAE, the State Auditor's Office, or other authorized agents, have the authority and responsibility to monitor and evaluate the LWDB and its sub-grantees fiscal systems, as referenced in 2 CFR 200.302, Fiscal Management, to assure compliance with state and federal fiscal management guidelines, policies, and procedures.

2.2 Modification Procedures:

This Agreement is subject to modification required as a result of changes in applicable federal or state law, or to implement federal or state rules, regulations, or procedures or duly approved wavier(s) by the USDOL. Any such required modification shall be automatically incorporated into, and be made a part of, this Agreement as of the effective date of such change; unless such change results from a modification of state or federal law in which case the effective date shall be the date on which the law is enacted. Any other changes to this Agreement may only be made through a written modification request and approved in writing by the parties.

- A. The parties to this Agreement may modify the budget in accordance with State policies and procedures. Each modification becomes an amendment to this Agreement. Upon proper execution and approval of the parties, LWDB may commence preparatory work related to the modification but shall enact o change or amendment prior to submitting it to the SAE for review and written approval
- B. If changes in labor market conditions, funding, or other factors require substantial deviation from an approved local plan, the CEO's and LWDB shall submit a modification of such plan which shall be subject to the SAE's review, revision, update, correction, or amendment.
- C. All modifications shall include a clear and specific justification to ensure transparency as stated in TEGl 19-14.

2.3 Reporting Requirements:

- A. **Financial:** The LWDB shall comply with the established policy as set forth by the SAE regarding fiscal reporting requirements, including the tracking and reporting of stand-in costs and program income as defined in 2 CFR 200.80. Monthly Financial Reports shall use the required NMDWS format. An electronic copy of the Monthly Financial Status Report complete with signature shall be submitted to NMDWS by the 20th day following the last day of each month. Original copies shall be retained by the LWDB's fiscal agent.

- B. **Program:** The LWDB shall comply with the goals and objectives identified within the LWDB's approved local plan. Quarterly Program Reports shall use the required format of Exhibit G. An electronic copy of the Quarterly Program Report shall be submitted to NMDWS by the 45th day following the last day of each month. The LWDB shall be required to meet all identified performance measures, as negotiated with the SAE, as well as the goals and benchmarks identified within each local plan, federal and state directives and the scope of work contained in this Agreement.

2.4 Maintenance of Funds in Appropriate Financial Institutions:

LWDB and its sub-grantees, if any, shall maintain all funds in cash depositories that have Federal Deposit Insurance Corporation (FDIC) insurance coverage. There shall be adequate fidelity bonding for insurance coverage where FDIC lacks sufficient coverage as per CFR 200.304.

2.5 Payment Contingency:

The parties recognize that LWDB is to be paid, reimbursed, or otherwise compensated, in whole or in part, from available federal funds. Therefore, all LWDB rights, demands, and claims to compensation arising under this Agreement are contingent upon the SAE's receipt of such funds from the federal government and upon the continued receipt of such funds.

2.6 Performance Standards:

Performance accountability is critical to the State's vision for talent development, economic growth and expanding partnerships with employers across the state's key industries. To reflect the strategic priorities of New Mexico, cultivating highly effective Local Workforce Development Boards requires the adoption of an additional set of performance measures and application of these measures, as well as those required under WIOA, to a broader number of programs. The additional performance standards are located in section IX of the Scope of Work.

PART 3 - CONFIDENTIALITY, DATA MANAGEMENT, RECORD MAINTENANCE, & AUDITING

3.1 Data Access and Automation Requirements:

Access to NMDWS information system(s) shall be allowed only through Agency-approved computing equipment including, but not limited to, SFTP, ACH Network, etc. The LWDB shall ensure computing equipment and/or resources meet the minimum industry Information Security Requirements (e.g. current anti-virus, anti-malware, current patches, etc.); any other means of system access is prohibited.

The LWDB shall 1) maintain computer equipment to ensure connectivity with the Workforce Connection On-Line System; 2) adhere to the requirements set forth in applicable state policy; and 3) use a common information management system as determined by the SAE and require providers to also utilize it as the primary management information system. Access to NMDWS data shall be authorized by designated authorities and in accordance with NMDWS Access Request and Access Control policies and procedures. Direct data exchanges can be established upon request if such exchanges support the purposes of this Agreement and are approved by the SAE and NMDWS Chief Information Officer.

3.2 Retention of Records:

The LWDB and any sub-grantees shall retain all such records in accordance with federal regulations and State record retention laws.

- A. **Fiscal Records:** In addition to any requirements imposed elsewhere in this Agreement, LWDB shall retain accurate, current, separate, and complete fiscal records sufficient and otherwise adequate to provide full disclosure of the status of the funds received under this Agreement. All such records shall be adequate to allow USDOL, independent auditing firms, and the SAE to audit and monitor the LWDB at any time, in the sole discretion of the SAE. All such records, documents, communications, and other materials shall be the property of the State and shall be maintained by LWDB in a central location as custodian for the State.
- B. **Fixed Asset and Inventory Maintenance:** The LWDB shall adhere to the requirements for maintenance of fixed assets in accordance with State rules and regulations.
- C. **Retention of Complaint Records:** The LWDB and any sub-grantees shall retain, for a minimum period of not less than three (3) years from the date of resolution, all records regarding program complaints and all actions taken to resolve such complaints and to assure resolution within established time frames. The LWDB shall immediately notify SAE upon receipt of any complaints to obtain technical assistance in the resolution of such complaints, and to ensure resolution within established time frames. If pending litigation, an audit, or a claim involving a LWDB is initiated prior to the end of the referenced retention periods, then such retention period automatically renews for an additional period of three (3) years, or until such litigation, audit, or claim is finally resolved.

3.3 Confidentiality of Records:

The LWDB agrees to be bound by all confidentiality and disclosure requirements of the WIOA and of the State of New Mexico, including but not limited to, the New Mexico Inspection of Public Records Act. Any breach of confidentiality or disclosure requirements by LWDB, or third-party agents of LWDB, shall constitute good cause for the SAE to cancel this Agreement, without liability to the State. Any State waiver of an alleged breach of confidentiality by LWDB, or third-party agents of LWDB, does not constitute a waiver of any subsequent breach by LWDB, or third-party agents of the LWDB.

3.4 Ownership of Materials, Information, Data, Computer Software, Documentation, Studies, and Evaluations:

Unless otherwise provided for in this Agreement, the parties agree that all materials, information, data, computer software, etc., are the sole property of the NMDWS. The SAE may request that LWDB deliver these items to the SAE upon completion, termination, or cancellation of this Agreement. LWDB shall not use, willingly allow another to use, or cause such items to be used for any purpose other than for the performance of LWDB's duties and obligations under this Agreement without the prior, express, written consent of SAE.

3.5 Stevens Amendment:

The Stevens Amendment is a federal law found in H.R. 6157 that requires funding information to be included on all projects or programs using federal funds. It is intended to provide transparency for taxpayers and ensure federally funded research and work are properly credited. Federal grants shall include a funding statement on all materials that communicate information regarding programs funded in whole or in part with federal funds including award announcements, requests for proposals, bid invitations, presentations, website content, press releases, and marketing materials shall include language that complies with the Stevens Amendment.

Federal funds shall clearly state:

1. The percentage of the total cost of the program or project which is financed with federal funds,
2. The dollar amount of federal funds for the project or program, and
3. The percentage and dollar amount of the total costs of the project or program financed by non-governmental sources.

3.6 Confidentiality of Data:

- A. **Computer Matching and Privacy Protection Act (CMPPA) Agreement:** The LWDB shall comply with the terms and conditions set forth in the CMPPA that is part of the Information Exchange Agreement (IEA) between the Social Security Administration (SSA) and NMDWS. The LWDB shall not duplicate, disseminate, or disclose such data without first obtaining through NMDWS, SSA's prior written approval. A copy of the CMPPA and IEA are available from NMDWS upon request.
- B. The LWDB understands that access, use or disclosure of Social Security data in a manner or purpose not authorized by the CMPPA, may result in civil and criminal sanctions pursuant to applicable federal statutes.
- C. Information technology resources shall not be used to reveal confidential or sensitive information, client data, or any other information covered by existing state or federal privacy or confidentiality laws, regulations, rules, policies, procedures, or contract terms. Users who engage in the unauthorized release of confidential information via the state's IT resources, including but not limited to newsgroups or chat rooms, shall be subject to sanctions in existing policies and procedures associated with unauthorized release of such information.
- D. Sensitive or confidential data passing over an external network connection shall be encrypted to ensure the confidentiality and integrity of the information.

3.7 Compliance with Applicable Audit Requirements:

The LWDB shall ensure that it, and its sub-recipients, if any, shall comply with all provisions of the Single Audit Act and 2 CFR Part 200 Subpart F of the OMB Uniform Guidance Regulations, USDOL Exception at 2 CFR 2900.2 and the New Mexico State Auditor requirements. The LWDB shall also institute policy and procedures for its sub-recipients that comply with these audit provisions. A complete copy of the audit shall be submitted to the SAE within 90 days after completion of said audit. Failure to comply with the applicable audit requirement may result in the application of remedial actions, sanctions and and/or cancelation of the Agreement.

3.8 Rights of Inspection:

In accordance with federal regulations, the SAE, USDOL, the Comptroller General of the United States, the New Mexico State Auditor's Office, and any of their authorized representatives shall, during business hours, have access to audit, inspect, examine, excerpt, and copy books, records, memoranda, correspondence, personnel staffing records, independent audit work papers and any other documents, and shall be allowed to monitor and review such through on-site review visits. The right to access such documents may last beyond the prescribed period of record retention in accordance with State record retention laws.

3.9 Financial and Performance Monitoring:

- A. The LWDB shall permit the SAE, USDOL or any other duly authorized governmental agent or agency, to monitor all activities conducted by the LWDB, and sub-grantees, pursuant to the terms of this Agreement. Such monitoring may consist of internal evaluation procedures, examination of program data, special analyses, on-site checking,

formal audit examinations, or any other reasonable procedure. All such monitoring shall be performed in a manner that shall not unduly interfere with the work of the LWDB.

- B. The LWDB shall review the findings of the SAE, or its representatives, and shall act promptly, under the direction of the SAE, to remedy deficiencies noted in such findings. If corrective action is not taken and such deficiencies persist, the SAE may impose sanctions or terminate this Agreement.
- C. Pursuant to the provisions in 2 CFR 200.331, NMDWS, as a pass-through agency, is required to evaluate each subrecipient's risk of noncompliance with federal statutes, regulations, and the term and conditions of the award for purposes of determining the appropriate subrecipient monitoring. Accordingly, the risk assessment may include:
- The potential subrecipient's prior experience with the same or similar awards.
 - The results of previous audits, including whether the potential subrecipient receives a Single Audit in accordance with 2 CFR Part F – Audit Requirements and to the extent to which the same or similar award has been audited as a major program.
 - Whether the potential subrecipient has new personnel or new or substantially changed systems.

NMDWS shall utilize the internal Grant Assessment Review Form to determine all subrecipients' risk of receiving federal funds prior to engaging into procurement.

PART 4 - ASSURANCES

4.1 Compliance with Certain Laws:

LWDB assures and certifies that in administering programs under this Agreement that it shall fully comply with the WIOA, including the Non-Discrimination and Equal Opportunity Provisions of the WIOA, all regulations promulgated thereunder, and all other applicable laws, regulations, and policies, including, but not limited to those listed below:

- State policy, SAE rules, program information notices or technical assistance guides;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;(42 U.S.C. § 4601 et seq.; 49 C.F.R. Part 24);
- The Wagner-Peyser Act of 1933;
- Title VI of the Civil Rights Act of 1964 ;
- Section 504 of the Rehabilitation Act of 1973 29 CFR Part 32; Non-Discrimination Policies
- Federal Funding Accountability and Transparency Act (FFATA) of 2006 (Pub.L. 109-282), as amended by Section 6202 of the Government Funding Transparency Act of 2008 (Pub.L.110-252);
- Americans with Disabilities Act of 1990; 42 U.S.C. §§ 12101–12213.
- The Hatch Act;
- Child Labor Laws;
- Occupational Safety and Health Act (OSHA);
- Davis Bacon Act and the New Mexico Public Works Minimum Wage Act;
- Social Security Act;
- Military Selective Services Act;
- Section 665, Title 18 of the U.S. Code (theft or embezzlement from employment and training funds, improper inducement and obstruction of investigations);
- Fair Labor Standards Act;
- New Mexico Procurement Code;
- New Mexico Governmental Conduct Act;
- Equal Opportunity Provisions of the WIOA and Civil Rights Act;
- Age Discrimination Act of 1975;
- New Mexico Human Rights Act;
- Buy American Act (Sec. 502 of WIOA & Title 41 U.S.C. 8301-8305); and
- OMB Uniform Guidance on Cost Principles, Audit and Administrative Requirements for Grants and Contracts (2 CFR Part 200) in conjunction with USDOL exceptions located at 2 CFR part 2900.

Part 5 – Corrective Actions, Penalties and Sanctions (NMAC 11.2.20.7)

5.1 General. Each instance of failure to comply with one or more contracted performance measures, grant agreement provisions, federal or state law, regulations, policies, or technical assistance guidance, is a “Sanctionable Act.” DWS may assess corrective action or penalties based on the totality of the circumstances surrounding the occurrence of a Sanctionable Act, including the severity, nature, duration, and extent, including previous occurrences of Sanctionable Acts. In determining corrective action or penalties, DWS may consider efforts by the local board or sub-recipient to prevent the occurrence of the Sanctionable Act, such as efforts to obtain technical assistance or training, as well as resolved monitoring findings.

5.2 Types of Correction Action and Penalties. To assist the local board or sub-recipient in correcting any deficiencies, DWS may impose, for each Sanctionable Act, one or more of the following corrective action activities or penalties on the LWDB:

- (1) mandatory participation in technical and quality assurance activities or training;
- (2) on-site visits by DWS, or its designee, to monitor daily operations of a local board, local board's contractor, or sub-recipient;
- (3) mandatory adherence to a corrective action plan developed by DWS to address the identified weaknesses, including strict timelines for completion;
- (4) submission of additional or more detailed financial or performance documentation or reports;
- (5) designation as "high-risk," requiring additional monitoring visits;
- (6) requirement for the LWDB to report or cause a sub-recipient to report on activities and progress at state board meetings until performance is satisfactory;
- (7) DWS meetings with the local area's chief elected official(s), local board chair, local board members, local board's executive director, or the sub-recipient to check in on progress on corrective action;
- (8) DWS oversight or management of local board operations, such as the appointment of a steward.
- (9) DWS approval of specified actions (i.e. prohibition against entering into specific contracts or engaging in certain activities without explicit prior approval from DWS);
- (10) prohibiting the use of designated service providers or one-stop operators;
- (11) payment restrictions, such as payment by reimbursement only with required supporting documentation;
- (12) delay, suspension, or denial of contract payments;
- (13) requirement of a local board or its sub-recipient(s) to reimburse DWS any costs it deems disallowed in accordance with federal or state law, or regulations;
- (14) issuance of a notice of intent to cease immediately reimbursement of local program costs;
- (15) designation of local board as ineligible for additional discretionary funding, incentives, or other funds;
- (16) contract cancellation or termination;
- (17) issuance of notice to revoke approval of all or part of the local plan affected;
- (18) imposition of a local area reorganization plan;
- (19) other actions deemed appropriate by DWS to secure compliance.

5.3 Penalties for nonattainment of performance goals:

1. **First-year nonperformance.** If a LWDB fails to meet one or more local negotiated performance levels in a single program year based on annual performance outcomes, the local board shall develop a performance improvement plan within 45 days of the final performance outcome reported in the New Mexico WIOA annual report. NMDWS may also require the local board to modify its local plan or take other action designed to improve the local board's performance.
2. **Second-year nonperformance.** If a local board fails to meet one or more local negotiated performance levels for the same performance measure(s) for a second consecutive program year, NMDWS shall review the performance deficiencies and may make a recommendation to the Governor to impose a reorganization plan for the local area. NMDWS's recommendation to the Governor for reorganization of a local area may include the imposition of one or more of the following penalties:
 - (a) requiring modification of the local board's local plan;
 - (b) issuing a notice of intent to revoke all or part of the affected local plan;
 - (c) restructuring the local board, including decertification of the current local board and a plan for appointment and certification of a new local board;
 - (d) selection of an alternate entity to administer the WIOA for the local area; or
 - (e) merging of the local area into one or more other local areas.

5.4 Corrective action plans. If a corrective action plan is required pursuant to any section of this Agreement, the local board shall submit the plan in writing to NMDWS within 45 days of receipt of the final monitoring report. The corrective action plan shall identify actions the board shall take to correct the finding(s) and a timeline for completion of the corrective action. The local board shall be required to provide a monthly progress report each month that a corrective action plan is pending. In the event a finding reoccurs during subsequent monitoring reviews, monitors shall inform DWS, and DWS shall determine an appropriate course of action, up to and including sanctions and other lawful intervention or corrective action.

5.5 Performance Improvement Plans. If a performance improvement plan is required, the SAE shall specify the date on which the performance improvement plan is due and the date by which the plan shall be implemented.

The performance improvement plan for addressing the failure to meet performance shall include, at a minimum, the following:

- (1) list of the performance measures for which the local board failed to achieve at least 80 percent of the negotiated performance level;
- (2) detailed analysis and explanation of why the local board failed to achieve at least 80 percent of the negotiated performance level;
- (3) description of the corrective action to be taken, and the timeline for such actions, to address performance deficiencies in subsequent program years;

- (4) identification of the technical assistance needed to support successful performance, including the source and type of assistance; and
- (5) local board monitoring plan of its sub-recipients with timelines for evaluating effectiveness of the corrective action plan.

5.6. Intent to sanction. NMDWS may, but is not required to, issue a notice of intent to sanction to the local board, prior to placing a local board in sanction status. This formal notification is intended to communicate expectations, such as corrective action or performance improvement plans, for resolution of local board findings, to prevent escalation into sanction status.

5.7 SANCTIONS (NMAC 11.2.20.8)

A. Sanction Status. The purpose of imposing sanctions is to ensure accountability of local boards and other sub-recipients in meeting the needs of employers and job seekers, ensure performance in reaching outcome measures, ensure adequate return on New Mexico investments, and support New Mexico in achieving its goals. There are three levels of sanction status that may be assigned by DWS to a local board, or other sub-recipient, for failure to ensure compliance with one or more contracted performance measures, grant agreement provisions, federal or state laws, and related regulations.

(1) Level one sanction status: A level one sanction status is assigned for significant inability or failure to perform as determined by NMDWS. A level one sanction status may be associated with the assessment of one or more corrective actions or penalties as referenced in the corrective actions and penalties section of this rule. Sanctionable acts that occur during or after the program, grant, fiscal, contract, or calendar year, include but are not limited to the following:

- (a) failure to submit timely and accurate required financial or performance reports;
- (b) failure to take timely corrective action to resolve findings identified during monitoring, investigative or program reviews, including failing to comply with a performance improvement plan;
- (c) failure to resolve all independent audit findings or questioned costs within required time frames;
- (d) failure to submit the annual audit required by WIOA federal regulations;
- (e) breach of administrative and service contract requirements;
- (f) failure to retain required service delivery and financial records; and
- (g) failure to meet one or more local negotiated performance levels in a single program year based on annual performance outcomes.

(2) Level two sanction status: A level two sanction status is a higher sanction status than level one and is assigned for severe inability or failure to perform as determined by NMDWS. A level two sanction may be associated with the assessment of more severe penalties than those

assessed to a local board or sub-recipient in level one sanction status. Sanctionable acts that occur during or after the program, grant, fiscal, contract, or calendar year include, but are not limited to the following:

- (a) failure to resolve or implement corrective action on a level one sanction within 180 days of notice.
- (b) committing the same violation a second time within an 18-month period.
- (c) failure to meet negotiated performance levels for the same performance measure(s) for two consecutive program years.

(3) Level three sanction status: This is the highest sanction status assigned for extreme inability or failure to perform as determined by NMDWS. A level three sanction may be associated with the assessment of the most severe penalties being assessed against the local board or sub-recipient. Sanctionable acts that occur during the program, grant, fiscal, contract, or calendar year include, but are not limited to the following:

- (a) failure to resolve or implement corrective action on a level one sanction within 360 days of notice.
- (b) failure to resolve or implement corrective action on a level two sanction within 180 days of notice.
- (c) committing the same violation three or more times within a 36-month period.

B. Sanction Determination. If the local board remains in noncompliance after the prescribed timeline for completion of the corrective action or the performance improvement plan has passed, NMDWS on behalf of the Governor shall determine whether it is appropriate to place a local board or sub-recipient in level one, two or three sanction status, DWS shall officially notify the non-compliant local board or sub-recipient by sending the appropriate local administrative entity a sanction determination letter via certified mail and return receipt requested at least 10 working days in advance of the effective date of the sanction.

(1) Notice of the sanction shall be sent:

- (a) For a level one sanction, to the LWDB Board Chair and CLEO.
- (b) For a level two sanction, to the LWDB Board Chair, CLEO, and State Board Chair.
- (c) For a level three sanction, to the LWDB Board Chair, CLEO, State Board Chair and Governor's office.

(2) The sanction determination letter shall include the following:

- (a) the Sanctionable Act upon which the sanction was based;

- (b) the sanction status level in which the local board of sub-recipient is placed and the conditions upon which the local board or sub-recipient may be removed from sanction status;
- (c) the penalty and the effective date of the penalty;
- (d) the corrective action required, including the timeline for completing the corrective action; and
- (e) the technical assistance requested from DWS or other entity to assist in completing the corrective action.

PART 6 - TERMINATION

6.1 Termination for Effectiveness:

Either party may terminate the Agreement if it is determined the original purpose would not be accomplished by continuing the contract to the end of the Term. The party desiring to terminate this Agreement shall give written notice of termination to the other party and specifying the effective date thereof, at least thirty (30) days before the effective date of such termination. In that event, all finished or unfinished documents, data, etc., become SAE property, and LWDB shall be entitled to receive just and equitable compensation for any satisfactory services and supplies delivered prior to the termination date.

The LWDB shall be obligated to return any payment advanced under the provisions of this Agreement over the amount due as compensation for services performed as discussed in this section. If this Agreement is terminated for cause, or due to the fault of either party, the Termination for Cause or Default provision shall apply.

6.2 Termination for Default (Cause):

If for any cause, either party to this Agreement shall fail to fulfill, in a timely and proper manner, its obligations under this Agreement the other party may terminate this Agreement for cause by giving written notice to the non-performing party of its intent to terminate and provide at least ten (10) days to cure the default or show cause why termination is otherwise not appropriate. In the event of termination for cause, all finished or unfinished documents, data, etc., become SAE property, and the LWDB shall be entitled to receive just and equitable compensation for any satisfactory services and supplies delivered and accepted. The LWDB shall be obligated to return any payment advanced under the provisions of this Agreement.

Notwithstanding the above, neither party shall be relieved of liability for any damages sustained by the other party by virtue of any breach of the Agreement, nor the SAE may withhold any payment to the LWDB for the purposes of mitigating its damages until such time as the exact amount of damages due to the SAE from the LWDB is determined.

If, after such termination it is determined, for any reason, that a party was not in default, or that that party's action/inaction was excusable, such termination shall be treated as a termination for convenience, and the rights and obligations of the parties shall be the same as if the Agreement had been terminated for convenience, as described herein.

6.3 Remedies Other Than Termination for Default:

In addition to any other remedies provided for in this Agreement, or by law, the parties may exercise the following remedial actions if the other party substantially fails to satisfy or perform its duties or obligations under this Agreement. Substantial failure to satisfy or perform is defined to mean:

unsatisfactory, insufficient, incorrect, improper actions, or inactions, by the party in performing its duties and obligations under this Agreement. The additional remedial actions include, but are not limited to:

- A. Suspension of further performance pending completion of necessary corrective action(s) by the non-performing party;
- B. Withholding of further payments to the LWDB until necessary services or corrective actions are satisfactorily completed by the LWDB, or withholding of provision of further performance by LWDB until necessary performance or corrective actions are satisfactorily completed by the SAE;
- C. Denial of payment for those services or obligations of the LWDB which, have not yet been performed, and which, due to circumstances caused by the LWDB, cannot be performed, or if performed, would be of no value to the State. Denial of payment shall be reasonably related to the amount of services or performance lost to the State because of the LWDB's actions; and
- D. Termination of this Agreement as set forth in the Termination for Default paragraph of this Agreement but without further liability to the terminating party, including, but not limited to, liability for termination costs.

PART 7 - ADDITIONAL PROVISIONS

7.1 Conflict Of Interest:

The LWDB, and sub-grantees, shall maintain a written code of standards governing the performance of its boards, councils, and employees engaged in the award and administration of contracts. This Code of Conduct shall substantially conform to the model code available from the New Mexico Secretary of State. Code of Conduct and Conflict of Interest forms shall be renewed annually by all active board and staff members. No employee, officer, or agent of the LWDB or sub-grantee, shall participate in the selection, or in the award or administration of a contract or subcontract supported by federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when the employee, officer or agent, any member of the employee's immediate family, the employee's partner; or an organization that employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award. The LWDBs, sub-grantee, or officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from the LWDBs, potential LWDBs, or parties to sub-Contracts. LWDB warrants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance or services required under this Agreement. The LWDB shall comply with the disclosure requirements of the Conflict-of-Interest Act and the OMB Uniform Guidance Regulations at 2 CFR 200.318.

7.2 Insurance:

- A. The LWDB shall at all times during the term of this Agreement maintain such liability insurance, by commercial policy or self-insurance, as is necessary to meet its liabilities under the Act. The LWDB shall provide certificates showing adequate insurance coverage to the SAE with the signed Agreement.
- B. The State of New Mexico shall be named as additional insured on all liability policies.

The insurance shall include provisions preventing cancellation without 60 days prior notice to the SAE by certified mail.

7.3 Notice of Pending Litigation:

Unless otherwise provided for in this Agreement, the LWDB shall notify the SAE within five (5) working days after being served with a summons, complaint, or other pleading in a case which involves services provided under this Agreement and which has been filed in any federal or state court or administrative agency. LWDB shall immediately deliver copies of any such documents to the SAE.

7.4 Certifications:

By signing this Agreement, LWDB agrees to provide, comply with, and execute the certifications attached to this Agreement.

7.5 Exhibits:

The original Agreement exhibits are incorporated into this Agreement and the LWDB agrees to complete and submit (**where applicable**) as part of this Agreement package as follows:

Exhibit A - Assurances and Certifications
Exhibit B - Liability & Bonding Insurance
Exhibit C - Indirect Cost Rate Agreement
Exhibit D - Budget Information Summary
Exhibit E - Information Request Form
Exhibit F - Scope of Work

Exhibit G- LWDB Quarterly Report

7.6 Attachments:

Attachment A- Key Federal and State WIOA-Related Guidance Reference List
Attachment B- Risk Assessments

7.7 Liability:

Any liability incurred by SAE in connection with this Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act, NMSA §§ 41-4-1 through 41-4-28 (as amended).

Grantor:

By: _____
Sarita Nair, Cabinet Secretary
Department of Workforce Solutions

Date: _____

By: _____
Gregory Lauer, General Counsel
Department of Workforce Solutions

Date: _____

By: _____
JoAnn Chavez, Chief Financial Officer
Department of Workforce Solutions

Date: _____

Grantee:

By: _____
Chief Lead Elected Official

Date: _____

By: _____
Area Local Workforce Development Board

Date: _____

**EXHIBIT A
ASSURANCES AND CERTIFICATIONS**

**ASSURANCES AND CERTIFICATIONS
FOR PROGRAM YEAR 2022-2024**

By signing the Agreement and on the line below, the Grantee's signatory officials are providing the certifications and assurances referenced therein as detailed in the attached documents.

LOCAL WORKFORCE DEVELOPMENT BOARD

By: _____
Chief Lead Elected Official

Date: _____

By: _____
, Board Chair
Area Local Workforce Development Board

Date: _____

ASSURANCES AND CERTIFICATIONS

The New Mexico Department of Workforce Solutions (NMDWS) shall not award a grant or agreement where the grantee has failed to accept the ASSURANCES AND CERTIFICATIONS contained in this section. In performing its responsibilities under the Agreement, the Grantee hereby certifies and assures that it shall fully comply with the following:

Debarment and Suspension Certification (20 CFR Part 98)

Certification Regarding Lobbying (29 CFR Part 93)

Drug Free Workplace Certification (2 CFR 182)

Nondiscrimination & Equal Opportunity Assurance (29 CFR Part 38)

Financial Capability Certification

By signing the face sheet of this Agreement, the Grantee is providing the above assurances and certifications as detailed below:

A. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS - PRIMARY COVERED TRANSACTIONS.

The prospective primary grantee certifies to the best of its knowledge and belief, that the grantee and its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency;
2. Have not within a three-year period preceding this proposal been convicted or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
3. Are not presently indicted or otherwise criminally or civilly charged by a government entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph (A)(2) of this certification; and
4. Have not within a three-year period preceding this application/proposal had one or more public transactions (federal, state, or local) terminated for cause or default.

Where the prospective primary grantee is unable to certify to any of the statements in this certification, such prospective grantee shall attach an explanation to this proposal.

B. CERTIFICATION REGARDING LOBBYING - Certification for Contracts, Grants, Loans, and Cooperative Agreements

By accepting this Agreement, the Grantee hereby certifies, to the best of their knowledge and belief, that:

1. No federally appropriated funds have been paid or shall be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any federal contract, grant, loan or cooperative agreement.
2. If any funds other than federally appropriated funds have been paid or shall be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit **Standard Form - LLL, "Disclosure Form to Report Lobbying,"** in accordance with its instructions.
3. The signer shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into.

C. CERTIFICATION REGARDING DRUG FREE WORKPLACE REQUIREMENTS.

The Drug-Free Workplace Certification is required pursuant to Government Code Sections 8350 et seq., the Drug-Free Workplace Act of 1990. The Drug-Free Workplace Act of 1990 requires that every person or organization awarded a contract for the procurement of any property or services from any State agency shall certify that it shall provide a drug-free workplace by doing certain specified acts. In addition, the Act provides that each contract awarded by a State agency may be subject to suspension of payments or termination of the contract, additionally the LWDB may be subject to suspension of payments or termination of the contract, and the LWDB may be subject to debarment from future contracting, if the state agency determines that specified acts have occurred.

1. The Grantee certifies that it shall provide a drug-free workplace by:
 - a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions to be taken against employees for violation of such prohibition;
 - b. Establishing an ongoing drug-free awareness program to inform employees about –
 - i. The dangers of drug abuse in the workplace;
 - ii. The grantee's policy of maintaining a drug-free workplace;
 - iii. Any available drug counseling, rehabilitation, and employee assistance programs; and
 - iv. The penalties that may be imposed upon employees for drug abuse violation occurring in the workplace;
 - c. Making it a requirement that each employee to be engaged in the performance of the Agreement be given a copy of the statement required by paragraph (1) (A);
 - d. Notifying the employee in the statement required in paragraph (1) (A) that, as a condition of employment under the grant, the employee shall:
 - i. Abide by the terms of the statement; and

- ii. Notify the employer in writing of their conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- e. Notifying the grantor agency in writing, within ten (10) calendar days after receiving notice under subparagraph (D) (2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees shall provide notice, including position title, to every grant officer or other designee on whose activity the convicted employee was working, unless the agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant.
- f. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (D) (2) with respect to any employee who is so convicted –
 - i. Taking appropriate personnel action against such an employee, up to and including termination consistent with the requirements of the Rehabilitation Act of 1973, as amended, or;
 - ii. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health, law enforcement, or other appropriate agency;
- g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of this entire certification.

2. NONDISCRIMINATION & EQUAL OPPORTUNITY ASSURANCE:

As a condition of the award of financial assistance from the USDOL under Title I of WIOA, the Grantee assures that it shall comply with the nondiscrimination and equal opportunity provisions of the following laws:

- a. Workforce Innovation and Opportunity Act prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation, or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in an WIOA Title I - financially assisted program or activity;
- b. Title VI of the Civil Rights of 1964, as amended, which prohibits discrimination on the basis of race, color, and national origin;
- c. Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of age and individuals with disabilities.
- d. The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and
- e. Title IX of the Education Amendments of 1972, as amended, which prohibits the discrimination on the basis of sex in educational programs.

The Grantee also assures that it shall comply with 29 CFR Part 37 and all other regulations implementing the laws listed above. This assurance applies to the Grantee's operation of the WIOA Title I - financially assisted program or activity, and to all agreements the Grantee makes to carry out the WIOA Title I - financially assisted program or activity. The Grantee understands that the United States has the right to seek judicial enforcement of this assurance.

3. FINANCIAL CAPABILITY CERTIFICATION

- a. The Grantee certifies the organization has a financial management system capable of tracking and accounting for WIOA funds received and disbursed.
- b. The Grantee certifies the organization has the fiscal capability of providing services pending payment or reimbursement.
- c. The Grantee certifies the organization has resolved all questioned/disallowed costs from prior monitoring or audit reviews.
- d. The Grantee certifies all prior year audits have been resolved.

EXHIBIT B
LIABILITY & BONDING CERTIFICATE
Attach current Insurance Policy

EXHIBIT C

INDIRECT COST RATE AGREEMENT

The LWDB shall have an agreement of an indirect cost between the local boards and SAE. If an LWDB has an approved indirect cost agreement with a federal cognizant agency, the local board may use this rate as part of their agreement with the SAE. If the local board does not have an approved indirect cost agreement with a federal cognizant agency, the local board may negotiate one with the SAE that both parties agree upon. Also, the LWDB may opt to have a de minimis rate of 10%. Alternatively, the local board may elect to not charge indirect cost, and if so, this election shall be documented as a part of the indirect cost rate agreement. Requirements related to indirect cost rates are specified in **2 CFR 200.331**. **Key provisions include the following:**

- 2 CFR 200.331 (a)(4)** - An approved federally recognized indirect cost rate negotiated between the subrecipient and the Federal Government or, if no such rate exists, either a rate negotiated between the pass-through entity (SAE) and the subrecipient (LWDBs), or a de minimis indirect cost rate as defined in §200.414 Indirect (F&A) costs, paragraph (f);
- 2 CFR 200.331 (f)** - In addition to the procedures outlined in the appendices in paragraph (e) of this section, any non-Federal entity that has never received a negotiated indirect cost rate, except for those non-Federal entities described in Appendix VII to Part 200—States and Local Government and Indian Tribe Indirect Cost Proposals, paragraph D.1.b, may elect to charge a de minimis rate of 10% of modified total direct costs (MTDC) which may be used indefinitely. As described in §200.403 Factors affecting allowability of costs, costs shall be consistently charged as either indirect or direct costs, but may not be double charged or inconsistently charged as both. If chosen, this methodology once elected shall be used consistently for all Federal awards until such time as a non-Federal entity chooses to negotiate for a rate, which the non-Federal entity may apply to do at any time.

EXHIBIT D
BUDGET INFORMATION SUMMARY (BIS)

See Instructions for required budget information following this page.

**WORKFORCE INNOVATION AND OPPORTUNITYACT
INSTRUCTIONS - BUDGET INFORMATION SUMMARY**
Local Adult / Dislocated Worker Programs / Local Administration

Purpose

The Budget Information Summary (BIS) displays planned expenditures on a cumulative basis by quarterly periods for the agreement period.

General Instructions

A separate BIS shall be prepared for each agreement (Adult Programs, Dislocated Worker Programs and Local Administrative Costs).

- Box I.A Agency Name & Address
- Box I.B Type of Program
Place an “X” to indicate if the program is for Local Adult, Local Dislocated Worker, or Local Administrative Costs.
- Box I.C Agreement Number
Leave this blank if the budget is for a new program year because a new agreement number shall be assigned. If a budget modification is being submitted, input the previously assigned number.
- Box I.D Modification Number
Enter the modification number of the agreement, if applicable.
- Box I.E Agreement Period
Enter the planned agreement period.
- Column II.B Carry Over
Enter the projected expenditure of any carry-over funds from prior years.
- Column II.C New Allocation
Enter the projected expenditure of current year funds.
- Column II.D Total Budget
Enter the sum of columns II.B and C.
- Column II.E
Thru II.H 1st Quarter – 4th Quarter for each Year
Specify the last day of each quarterly period, and enter the planned cumulative expenses for each quarterly period of the agreement.
- Line II.A.1 Total Projected Expenditure of WIOA Funds

Complete Columns B through H for the planned expenditure of WIOA funds for the entire agreement period.

- Line II.A.2 **Total Projected Expenditure of Non-Federal Funds**
Complete Columns B through H for the planned expenditure of any non-federal funds for the entire agreement period to further the objectives of WIOA. Such funds may consist of cash contributions from State or local governments or private sector partners. Leave blank if non-federal funds are not available for the grant.
- Line II.A.3 **Total Projected Expenditure of Program Income Funds**
Complete Columns B through H for the planned expenditure of any program income funds for the entire agreement period.
- Line II.A.4 **Subrecipient Total Projected Obligations**
Enter the sum of lines II.A.1, 2 and 3. Complete Columns B through H.

EXHIBIT E
INFORMATION REQUEST FORM

EXHIBIT F STATEMENT OF WORK

WORKFORCE INNOVATION AND OPPORTUNITY ACT STATEMENT OF WORK ADULT, DISLOCATED WORKER, YOUTH, AND ONE-STOP OPERATOR SERVICES

SECTION I - PURPOSE

The purpose of this Scope of Work (SOW) is to provide guidance and direction regarding the administration and operational implementation of the provisions of the Workforce Innovation and Opportunity Act (WIOA) including Adult, Dislocated Worker and Youth program services and required partnership engagement activities with agencies and organizations involved in the workforce system. The Local Workforce Development Board (LWDB) is responsible for developing and implementing a strategy to continuously improve and strengthen the workforce development system through innovation in, and alignment and improvement of, employment, training, and education programs to promote economic growth. Local board members shall actively facilitate and collaborate closely with the required and other partners of the workforce development system, including public and private organizations. This is crucial to the Local board's role to integrate and align a more effective, job-driven workforce development system capable of developing talent pipelines through sector strategies using career pathways approaches and models, and business engagement and outreach. The Local board shall facilitate an Infrastructure Facility Agreement (IFA) and Resource Sharing Agreements (RSA) as required by WIOA. The LWDB shall work to develop a comprehensive and high-quality workforce development system by collaborating with its workforce partners, education and training providers, and economic development regional staff to improve and align programs under WIOA.

SECTION II – APPLICABLE CONTRACT AUTHORITIES

The Board shall implement this Grant Award and Agreement in compliance with the provisions of, but not limited to, the following:

- Workforce Innovation and Opportunity Act (Pub. L 113-128);
- Office of Management and Budget (OMB) Uniform Guidance on Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 CFR 200;
- U.S. DOL, 29 CFR Part 38, WIOA Section 188, Implementation of the Nondiscrimination and Equal Opportunity Provisions;
- all other applicable federal statutes and regulations;
- all applicable state laws and rules;
- all applicable State Technical Assistance Guidance;
- approved New Mexico WIOA State Combined Plans, including modifications; and
- approved Local Workforce Development Board Plans, including modifications.

Note: For a comprehensive list of all current State guidance and policy members visit www.dws.state.nm.us.

SECTION III – WORKFORCE SYSTEM GOVERNANCE

The key entities involved in the governance of the workforce system and implementation of the Workforce Innovation and Opportunity Act at both the state and local level consist of the Governor, State Workforce Development Board, New Mexico Department of Workforce Solutions (NMDWS) acting as the State Administrative Entity, Chief Elected Officials, Local Workforce Development Boards, and their respective staffs.

State Governance

The Governor, as required by WIOA, has appointed a State Workforce Development Board (SWDB) to provide vision and direction for the workforce system and make recommendations to the Governor regarding the workforce system and its overall effectiveness.

Through Executive Order, the Governor has designated the New Mexico Department of Workforce Solutions (NMDWS) as the lead agency, called the State Administrative Entity (SAE), responsible for overseeing all administrative functions on behalf of the Governor and the State Workforce Development Board for the operational implementation of WIOA in New Mexico.

As the SAE, NMDWS serves as the pass-through entity that allocates WIOA federal funds to the four local workforce development areas, also designated by the Governor, based on U.S. Department of Labor-mandated formulas for Local Workforce Development Boards to provide services to adults, dislocated workers, and youth. Allocated funds are used for the facilitation and coordination of services for adult, dislocated workers, and youth in partnership with required partner agencies and organizations.

NMDWS monitors the boards to ensure resources are efficiently and effectively used for authorized purposes, and are protected from waste, fraud, and abuse. NMDWS also provides administrative and operational direction to LWDBs through the communication of federal and state laws, policies and rules to the boards, as well as through the development and dissemination of state technical guidance, referred to as Workforce Guidance Letters.

Local Governance

Chief Elected Official(s) from each county in the designated workforce area shall serve as the local grant recipient for and **shall be liable for any misuse of the grant funds allocated to the local workforce area**, unless the CEO(s) reach an agreement with the Governor for the Governor to act as the local grant recipient and bear such liability. If a local area includes more than one unit of general local government, the CEO(s) of such units shall execute an agreement to describe their responsibilities for carrying out the roles and responsibilities (per WIOA sec. 107(c)(1)(B)). The Chief Elected Official(s) shall meet, with a quorum of 51% of counties represented, twice per program year and meeting minutes shall be posted and publicly available with 10 working days of the meeting in accordance with the Open Meetings Act.

A Chief Lead Elected Official (CLEO) shall be named for the local area, among the CEOs, similar to the role of a board chair. They shall convene the CEOs and represent them in meetings in receipt of communication from the SAE and/or SWDB. The CLEO is expected to operate within authority given to them by the broader group of CEOs. The CEO Shared Liability Agreement shall outline the process for designating the CLEO and the decision and actions the CLEO can make on behalf of the CEOs.

The CEO(s) shall appoint local area workforce development board members and committees every two years, to act on their behalf, in developing workforce development activities for the workforce region consistent with criteria established pursuant to WIOA section 107(b)(1) and shall meet the composition requirements of WIOA section 107(b)(2). A current, signed Memorandum of Understanding partnership agreement between the CEO(s) and LWDB shall be executed each program year describing their roles and responsibilities in accordance with section § 679.310 (c)

As the CEOs are grant sub-recipient, it is the duty of them to designate an entity to serve as a local Fiscal Agent. If a fiscal agent is not designated, the Chief Lead Elected Official's (CLEO) unit of government shall fulfill the role. Designation of a fiscal agent does not relieve the CEOs of liability for misuse of grant funds.

The CEO(s) shall establish by-laws to govern local board membership, officers, committees, meetings, and conflicts of interest. The CEO(s) as the local grant recipient shall either procure or determine a fiscal agent responsible for the disbursement of grant funds for workforce activities at the direction of the LWDB, in accordance with federal/state procurement policies and rules. Such funds shall be immediately disbursed upon direction and justification received from the LWDB. Additionally, in partnership with the LWDB, CEO(s) may contract for a board administrator to assist with CEO and Board coordination, facilitation and administrative duties related to administration of the WIOA program.

The CEO's and LWDB shall conduct oversight for local youth workforce investment activities, ensure appropriate use and management of the funds, conduct workforce development activities, ensure the appropriate use, management and investment of funds to maximize performance outcomes. (WIOA 107 (d) (8) (A)i-ii (B).

The CEO with the LWDB shall negotiate the local performance per WIOA 107(d)(9).

The Local Workforce Development Board (LWDB) serves as a strategic convener on behalf of the Chief Elected Officials to promote and broker effective relationships between economic, education, and workforce partners throughout the designated local workforce area. LWDBs, under the direction and partnership with the Chief Elected Official(s), shall set policy for the workforce development system within the local workforce area, consistent with State policies. LWDBs shall achieve the following in accordance with WIOA regulations:

- provide strategic and operational oversight in collaboration with the required and additional partners and workforce stakeholders to develop an integrated, comprehensive and high-quality workforce development system in the local workforce area;
- assist in the achievement of the Governor and State Workforce Development Board strategic and operational vision and goals as outlined in the Combined State Plan; and
- maximize and continue to improve the quality of services, customer satisfaction, and effectiveness of the services provided through the one-stop delivery system, called America's Job Center.

Conflict of Interest. Per WIOA sec. 107 (h), a member of a local board, or a member of a standing committee, 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 or 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.

CEO and LWDB roles and responsibilities are detailed in Workforce Guidance Letter, DWS 16-003, Local Governance.

SECTION IV. LOCAL WORKFORCE DEVELOPMENT BOARD MEMBERSHIP

Composition

Each local workforce area is required to have a WIOA-compliant Local Workforce Development Board (LWDB). LWDBs shall represent a wide variety of individuals, businesses, and organizations throughout the local area. **For each local area, the members of the LWDB shall be selected by the CEOs every two years consistent with criteria established pursuant to WIOA section 107(b)(1) and shall meet the composition requirements of WIOA section 107(b)(2).**

All members shall be individuals with ***optimum policy-making authority*** within the entities they represent. An individual may be appointed as a representative of more than one entity if the individual meets all the criteria for representation; however, individuals representing more than one category shall

have *optimum policy making authority* within each of the entities they are representing. All required LWDB members shall have voting privilege. The LWDB shall elect a chairperson from among the business representatives on the LWDB. A current WIOA-compliant LWDB membership roster shall be submitted to the NMDWS annually and shall be included as a part of the Local Workforce Development plan; or forwarded any time there is a change in LWDB membership. LWDBs shall also comply with the New Mexico Open Meetings Act and the Inspection of Public Records Act. *See Workforce Guidance Letter, 16-003, Local Governance, details the membership criteria for each category of representation.*

Committees

LWDB are strongly encouraged to establish standing committees to provide information and assist the board in carrying out its responsibilities under WIOA sec. 107. Standing committees shall be chaired by a member of the LWDB, may include other members of the LWDB. Boards shall strive to include individuals on committees who are not formal members of the LWDB, but who have expertise to advise on issues that support the LWDB's ability to attain the goals of the State and local plans, as well as the objective of providing customer-focused services to individuals and businesses. *See Workforce Guidance Letter, 16-003, Local Governance provides more guidance on the creation of standing committees.*

Decertification

According to WIOA Section 107(c), NMDWS shall, once every two years, certify one local board for each local workforce area in the State. Such certification is based on criteria set by NMDWS and communicated to the LWDBs in a reasonable time prior to the certification period. Failure of a local board to achieve certification shall result in appointment and certification of a new local board for the local area. NMDWS has the authority to decertify a local board at any time after providing notice and an opportunity for comment, for fraud or abuse; or failure to carry out the functions specified in WIOA Section 107(d).

According to WIOA Section 106 (b)(3), NMDWS, by direction of the Governor, may decertify a local board if a local area fails to meet the local performance accountability measures for such local area in accordance with WIOA section 116(c) for two consecutive program years, fails to sustain fiscal integrity or in the case of a local area in a planning region, does not meet the requirements described in WIOA § 106 (c)(1). If the local board is decertified, NMDWS may require that a new local board be appointed and certified for the local area pursuant to a reorganization plan developed by NMDWS in consultation with the chief elected official(s) of the local workforce area and in accordance with the criteria established under WIOA 107(b).

SECTION V. LOCAL WORKFORCE DEVELOPMENT BOARD FUNCTIONS

The local board shall fulfill the following roles and responsibilities and describe the implementation of these functions in the agreement with its chief elected official(s), to include acknowledgement of the agreement requirement, as well as required partnership and approval elements.

Local Plans

1. Develop and submit a four-year local plan for the local workforce area, in partnership with the chief elected officials (per WIOA sec. 108). NMDWS is responsible for issuing local plan guidelines to the local boards to govern and guide the development, implementation, and subsequent modifications of the local plans.

Labor Market Analysis

2. Conduct workforce research and regional labor market analysis to include:

- (1) analyses and regular updates of economic conditions, needed knowledge and skills, workforce, and workforce development, including –
 - a. education and training activities,
 - b. strengths and weaknesses, and
 - c. the capacity to provide services to address the identified education and skill needs of the workforce and the employment needs of employers;
- (2) assistance to NMDWS in developing the statewide workforce and labor market information system under the Wagner-Peyser Act for the region; and
- (3) other research, data collection, and analysis related to the workforce needs of the regional economy after receiving input from a wide array of stakeholders, as necessary.

All programs and services shall be aligned with targeted industry and occupation strategies documented by the LWDB and based on local, regional, and statewide economic conditions.

Convening, Brokering, and Leveraging

3. Convene local workforce development system stakeholders to assist in the development, implementation, and modifications of the local plan (per 20 CFR Part 679.550) and in identifying non-Federal expertise and resources to leverage support for workforce development activities. Such stakeholders may assist the LWDB and standing committees in carrying out convening, brokering, and leveraging functions at the direction of the LWDB.

Employer Engagement and Sector Strategy Implementation

4. Lead efforts to engage with a diverse range of employers and other entities in the region to –
 - (1) promote business representation on the LWDB;
 - (2) develop effective linkages, including the use of intermediaries, with employers in the region to support employer utilization of the local workforce development system and to support local workforce investment activities;
 - (3) ensure workforce investment activities meet the needs of employers and support economic growth in the region by enhancing communication, coordination, and collaboration among employers, economic development entities, and service providers; and
 - (4) develop and implement proven or promising strategies for meeting the employment and skill needs of workers and employers, such as the establishment of industry and sector partnerships, that provide the skilled workforce needed by employers in the region, and that expand employment and career advancement opportunities for workforce development system participants in in-demand industry sectors or occupations.
 - (5) The LWDBs shall be responsible for coordinating a minimum of two industry sector strategy initiatives following the methodology and approach outlined by NMDWS. Take the lead, or jointly lead with NMDWS, to identify and develop activities for sector strategies planning for the local region according to employers and industries needs as evidenced by labor and market data. Convene a sector strategy committee engaging board business members and create goals for pursuing at least two industries in the region, which may include partnering with NMDWS on statewide sector priorities as dictated by the Governor and Cabinet Secretary.
 - (6) Convene a minimum of one employer summit in the region in coordination and collaboration with NMDWS Office of the Secretary. The purpose of the summit is to provide employer focused training on a variety of topics of their choice including, updates on Unemployment Insurance, minimum wage and wage payment acts, sector strategy development, small business support and development including but not limited to human resources policy development and implementation, customer service, coordination with NMDWS, and workforce boards.

Career Pathways

5. With representatives of secondary and post-secondary education programs, lead efforts to develop and implement career pathways within the local area by aligning the employment, training, education, and supportive services that are needed by adults and youth, particularly individuals with barriers to employment.

Use of Technology

6. Develop strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system for employers, workers, and job seekers, by:
 - (1) facilitating the required registration of adults, dislocated workers and youth who receive services in the NM Workforce Connection Online System consistent with federal, state, and local policy to support data collection, program monitoring and performance reporting;
 - (2) facilitating connections among the intake and case management information systems of the one-stop partner programs to support a comprehensive workforce development system in the local area;
 - (3) facilitating access to services provided through the one-stop delivery system, including access in remote areas;
 - (4) identifying strategies for better meeting the needs of individuals with barriers to employment, including strategies that augment traditional service delivery, and increase access to services and programs of the one-stop delivery system, such as improving digital literacy skills, and enhance programmatic accessibility for individuals with disabilities; and
 - (5) leveraging resources and capacity within the local workforce development system, including resources and capacity for services for individuals with barriers to employment.
 - (6) Maintain a well-designed, user friendly, comprehensive website which makes it possible for the public to easily find notification of LWDB board meetings, contact board members, read board meeting minutes, policies, current annual plan, as well as view open and posted Request for Proposals by funding streams, and review the four-year local plan.
 - (7) Support remote Virtual Eligibility Documentation and Service Delivery to include the use of available electronic tools i.e. electronic signatures, virtual assistance and remote case management.

System Oversight/Monitoring

7. In partnership with the chief elected official(s) for the local area:
 - (1) conduct oversight of youth workforce investment activities authorized under WIOA sec. 129(c), adult and dislocated worker employment and training activities under WIOA secs. 134(c) and (d), and the entire one-stop delivery system in the local area;
 - (2) ensure the appropriate use and management of the funds provided under WIOA subtitle B for the youth, adult, and dislocated worker activities and one-stop delivery system in the local area; and
 - (3) ensure the appropriate use management, and investment of funds to maximize performance outcomes under WIOA sec. 116.

The LWDB shall submit a copy of their most recent LWDB annual audit with this grant Agreement.

Local program monitors shall conduct annual reviews designed to ensure that contract requirements are being met for all WIOA programs activities. Local monitors shall also review and analyze customer enrollment and service levels, program expenditures, and performance outcomes to evaluate overall program compliance and effectiveness.

LWDBs are responsible for completing the full scope of monitoring as outlined in federal, state and local policy including all elements of notification, reporting, entrance and exit conferences and

associated timelines. LWDBs shall facilitate the use of e-files and a content management system that expands the opportunity for remote monitoring, as appropriate, but does not eliminate any of the requirements for program administration and monitoring.

Local Performance

8. Negotiate and reach agreement on local performance indicators with the chief elected official and NMDWS that are reported to USDOL. NMDWS shall negotiate and reach agreement on local performance accountability measures as described in WIOA section 116(c). See Performance Measures Section IX for additional detail.

Infrastructure Funding Agreements

9. Negotiate with CEO(s) and required partners to follow the methods for funding the infrastructure costs of one-stop centers in the local area (per 20 CFR Part 678.715), negotiate and maintain an agreement, as well as a process for continuous review of said agreement. LWDB shall notify the SAE if they fail to reach agreement at the local level and the SAE shall use a State infrastructure funding mechanism.

See Workforce Development Letter 16-006, Infrastructure Funding, for more information regarding infrastructure funding requirements.

Selection of Providers

10. Select the following providers in the local area, and where appropriate terminate such providers in accordance with 2 CFR part 200:

Youth Services

- (1) Providers of youth workforce investment activities through competitive grants or contracts based on the recommendations of the youth standing committee (if such a committee is established), in accordance with WIOA Section 107(d)(10)(E).

Adult and Dislocated Worker Services

- (2) Providers of career services through the award of contracts; and
- (3) Providers of training services consistent with the criteria and information requirements established by the Governor and WIOA sec. 122;

See the **Program Design** section of this Statement of Work for details regarding the required service delivery elements for providers of Youth, Adult, and Dislocated Worker services.

Eligible Training Providers

11. The workforce development system established under WIOA emphasizes informed consumer choice, job-driven training, provider performance, and continuous improvement. The quality and selection of providers and programs of training services is vital to achieving these core principles. As required by WIOA Sec. 122, states, in partnership with Local Boards, shall identify eligible training providers (ETPs) and programs that are qualified to receive WIOA title I-B funds to train adults, dislocated workers and out-of-school youth ages 16 through 24 including those with disabilities. The approved State list of eligible training providers and programs serves as an important tool for participants seeking training to identify appropriate providers and programs, and relevant information, such as cost and program outcomes. Local areas shall move beyond transactional exchanges limited to ITAs to build strategic relationships with education and training providers to help build a comprehensive and job-driven list of eligible training providers. The New Mexico Eligible Training Provider List (ETPL) policy outlines the types of training authorized under WIOA, and the initial and subsequent eligibility processes and criteria for organizations

interested in being added to the ETPL. The guide defines State, Local Board, and Training Provider responsibilities, stressing the importance of close collaboration between Local Boards and training providers seeking to serve WIOA customers in the local area. The guide also includes a section to assist training providers in self-registering as a provider on jobs.state.nm.us and how to submit programs for inclusion on the ETPL.

12. NMDWS, in partnership with LWDBs, provide oversight and administration for the ETP certification system. The State is required to develop and operate the ETPL in partnership with Local Workforce Development Boards (LWDB). The ETPL is designed to collect relevant data and display useful information to WIOA customers on training providers, their services, and the quality of their programs. New Mexico strives to populate the ETPL with training programs that are proven to be successful and remove those programs that fail to achieve positive results for training customers. LWDBs may authorize qualified LWDB staff members (ETPL Coordinators) to act on their behalf in making determinations for initial and/or continued eligibility of providers and their program(s).
 - Thoroughly research the in-state training provider and programs applying to be on the ETPL and review the accuracy of eligibility and performance information for initial applications and applications for continued eligibility for ETPL approval prior to submission to the State for final approval.
 - Ensure access to training services throughout the state, including rural areas, by approving programs that use technology based or remote learning.
 - LWDBs shall conduct outreach to their local and regional employers and education and training providers to ensure that clients residing within the counties covered by the local area have an ample selection of training programs that provide credentials, certificates and/or skills that are valued by employers within target industry sectors identified in the State Plan and the Local or Regional Plan. LWDBs shall provide ITAs for training programs that support a career pathway for the client in growing, in-demand occupations, and/or target industry sectors identified in the local plan.
 - Ensure that there are sufficient numbers and types of providers of training services (including eligible providers with expertise in assisting individuals with disabilities and eligible providers with expertise in assisting adults in need of adult education and literacy activities) serving the local area and providing services in a manner that maximizes consumer choice and leads to competitive integrated employment for individuals with disabilities
 - Identify in-demand occupations for the local area using relevant labor market information. Each LWDB shall establish, maintain, review and update annually a program of existing or emerging occupations that are determined to:
 - a. be part of a sector of the economy that has a high potential for sustained demand or growth in the local area,
 - b. target industry clusters within the local area,
 - c. supports economic growth priorities; and
 - d. address industry-specific shortages.
 - The LWDB staff and/or the Service Provider shall accurately assess WIOA customers' career interests and assist them in the selection of training programs that are directly linked to said interests and employment opportunities in their local area.

LWDB's shall support and ensure eligible training providers submit annual performance.

New Mexico has established benchmarks for program-specific data for both initial and continued eligibility determinations. At least one of the following minimum standards shall be met:

1. Program Completion Rate – 57.28% of the participants entering a program shall complete the program.

2. Credential Attainment Rate – 56.0% of total participants completing a program offering a recognized postsecondary credential shall earn the credential.

Local workforce development boards shall revise all local policies to ensure that they are in compliance with the new requirements outlined in this document. *See DWS 24-001 Eligible Training Provider Policy for more information regarding the ETP requirements and qualification process.*

One-stop Operator

13. Select a one-stop operator in accordance with 20 CFR Parts 678.600 through 678.635 of the regulations. *One-Stop Delivery System and Workforce Development Letter 16-001, One-Stop Operator, for more information on the one-stop operator roles and responsibilities.*

Consumer Choice

14. Work with the State to ensure there are sufficient numbers and types of providers of career services and training services (including eligible providers with expertise in assisting individuals with disabilities and eligible providers with expertise in assisting adults in need of adult education and literacy activities) serving the local area and providing the services in a manner that maximizes consumer choice, as well as providing opportunities that lead to competitive integrated employment for individuals with disabilities per WIOA sec. 107(d)(10)(E).

Coordination with Required Partners

15. Planning and coordinating services among all federally funded workforce development programs is necessary to achieve the level of integrated services delivery required by WIOA. This means that all federally funded workforce programs shall work in partnership to optimize the quality of services provided. Successful integration is directly related to coordinated and joint use of resources. As such, WIOA requires all partners to contribute to infrastructure funding, and each local board is required to establish an MOU with each partner in that local area that addresses service integration and shared resources.

16. Implement cooperative agreements to enhance the provision of services to individuals, such as cross training of staff, technical assistance, use and sharing of information, cooperative efforts with employers, and other efforts at cooperation, collaboration, and coordination to streamline the Title I intake and eligibility process for all title participants.

17. Required partners include:

- Title I Programs (Adult, Dislocated Worker, Youth, Job Corps, YouthBuild, Native American and migrant seasonal farmworker);
- Wagner-Peyser Act employment services (ES);
- Vocational Rehabilitation (VR) programs under Title I of the Rehabilitation Act
- Senior Community Services Employment Program (SCSEP) authorized under Title V of the Older Americans Act;
- Trade Adjustment Assistance (TAA) authorized under the Trade Act;
- Jobs for Veterans State Grants (JVSG) programs authorized under Chapter 41 of Title 38, U.S.C.;
- Employment and training activities of the Department of Housing and Urban Development (HUD);
- State unemployment insurance (UI) program;
- Reentry Employment Opportunities, (REO), (formerly known as ex-offender programs) authorized under Section 212 of the Second Chance Act;

- Temporary Assistance for Needy Families (TANF) authorized under the Social Security Act;
- Adult Education and Family Literacy Act (AEFLA) programs;
- Career and technical education programs at the postsecondary level, authorized under Carl D. Perkins Career and Technical Education Act of 2006; and
- Employment and training services carried out under the Community Block Services Grant (CSGB).

Coordination Specific to Wagner-Peyser.

- LWDBs shall work to improve customer access to service through the creation of a seamless system of workforce services. Universal access to basic career services shall be achieved through close integration of Wagner-Peyser, WIOA programs, and other partners in the New Mexico Workforce Connection Centers. Service integration requires partners to work collaboratively in the delivery of services available under multiple programs.

Coordination Specific to Education Providers.

- Coordinate with HED's Integrated Education and Training programs for adult education to ensure alignment with training providers on the ETPL to maximize efficiency, provide continued workforce supports for participants, and report performance outcomes, as required by WIOA.
- Coordinate with education and training providers and employers in priority sectors to create flexible pathways, certification programs, short-term credentialing, and work-based learning opportunities to prepare the workforce.
- Work with the NM Public Education Department (PED), WIOA partners, and employers to increase outreach in middle and high schools and help students explore available career paths in priority sectors by streamlining and clearly defining the path among work-based learning programs.
- Coordinate activities with providers of Career and Technical Education (as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302)).

Coordination Specific to Vocation Rehabilitation Programs

- LWDB shall develop and implement cooperative agreements to enhance the provision of services to individuals with disabilities and other individuals, such as cross training of staff, technical assistance, use and sharing of information, cooperative efforts with employers, and other efforts to streamline the Title I intake and eligibility process for Title IV participants.

Budget and Fiscal Administration

18. The following fiscal requirements apply:

- a. Develop a budget annually for the implementation of Title I service delivery activities and the activities of the LWDB, with approval of the Chief Elected Official(s) and consistent with the local plan and the duties of the LWDB. Annual budgets shall include:
 - i. carry-in funds from the prior program year; and
 - ii. current program year funding.

The LWDB shall provide to the SAE quarterly budget projections no later than 20 days prior to the end of each quarter for quarters ending March 31; June 30; September 30; December 31.

- b. All grants awarded by USDOL - ETA are made according to 2 CFR 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards and subject to its requirements, as specified in the Notice of Award terms and conditions.
- c. The LWDB shall develop, approve, and continually update, as needed, fiscal and administrative policies to maintain a system of internal control over achievement of objectives relating to operations, reporting and compliance with state and federal laws and regulations.
- d. In accordance with section 679.420(b) the Fiscal Agent is responsible for the following functions: (1) receive funds (2) ensure sustained fiscal integrity and accountability for expenditures of funds (3) respond to audit financial findings, (4) maintain proper accounting records (5) prepare financial reports, (6) provide technical assistance to subrecipients regarding fiscal issues. (c)(1) procure contracts or obtain written agreements. (2) conduct financial monitoring of service providers, and (3) ensure independent audit of all employment and training programs.
- e. *Transfer Authority.* Per WIOA section 133(b)(4), a local board may transfer, if such a transfer is approved by the SAE, up to and including 100 percent of the funds allocated to the local area between adult employment and training activities; and dislocated worker employment and training activities, each fiscal year.

See Workforce Guidance Letter, DWS 23-004, Transfer of Formula funds, for the necessary criteria for submitting transfer of fund requests between Dislocated Worker and Adult funding stream.

Certification and Continuous Improvement of One-Stop Centers

19. Certification of one-stop centers (per 20 CFR Part 678.800).

According to §678.300 of the WIOA regulations, at least one comprehensive one-stop center shall exist in each local area. According to §678.310, non-comprehensive, or affiliated sites where one or more of the required programs are available, are also permissible, as long as clear opportunities exist for connecting partners, customers, and businesses to ensure coordination.

LWDBs shall certify their one-stop centers at least once every two years as a requirement for the continued infrastructure funding for the centers and the one-stop delivery system as a whole. Such certification shall be based on, the extent to which the local board has ensured that workforce investment activities carried out in the local area have enabled the local area to meet the corresponding performance accountability measures and achieve sustained fiscal integrity, as defined in section 106(e)(2). Certification criteria shall address the three following areas:

- Effectiveness
- Physical and Programmatic Accessibility
- Continuous Quality Improvement

Effectiveness

- Assess how well the one-stop integrate available services for participants and businesses. (Including, but not limited to, job training programs offered through community colleges and other public and private institutions, registered apprenticeships, adult education, on-the-job training, etc.)
- Development of Memoranda of Understanding (MOUs) and Infrastructure Funding Agreements (IFAs) with required workforce partners concerning the delivery of required programs.

Physical and Programmatic Accessibility

- Assess at least once every 3 years the effectiveness, physical and programmatic accessibility of all Workforce Connection Centers in the local area in accordance with WIOA sec. 188, and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and continuous improvement of one-stop centers and the one-stop delivery system, consistent with the requirements of section 101(d)(6).

Continuous Quality Improvement

- Description of continuous quality improvement strategies used to modify and improve system practices and services.
- Description of the continuous quality improvement activities planned and/or implemented in collaboration with program partners and staff.

See Workforce Guidance Letter, DWS 16-002, One-Stop Certification, for details regarding the criteria that shall be met or exceeded for the certification of the one-stop centers and one-stop delivery system.

Annual Report

20. Produce an annual report that shall be submitted to the State Administrative Entity, per guidelines established by NMDWS. Each local area that receives an allotment under WIOA Adult, Dislocated Worker, and Youth activities shall prepare and submit a WIOA Annual Report to NMDWS on performance progress per WIOA sections 101, 116 and 189, WIOA regulations sections 677.205, 677.230 and the corresponding preamble. There are two components to the WIOA Annual Report: as stated in TEGl 5-18; (1) the required performance results and (2) a narrative report. Report contents are determined by the SAE and communicated to the local boards prior to content submission deadlines.

Outreach

21. Promote workforce connection center programs and activities. Local areas shall conduct and document outreach to targeted populations, where appropriate, including the following:
 - a. youth,
 - b. individuals with disabilities,
 - c. veterans and eligible spouses of veterans,
 - d. migrant seasonal farmworkers,
 - e. Native Americans,
 - f. individuals with low income,
 - g. older individuals, and
 - h. individuals with low literacy levels.

Transparency

22. Conduct business in an open manner by complying with the New Mexico Open Meetings Act and making available to the public information about the activities of the local board. Local boards shall also comply with the Inspection of Public Records Act.

SECTION VI. ONE-STOP DELIVERY SYSTEM

Vision for the One-Stop Delivery System

The publicly funded workforce system envisioned by WIOA is quality-focused, employer-driven, customer-centered, and tailored to meet the needs of regional economies. It is designed to increase access to, and opportunities for, employment, education, training, and support services that individuals need to succeed in the labor market, particularly those with barriers to employment. It aligns workforce development, education, and economic development programs with regional economic development strategies to meet the needs of local and regional employers, and provides a comprehensive, accessible, and high-quality workforce development system. This is accomplished by providing all customers access to high-quality one-stop centers that connect them with the full range of services available in their communities, whether they are looking to find jobs, build basic educational or occupational skills, earn a postsecondary certificate or degree, or obtain guidance on how to make career choices, or are businesses and employers seeking skilled workers.

Under WIOA, partner programs and entities that are jointly responsible for workforce and economic development, educational, and other human resource programs collaborate to create a seamless customer-focused one-stop delivery system that integrates service delivery across all programs and enhances access to the programs' services. The one-stop delivery system includes six core programs (Title I adult, dislocated worker, and youth programs; Title II adult education and literacy programs; Title III Wagner-Peyser program; and Title IV vocational rehabilitation programs), as well as other required and optional partners identified in WIOA. Through the one-stop centers, these partner programs and their service providers ensure that businesses and job seekers—a shared client base across the multiple programs identified above—have access to information and services that lead to positive employment outcomes. Under WIOA, one-stop centers and their partners:

- provide job seekers with the skills and credentials necessary to secure and advance in employment with family-sustaining wages;
- provide access and opportunities to all job seekers, including individuals with barriers to employment, such as individuals with disabilities, to prepare for, obtain, retain, and advance in high-quality jobs and high demand careers;
- enable businesses and employers to easily identify and hire skilled workers and access other supports, including education and training for their current workforce;
- participate in rigorous evaluations that support continuous improvement of one-stop centers by identifying which strategies work better for different populations;
- ensure that high-quality integrated data informs decisions made by policy makers, employers, and job seekers; and
- incorporate and strengthen the objectives of job-driven elements in the development of partnership strategies, and the provision of services.

The management of the one-stop delivery system is the shared responsibility of States, local boards, elected officials, the core WIOA partners, other required partners, and One-Stop Operators. All of these entities shall work to integrate the characteristics below into their work, including developing state, regional, and local strategic plans; establishing one-stop center certification criteria; examining the state, regional, and local footprint of one-stop centers; conducting competitions for selecting one-stop center operators; developing local Memoranda of Understanding (MOUs); updating one-stop center policies and procedures; and operating and delivering services through the one-stop centers.

Role of the One-Stop Operator

The role of the One-Stop Operator is equivalent to a managing partner of the workforce system. In this role, the Operator facilitates the identification of opportunities, challenges, and issues to be addressed at the local level to ensure effective and quality service delivery. The Operator works with all partners working with the Workforce Connection Centers to coordinate effective strategies and systems necessary to build and sustain a cohesive, seamless service delivery system that engages all agencies and organizations at a systems level. Partners, including state staff, are fully integrated into the framework and everyone participates in planning, goal setting and implementation of activities necessary to ensure a seamless operation. Staff and funding for these services is communicated through Memoranda of Understanding, Infrastructure Funding Agreements and shared work responsibilities needed to create and sustain a customer centered approach focused on improving employment outcomes for job seekers, including youth and people with disabilities, and enhanced business services for employers. The Operator is primarily responsible for developing these partnerships, engaging in system approaches focused on shared decision making, collaborative problem solving, and collective impact approaches.

One-Stop Operator Actions

1. One-Stop Operators shall be competitively procured in accordance with 20 CFR Parts 678.600 through 678.635 of the federal regulations. However, if a local board can document that the competitive procurement was appropriately followed, but yielded no successful candidates, the local board may designate itself, with the approval of the SAE, to perform the One-Stop operator functions as long as appropriate firewalls are in place to guard against any conflicts of interest.

See Workforce Guidance Letter, DWS 16-001, One-Stop Operator, for more detailed criteria for one-stop operator dos and don'ts.

Responsibilities of the One-Stop Operator

Community and Partnership Development

1. Establish and sustain relationships with Workforce Connection Center partners with a focus on creating opportunities to engage in shared planning, visioning, continuous improvement, and program outcomes and evaluation.
2. Ongoing identification and development of community partnerships to engage in workforce systems activities that lead to improvements in community awareness or engagement in workforce development strategies; and enhanced interest in organizations and businesses to use Workforce Connection Center services.
3. Support the implementation of continuous quality improvement approaches and methodologies to enhance the system effectiveness. Examples include but are not limited to: adoption of change principles to directly enhance flow of service delivery, improve customer, and staff satisfaction; increased administrative efficiencies or improved funding leverage, youth friendly and youth engaged approaches, and inclusion of individuals with disabilities across all programs.
4. Identify and coordinate capacity building activities to improve the effectiveness and performance of partners working with, and within, the Workforce Connection Center; including youth services and programs for individuals with disabilities.
5. Facilitate opportunities for shared learning and training.
6. Promote the Workforce Connection Center programs broadly; educate local community, agencies, and organizations about the partners and programs available.

7. Convene regular meetings of all partner agencies and organizations to support full engagement and share leadership in the organizing and developing of ongoing activities and processes; including youth services and programs for individuals with disabilities.
8. Actively engage in opportunities to share leadership with all partners by creating opportunities to report, present, and share activities, such as through local board and committee meetings, community forums, and other appropriate settings.
9. Provide for conflict management and dispute resolution when issues arise between partner organizations.

Implementation and Compliance

1. Provide guidance and leadership to ensure LWDB policies and procedures are clearly communicated and followed.
2. Provide guidance and leadership to ensure that compliance with all Federal regulations, state and local policies related to WIOA are implemented accordingly. Additionally, ensure provisions of the U. S. Department of Labor Statement 29 CFR 38 Implementation of Nondiscrimination and Equal Opportunity are understood and followed.
3. Provide guidance and leadership to partners and staff to ensure full coordination of services across all programs is implemented effectively; with quality and assurances necessary to eliminate or minimize duplication.
4. Provide guidance and leadership to partners and staff to ensure services and programs are accessible for people with disabilities; create opportunities to engage in learning about best practices and approaches to serve people with disabilities.
5. Provide guidance and leadership to all partners and staff to ensure services and programs for youth follows best practices in youth engagement and positive youth development.
6. Create a systemic process that supports Workforce Connection Center partner ownership and adoption of effective shared practices necessary to support customers and businesses, including but not limited to co-enrollment, common intake, referral, case management, client performance, and business services.
7. Works collaboratively with Workforce Connection Center partners to develop a robust system of training to support staff and seeks opportunities for shared learning and training; Assures Workforce Connection Center partners receive training in all services available through the workforce system.

Business Services

1. Coordinate with partner agencies/organizations on strategies to develop, offer, and deliver quality business services that assist specific businesses and industry sectors in overcoming the challenges of recruiting, retaining, and developing talent for the regional economy.
2. Address immediate and long-term skilled workforce needs of in-demand industries and critical skill gaps within and across industries.
3. Provide oversight for the job posting information from businesses to the statewide employment database and assist employers who prefer to enter data directly.
4. Coordinate a process with Workforce Connection staff on best practices to support effective screening and recruiting of candidates for job openings for area employers.
5. Implement effective activities to respond to employers' requests including the coordination of activities such as interview space, job fairs, and other services available within the Workforce Connection Center.
6. Coordinate with partners to organize and implement local Rapid Response services for workers who have been or anticipate being dislocated from their jobs due to a business or plant closure, a major employer downsizing, or natural disasters.

7. Collaborate with system partners to facilitate and collectively participate in special projects such as job fairs, business driven workshops, and be responsible for communicating employers' needs to the Workforce Connection Center partners.

SECTION VII. PROGRAM DESIGN

Priority Populations

Section 134(c) (3) (E) of WIOA establishes a priority requirement with respect to funds allocated to a local area for adult employment and training activities. Under this section, one-stop center staff responsible for these funds shall give *priority to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient* in the provision of individualized career services. Under WIOA, priority shall be provided regardless of the level of funds. The Adult and Dislocated Worker Guidance Letter 20-002 discusses Order of Priority, as follows:

Priority of Service shall always be given to covered persons (i.e. veterans and eligible spouses, including widows and widowers) regardless of whether or not the priority of service is in place. Priority of service is required for the provision of all career and training services, including individual training accounts, veterans' priority as well as priority to public assistance recipients and low-income individuals required in WIOA regulations shall be established as follows:

- First priority goes to recipients of public assistance, low-income or individuals who are basic skills deficient who are also veterans or eligible spouses of veterans.
- Second priority goes to recipients of public assistance, low-income, or individuals who are basic skills deficient who are not veterans or spouses of veterans.
- Third priority goes to veterans or eligible spouses of veterans who are not recipients of public assistance, low-income or basic skills deficient.
- Last priority goes to Adults in need of service who are not recipients of public assistance, not low-income or basic skills deficient.

Adult and Dislocated Worker Services

TEGL 19-16, Guidance on Services provided through the Adult and Dislocated Worker Programs shall be followed to ensure full program compliance. WIOA authorizes "career services" for adults and dislocated workers. There are three types of "career services": basic career services, individualized career services, and follow-up services. These services can be provided in any order; there is no sequence requirement for these services. Career services under this approach provide local areas and service providers with flexibility to target services to the needs of the customer. The three categories of career services are defined as follows:

Basic Career Services

Basic career services shall be made available to all individuals seeking services served in the one-stop delivery system, and include:

- determinations of whether the individual is eligible to receive assistance from the adult, dislocated worker, or youth programs;
- outreach, intake, and orientation to information and other services available through the one-stop delivery system;
- initial assessment of skill levels including literacy, numeracy, and English language proficiency, as well as aptitudes, abilities (including skills gaps), and supportive service needs;
- labor exchange services, including job search and placement assistance, and, when needed by an individual, career counseling, including the provision of information on in-demand industry sectors and occupations;

- provision of information on nontraditional employment;
- provision of referrals to and coordination of activities with other programs and services, including those within the one-stop delivery system and, when appropriate, other workforce development programs;
- provision of workforce and labor market employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including job vacancy listings in labor market areas;
- information on job skills necessary to obtain the vacant jobs listed;
- information relating to local occupations in demand and the earnings, skill requirements, and opportunities for advancement for those jobs;
- provision of performance information and program cost information on eligible providers of training services by program and type of providers;
- provision of information about how the local area is performing on local performance accountability measures, as well as any additional performance information relating to the area's one-stop delivery system;
- provision of information relating to the availability of supportive services or assistance, and appropriate referrals to those services and assistance, including: child care; child support; medical or child health assistance available through the State's Medicaid program and Children's Health Insurance Program; benefits under the Supplemental Nutrition Assistance Program (SNAP); assistance through the earned income tax credit; housing counseling and assistance services sponsored through the U.S. Department of Housing and Urban Development (HUD); and assistance under a State program for Temporary Assistance for Needy Families (TANF), and other supportive services and transportation provided through that program;
- assistance in establishing eligibility for programs of financial aid assistance for training and education programs not provided under WIOA; and
- provision of information and assistance regarding filing claims under UI programs, including meaningful assistance to individuals seeking assistance in filing a claim.

Individualized Career Services

If Workforce Connection Center staff determine that individualized career services are appropriate for an individual to obtain or retain employment, these services shall be made available to the individual at the one-stop centers. Workforce center staff may use recent previous assessments by partner programs to determine if individualized career services would be appropriate provided the local board has a policy in place to govern this approach to assessments. These types of services include:

- comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include diagnostic testing and use of other assessment tools; and in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals;
- development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve his or her employment goals, including the list of, and information about, eligible training providers;
- group and/or individual employment counseling and mentoring;
- career planning (e.g. case management);

- short-term pre-vocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct to prepare individuals for unsubsidized employment or training;
- internships and work experiences that are linked to careers;
- workforce preparation activities that help an individual acquire a combination of basic academic skills, critical thinking skills, digital literacy skills, and self-management skills, including competencies in utilizing resources, using information, working with others, understanding systems, and obtaining skills necessary for successful transition into and completion of postsecondary education, or training, or employment;
- financial literacy services;
- out-of-area job search assistance and relocation assistance; and
- English language acquisition and integrated education and training programs.

Note: A WIOA application shall be completed for all individuals receiving Individualized Career Services. WIOA case managers are responsible for compiling eligibility and data validation documentation. Participation for Adult and Dislocated Workers occurs after information is collected to support eligibility determination and begins when the individual receives a staff assisted service excluding those defined as a Basic Career Service.

Training Services

Training Services shall be used to provide training services to adults and dislocated workers who, **after an interview, evaluation, or assessment, and career planning**, have been determined by a one-stop partner, as appropriate, to meet the following:

- be unlikely or unable to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment, through the career services described;
- be in need of training services to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment; and
- have the skills and qualifications to successfully participate in the selected program of training services;
- who select programs of training services that are directly linked to the employment opportunities in the local area or the planning region, or in another area to which the adult or dislocated worker is willing to commute or relocate; and/or
- who are determined to be eligible in accordance with the priority system in effect

Note: An individual is not required to receive career services prior to receiving training services. Also, for more information regarding Self-Sufficiency requirements, see Workforce Development Letter, 22-001

Training services may include:

- occupational skills training, including training for nontraditional employment;
- on-the-job training;
- incumbent worker training;

- programs that combine workplace training with related instruction, which may include cooperative education programs;
- training programs operated by the private sector;
- skill upgrading and retraining;
- entrepreneurial training;
- transitional jobs;
- job readiness training;
- adult education and literacy activities, including activities of English language acquisition;
- integrated education and training programs; and
- customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.

Individual Training Accounts (ITAs) are the primary method to be used for procuring training services under WIOA. Requirements for issuing ITAs shall be followed in accordance with TEGL 19-16, Guidance on Services provided through the Adult and Dislocated Worker Programs.

Adult and Dislocated Worker Follow-up Services

Follow-up services shall be provided as appropriate for participants who are placed in unsubsidized employment, for up to 12 months after the first day of employment. Counseling about the workplace is an appropriate type of follow-up. LWDBs shall establish and implement follow-up policies that include the types of follow-up services provided. Because follow-up services can only be provided to Adults and Dislocated Workers who have system-exited and supportive services can only be provided to Adult and Dislocated Worker participants, supportive services cannot be provided to Adults and Dislocated Workers as a form of follow-up service.

WIOA Youth Services

WIOA outlines a broader youth vision that supports an integrated service delivery system and provides a framework through which states and local areas can leverage other federal, state, local, and philanthropic resources to support in-school youth (ISY) and out-of-school (OSY). The Youth Program focuses on assisting transitional youth ages 14-24, particularly youth who are disadvantaged and have one or more barriers to employment. The goal of the program is to prepare these youth for post-secondary education and employment opportunities, attain educational and/or training credentials, and secure employment that has a positive career outlook.

Funds allocated to a local area under this grant Agreement for eligible youth under WIOA shall be used to provide an objective assessment of the academic skill levels and service needs of each participant, service strategies that are linked to participant performance, and identification of career pathways that include education and employment goals. **Youth service providers shall support the 75 percent out-of-school youth and 20 percent work experience expenditure rate as required by WIOA Sec. 129 and 20 CFR 681.590(a).**

LDWBs shall coordinate a minimum of one summer youth program in partnership with their youth provider and a local municipality. Activities to include, but not limited to; career exploration, resume and interview skills, soft skills/professionalism, and a mock interview opportunity/event. Mock interview events can be in partnership with the local Workforce Connection office, local businesses, and/or other community agencies. Mock interviews should highlight the skills youth learned during the *summer* youth

program. LDWBs may also consider hosting additional youth workforce opportunities such as a job fair, job shadow, and/or career day to enhance career exploration in their regions.

LWDB shall ensure the youth providers include delivery of the following *14 elements* of service in their overall scope:

1. Tutoring, study skills training, instruction and evidence-based dropout prevention and recovery strategies that lead to completion of the requirements for a secondary school diploma or its recognized equivalent (including a recognized certificate of attendance or similar document for individuals with disabilities) or for a recognized post-secondary credential;
2. Alternative secondary school services, or dropout recovery services as appropriate;
3. Paid and unpaid work experiences that have academic and occupational education as a component of the work experience, which may include the following types of work experiences:
 - a) Summer employment opportunities and other employment opportunities available throughout the school year;
 - b) Pre-apprenticeship programs;
 - c) Internships and job shadowing; and
 - d) On-the-job training opportunities;
4. Occupational skill training, which includes priority consideration for training programs that lead to recognized postsecondary credentials that align with in-demand industry sectors or occupations in the local area involved, if the WDB determines that the programs meet the quality criteria described in WIOA sec. 123;
5. Education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster;
6. Leadership development opportunities, including community service and peer-centered activities encouraging responsibility and other positive social and civic behaviors;
7. Supportive services, including the services listed in § 681.570;
8. Adult mentoring for a duration of at least 12 months, that may occur both during and after program participation;
9. Follow-up services for not less than 12 months after the completion of participation, as provided in § 681.580;
10. Comprehensive guidance and counseling, which may include drug and alcohol abuse counseling, as well as referrals to counseling, as appropriate to the needs of the individual youth;
11. Financial literacy education;
12. Entrepreneurial skills training;
13. Services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services; and

14. Activities that help youth prepare for and transition to postsecondary education and training.

- (b) Local programs have the discretion to determine what specific program services a youth participant receives, based on each participant's objective assessment and individual service strategy. Local programs are not required to provide every program service to each participant.
- (c) When available, the Department encourages local programs to partner with existing local, State, or national entities that can provide program element(s) at no cost to the local youth program.

WIOA Chapter 2: Statewide Activities Sec 129(c)(1)(A) Funds allocated to a local area for eligible youth under WIOA section 128(b) shall be used to carry out, for eligible youth, programs that:

- (a) provide an objective assessment of the academic levels, skill levels, and service needs of each participant, which assessment shall include a review of basic skills, occupational skills, prior work experience, employability, interests, aptitudes (including interests and aptitudes for nontraditional jobs), supportive service needs, and developmental needs of such participant, for the purpose of identifying appropriate services and career pathways for participants, except that a new assessment of a participant is not required if the provider carrying out such a program determines it is appropriate to use a recent assessment of the participant conducted pursuant to another education or training program;
- (b) develop service strategies for each participant that are directly linked to one or more of the indicators of performance described in WIOA section 116(b)(2)(A)(ii), and that shall identify career pathways that include education and employment goals (including, in appropriate circumstances, nontraditional employment), appropriate achievement objectives, and appropriate services for the participant taking into account the assessment conducted, except that a new service strategy for a participant is not required if the provider carrying out such a program determines it is appropriate to use a recent service strategy developed for the participant under another education or training program;
- (c) provide—
 - activities leading to the attainment of a secondary school diploma or its recognized equivalent, or a recognized postsecondary credential;
 - preparation for postsecondary educational and training opportunities;
 - strong linkages between academic instruction (based on State academic content and student academic achievement standards established under section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311)) and occupational education that lead to the attainment of recognized postsecondary credentials;
 - preparation for unsubsidized employment opportunities, in appropriate cases; and
 - effective connections to employers, including small employers, in in-demand industry sectors and occupations of the local and regional labor markets;
- (d) at the discretion of the LWDB, implement a pay-for-performance contract strategy to implement the 14 youth elements for which the LWDB may reserve and use not more than 10 percent of the total funds allocated to the local area under WIOA section 128(b);
- a minimum OSY expenditure rate of 75% for the youth formula-funded program, however, local areas may spend up to 100 percent of their local area youth funds on OSY as directed by LWDB policy;
- Local youth programs shall expend no less than twenty percent (20%) of the funds allocated to them to provide ISY and OSY with paid and unpaid work experiences that fall under the categories

: summer employment opportunities and other employment opportunities available throughout the school year; pre-apprenticeship programs; internships and job shadowing; and on-the-job training opportunities.

Note: The 14 Youth Elements and other aforementioned youth program components shall be incorporated into youth provider contracts and reflected in the contract scope of work. It is also important to ensure that all WIOA required elements are incorporated into the any Requests for Proposals (RFPs).

Out of School Youth Expenditure Calculation and Tracking

The OSY expenditure rate for local area funds is calculated after subtracting funds spent on administrative costs. For example, if a local area receives \$1 million and spends \$100,000 (10%) on administrative costs, the remaining \$900,000 is subject to the minimum OSY expenditure rate of 75%. In this example, the local area would be required to spend at least \$675,000 (75 %) of the \$900,000 on OSY.

The OSY expenditure rate is tracked for a specific program year allotment. Determination of whether a local area meets the 75% OSY expenditure requirement is made upon completion of expenditures of all funds in the specific program year's allotment. Local areas shall track funds spent on OSY throughout the duration of this Agreement.

Work Experience Calculation and Tracking

Local areas are required to track funds spent on work experience activities throughout the duration of this Agreement in order to demonstrate achievement of the 20% work experience expenditure rate for Youth funds. The 20% minimum is calculated based on non-administrative local area youth funds and is not applied separately for ISY and OSY. For example, if a local area received \$1 million in local WIOA youth funds, and spent \$100,000 (10%) on administrative costs, the minimum work experience expenditure requirement would be based on the remaining \$900,000. In this case, local areas would need to spend a minimum of \$180,000 (20%) on the work experience program element with no more than \$18,000 to support staffing costs.

Program expenditures on the work experience program element can include wages. Wages in this instance refer to wages paid in OJT's, summer employment and other employment opportunities throughout the school year. According to Sec. 680.700, OJTs can be used to reimburse up to 75% of wages paid to a participant, but 50% is typical.

Allowable expenditures beyond wages can include staff time spent identifying potential work experience opportunities, staff time working with employers to develop the work experience, staff time spent working with employers to ensure a successful work experience, staff time spent evaluating the work experience, participant work experience orientation sessions, classroom training or the required academic education component directly related to the work experience, and orientations for employers. All staffing costs included in the 20% minimum shall be tracked, justified, and documented. Staffing costs shall be reasonable and not exceed 10% of the work experience expenditures.

Youth Follow-up Services

A. Follow-up services are critical services provided following a youth's exit from the program to help ensure the youth is successful in employment and/or postsecondary education and training. Follow-up services may include regular contact with a youth participant's employer, including assistance in addressing work-related problems that arise.

B. Follow-up services for youth also may include the following program elements:

- (1) Supportive services;
- (2) Adult mentoring;
- (3) Financial literacy education;
- (4) Services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services; and
- (5) Activities that help youth prepare for and transition to postsecondary education and training.

C. All youth participants shall be offered an opportunity to receive follow-up services that align with their individual service strategies. Furthermore, follow-up services shall be provided to all participants for a minimum of 12 months unless the participant declines to receive follow-up services or they cannot be located or contacted. Follow-up services may be provided beyond 12 months at the State or Local WDB's discretion. The types of services provided, and the duration of services shall be determined based on the needs of the individual and therefore, the type and intensity of follow-up services may differ for each participant. Follow-up services shall include more than only a contact attempted or made for securing documentation in order to report a performance outcome.

SECTION VIII. REQUIRED LWDB POLICIES

According to Section 679.550(a)(1) of the federal regulations, local board plans shall identify and describe the policies, procedures, and local activities that are carried out in the local area, consistent with the State Plan. Local boards shall submit all current local policies and procedures to the SAE as a part of the local plan, and copies of new or revised policies as they are approved by the local board. The following is a list of policies the boards are required to maintain, at a minimum:

Governance

1. *Board Appointments* – procedures that set forth criteria to be used by chief elected officials for the appointment of local workforce development board members.
2. *Conflict of Interest* – a policy identifying circumstances that may present a conflict of interest for a local board member, or the entity or class of officials that the member represents, and procedures to resolve such conflicts.
3. *Board Meeting Accessibility* – a policy to provide the public (including individuals with disabilities) access to meetings of local boards and information regarding activities of local boards, such as data on board membership and minutes.

Administrative

4. *Fiscal Controls* – fiscal control and fund accounting policy and procedures necessary to ensure the proper accounting for funds paid to the local boards for adult, dislocated worker, and youth programs to carry out workforce investment activities under chapters 2 and 3 of subtitle B. This policy shall also address separation of fiscal duties, accounting checks to ensure accurate bookkeeping, fiscal reporting procedures, including the maintenance of supporting documents to assist with state monitoring of cash requests.
5. *Budget* – a policy that addresses budget planning that considers expected expenditures for Adult, Dislocated, Youth, and One-Stop Operator Services to ensure obligation and spending goals are

met, as well as to ensure the least amount of carryover possible. Note: Some areas may need to budget monthly or quarterly.

6. *Procurement* – a procurement policy used to award the subgrants and contracts for WIOA title I activities, including the procurement process used to acquire Adult, Dislocated Worker, Youth, and One-Stop Operator services. Note: This policy shall include controls to ensure contracts are not sent to the recipient or obligated without full review, signature of contract authorities, and local board approval.
7. *Subrecipient Monitoring* – policy and procedures on how and when subrecipient monitoring is conducted, fiscally, as well as programmatically.
8. *Steven’s Amendment*-policy and procedures to ensure transparency and accountability of USDOL and HHS federal funds.

Program

9. *Priority of Services* – a policy and procedures for determining priority during eligibility process and enrollment; the criteria and procedures used to assess and establish priority for Adults, DW and Veterans (i.e. public assistance, low-income and basic skills deficient individuals).
10. *Electronic files* – a policy for scanning documents, determining what shall available for electronic review.
11. *Referrals* – policy and procedures which local areas shall use when referring individuals to different WIOA services/partners.
12. *Co-Enrollment* – policy and procedures on co-enrolling individuals.
13. *Data Validation*- policy and procedures on local data validation requirements, to ensure data submitted for performance reporting is both valid and reliable.
14. *ETPL* – a policy to describe how the local board shall ensure continuous improvement of eligible training providers through the system and how they shall meet the employment needs of local employers, workers, and job seekers;
15. *Veteran Referrals* – a policy to ensure a process is in place for referring veterans with significant barriers to employment to career services provided by the JVSG program’s Disabled Veterans’ Outreach Program (DVOP) specialist;
16. *In-Demand Occupations* – a policy to govern the development and use of in-demand occupation and industry data to inform local planning decisions;
17. *Use of Assessments* – a policy to govern the use of recent previous assessments by partner programs to determine if individualized career services would be appropriate for eligible participants;
18. *Individual Training Accounts and On-the-Job Training* – policies to govern the establishment and use of individual training accounts and OJT duration.
19. *Incumbent Workers* – an incumbent worker training policy that outlines criteria for determining employer eligibility, how employers’ share of cost shall be established, process for collecting employer performance information, and contracting process with employers providing the training.
20. *Customized Training* – LWDBs shall identify policies for determining what constitutes employer’s payment of “a significant portion of the cost of training” taking into account: the size of the employer and other factors the local board determines are appropriate, which may include, the number of employees participating in training, wage and benefit levels of those employees (at present and anticipated upon completion of the training), relation of the training to the

competitiveness of a participant, and other employer-provided training and advancement opportunities.

21. *Transitional Jobs* – If the LWDB uses transitional jobs as part of its service delivery strategy, it shall adopt policies and identify appropriate employers, include plans on the amount of reimbursements for the jobs, what supportive services shall be included, and the limits on the duration of the transitional job, and also define and identify individuals who are “chronically unemployed” or “have an inconsistent work history.”
22. *Supportive Services and Needs-Related Payments* – Supportive services are designed to provide a participant with the resources necessary to enable their participation in career and training services, and LWDBs shall develop a policy to govern the use of such services in accordance with 20 CFR 680.900 through 970.
23. *Youth Program Eligibility*- a policy that provides direction to workforce system stakeholders and youth program service providers, regarding the Youth Eligibility requirements.
24. *Requires Additional Assistance (Youth)* – a policy that specifies what conditions shall be met for a youth to require “additional assistance” and what documentation is needed to demonstrate this eligibility category, if the local board wishes to use the “requires additional assistance” eligibility category.
25. *Participant File Policy*- a policy that specifies where participant documentation is stored. To establish guidelines for the secure, organized and confidential storage of participant files to ensure compliance with data protection regulations and to maintain the integrity and accessibility of records.

SECTION IX. LWDB PERFORMANCE

Performance Indicators

Programs under WIOA Title I of this grant Agreement are subject to the performance reporting provisions for the primary indicators of performance under §116(b)(2)(A), as follows:

Adult and Dislocated Worker

1. percentage of program participants who are in unsubsidized employment during the second quarter after exit from the program;
2. percentage of program participants who are in unsubsidized employment during the fourth quarter after exit from the program;
3. median earnings of program participants who are in unsubsidized employment during the second quarter after exit from the program;
4. percentage of program participants who obtain a recognized postsecondary credential, or a secondary school diploma or its recognized equivalent, during participation in or within 1 year after exit from the program;
5. percentage of program participants who, during a program year, are in an education or training program that leads to a recognized postsecondary credential or employment and who are achieving measurable skill gains toward such a credential or employment; and
6. indicators of effectiveness in serving employers.

Youth

1. percentage of program participants who are in education or training activities, or in unsubsidized employment, during the second quarter after exit from the program;
2. percentage of program participants who are in education or training activities, or in unsubsidized employment, during the fourth quarter after exit from the program; and

3. median earnings of program participants who are in unsubsidized employment during the second quarter after exit from the program;
4. percentage of program participants who obtain a recognized postsecondary credential, or a secondary school diploma or its recognized equivalent, during participation in or within 1 year after exit from the program;
5. percentage of program participants who, during a program year, are in an education or training program that leads to a recognized postsecondary credential or employment, and who are achieving measurable skill gains toward such a credential or employment; and
6. indicators of effectiveness in serving employers.

Performance reporting provisions are in effect although data may not be fully available. As such, for PY 2025, the Central Area Local Workforce Development Board shall comply with and is accountable for all of the following performance measures and levels.*

**Central Area Local Workforce Development Board
Workforce Innovation and Opportunity Act
PY 2024 Primary Indicators of Performance**

	Adult	Dislocated Worker	Wagner-Peyser	Youth
Employment Rate 2nd Quarter After Exit				
Employment Rate 4th Quarter After Exit				
Median Earnings 2nd Quarter After Exit				
Credential Attainment 4th Quarter After Exit				

*The Primary Indicators of Performance for program year 2024 shall be negotiated based on policy DWS 20-001 Change 2.

Performance Reporting

Performance Reports. The SAE designates the New Mexico Workforce Connection Online System (NMJOBS) as the system of record for all WIOA Title I performance data. NMJOBS shall be used to calculate the individual primary indicators of performance in §116(b)(2)(A)(i)(I)-(V) and the effectiveness in serving employers in §116(b)(2)(A)(i)(VI). Data from NMJOBS shall be used to populate the Participant Individual Record Layout, report template ETA-9169 and ETA-9173.

Performance reporting provisions are in effect although data may not be fully available. The Annual report under this grant Agreement shall contain full data for the following primary indicators of performance: Employed in the Second Quarter, Median Second Quarter Earnings and Measurable Skills Gains. Partial data shall be available for the following primary indicators of performance: Employed in the Fourth Quarter and Credential Attainment. Additionally, the Annual Report shall contain all elements listed in §677.205(d).

Financial Reports. Local areas shall track funds spent on WIOA-authorized activities. Keeping track of all funds spent on WIOA activities will enable states and local areas to report cumulative expenditures on the ETA - 9130 financial report.

Common Unique Identifier. Boards shall also comply with the use of a common identifier on all products, programs, activities, services and electronic resources, facilities, related property, and new material for the one-stop delivery system, in accordance with WIOA section 121(e)(4).

See Workforce Guidance Letter 16-005, One-stop Common Identifier.

Additional State Performance Metrics

Minimum WIOA Training Expenditures for Adult and Dislocated Worker programs. For PY 2025, LWDBs shall be required to achieve or exceed the Minimum Training Expenditure Requirement of 60%. To ensure that resources are focused on preparing more people for higher wage jobs and recognizing the strong connection of training to the workforce, NMDWS is implementing an expenditure goal of 60% for WIOA Adult and Dislocated Worker Program funds for training and training-related supportive services. Funds dedicated to administration are not to be included as part of the calculation. The 60% expenditure goal applies to the Workforce Development Boards Adult and Dislocated Worker Program formula allocations.

Example Calculation

	Expenditures Reported Against Prior Program Year Carry-in	Current Program Year Expenditures	Total	% Training Expenditures
Training Expense	\$100,000	\$400,000	\$500,000	62.50%
Total Expense	\$200,000	\$600,000	\$800,000	

LWDB Obligation/Expenditure Rate. LWDBs shall obligate a minimum of 80% and expend a minimum of 40% of current year funding by the end of the third quarter of the program year. The use of fund utilization rates to evaluate funding needs by the State requires the State to monitor LWDB obligations and expenditures more closely and set expectations for current year funding. This process helps to identify and detect potential issues and prevent conditions which can result in reversions and/or rescission of funds.

Additional Performance Measures:

The additional performance standards shall increase transparency and accountability, ensure continued quality improvement in the workforce system, increase training and development of LWDBs and their sub-recipients as well as actively support sector strategy development in the workforce regions. Additionally, New Mexico shall make performance data on workforce development programs accessible to workforce decision-makers, the State Workforce Board and the public.

- **Measure #1**
The full Local Workforce Development Board shall meet, with a quorum, once per calendar quarter. The Local Administrative Entity shall notify the NMDWS when public notice of the meetings is posted. NMDWS shall develop and the Local Administrative Entity shall submit a quarterly report which allows the department to track the number of meetings with quorum during the quarter.
- **Measure #2**
The Chief Elected Officials (CEOs) shall meet, with a quorum of 51% of counties represented, twice per program year. The Local Administrative Entity shall use NMDWS

quarterly report in Exhibit G to track the number of meetings with quorum during the quarter.

- **Measure #3**
 CEO and Local Workforce Development Board draft meeting minutes shall be posted and publicly available within 10 working days of the meeting in accordance with the Open Meetings Act. The Local Administrative Entity shall use the NMDWS quarterly report in Exhibit G to track the date of the meeting, date of the draft minutes posting and date of approved minutes posting during the quarter. At the end of the program year.
- **Measure #4**
 The Local Administrative Entity shall report progress on performance outcomes quarterly using a quarterly report form developed by NMDWS. Using Exhibit G, The Local Administrative Entity shall compile and submit the NMDWS quarterly report to the department 45 days after the end of the quarter.
- **Measure #5**
 All Board Members, Administrative Staff, Fiscal Staff and One Stop Operator Staff shall complete, at minimum, 10 hours of continuing education credits per program year. NMDWS may make available opportunities for continuing education but shall encourage the local boards to identify training or education opportunities to meet their diverse regions. The Local Administrative Entity shall use the NMDWS quarterly report in Exhibit G to track the number of continuing education credits and the percent progress for each job function during the quarter. At the end of the program year the LWDB Administrator shall be required to provide a roster indicating the staff, job function and continuing education credits achieved.
- **Measure #6**
 The Local Workforce Development Board shall support two sector strategies per year that align with the Combined Four-Year Statewide Plan. The Local Workforce Board shall use the NMDWS quarterly report in Exhibit G to provide the department with a narrative of the activities the local area has engaged in during the quarter.
- **Measure #7**
 The Local Workforce Development Board shall meet goals addressing the number of individuals receiving services for WIOA Title I programs. The Local Administrative Entity shall use the Exhibit G quarterly report to track the number of individuals receiving services by WIOA Title I categories.
- **Measure #8**
 The Local Workforce Development Board shall meet a percent increase of individuals receiving services from all core programs (WIOA Title I, II, III and IV). The Local Administrative Entity shall use the NMDWS Exhibit G Quarterly Report to track the program year cumulative participants served from the past program year, the current program year and the percent change between the program years.
- **Measure #9**
 Each Local Workforce Development Board (LWDB) shall comply with federal and state performance measures negotiated with the State Administrative Entity (SAE). Upon request by the SAE, LWDB shall provide any data the SAE may request for purposes of

evaluating LWDB's compliance with performance requirements. LWDB shall ensure that any subcontracts developed in conjunction with federal WIOA funds shall contain applicable performance standards for adults, dislocated workers, youth, customer satisfaction, and any federal and state amendments established by law. LWDB shall perform any necessary data collection and evaluation for such additional local standards. The LWDB may mandate additional local standards, as long as those local standards are not inconsistent with or lower than federal or state law, this Agreement, or written policies established by NMDWS.

SECTION X. SELF-SUFFICIENCY WAGE

Annually, the SAE calculates a self-sufficiency standard for each local area using a living wage model or comparable data that draws upon geographically specific expenditures that incorporates the income need of individuals, families, and sub-state geographical considerations. The most recent self-sufficiency wage can be found in DWS policy found at the link in Attachment A.

SECTION XI. CORRECTIVE ACTION AND SANCTIONS

LWDB may be subject to corrective action and sanctions for failure to comply with one or more contracted performance measures (TEGL 11-19); contract provisions; federal or state statutes, regulations, guidance, directives, or circulars. To accomplish the purposes of this section, the SAE may require, at any point during the year, that a LWDB or WIOA sub-recipient cooperate with remedial actions, including, but not limited to, entering into a Performance Improvement Plan; additional performance reviews; and technical assistance activities. The purpose of imposing sanctions is to ensure accountability of LWDBs and other sub-recipients in meeting the needs of employers and job seekers; ensure the achievement of negotiated performance, outcomes, and goals; and ensure adequate returns on New Mexico investments.

Inquiries shall be addressed to:

<p>Veronica Alonzo Operations and Performance Manager NM Department of Workforce Solutions (505) 487-6770 Veronica.alonzo@dws.nm.gov</p>	<p>Tina Corriz WIOA Grant Analyst NM Department of Workforce Solutions (505)841-8529 tina.corriz@state.nm.us</p>
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Attachment A – Key Federal and State WIOA-Related Guidance Reference List

New Mexico Department of Workforce Solutions Guidance:

<https://www.dws.state.nm.us/en-us/Workforce-Boards>

Workforce Innovation and Opportunity Act:

<https://www.govinfo.gov/content/pkg/PLAW-113publ128/pdf/PLAW-113publ128.pdf>

Final WIOA Regulations:

Workforce Innovation and Opportunity Act; Joint Rule for Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions; Final Rule

<https://www.gpo.gov/fdsys/pkg/FR-2016-08-19/pdf/2016-15977.pdf>

Workforce Innovation and Opportunity Act; Department of Labor Only; Final Rule

<https://www.gpo.gov/fdsys/pkg/FR-2016-08-19/pdf/2016-15975.pdf>

Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act (Section 188)

<https://www.gpo.gov/fdsys/pkg/FR-2016-12-02/pdf/2016-27737.pdf>

US Department of Labor WIOA Related Guidance (TEGLs, TENs):

http://wdr.doleta.gov/directives/All_WIOA_Related_Advisories.cfm

AGENDA ITEM SUMMARY

Joint Meeting of Region IV, Chief Elected Officials and Southwestern Area Workforce Development Board	March 26, 2026
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CEO Consent Agenda Item

CEO Resolution 25 – 17 appoints members to the Southwestern Area Workforce Development Board for terms beginning on April 1, 2026.

SUMMARY OF AGENDA ITEM

Per the Workforce Innovation and Opportunity Act, the Chief Elected Officials are responsible for appointments to the Southwestern Area Workforce Development Board. Members can represent more than one sector/industry. A nomination form must be completed for each sector/industry representation.

The table below lists recommended nominees for new appointments.

Memberships must be staggered so that half expire each year. If approved, nominees' terms would begin on April 1, 2026, and end on June 30, 2027, aligning with the staggered membership terms.

New Appointments		
NOMINEE	COUNTY	SECTOR / INDUSTRY
Jeff Waugh	Doña Ana	Business: Accommodation and Food Service
Jeff Waugh	Doña Ana	Partner: Education and Training
Mona Rae Waugh	Doña Ana	Business: Health Care and Social Assistance

RECOMMENDATION

A motion to approve CEO Resolution 25 – 17.

CEO'S OPTIONS ARE TO

- Accept the recommendation
- Amend the recommendation
- Reject the recommendation
- Table the item
- Take no action on the item

DEPENDING ON ACTION TAKEN, ITEM MAY BE REFERRED OR REPORTED TO

- Staff or committee, as directed.

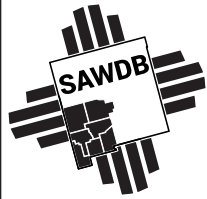
THIS ITEM SUPPORTS STRATEGIC PLAN GOAL(S)

- Supports all strategic plan goals

LIST OF SUPPORTING INFORMATION FOR YOUR REVIEW

- SAWDB nomination forms

NOMINATION FORM FOR BUSINESS REPRESENTATIVES



Southwestern Area
Workforce Development Board
PO Box 1072
Elephant Butte, NM 87935
(575) 744-4857

**REGION IV CHIEF ELECTED OFFICIALS
NOMINATION**
TO THE SOUTHWESTERN AREA
WORKFORCE DEVELOPMENT BOARD

- New Appointment
 Reappointment

TERM:

4/1/26 to 6/30/27

Nominee's Contact Information

NAME: Jeff Waugh	COMPANY OR EMPLOYER: Fig & Brie
MAILING ADDRESS: 4100 Las Piedras Las Cruces, NM 88011	PHONE NUMBERS (include area code and office extension): W: _____ C: 575-644-7239 H: _____ E-MAIL ADDRESS: j.waugh@senderoprep.com

TITLE AND BRIEF DESCRIPTION OF DUTIES:
Co-Owner of Fig & Brie in Las Cruces, NM. Responsible for overall business operations with direct oversight of human resources functions, including hiring, termination, employee discipline, and personnel management.

NOMINEE'S CERTIFICATION AND SIGNATURE:

I certify that the information contained on this form is accurate and complete. I acknowledge that I have optimum policy-making authority; I can speak affirmatively on behalf of the entity I represent. I further acknowledge that my role as a board member requires that I publicly disclose any conflict of interest, whether real or perceived, prior to the discussion of that matter; and that I will also abstain from discussion and voting on such matter. To support my qualifications as a board member, I have attached one of the following items (please select one):

Curriculum Vatae
 Résumé
 Work history

Jeff Waugh 03/20/2026
 SIGNATURE OF NOMINEE DATE

Business Representative Information

Number of Employees (Must employ at least one employee) 25

Select the **ONE** industry that represents the main type of services or products your company provides:

<input checked="" type="radio"/> Accommodation and Food Services	<input type="radio"/> Management of Companies and Enterprises
<input type="radio"/> Administrative and Support and Waste Management and Remediation Services	<input type="radio"/> Manufacturing
<input type="radio"/> Agriculture / Forestry / Fishing and Hunting	<input type="radio"/> Mining, Quarrying, and Oil and Gas Extraction
<input type="radio"/> Arts, Entertainment, and Recreation	<input type="radio"/> Professional, Scientific, and Technical Services
<input type="radio"/> Construction	<input type="radio"/> Real Estate and Rental and Leasing
<input type="radio"/> Educational Services	<input type="radio"/> Retail Trade
<input type="radio"/> Finance and Insurance	<input type="radio"/> Transportation and Warehousing
<input type="radio"/> Health Care and Social Assistance	<input type="radio"/> Utilities
<input type="radio"/> Information	<input type="radio"/> Wholesale Trade
	<input type="radio"/> Other Service (except Public Administration)

Business sector nominees require a recommendation by a local business organization or business trade association.

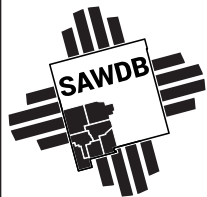
Name of recommending organization / association: Independent Electrical Contractors (IEC)

[Signature] 03/23/2026
 SIGNATURE OF ORGANIZATION / ASSOCIATION OFFICIAL DATE
 Gentry Roberts, Executive Director
 PRINT NAME & TITLE OF ORGANIZATION / ASSOCIATION OFFICIAL

For Administrative Use Only - Do Not Write Below This Line

[Signature] 03/23/2026
 SIGNATURE OF NOMINATING CHIEF ELECTED OFFICIAL DATE
 Manny Sanchez, Doña Ana County Commissioner
 PRINT NAME & TITLE OF NOMINATING CHIEF ELECTED OFFICIAL

NOMINATION FORM FOR AGENCY PARTNER REPRESENTATIVES



Southwestern Area
Workforce Development Board
PO Box 1072
Elephant Butte, NM 87935
(575) 744-4857

**REGION IV CHIEF ELECTED OFFICIALS
NOMINATION**
TO THE SOUTHWESTERN AREA
WORKFORCE DEVELOPMENT BOARD

- New Appointment
- Reappointment

TERM:

4/1/26 to 6/30/27

Nominee's Contact Information

NAME:

Jeff Waugh

COMPANY OR EMPLOYER:

Sendero School of Academics and Career Preparation

MAILING ADDRESS:

4100 Las Piedras
Las Cruces, NM 88011

PHONE NUMBERS (include area code and office extension):

W: _____ C: 575-644-7239 H: _____

E-MAIL ADDRESS: j.waugh@senderoprep.com

TITLE AND BRIEF DESCRIPTION OF DUTIES:

Director of Work-Based Learning, overseeing four CTE teachers and coordinating work-based learning programs serving approximately thirty student interns. Oversees CTE programming to ensure student outcomes are met and teachers have the resources needed to fulfill their mission. Connects teachers with community partners to support instruction and student engagement.

NOMINEE'S CERTIFICATION AND SIGNATURE:

I certify that the information contained on this form is accurate and complete. I acknowledge that I have optimum policy-making authority; I can speak affirmatively on behalf of the entity I represent. I further acknowledge that my role as a board member requires that I publicly disclose any conflict of interest, whether real or perceived, prior to the discussion of that matter; and that I will also abstain from discussion and voting on such matter. To support my qualifications as a board member, I have attached one of the following items (please select one):

- Curriculum Vitae
- Résumé
- Work history

Jeff Waugh

SIGNATURE OF NOMINEE

03/20/2026

DATE

Agency Partner Sector Representative Information

Number of Employees Supervised 4

Select the **ONE** sector which your employer represents:

- Workforce** (labor; union; registered apprenticeship)
- Education and Training** (adult education and literacy under Title II; higher education; community-based organizations with expertise in education or training individuals with barriers to employment)
- Government, Economic and Community Development** (Wagner-Peyser; Vocational Rehabilitation; transportation, housing, public assistance programs)
- Other, if not represented in the above categories:** (WIOA Title I; Senior Community Service Employment; Carl D. Perkins; Temporary Assistance for Needy Families; Supplemental Nutrition Assistance; Trade Adjustment Assistance; Veterans; Unemployment Insurance; Department of Housing and Urban Development; Community Services Block Grant; Reintegration of Ex-Offenders program)

Caz Martinez

SIGNATURE OF NOMINEE'S SUPERVISOR

03/23/2026

DATE

Caz Martinez, Executive Director

PRINT NAME & TITLE OF SUPERVISOR

For Administrative Use Only - Do Not Write Below This Line

Manny Sanchez

SIGNATURE OF NOMINATING CHIEF ELECTED OFFICIAL

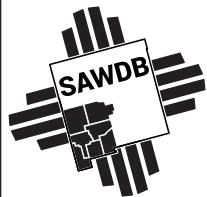
03/23/2026

DATE

Manny Sanchez, Doña Ana County Commissioner

PRINT NAME & TITLE OF NOMINATING CHIEF ELECTED OFFICIAL

NOMINATION FORM FOR BUSINESS REPRESENTATIVES



Southwestern Area
Workforce Development Board
PO Box 1072
Elephant Butte, NM 87935
(575) 744-4857

**REGION IV CHIEF ELECTED OFFICIALS
NOMINATION**
TO THE SOUTHWESTERN AREA
WORKFORCE DEVELOPMENT BOARD

New Appointment
 Reappointment

TERM:

4/1/26 to 6/30/27

Nominee's Contact Information

NAME: Mona Rae Waugh	COMPANY OR EMPLOYER: Drip Drive
MAILING ADDRESS: 4100 Las Piedras Las Cruces, NM 88011	PHONE NUMBERS (include area code and office extension): W: _____ C: 575-649-8312 H: _____ E-MAIL ADDRESS: waughml@icloud.com

TITLE AND BRIEF DESCRIPTION OF DUTIES:

Co-Owner and Medical Director of Drip Drive, overseeing clinical operations at two locations in Las Cruces, NM, including supervision of medical staff, patient care services, and overall business operations.

NOMINEE'S CERTIFICATION AND SIGNATURE:

I certify that the information contained on this form is accurate and complete. I acknowledge that I have optimum policy-making authority; I can speak affirmatively on behalf of the entity I represent. I further acknowledge that my role as a board member requires that I publicly disclose any conflict of interest, whether real or perceived, prior to the discussion of that matter; and that I will also abstain from discussion and voting on such matter. To support my qualifications as a board member, I have attached one of the following items (please select one):

Curriculum Vitae
 Résumé
 Work history

Mona Rae Waugh

03/20/2026

SIGNATURE OF NOMINEE

DATE

Business Representative Information

Number of Employees (Must employ at least one employee) 30

Select the **ONE** industry that represents the main type of services or products your company provides:

- | | |
|--|---|
| <input type="radio"/> Accommodation and Food Services
<input type="radio"/> Administrative and Support and Waste Management and Remediation Services
<input type="radio"/> Agriculture / Forestry / Fishing and Hunting
<input type="radio"/> Arts, Entertainment, and Recreation
<input type="radio"/> Construction
<input type="radio"/> Educational Services
<input type="radio"/> Finance and Insurance
<input checked="" type="radio"/> Health Care and Social Assistance
<input type="radio"/> Information | <input type="radio"/> Management of Companies and Enterprises
<input type="radio"/> Manufacturing
<input type="radio"/> Mining, Quarrying, and Oil and Gas Extraction
<input type="radio"/> Professional, Scientific, and Technical Services
<input type="radio"/> Real Estate and Rental and Leasing
<input type="radio"/> Retail Trade
<input type="radio"/> Transportation and Warehousing
<input type="radio"/> Utilities
<input type="radio"/> Wholesale Trade
<input type="radio"/> Other Service (except Public Administration) |
|--|---|

Business sector nominees require a recommendation by a local business organization or business trade association.

Name of recommending organization / association: Independent Electrical Contractors (IEC)

Gentry Roberts

03/23/2026

SIGNATURE OF ORGANIZATION / ASSOCIATION OFFICIAL

DATE

Gentry Roberts, Executive Director

PRINT NAME & TITLE OF ORGANIZATION / ASSOCIATION OFFICIAL

For Administrative Use Only - Do Not Write Below This Line

Manny Sanchez

03/23/2026

SIGNATURE OF NOMINATING CHIEF ELECTED OFFICIAL

DATE

Manny Sanchez, Doña Ana County Commissioner

PRINT NAME & TITLE OF NOMINATING CHIEF ELECTED OFFICIAL



SAWDB

Action Items

AGENDA ITEM SUMMARY

Joint Meeting of Region IV, Chief Elected Officials and Southwestern Area Workforce Development Board	March 26, 2026
<p>SAWDB Agenda Item SAWDB Resolution 25 – 17 accepts the Independent Auditor's Report for the period of July 1, 2024, through June 30, 2025.</p>	
<p>SUMMARY OF AGENDA ITEM</p> <p>In accordance with federal and state audit requirements, an annual independent audit is performed and submitted to the local workforce board and the Chief Elected Officials.</p> <p>The audit provides a report on the financial statements and is performed in accordance with the Governmental Auditing Standards.</p> <p>The report also extends its scope to review the local board's sub-recipient's participant files for compliance.</p> <p>Mr. Kory Hoggan with Baker Tilly will present the independent audit report.</p> <p>The full report is available for review via the link provided below.</p> <p>RECOMMENDATION</p> <p>A motion to approve SAWDB Resolution 25 – 17.</p> <p>BOARD'S OPTIONS ARE TO</p> <ul style="list-style-type: none"> • Accept the recommendation • Amend the recommendation • Reject the recommendation • Table the item • Take no action on the item <p>DEPENDING ON ACTION TAKEN, ITEM MAY BE REFERRED OR REPORTED TO</p> <ul style="list-style-type: none"> • Staff or committee, as directed <p>THIS ITEM SUPPORTS STRATEGIC PLAN GOAL(S)</p> <ul style="list-style-type: none"> • Supports all strategic plan goals <p>LIST OF SUPPORTING INFORMATION FOR YOUR REVIEW</p> <ul style="list-style-type: none"> • The Audit Reports may be viewed or downloaded at: PY24 SAWDB Audit Report 	



Southwestern Area Workforce Development Board

Report to Board of Directors

FY2025 Financial Statement & Single Audit Results

March 26, 2026

Scope of Services

We issued the following reports for the year ended June 30, 2025:

Financial Statement Audit

- Audit report on the standalone financial statements
- Report on internal control over financial reporting and on compliance and other matters in accordance with *Government Auditing Standards*
- Report on compliance for the major federal program (Single Audit)

Non-Attest Service

Baker Tilly assisted management with drafting the financial statements and schedule of expenditures of federal awards

Audit Results

- Unmodified Opinion: Financial statements are presented fairly in accordance with accounting principles generally accepted in the United States of America (No circumstances that affected the form and content of the auditor's report)
- No material weaknesses or significant deficiencies reported
- No State of New Mexico compliance findings



Major Federal Program

ALN	Program Name
17.258; 17.259; 17.278	WIOA Cluster

Federal Award Findings

Current Year: No findings reported.

Prior Year: Earmarking finding resolved in FY2025



Areas of Audit Emphasis

Significant Area	Procedures Performed
Internal Controls	<ul style="list-style-type: none">• Performed walkthroughs over key accounting cycles• Completed testing of significant controls, interviews and observation, and journal entries
Management Estimates	<ul style="list-style-type: none">• Evaluated legal contingencies, revenues and receivables (grants receivable)



Areas of Audit Emphasis (continued)

Significant Area	Procedures Performed
Revenue Recognition	<ul style="list-style-type: none">• Testing and analytical procedures for accuracy and completeness of significant revenue streams
Management Override of Controls	<ul style="list-style-type: none">• Performed risk inquiries and walkthroughs of key controls• Tested journal entries

Required Communications

- Audit performed in accordance with the scope communicated in our entrance meeting and audit planning
- No audit adjustments or uncorrected misstatements.
- No material weaknesses or significant deficiencies reported.
- New accounting standards implemented during year (no impact on financials)
 - GASB No. 101 *Compensated Absences*
 - GASB No. 102 *Certain Risk Disclosures*
- Baker Tilly is independent with respect to Southwestern Area Workforce Development Board

Your Service Team



Kory Hoggan
Audit Engagement Principal

Kory.Hoggan@bakertilly.com
(505) 878-7214



Jeff Roybal
Assurance Manager



Amanda Moore
Concurring Principal

**THANK
YOU**

AGENDA ITEM SUMMARY

Joint Meeting of Region IV, Chief Elected Officials and Southwestern Area Workforce Development Board	March 26, 2026
<p>SAWDB Agenda Item SAWDB Resolution 25 – 18 approves a Corrective Action Plan between SAWDB and Equus Workforce Solutions for the WIOA Youth Services Contract.</p>	
<p>SUMMARY OF AGENDA ITEM</p> <p>A Corrective Action Plan has been developed by the Administrative Entity and reviewed in coordination with the Equus Project Manager. Performance measures and program requirements for the Youth services provider have not been met; therefore, a structured plan has been established to address identified deficiencies and support performance improvement.</p> <p>The CAP outlines targeted strategies, enhanced oversight, and defined expectations to remediate the concerns. Both parties are committed to implementing corrective actions and working collaboratively to improve performance outcomes. Focused efforts will be made during the final quarter to strengthen service delivery and achieve measurable progress toward established performance goals.</p> <p>RECOMMENDATION</p> <p>A motion to approve SAWDB Resolution 25 – 18.</p> <p>BOARD'S OPTIONS ARE TO</p> <ul style="list-style-type: none"> • Accept the recommendation • Amend the recommendation • Reject the recommendation • Table the item • Take no action on the item <p>DEPENDING ON ACTION TAKEN, ITEM MAY BE REFERRED OR REPORTED TO</p> <ul style="list-style-type: none"> • Staff or committee, as directed <p>THIS ITEM SUPPORTS STRATEGIC PLAN GOAL(S)</p> <ul style="list-style-type: none"> • Supports all strategic plan goals <p>LIST OF SUPPORTING INFORMATION FOR YOUR REVIEW</p> <ul style="list-style-type: none"> • The plan is currently in final development and review phase. 	

AGENDA ITEM SUMMARY

Joint Meeting of Region IV, Chief Elected Officials and Southwestern Area Workforce Development Board	March 26, 2026
<p>SAWDB Consent Agenda Item SAWDB Resolution 25 – 19 approves the SAWDB PY25 Revised Open Meetings Act Resolution.</p>	
<p>SUMMARY OF AGENDA ITEM</p> <p>The Open Meetings Act Resolution for the period of July 1, 2025, through June 30, 2026, was previously approved. The resolution is being revised to provide clearer provisions defining circumstances under which attendance in person may be difficult or impossible. Additionally, language has been clarified regarding the posting and availability of meeting notices and agendas.</p> <p>RECOMMENDATION</p> <p>A motion to accept SAWDB Resolution 25 – 19.</p> <p>BOARD’S OPTIONS ARE TO</p> <ul style="list-style-type: none"> • Accept the recommendation • Amend the recommendation • Reject the recommendation • Table the item • Take no action on the item <p>DEPENDING ON ACTION TAKEN, ITEM MAY BE REFERRED OR REPORTED TO</p> <ul style="list-style-type: none"> • Staff or committee, as directed. <p>THIS ITEM SUPPORTS STRATEGIC PLAN GOAL(S)</p> <ul style="list-style-type: none"> • Supports all strategic plan goals <p>LIST OF SUPPORTING INFORMATION FOR YOUR REVIEW</p> <ul style="list-style-type: none"> • SAWDB PY25 Revised Open Meetings Act Resolution 	

OPEN MEETINGS ACT RESOLUTION

Southwestern Area Workforce Development Board

WHEREAS, the members of the Southwestern Area Workforce Development Board met in a duly noticed meeting in **Silver City, New Mexico**, on **March 26, 2026**, as required by law; and

WHEREAS, Section 10-15-1(B) of the Open Meetings Act (NMSA 1978, Sections 10-15-1 through 10-15-4) states that, except as otherwise provided in the Constitution of New Mexico or the Open Meetings Act, all meetings of a quorum of members of any public body held for the purpose of formulating public policy, discussing public business, or taking any action within the authority of such body are declared to be public meetings open to the public at all times; and

WHEREAS, Section 10-15-1(C) allows members of a public body to participate in meetings through conference telephone or other similar communications equipment when it is otherwise difficult or impossible to attend in person; and

WHEREAS, Section 10-15-1(D) requires the Southwestern Area Workforce Development Board to determine annually what constitutes reasonable notice of its public meetings;

NOW, THEREFORE, BE IT RESOLVED that the Southwestern Area Workforce Development Board adopts the following procedures:

1. Regular Meetings

Regular meetings of the Southwestern Area Workforce Development Board shall be held at least quarterly at dates, times, and locations identified in the meeting notice.

The Board may establish a regular meeting schedule each year to provide advance notice to the public.

Notice of Regular Meetings

Notice of regular meetings shall be provided at least ten (10) days in advance of the meeting date.

Notice requirements are met if the date, time, location, and information on how to obtain the agenda are provided through the following methods:

- posted on the Board's website, www.employnm.com
- posted at local America's Job Center New Mexico offices in the Southwestern Area
- submitted to newspaper(s) of general circulation that have requested notice from the Board
- provided to broadcast media that have requested notice from the Board.

When notices are published in newspaper(s) as legal notices, affidavits of publication shall be retained as part of the Board's official records.

Additionally, public notices will be posted on social media outlets, including but not limited to Facebook, LinkedIn, and Instagram.

Agendas for Regular Meetings

Agendas for regular meetings will be available at least seventy-two (72) hours prior to the meeting and may be obtained from the Administrative Entity office located at:

600 Highway 195, Suite C
Elephant Butte, New Mexico 87935

Mesilla Community Center
2251 Calle de Santiago, Room 2
Mesilla, NM 88046

Agendas will also be:

- posted on the Board's website, www.employnm.com
- posted at local America's Job Center New Mexico offices in the Southwestern Area
- submitted to newspaper(s) of general circulation that have requested notice from the Board
- provided to broadcast media that have requested notice from the Board.

Additionally, a link to the agenda will be posted on social media outlets, including but not limited to Facebook, LinkedIn, and Instagram.

2. Special Meetings

Special meetings may be called by the Chair or a majority of the Board members upon three (3) days notice.

Notice of Special Meetings

Notice requirements are met if the date, time, location, and information on how to obtain the agenda are provided through the following methods:

- posted on the Board's website, www.employnm.com
- posted at local America's Job Center New Mexico offices in the Southwestern Area
- submitted to newspaper(s) of general circulation that have requested notice from the Board
- provided to broadcast media that have requested notice from the Board.

When notices are published in newspaper(s) as legal notices, affidavits of publication shall be retained as part of the Board's official records.

Additionally, public notices will be posted on social media outlets, including but not limited to Facebook, LinkedIn, and Instagram.

Agendas for Special Meetings

Agendas for special meetings will be available at least seventy-two (72) hours prior to the meeting and may be obtained from the Administrative Entity office located at:

600 Highway 195, Suite C
Elephant Butte, New Mexico 87935

Mesilla Community Center
2251 Calle de Santiago, Room 2
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Agendas will also be:

- posted on the Board's website, www.employnm.com
- posted at local America's Job Center New Mexico offices in the Southwestern Area
- submitted to newspaper(s) of general circulation that have requested notice from the Board
- provided to broadcast media that have requested notice from the Board.

Additionally, a link to the agenda will be posted on social media outlets, including but not limited to Facebook, LinkedIn, and Instagram.

3. Emergency Meetings

Emergency meetings will be called only under unforeseen circumstances that require immediate action to protect:

- public health
- public safety
- public property
- the public body from substantial financial loss.

Emergency meetings may be called by the Chair or a majority of the members upon twenty-four (24) hours notice unless a threat of personal injury or property damage requires less notice.

Notice of Emergency Meetings

Notice of emergency meetings will be provided as soon as practicable, including posting on the Board's website, www.employnm.com, and other available notice locations when feasible.

Within ten (10) days of taking action at an emergency meeting, the Board shall notify the New Mexico Attorney General's Office of the meeting, the actions taken, and the circumstances that created the emergency.

4. Teleconference Participation

Board members may participate by conference telephone or similar communications equipment when attendance in person would otherwise be difficult or impossible.

Members planning to participate telephonically/remotely should notify the Administrative Entity board meeting staff 24 hours in advance, if possible. The staff will notify the Board Chair prior to the meeting.

Examples of circumstances that may limit or prevent in-person attendance include, but are not limited to, health or medical conditions, caregiving responsibilities, work-related conflicts, unavoidable personal conflicts, transportation barriers, distance or rural travel constraints, weather or safety conditions, and other reasonable circumstances that would make in-person participation impractical.

Members participating remotely must be identifiable when speaking. All participants must be able to hear each other simultaneously. Members of the public attending the meeting in person must also be able to hear all participants. If technical issues prevent a Board member from being heard or from hearing the proceedings, the member may not be counted toward establishing a quorum.

Meeting minutes shall indicate whether members attended in person or participated remotely. Supporting documentation, including the attendance sheet with the reason for remote participation, will be maintained by the Administrative Entity (AE) Board staff.

5. Public Participation

Members of the public may attend meetings in person. When available, meetings may also be accessible through electronic communication systems. Electronic access is provided solely as a convenience, and the Board is not responsible for individual technical difficulties experienced by participants of the public, including issues related to internet connectivity, devices, or user error. Access may be limited or disrupted by conditions beyond the Board's control.

Public comment opportunities may be included on meeting agendas consistent with Board policy.

6. Closed Meetings

The Board may close a meeting only if the subject matter is exempt from the open meeting requirement under Section 10-15-1(H), NMSA 1978.

The motion to close a meeting must:

- state the specific statutory authority for the closure
- identify the subject matter with reasonable specificity
- record the vote of each member.

No other matters may be discussed during a closed meeting.

Following a closed meeting, the Board shall reconvene in open session, and the presiding officer shall state that the matters discussed in the closed meeting were limited only to those specified in the motion for closure.

Any action resulting from a closed meeting must be taken in an open public meeting.

7. Accessibility

All notices shall include the following statement:

The Southwestern Area Workforce Development Board is an Equal Opportunity Employer and will make every effort to provide reasonable accommodations for

people with disabilities who wish to attend a public meeting. Please provide notification at least 72 hours before the meeting by calling (575) 744-4857.

PASSED AND ADOPTED by the Southwestern Area Workforce Development Board on this **26th** day of **March, 2026**.

Chair, Southwestern Area Workforce Development Board

AGENDA ITEM SUMMARY

Joint Meeting of Region IV, Chief Elected Officials and Southwestern Area Workforce Development Board	March 26, 2026
<p>SAWDB Agenda Item SAWDB Resolution 25 – 20 approves new and amended policies.</p>	
<p>SUMMARY OF AGENDA ITEM</p> <p>The State updated its Customized Training Policy, and the State Board approved it in October 2025. Local boards are required to update their policies to align with changes made to State policies. For our Customized Training Policy 19-01.2, we:</p> <ul style="list-style-type: none"> • Updated References • Added Self-Sufficiency Wage to Definitions • Updated and added to Restrictions and Employer Eligibility • Updated Performance Accountability <p>The current One-Stop Delivery System Policy includes provisions that exceed WIOA statutory and regulatory requirements, resulting in operational expectations that are more restrictive than necessary. AE staff is in the process of revising the policy to ensure full alignment with WIOA requirements and to better reflect practical service delivery conditions.</p> <p>During this transition, certain provisions of the existing policy have presented challenges due to staffing capacity constraints. The Board and its service provider continue to ensure that all required WIOA services remain accessible to customers while policy revisions are being finalized to support compliant and sustainable operations.</p> <p>The following policies have been amended:</p> <ul style="list-style-type: none"> • 19-01.2 Customized Training Policy • 17-17.2 One-Stop Delivery System Policy <p>RECOMMENDATION</p> <p>A motion to approve SAWDB Resolution 25 – 20.</p> <p>BOARD'S OPTIONS ARE TO</p> <ul style="list-style-type: none"> • Accept the recommendation • Amend the recommendation • Reject the recommendation • Table the item • Take no action on the item <p>DEPENDING ON ACTION TAKEN, ITEM MAY BE REFERRED OR REPORTED TO</p> <ul style="list-style-type: none"> • Staff or committee, as directed <p>THIS ITEM SUPPORTS STRATEGIC PLAN GOAL(S)</p> <ul style="list-style-type: none"> • Supports all strategic plan goals 	

LIST OF SUPPORTING INFORMATION FOR YOUR REVIEW

- 19-01.2 Customized Training Policy
- The 17-17.2 One-Stop Delivery System Policy will be presented at the meeting.

**SOUTHWESTERN AREA
WORKFORCE DEVELOPMENT BOARD**

**Customized Training
Policy 19-01.32**

Effective Date

March 26, 2026~~August 14, 2025~~

Applicability

This applies to Southwestern Area Workforce Development Board (SAWDB), providers of Workforce Innovation and Opportunity Act (WIOA) Adult and Dislocated Workers.

Purpose

The purpose of this policy is to provide direction to Southwestern Area Workforce Development Board (SAWDB) Service Provider regarding the permissible use of adult and dislocated worker funds for customized training activities.

References

- A. Workforce Innovation and Opportunity Act (WIOA), July 22, 2014, §108, §122,
- ~~B.~~ §134, §181 and §194.
- ~~C.~~~~B.~~ WIOA Final Rules – U.S. Department of Labor (Title I): 20 CFR ~~§680.110~~, §680.760, §680.830, and §680.840.
- C. Office of Management and Budget (OMB), Uniform Guidance at 2 CFR §200, et al., Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.
- D. [Training and Employment Guidance Letter WIOA No. 21-22](#)
- E. [Training and Employment Guidance Letter WIOA No. 19-16 Operating Guidance for the Workforce Innovation and Opportunity Act.](#)
- ~~E.~~~~F.~~ [Training and Employment Guidance Letter WIOA No. 10-16, Change 3](#)
- G. Fair Labor Standards Act (FLSA) §203.
- H. [DWS 22-001 State WIOA Self-Sufficiency Wage Policy](#)
- F.~~I.~~ [DWS 25-001 State Customized Training Activities Policy](#)

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Background

The Workforce Innovation and Opportunity Act (WIOA) of 2014 explicitly allows for the use of customized training contracts as a workforce strategy. This training strategy is designed to meet the special requirements of an employer (or a group of employers), with the commitment that the employer(s) will hire an individual upon successful completion of the training.

Definitions

Appropriate Commitment to hire an individual means to maintain an employer-employee relationship meeting the requirements of the Fair Labor Standards Act for a minimum of one (1) year.

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Customized Training is training by an employer or group of employers, generally for the hiring of new or recent employees and not for retraining existing employees.

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High-Priority Occupation (HPO) is an in-demand occupation that has higher skill needs and is likely to provide a self-sufficient wage. Statistical data, regional expertise, and local workforce development area inputs are combined to determine whether an occupation meets the high-priority criteria.

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Incumbent Worker is an individual who is employed, meets Fair Labor Standards Act requirements for an employer-employee relationship, and has an established employment history with the employer for six (6) months or more.

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Incumbent Worker Training (IWT) is training provided to an incumbent worker that is designed to meet the needs of an employer(s) to retain a skilled workforce or avert the need to lay off employees; increase the competitiveness of the employer or employee; and be conducted with a commitment by the employer to retain or avert the layoffs of the incumbent worker trained. Such training may also include the upskilling of an employer's current workforce, which may lead to additional opportunities for potential job seekers.

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In-Demand Industry Sector is an industry sector that has a substantial current or potential impact (including jobs that lead to economic self-sufficiency and opportunities for advancement) on the state, regional, or local economy, as appropriate, and that contributes to the growth or stability of other supporting businesses, or the growth of other industry sectors.

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In-Demand Occupation is an occupation that currently has or is projected to have several positions (including positions that lead to economic self-sufficiency and opportunities for advancement) in an industry sector to have a significant impact on the state, regional, or local economy, as appropriate.

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Note: The determination of whether an industry sector or occupation is in-demand in a local area is made by the local board, as appropriate, using business and labor market projections and statistics. Customized Training must lead to an in-demand occupation, but does not necessarily have to lead to an HPO. However, all HPOs are considered in-demand occupations and, therefore, eligible for customized training.

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A recent employee is an individual who is employed, meets Fair Labor Standards Act requirements for an employer-employee relationship, and has an established employment history with the employer for six (6) months or less.

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Self-Sufficiency Wage: [the State Administrative Entity \(SAE\) annually calculates a self-sufficiency standard for each local area using a living-wage model or comparable data that draws on geographically specific expenditures and incorporates the income needs of individuals, families, and sub-state geographical considerations. The self-sufficiency wage is to be provided to the Local Workforce Development Boards \(LWDB\) annually.](#)

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Employer Payment of Significant Cost of Training

Employers receiving funds for customized training are required to pay a substantial portion of the training costs. This can be done through both cash and fairly valued in-kind contributions. Rules for matching funds can be found in the Uniform Guidance at 2CFR 200.306 and 2 CFR 2900.8. [Customized training is business-driven, with the employer deciding who will provide the training and which curriculum to use.](#)

The share of the cost of training can include elements such as the expenses related to:

- A. Instruction or the instructor
- B. Curriculum development

C. Course materials or books

Expenses that are **not** permissible under the match and are not reimbursable through a customized training contract include:

- A. Equipment purchases
- B. Administration
- C. Facility upgrades/ renovations
- D. Travel and incidentals

The employer share is based on the size of the workforce as follows:

- A. At least 10 percent of the cost for employers with 50 or fewer employees;
- B. At least 25 percent of the cost for employers with 51 to 100 employees; and
- C. At least 50 percent of the cost for employers with more than 100 employees.

SAWDB Service Providers will track and document employer cost-share contributions.

Employer size means the number of employees currently employed at the local operation where customized training placement will be made. The number of employees determines the employer's size at the time the customized training contract is executed. This applies to all employers, including those with seasonal or intermittent fluctuations in employee size.

Restrictions

SAWDB will comply with the limitations and prohibitions on the use of funds allocated to the local area under WIOA ~~title Title~~ I-B §181 and Part 680 of federal regulations, as follows:

- A. WIOA funds cannot be used to pay the wages of employees during their participation in an economic development activity provided through a statewide workforce development system.
- B. When a relocation of a business results in the loss of employment of any employee of such business, no funds provided for employment training can be used for customized training until after 120 days have passed since the relocation that caused the loss of employment at an original business location in the United States.
- C. WIOA work-based training funds must not be used to directly or indirectly assist, promote, or deter union organizing.
- D. WIOA work-based training funds may not be used to directly or indirectly aid in the filling of a job opening that is vacant because the former occupant is on strike or is being locked out in the course of a labor dispute, or the filling of which is otherwise an issue in a labor dispute involving a work stoppage.

E. WIOA work-based training funds must not be used to directly or indirectly provide supportive services described in §680.900 or §681.570.

F. WIOA work-based training funds shall not be used to train or fill seasonal employment.

E.G. WIOA work-based training funds shall not be used with employers who previously failed to provide full-time employment for participants successfully completing training.

Eligibility Criteria

A. Customized Training Agreement

SAWDB will address the following factors and document them when developing a customized training agreement:

- a. Special training requirements of the employer (or group of employers); and

- b. Agreement that the employer will pay for the significant cost of the training; and
 - c. Agreement that the employer makes an appropriate commitment to employ the individual upon successful completion of the training; and
 - d. Curriculum; and
 - e. Performance; and
 - f. A clearly stated goal.
- B. Employer Eligibility
- SAWDB will consider the following factors when determining the eligibility of employers to receive the WIOA customized training funds:
- a. The strategy of the LWDB in fulfilling the vision and goals established for the local area (i.e., the local plan)
 - b. The characteristics of the workers to be trained (i.e., the extent to which these individuals historically represent individuals with barriers to employment as defined in WIOA Section 3(24), and how such individuals would benefit from a skill gain that results in retention or advancement).
 - c. The quality of the training (e.g., industry-recognized credentials, advancement opportunities, etc.).
 - d. The number of participants the employer plans to train.
 - ~~e.~~ The wage and benefit levels of participants (before and after training).
 - ~~e-f.~~ The position(s) are for full-time employment (a minimum of 32 hours per week).
 - ~~f-g.~~ The occupation(s) for which customized training is being provided must be in-demand as defined by WIOA Section 3(23) and as determined by workforce development area-specific labor market information, which leads to employment opportunities that can aid the participant to become economically self-sufficient-
 - ~~g-h.~~ Employer's industry status. Is the employer in:
 - i. An in-demand industry as defined by WIOA Section 3(23) and determined by labor market information; or
 - ii. A stable industry as determined by labor market information; or
 - iii. A declining industry, but there are compelling reasons (e.g., evidence of long-term viability of the employer) justifying investment in customized training?
 - ~~h-i.~~ Recent lay-offs and relocations. The employer must not have laid off workers within 120 days to relocate from another state.
 - ~~i-j.~~ Employer's unemployment insurance and workers' compensation status. The employer must be current on unemployment insurance and workers' compensation taxes, penalties, and/or interest, or have a related payment plan in place (including timely Quarterly Reports).
 - ~~j-k.~~ Is located in and has operations in the Southwestern Area.
 - ~~k-l.~~ Employ at least one full-time employee.
 - ~~m.~~ Keep accurate records of the project's implementation process for audit purposes for a minimum of five years.
 - ~~n.~~ The employer shall make a commitment to retain the participant(s) for a minimum period of (12) months following the successful completion of the customized training.
 - ~~o.~~ Business must not be presently disbarred, suspended, declared ineligible or voluntarily excluded from participation by USDOL.

- [p. SAWDB shall require employers to disclose any known outstanding tax liabilities, including those with other states, prior to entering into the IWT agreement.](#)
- [q. Business must have current approvals and licenses required to conduct business in the state of New Mexico.](#)
- [r. Businesses must not have any outstanding civil, criminal or penalties owed to or pending in the state of New Mexico.](#)

- ↳ [SAWDB shall document the factors considered in approving a customized training contract with an employer \(or a group of employers\).](#)

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Employed Worker Eligibility

Customized Training funds may be used to provide training to eligible employed workers for an employer (or group of employers) when the following conditions are met:

- A. Employee is not earning a self-sufficient wage; and
- B. All other provisions of Customized Training are met; and
- C. Customized Training relates to the introduction of new technologies, introduction to new production or service procedures, upgrading to new jobs that require additional skills, or workplace literacy.

Exception: Customized training is generally reserved for hiring new or recent employees (less than six months) and not for retraining existing employees, which is typically used for incumbent worker training. However, there may be instances where customized training is appropriate in this circumstance. In such instances, customized training may be utilized for individuals earning more than self-sufficient wages if all applicable criteria are met, resulting in comparable or higher wages than those in their previous employment

Performance Accountability

[Section 134\(c\)\(3\)\(D\) of WIOA defines 11 types of training services available to adults and dislocated workers, including customized training. Customized training may be offered to qualifying individuals through formula-funded programs or as incumbent-worker training. In cases where customized training formula-funded participants must meet adult or dislocated worker eligibility requirements prior to starting the training, Participants are to be included in WIOA performance accountability measures but excluded from Credential Attainment and/or Measurable Skills Gains \(TEGL10-16, Change 3\). For all other indicators, the period of participation is reported from the time an individual becomes a participant until their program exit date. Due to the unique eligibility requirements in WIOA sec. 134, individuals who receive only customized training are reportable, but not participants required for inclusion in the WIOA performance accountability calculations. As a result, an individual who receives only customized training and does not become a core program participant will not be included in the calculation of the primary performance indicators for negotiations and accountability purposes. However, LWDBs are required to collect and report on the outcomes of individuals who receive customized training, focusing on primary indicators of performance, among other necessary elements](#)

Conflict of Interest

State and local board members and members of standing committees may not vote or participate in any decisions regarding the provision of services by such members or any organization they directly

represent, nor on any matter that would provide any direct financial benefit to that member or the member's immediate family. For example, a SAWDB member who is also an employer who wants to use services on a fee-for-service basis would be prohibited from voting to approve the use of local area services, facilities, or equipment for employment and training activities for such board member's workers. Neither membership on the state board, local board, or standing committee, nor receipt of WIOA funds to provide training and related services, by itself, constitutes a violation of these conflict-of-interest provisions. In accordance with §200.112 of the Uniform Guidance, recipients of federal awards must disclose in writing any potential conflicts of interest. Sub-recipients must disclose in writing any potential conflict of interest to the recipient of grant funds.

Process for Contracting

Customized training is a service that focuses on the needs of a business. All required customized training documentation shall be kept on file with the service provider, business, and America's Job Center (NMJobs). Service providers should make all files and documentation available for monitoring, audits, and data validation as required.

Customized training processes can include the following:

- A. Service providers may work with an employer to obtain the eligibility documentation for potential trainees. Special attention shall be paid to eligibility documentation requirements to ensure all data validation requirements are met.
- B. Service providers do not have to maintain individual file folders for each participant as long as all required information and documentation are kept on file collectively for each customized training contract by the service provider and business.

Customized Training Agreement Provisions

Customized training agreements shall, at a minimum, include the following elements:

- A. The occupation for which training will be provided; the skills and competencies to be acquired, and the length of time for the training.
- B. The name of each employee to be trained, social security number, date of birth, gender, selective service registration, I-9 on file with employer, hourly pay, hours per week, and employee start date.
- C. The employer's assurance that customized training is needed based upon the individual skill sets of trainees.
- D. Training outline.
- E. Method and maximum amount of reimbursement.
- F. The cost and documented description of any ancillary items or supportive services that may be needed.
- G. Other appropriate training outcomes related to the training (includes obtaining veteran status, highest grade completed, household/family size, and increases in earnings after training if applicable).
- H. Appropriate assurances and certifications as defined in the agreement:
 - a. Employers shall provide workers' compensation coverage for the participants on the same basis as the compensation is provided to other individuals in the same employment. 20 CFR 680.700 (b).
 - b. Employer shall verify that the training will relate to the introduction of new technologies, introduction to new production or service procedures, or is an upgrade

- to a new job that requires additional skills, workplace literacy, or other appropriate skills identified by the local WDB. 20 CFR 680.710 (C).
- c. Employer certifies that the company is financially solvent on the date of the contract, and the employer's best projection is that they will remain financially able to meet contract obligations at the end of the training period, including training participant retention.
 - d. Employers agree that wage and labor standards will be adhered to and to pay the participants at the same rates, including increases, and benefits as trainees or employees who are situated in similar jobs. Such rates shall be in accordance with applicable law, but in no event less than the higher rate specified in section 6(a) (1) of the Fair Labor Standards Act of 1938 (and as amended in 1996) or the applicable state or local minimum wage law and WIOA 20 CFR Part 683.275.
 - e. Conditions of employment and training will be in full accordance with all applicable federal, state, and local laws and ordinances (including but not limited to anti-discrimination, labor and employment laws, environmental laws, or health and safety laws), 29 CFR part 38.
 - f. Employer certifies that the training will not impair existing agreements for services or collective bargaining agreements and that either it has the concurrence of the appropriate labor organization as to the design and conduct of training, or it has no collective bargaining agreement with a labor organization that covers the participants' position.
 - g. Employer assures that they are not debarred or suspended regarding federal funding 29CFR 180 Sub Part H, (Verifiable at <https://www.sam.gov>).
 - h. Employer further assures that federal funds will not be used to assist, promote, or deter union organizing, 20 CFR 663.730.
 - i. Employer certifies that no member of the training participant's immediate family will directly supervise the participant. For this contract, immediate family is defined as the spouse, children, parents, grandparents, grandchildren, brothers, sisters, or any person bearing the same relationship to the participant's spouse, as specified in 20 CFR 683.200(a).
 - j. Employer assures that the participants will not be employed to carry out the construction, operation, or maintenance of any part of a facility that is used or to be used for sectarian instruction or as a place for religious worship, 29 CFR part 2, Subpart D.
 - k. Employer assures that the participant(s) has not been hired into or will remain working in any position when any other person is on layoff from the same or a substantially equivalent job within the same organizational unit or has been bumped and has recall rights to that position, nor if the training is created in a promotional line that infringes on opportunities of current employees, 20 CFR 680.710.
 - l. Employer is committed to employ and/or retain the individual upon successful completion of the training for a minimum of twelve months as specified in section 680.760 (b), WIOA July 22, 2014.

Customized Training Documentation

The Customized Training Agreement, along with its related information and documentation, may be retained by the service provider and the business. The local board and service provider are responsible for ensuring the information and documentation are available for monitoring and review as required:

- A. Customized Training Agreement and supporting documentation.
- B. Customized Training Plan.
- C. Customized Training Modification(s), if applicable.
- D. Customized Training Progress Report and Invoice.

Inquiries

Questions related to this policy should be directed to the Administrative Entity at (575) 744-4857.

Attested

This policy was reviewed and approved by the SAWDB on August 14, 2025.

SAWDB Chair



CEO Consent Concurrence Items

AGENDA ITEM SUMMARY

Joint Meeting of Region IV, Chief Elected Officials and Southwestern Area Workforce Development Board	March 26, 2026
<p>CEO Consent Concurrence Item CEO Resolution 25 – 18 concurs with SAWDB Resolution 25 – 18.</p>	
<p>SUMMARY OF AGENDA ITEM</p> <p>As a function of the Chief Elected Officials, this item is presented for your review and consideration to concur with the Southwestern Area Workforce Development Board to approve a Corrective Action Plan between SAWDB and Equus Workforce Solutions for the WIOA Youth Services Contract.</p> <p>RECOMMENDATION</p> <p>A motion to accept CEO Resolution 25 – 18.</p> <p>CEO’S OPTIONS ARE TO</p> <ul style="list-style-type: none"> • Accept the recommendation • Amend the recommendation • Reject the recommendation • Table the item • Take no action on the item <p>DEPENDING ON ACTION TAKEN, ITEM MAY BE REFERRED OR REPORTED TO</p> <ul style="list-style-type: none"> • Staff or committee, as directed. <p>THIS ITEM SUPPORTS STRATEGIC PLAN GOAL(S)</p> <ul style="list-style-type: none"> • Supports all strategic plan goals <p>LIST OF SUPPORTING INFORMATION FOR YOUR REVIEW</p> <ul style="list-style-type: none"> • See SAWDB Resolution 25 – 18. 	

AGENDA ITEM SUMMARY

Joint Meeting of Region IV, Chief Elected Officials and Southwestern Area Workforce Development Board	March 26, 2026
<p>CEO Consent Concurrence Item CEO Resolution 25 – 19 concurs with SAWDB Resolution 25 – 20.</p>	
<p>SUMMARY OF AGENDA ITEM</p> <p>As a function of the Chief Elected Officials, this item is presented for your review and consideration to concur with the Southwestern Area Workforce Development Board to approve new and amended policies.</p> <p>RECOMMENDATION</p> <p>A motion to accept CEO Resolution 25 – 19.</p> <p>CEO’S OPTIONS ARE TO</p> <ul style="list-style-type: none"> • Accept the recommendation • Amend the recommendation • Reject the recommendation • Table the item • Take no action on the item <p>DEPENDING ON ACTION TAKEN, ITEM MAY BE REFERRED OR REPORTED TO</p> <ul style="list-style-type: none"> • Staff or committee, as directed. <p>THIS ITEM SUPPORTS STRATEGIC PLAN GOAL(S)</p> <ul style="list-style-type: none"> • Supports all strategic plan goals <p>LIST OF SUPPORTING INFORMATION FOR YOUR REVIEW</p> <ul style="list-style-type: none"> • See SAWDB Resolution 25 – 20. 	



CEO *Action Items*

AGENDA ITEM SUMMARY

Joint Meeting of Region IV, Chief Elected Officials and Southwestern Area Workforce Development Board	March 26, 2026
<p>CEO Agenda Item CEO Resolution 25 – 20 accepts the Independent Auditor’s Report for the period of July 1, 2024, through June 30, 2025.</p>	
<p>SUMMARY OF AGENDA ITEM</p> <p>In accordance with federal and state audit requirements, an annual independent audit is performed and submitted to the local workforce board and the Chief Elected Officials.</p> <p>The audit provides a report on the financial statements and is performed in accordance with the Governmental Auditing Standards.</p> <p>The report also extends its scope to review the local board’s sub-recipient’s participant files for compliance.</p> <p>Mr. Kory Hoggan with Baker Tilly will present the independent audit report.</p> <p>The full report is available for review via the link provided below.</p> <p>RECOMMENDATION A motion to accept CEO Resolution 25 – 20.</p> <p>CEO’S OPTIONS ARE TO</p> <ul style="list-style-type: none"> • Accept the recommendation • Amend the recommendation • Reject the recommendation • Table the item • Take no action on the item <p>DEPENDING ON ACTION TAKEN, ITEM MAY BE REFERRED OR REPORTED TO</p> <ul style="list-style-type: none"> • Staff or committee, as directed. <p>THIS ITEM SUPPORTS STRATEGIC PLAN GOAL(S)</p> <ul style="list-style-type: none"> • Supports all strategic plan goals <p>LIST OF SUPPORTING INFORMATION FOR YOUR REVIEW</p> <ul style="list-style-type: none"> • The Audit Reports may be viewed or downloaded at: PY24 SAWDB Audit Report 	



Southwestern Area Workforce Development Board

Report to Board of Directors

FY2025 Financial Statement & Single Audit Results

March 26, 2026

Scope of Services

We issued the following reports for the year ended June 30, 2025:

Financial Statement Audit

- Audit report on the standalone financial statements
- Report on internal control over financial reporting and on compliance and other matters in accordance with *Government Auditing Standards*
- Report on compliance for the major federal program (Single Audit)

Non-Attest Service

Baker Tilly assisted management with drafting the financial statements and schedule of expenditures of federal awards

Audit Results

- Unmodified Opinion: Financial statements are presented fairly in accordance with accounting principles generally accepted in the United States of America (No circumstances that affected the form and content of the auditor's report)
- No material weaknesses or significant deficiencies reported
- No State of New Mexico compliance findings

Major Federal Program

ALN	Program Name
17.258; 17.259; 17.278	WIOA Cluster

Federal Award Findings

Current Year: No findings reported.

Prior Year: Earmarking finding resolved in FY2025



Areas of Audit Emphasis

Significant Area	Procedures Performed
Internal Controls	<ul style="list-style-type: none">• Performed walkthroughs over key accounting cycles• Completed testing of significant controls, interviews and observation, and journal entries
Management Estimates	<ul style="list-style-type: none">• Evaluated legal contingencies, revenues and receivables (grants receivable)



Areas of Audit Emphasis (continued)

Significant Area	Procedures Performed
Revenue Recognition	<ul style="list-style-type: none">• Testing and analytical procedures for accuracy and completeness of significant revenue streams
Management Override of Controls	<ul style="list-style-type: none">• Performed risk inquiries and walkthroughs of key controls• Tested journal entries

Required Communications

- Audit performed in accordance with the scope communicated in our entrance meeting and audit planning
- No audit adjustments or uncorrected misstatements.
- No material weaknesses or significant deficiencies reported.
- New accounting standards implemented during year (no impact on financials)
 - GASB No. 101 *Compensated Absences*
 - GASB No. 102 *Certain Risk Disclosures*
- Baker Tilly is independent with respect to Southwestern Area Workforce Development Board

Your Service Team



Kory Hoggan
Audit Engagement Principal

Kory.Hoggan@bakertilly.com
(505) 878-7214



Jeff Roybal
Assurance Manager



Amanda Moore
Concurring Principal

**THANK
YOU**

AGENDA ITEM SUMMARY

Joint Meeting of Region IV, Chief Elected Officials and Southwestern Area Workforce Development Board	March 26, 2026
<p>CEO Agenda Item CEO Resolution 25 – 21 approves the Region IV, CEO PY25 Revised Open Meetings Act Resolution.</p>	
<p>SUMMARY OF AGENDA ITEM</p> <p>The Open Meetings Act Resolution for the period of July 1, 2025, through June 30, 2026, was previously approved. The resolution is being revised to provide clearer provisions defining circumstances under which attendance in person may be difficult or impossible. Additionally, language has been clarified regarding the posting and availability of meeting notices and agendas.</p> <p>RECOMMENDATION</p> <p>A motion to approve CEO Resolution 25 – 21.</p> <p>CEO'S OPTIONS ARE TO</p> <ul style="list-style-type: none"> • Accept the recommendation • Amend the recommendation • Reject the recommendation • Table the item • Take no action on the item <p>DEPENDING ON ACTION TAKEN, ITEM MAY BE REFERRED OR REPORTED TO</p> <ul style="list-style-type: none"> • Staff or committee, as directed. <p>THIS ITEM SUPPORTS STRATEGIC PLAN GOAL(S)</p> <ul style="list-style-type: none"> • Supports all strategic plan goals <p>LIST OF SUPPORTING INFORMATION FOR YOUR REVIEW</p> <ul style="list-style-type: none"> • CEO PY25 Revised Open Meetings Act Resolution 	

OPEN MEETINGS ACT RESOLUTION

Region IV, Chief Elected Officials

WHEREAS, the members of the Region IV, Chief Elected Officials met in a duly noticed meeting in **Silver City, New Mexico**, on **March 26, 2026**, as required by law; and

WHEREAS, Section 10-15-1(B) of the Open Meetings Act (NMSA 1978, Sections 10-15-1 through 10-15-4) states that, except as otherwise provided in the Constitution of New Mexico or the Open Meetings Act, all meetings of a quorum of members of any public body held for the purpose of formulating public policy, discussing public business, or taking any action within the authority of such body are declared to be public meetings open to the public at all times; and

WHEREAS, Section 10-15-1(C) allows members of a public body to participate in meetings through conference telephone or other similar communications equipment when it is otherwise difficult or impossible to attend in person; and

WHEREAS, Section 10-15-1(D) requires the Region IV, Chief Elected Officials to determine annually what constitutes reasonable notice of its public meetings;

NOW, THEREFORE, BE IT RESOLVED that the Region IV, Chief Elected Officials adopts the following procedures:

1. Regular Meetings

Regular meetings of the Region IV, Chief Elected Officials (CEOs) shall be held at least quarterly at dates, times, and locations identified in the meeting notice.

The CEOs may establish a regular meeting schedule each year to provide advance notice to the public.

Notice of Regular Meetings

Notice of regular meetings shall be provided at least ten (10) days in advance of the meeting date.

Notice requirements are met if the date, time, location, and information on how to obtain the agenda are provided through the following methods:

- posted on the CEO's website, www.employnm.com
- posted at local America's Job Center New Mexico offices in the Southwestern Area
- submitted to newspaper(s) of general circulation that have requested notice from the CEOs
- provided to broadcast media that have requested notice from the CEOs.

When notices are published in newspaper(s) as legal notices, affidavits of publication shall be retained as part of the CEO's official records.

Additionally, public notices will be posted on social media outlets, including but not limited to Facebook, LinkedIn, and Instagram.

Agendas for Regular Meetings

Agendas for regular meetings will be available at least seventy-two (72) hours prior to the meeting and may be obtained from the Administrative Entity office located at:

600 Highway 195, Suite C
Elephant Butte, New Mexico 87935

Mesilla Community Center
2251 Calle de Santiago, Room 2
Mesilla, NM 88046

Agendas will also be:

- posted on the CEO's website, www.employnm.com
- posted at local America's Job Center New Mexico offices in the Southwestern Area
- submitted to newspaper(s) of general circulation that have requested notice from the CEOs
- provided to broadcast media that have requested notice from the CEOs.

Additionally, a link to the agenda will be posted on social media outlets, including but not limited to Facebook, LinkedIn, and Instagram.

2. Special Meetings

Special meetings may be called by the Lead CEO or a majority of the CEO members upon three (3) days notice.

Notice of Special Meetings

Notice requirements are met if the date, time, location, and information on how to obtain the agenda are provided through the following methods:

- posted on the CEO's website, www.employnm.com
- posted at local America's Job Center New Mexico offices in the Southwestern Area
- submitted to newspaper(s) of general circulation that have requested notice from the CEOs
- provided to broadcast media that have requested notice from the CEOs.

When notices are published in newspaper(s) as legal notices, affidavits of publication shall be retained as part of the CEO's official records.

Additionally, public notices will be posted on social media outlets, including but not limited to Facebook, LinkedIn, and Instagram.

Agendas for Special Meetings

Agendas for special meetings will be available at least seventy-two (72) hours prior to the meeting and may be obtained from the Administrative Entity office located at:

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Elephant Butte, New Mexico 87935

Mesilla Community Center
 2251 Calle de Santiago, Room 2
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Agendas will also be:

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- posted at local America's Job Center New Mexico offices in the Southwestern Area
- submitted to newspaper(s) of general circulation that have requested notice from the CEOs
- provided to broadcast media that have requested notice from the CEOs.

Additionally, a link to the agenda will be posted on social media outlets, including but not limited to Facebook, LinkedIn, and Instagram.

3. Emergency Meetings

Emergency meetings will be called only under unforeseen circumstances that require immediate action to protect:

- public health
- public safety
- public property
- the public body from substantial financial loss.

Emergency meetings may be called by the Lead CEO or a majority of the members upon twenty-four (24) hours notice unless a threat of personal injury or property damage requires less notice.

Notice of Emergency Meetings

Notice of emergency meetings will be provided as soon as practicable, including posting on the CEO's website, www.employnm.com, and other available notice locations when feasible.

Within ten (10) days of taking action at an emergency meeting, the CEOs shall notify the New Mexico Attorney General's Office of the meeting, the actions taken, and the circumstances that created the emergency.

4. Teleconference Participation

CEO members may participate by conference telephone or similar communications equipment when attendance in person would otherwise be difficult or impossible.

Members planning to participate telephonically/remotely should notify the Administrative Entity CEO meeting staff 24 hours in advance, if possible. The staff will notify the Lead CEO prior to the meeting.

Examples of circumstances that may limit or prevent in-person attendance include, but are not limited to, health or medical conditions, caregiving responsibilities, work-related conflicts, unavoidable personal conflicts, transportation barriers, distance or

rural travel constraints, weather or safety conditions, and other reasonable circumstances that would make in-person participation impractical.

Members participating remotely must be identifiable when speaking. All participants must be able to hear each other simultaneously. Members of the public attending the meeting in person must also be able to hear all participants. If technical issues prevent a CEO member from being heard or from hearing the proceedings, the member may not be counted toward establishing a quorum.

Meeting minutes shall indicate whether members attended in person or participated remotely. Supporting documentation, including the attendance sheet with the reason for remote participation, will be maintained by the Administrative Entity (AE) staff.

5. Public Participation

Members of the public may attend meetings in person. When available, meetings may also be accessible through electronic communication systems. Electronic access is provided solely as a convenience, and the CEOs are not responsible for individual technical difficulties experienced by participants of the public, including issues related to internet connectivity, devices, or user error. Access may be limited or disrupted by conditions beyond the CEO's control.

Public comment opportunities may be included on meeting agendas consistent with the CEOs policy.

6. Closed Meetings

The CEOs may close a meeting only if the subject matter is exempt from the open meeting requirement under Section 10-15-1(H), NMSA 1978.

The motion to close a meeting must:

- state the specific statutory authority for the closure
- identify the subject matter with reasonable specificity
- record the vote of each member.

No other matters may be discussed during a closed meeting.

Following a closed meeting, the CEOs shall reconvene in open session, and the presiding officer shall state that the matters discussed in the closed meeting were limited only to those specified in the motion for closure.

Any action resulting from a closed meeting must be taken in an open public meeting.

7. Accessibility

All notices shall include the following statement:

The Region IV, Chief Elected Officials is an Equal Opportunity Employer and will make every effort to provide reasonable accommodations for people with disabilities who wish to attend a public meeting. Please provide notification at least 72 hours before the meeting by calling (575) 744-4857.

PASSED AND ADOPTED by the Region IV, Chief Elected Officials on this **26th** day of **March**, **2026**.

Lead CEO, Region IV, Chief Elected Officials



Reports & Information Items



Administrative & Financial Reports:

WIOA Administrator

Glory Juarez

Technical Assistance & Training

Jaymi Simms

Financial Report

Skylar Arnold



WIOA Administrator

Glory Juarez



Technical Assistance & Training

Jaymi Simms

SOUTHWESTERN AREA WORKFORCE DEVELOPMENT BOARD
Adult & Dislocated Worker Services and Youth Services
Technical Assistance and Training
from July 1, 2025, through June 30, 2025

TECHNICAL ASSISTANCE Q1

Program	Sessions	Hours
Adult & Dislocated Worker	150	62.5
Equus Youth	9	5
Alamo Youth	4	2
ETPL	123	62

SOUTHWESTERN AREA WORKFORCE DEVELOPMENT BOARD
Adult & Dislocated Worker Services and Youth Services
Technical Assistance and Training
from July 1, 2025, through December 31, 2025

TECHNICAL ASSISTANCE Q2

Program	Sessions	Hours
Adult & Dislocated Worker	282	119.5
Equus Youth	13	6.5
Alamo Youth	4	2
ETPL	136	71

SOUTHWESTERN AREA WORKFORCE DEVELOPMENT BOARD
Adult & Dislocated Worker Services and Youth Services
Technical Assistance and Training
from July 1, 2025, through December 31, 2025

TRAINING Q2

Program	Dates	Hours
Equus ADW/Youth	December 17, 2025	1.5
Training Details		
Desk Reviews, Follow-ups, OJT and TJ voucher review, Supportive Service Voucher, Supportive Service Mileage reimbursement SWAGL 25-01, ITA Voucher, and ITA Policy		

Program Performance Goals & Actuals

PY25 Q1

Performance Summary cards

	Employment Q2	Median Earnings	Employment Q4	Credential	Measurable Skill Gains
Adult	82.77% Actual: 65.38% (17 / 26) Goal: 79.00%	65.41% Actual: \$5,723.31 (Cohort 17) Goal: \$8,750.00	102.68% Actual: 82.14% (23 / 28) Goal: 80.00%	58.48% Actual: 33.33% (1 / 3) Goal: 57.00%	41.46% Actual: 27.78% (10 / 36) Goal: 67.00%
Dislocated Workers	116.62% Actual: 85.71% (36 / 42) Goal: 73.50%	90.24% Actual: \$6,767.79 (Cohort 36) Goal: \$7,500.00	119.05% Actual: 87.50% (21 / 24) Goal: 73.50%	117.65% Actual: 70.59% (12 / 17) Goal: 60.00%	43.96% Actual: 28.57% (12 / 42) Goal: 65.00%
Youth	116.81% Actual: 78.26% (36 / 46) Goal: 67.00%	89.35% Actual: \$4,020.92 (Cohort 32) Goal: \$4,500.00	78.13% Actual: 50.00% (14 / 28) Goal: 64.00%	89.13% Actual: 45.45% (5 / 11) Goal: 51.00%	12.54% Actual: 6.90% (6 / 87) Goal: 55.00%
Wagner-Peyser	100.19% Actual: 63.12% (1020 / 1616) Goal: 63.00%	87.12% Actual: \$6,246.86 (Cohort 1020) Goal: \$7,170.00	74.00% Actual: 46.62% (807 / 1731) Goal: 63.00%		

Program Performance Goals & Actuals

PY25 Q2

Location: **10-Southwestern Area Workforce Development Board**

LWDB Goal

PY25

Performance Summary cards

	Employment Q2	Median Earnings	Employment Q4	Credential	Measurable Skill Gains
Adult	<p>98.62%</p> <p>Actual: 77.91% 67 / 86</p> <p>Goal: 79.00%</p>	<p>73.19%</p> <p>Actual: \$6,404.16 Cohort 67</p> <p>Goal: \$8,750.00</p>	<p>87.12%</p> <p>Actual: 69.70% 46 / 66</p> <p>Goal: 80.00%</p>	<p>125.31%</p> <p>Actual: 71.43% 10 / 14</p> <p>Goal: 57.00%</p>	<p>85.93%</p> <p>Actual: 57.58% 38 / 66</p> <p>Goal: 67.00%</p>
Dislocated Workers	<p>99.04%</p> <p>Actual: 72.79% 99 / 136</p> <p>Goal: 73.50%</p>	<p>110.40%</p> <p>Actual: \$8,280.00 Cohort 99</p> <p>Goal: \$7,500.00</p>	<p>90.24%</p> <p>Actual: 66.33% 65 / 98</p> <p>Goal: 73.50%</p>	<p>140.48%</p> <p>Actual: 84.29% 59 / 70</p> <p>Goal: 60.00%</p>	<p>71.18%</p> <p>Actual: 46.27% 31 / 67</p> <p>Goal: 65.00%</p>
Youth	<p>91.21%</p> <p>Actual: 61.11% 66 / 108</p> <p>Goal: 67.00%</p>	<p>98.11%</p> <p>Actual: \$4,415.08 Cohort 62</p> <p>Goal: \$4,500.00</p>	<p>86.65%</p> <p>Actual: 55.45% 61 / 110</p> <p>Goal: 64.00%</p>	<p>98.04%</p> <p>Actual: 50.00% 21 / 42</p> <p>Goal: 51.00%</p>	<p>26.24%</p> <p>Actual: 14.43% 14 / 97</p> <p>Goal: 55.00%</p>
Wagner-Peyser	<p>102.93%</p> <p>Actual: 64.85% 3217 / 4961</p> <p>Goal: 63.00%</p>	<p>86.95%</p> <p>Actual: \$6,234.66 Cohort 3217</p> <p>Goal: \$7,170.00</p>	<p>88.32%</p> <p>Actual: 55.64% 2683 / 4822</p> <p>Goal: 63.00%</p>		



Financial Report

Skylar Arnold

	<u>WIOA</u>
ASSETS:	
Cash and cash equivalents	\$ 222,658
Accounts Receivable-Grants	650,441
Total assets	\$ <u>873,099</u>
 LIABILITIES AND FUND BALANCE:	
Accounts payable	\$ 873,099
Deferred Revenue	-
Total liabilities	<u>873,099</u>
 Fund Balance	
Unreserved and designated for future expenditures	-
Total fund balance	<u> </u>
Total liabilities and fund balance	\$ <u>873,099</u>

Workforce Innovation and Opportunity Act
Southwestern Area Workforce Development Board

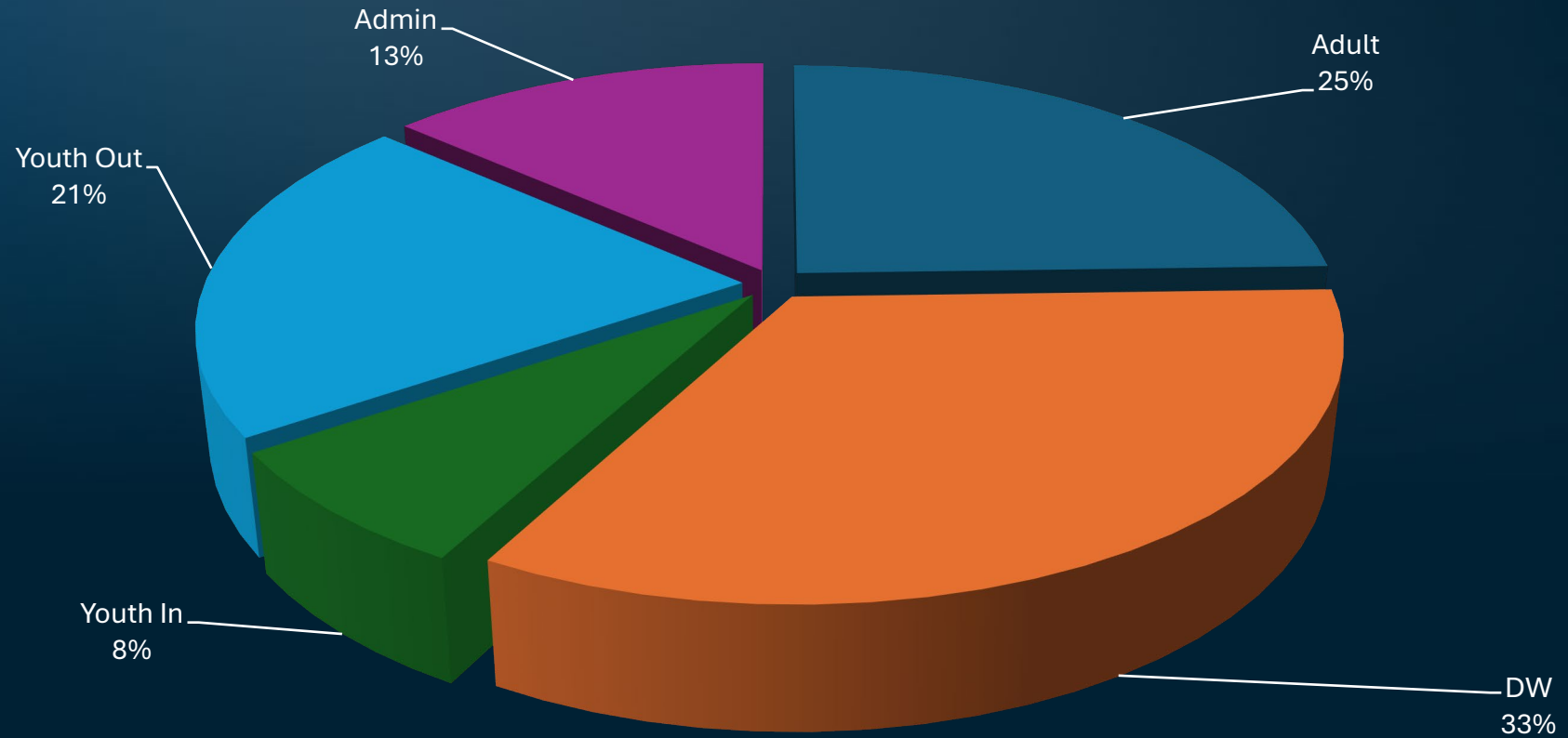
Balance Sheet February 28, 2026

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Revenues:			
Federal grants	\$ 5,584,901	2,208,892	3,376,009
Expenditures:			
Employment services:			
Program Year 25/Fiscal Year 26			
Adult	936,664	495,255	441,409
Dislocated Worker	1,701,444	161,852	1,539,592
Youth	1,223,463	179,272	1,044,191
Administration	429,063	78,245	350,818
Program Year 24/Fiscal Year 25			
Adult	46,751	46,751	-
Dislocated Worker	575,419	575,419	-
Youth	451,756	451,756	-
Administration	220,341	220,341	-
			-
Total general governmental	<u>5,584,901</u>	<u>2,208,892</u>	<u>3,376,009</u>
Excess (deficiency) of revenues over expenditures	-	-	-
Fund balance, beginning of year	-	-	-
Fund balance, end of year	\$ <u>-</u>	<u>-</u>	<u>-</u>



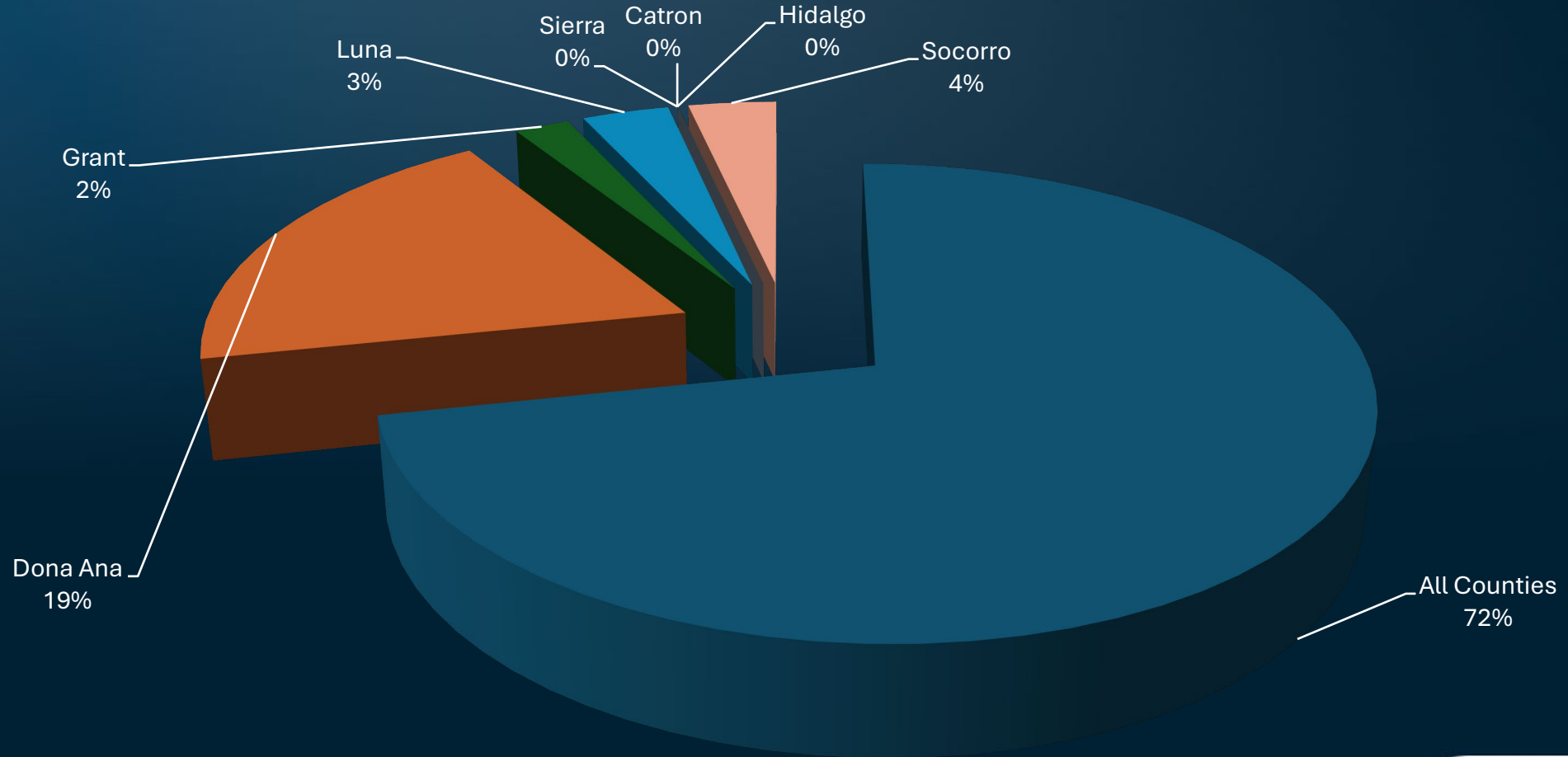
Expenditures by Fund

<u>Adult</u>	<u>DW</u>	<u>Youth In</u>	<u>Youth Out</u>	<u>Admin</u>
\$ 542,006	\$ 737,271	\$ 167,003	\$ 464,025	\$ 298,586

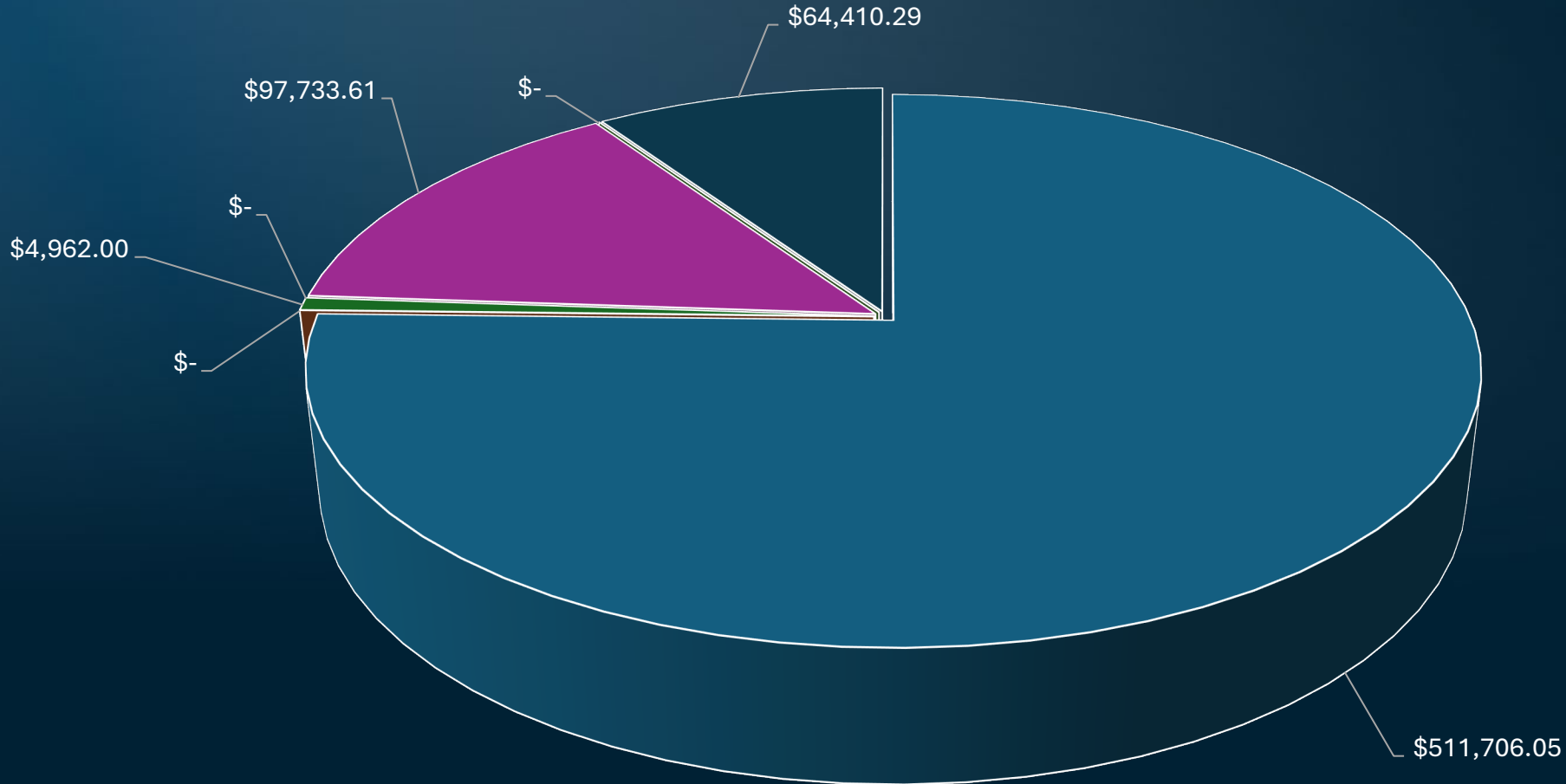


Expenditures by County

<u>All Counties</u>	<u>Doña Ana</u>	<u>Grant</u>	<u>Luna</u>	<u>Sierra</u>	<u>Hidalgo</u>	<u>Catron</u>	<u>Socorro</u>
\$ 1,583,812	\$ 424,807	\$ 47,498	\$ 75,824	\$ -	\$ -	\$ -	\$ 76,951



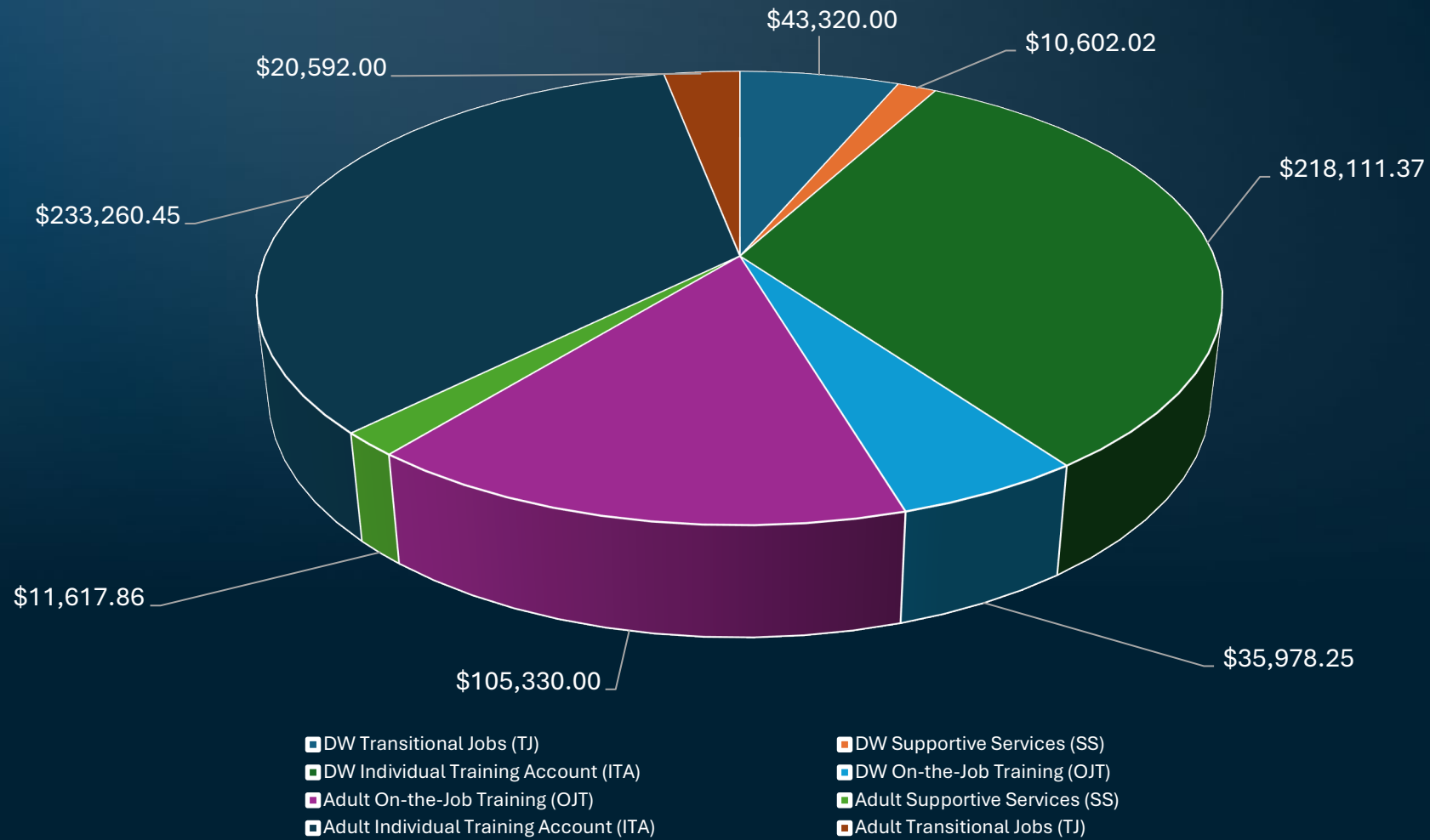
WIOA ADULT & DISLOCATED WORKER
PARTICIPANT TRAINING OBLIGATIONS BY COUNTY
July 1, 2025 - February 28, 2026 Total Obligations \$678,811.95



■ Doña Ana ■ Catron ■ Socorro ■ Sierra ■ Luna ■ Hildago ■ Grant



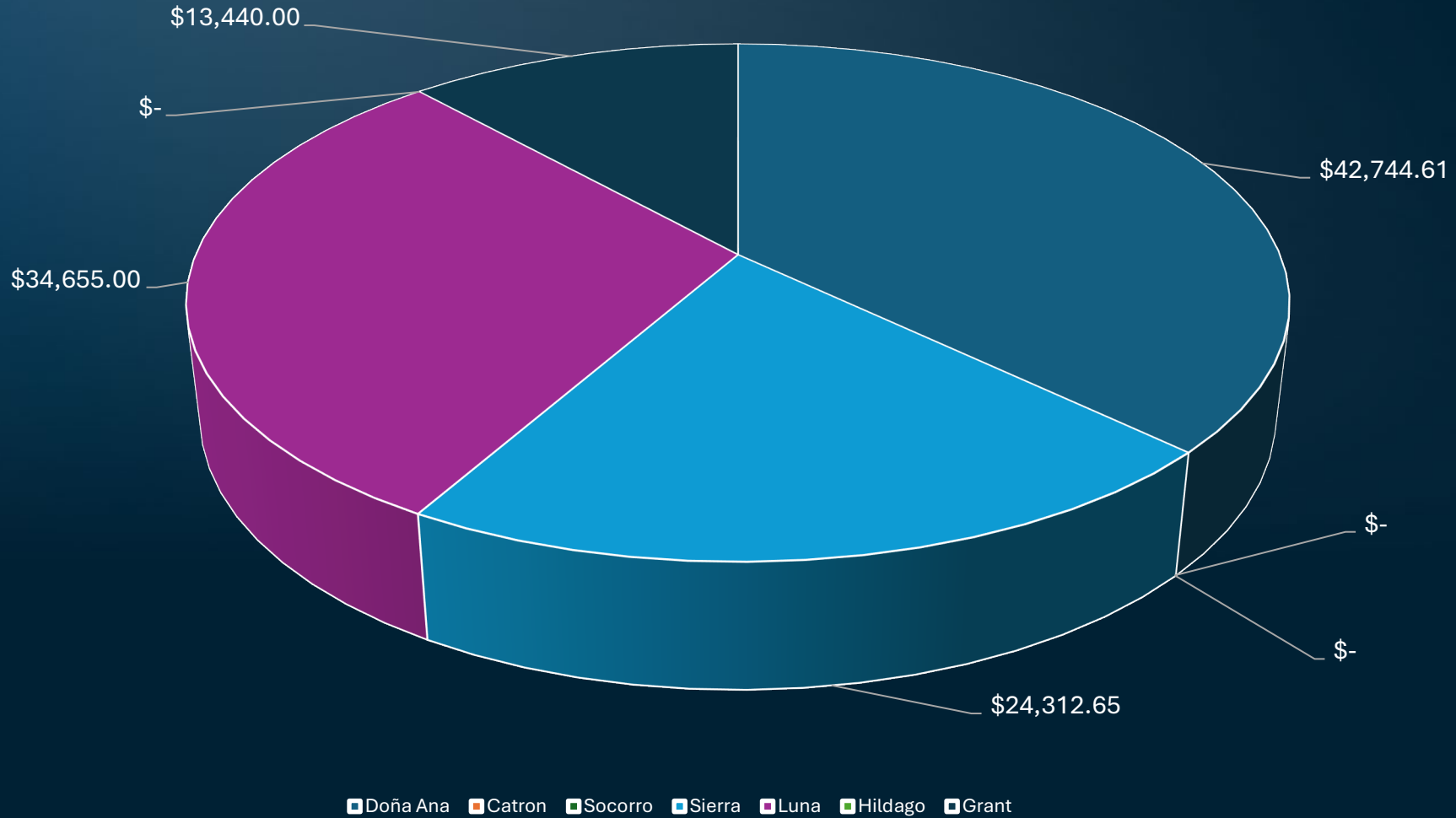
WIOA ADULT & DISLOCATED WORKER PARTICIPANT TRAINING OBLIGATIONS BY PROGRAM July 1, 2025 - February 28, 2026 Total Obligations \$678,811.95



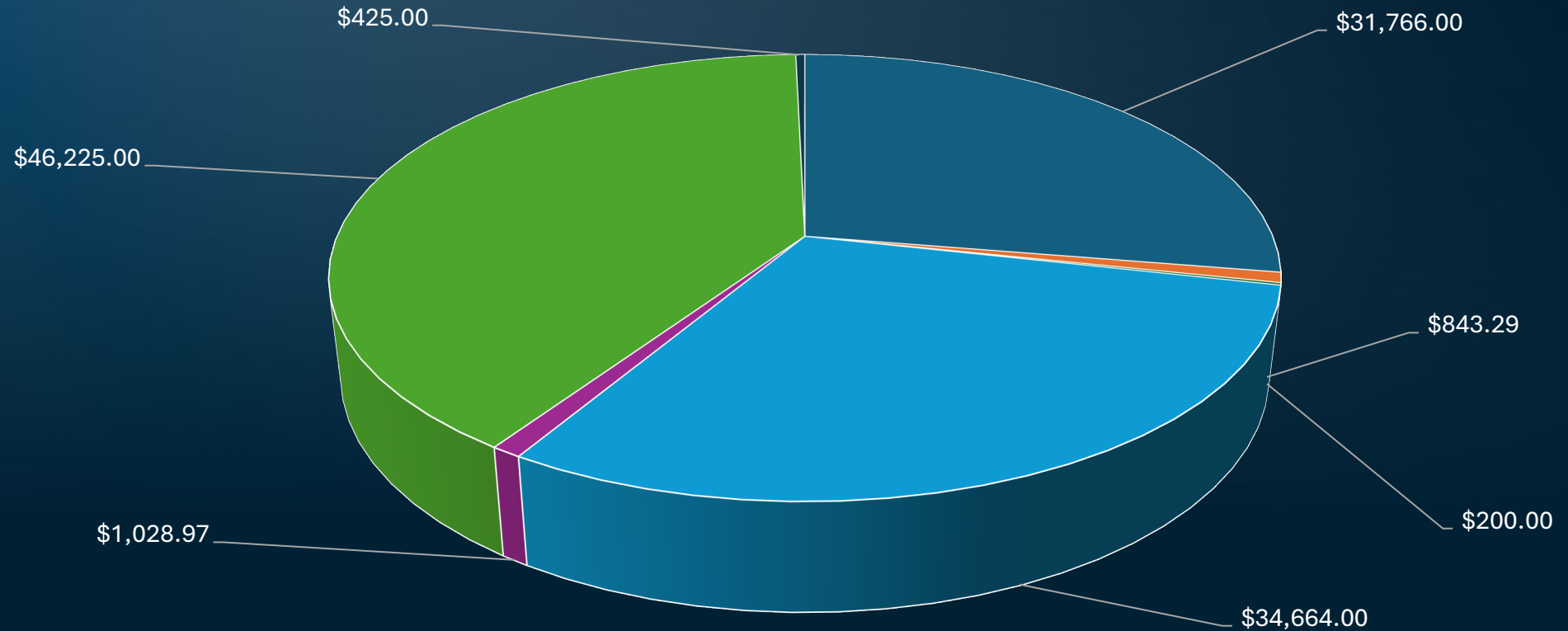
WIOA Title I-financially assisted programs and activities are an Equal Opportunity Employer/Program. Auxiliary aids and services are available upon request to individuals with disabilities. Relay New Mexico: 711 (Voice) or 1-800-659-8331 (TTY). For federal grant funding disclosures, visit <https://www.employnm.com/funding>.



WIOA EQUUS YOUTH PARTICIPANT TRAINING OBLIGATIONS BY COUNTY July 1, 2025 -February 28, 2026 Total Obligations \$115,152.26



WIOA EQUUS YOUTH
PARTICIPANT OBLIGATIONS BY PROGRAM
July 1, 2025 - February 28, 2026
Total Obligations \$115,152.26



- Youth In School Work Exp.
- Youth In School SS
- Youth In School Incentives
- Youth Out School Work Exp.
- Youth Out School SS
- Youth Out School ITA
- Youth Out School Incentives



One-Stop Operator Report

Giselle Palomares

Sarah Raney

One-Stop Operator Report

PY25 Q1

Presented by
Giselle Palomares & Sarah Raney

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PY 25 Q1

AJC NM SW Area Data

(DATA PROVIDED FROM NM JOBS)

NM JOBS Newly registered individuals	1,490
Total # of referrals to WIOA (Adult/DW & Youth)	538
Total number of services provided to individuals	32,610
Total number services provided employers	1,626
Total number of job orders created	332
Total number of job referrals	871
Total number of job placements	195

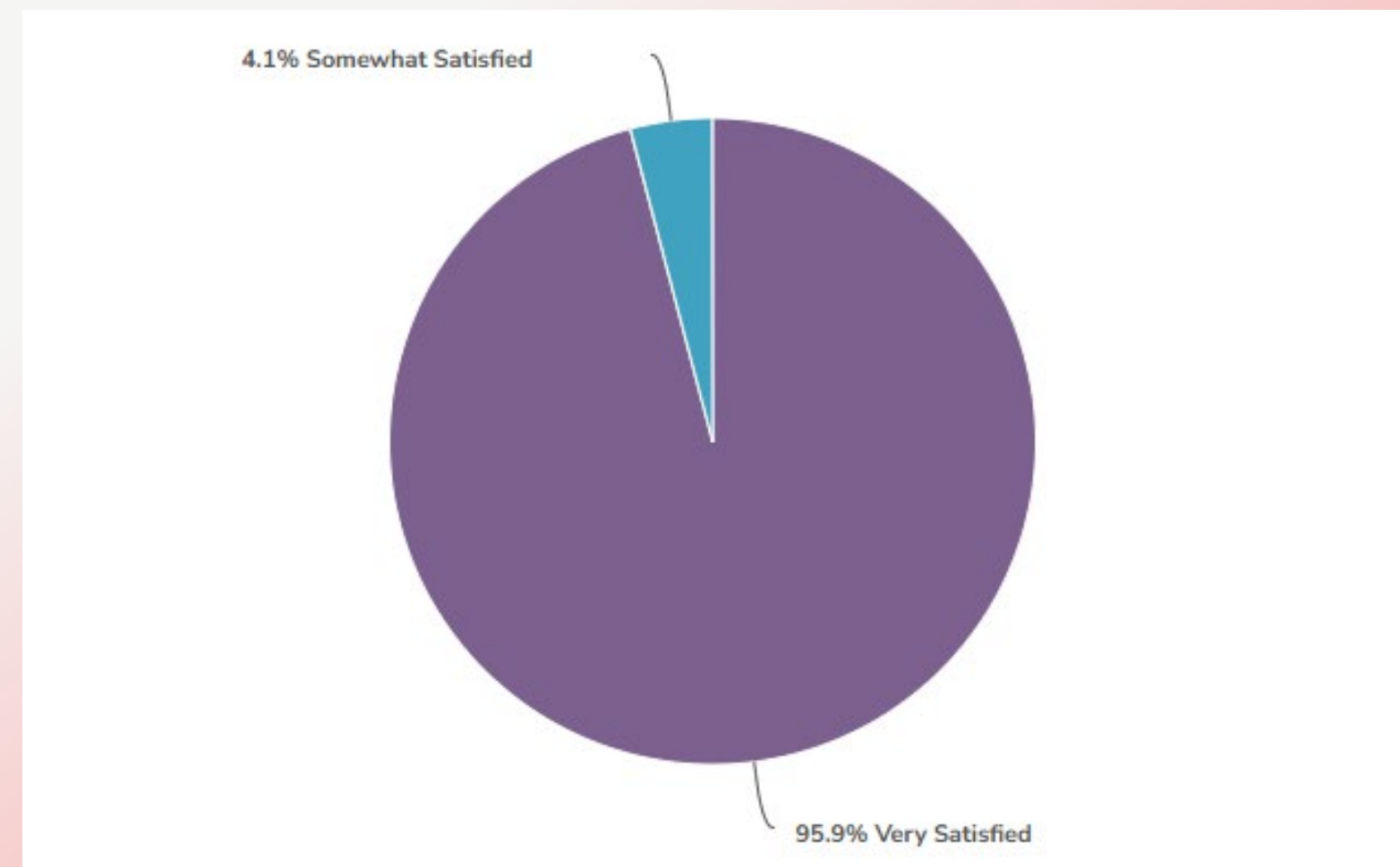
PY 25 Q1

AJC NM SW Area Foot Traffic

DEMING	2,148
LAS CRUCES	3,654
SILVER CITY	375
SOCORRO	63
SUNLAND PARK	603
TRUTH OR CONSEQUENCES	58
TOTAL	6,901

PY 25 Q1

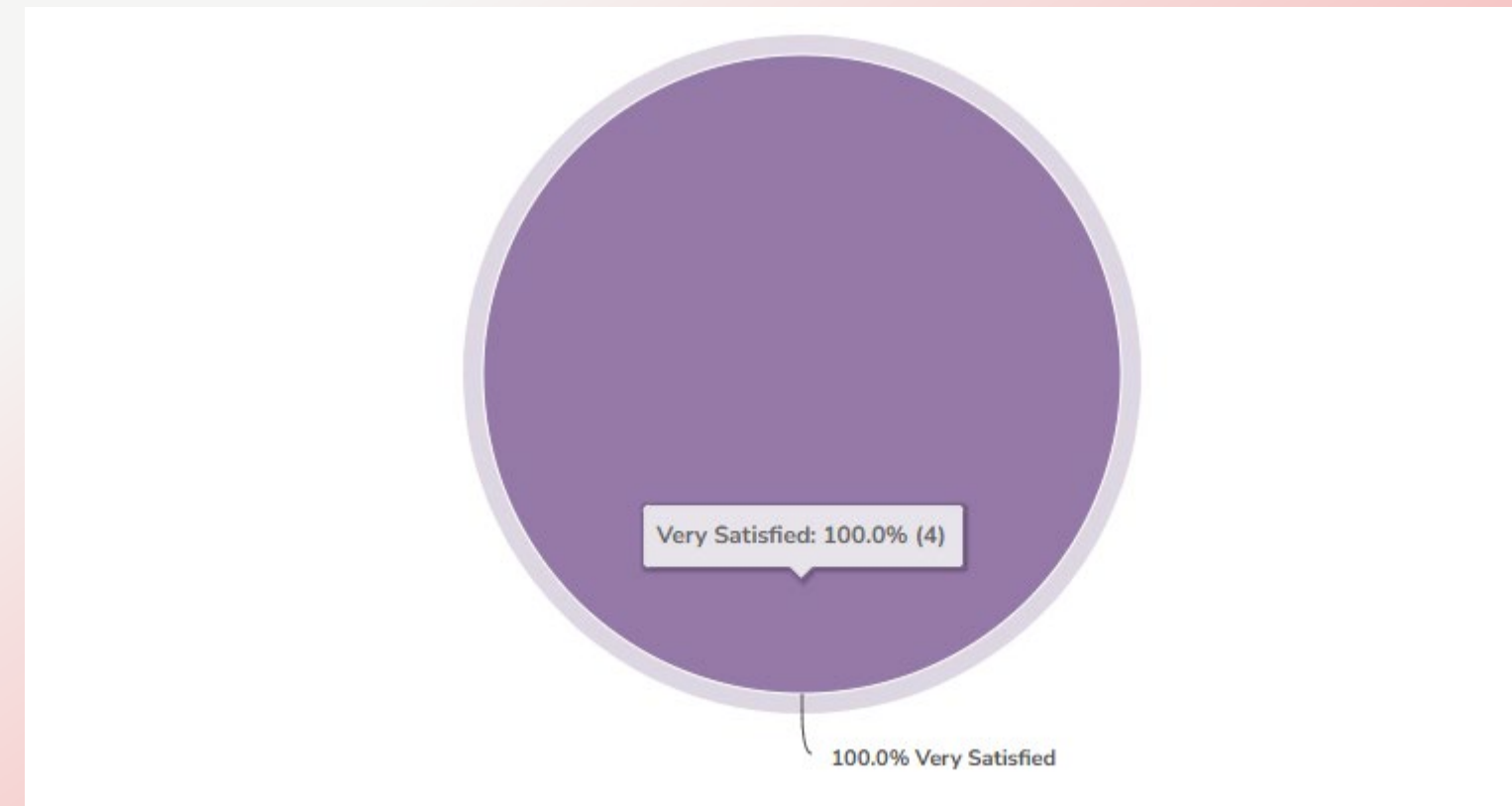
Customer Surveys



CATRON COUNTY	0
DONA ANA COUNTY- LAS CRUCES	29
DONA ANA COUNTY- SUNLAND PARK	4
GRANT COUNTY	24
LUNA COUNTY	59
SIERRA COUNTY	5
SOCORRO COUNTY- ALAMO NAVAJO RESERVATION	0
SOCORRO COUNTY- SOCORRO	0
TOTAL	121

PY 25 Q1

Employer Surveys



CATRON COUNTY	0
DONA ANA COUNTY- LAS CRUCES	1
DONA ANA COUNTY- SUNLAND PARK	0
GRANT COUNTY	1
LUNA COUNTY	1
SIERRA COUNTY	1
SOCORRO COUNTY- ALAMO NAVAJO RESERVATION	0
SOCORRO COUNTY- SOCORRO	0
TOTAL	4

SOMETHING TO RAVE ABOUT!

- “Elaine Lara has been a great help in assisting with my job search journey, she updated my resume which should help me achieve a great job opportunity. I am very thankful for this program and her help. Thank you.”
- “Ms Cano was very professional and very knowledgeable she answered all my questions”
- “Ms. Shannon Has helped me every step of the way and been patient and kind towards me overall excellent customer services and I appreciate her a lot for taking the time to assist me.”
- “I was in the WIOA Program and Maria was my case worker she always helped me reach my goals and as I graduated she still helped me the program itself is a great program and I’m thankful for it, yes I did put in the work but my case worker was behind the scene making sure I had what I needed to succeed. Maria did a fantastic job!”
- “Anahi is very professional and courteous. She is at the front of the office, and when customers come in. I still didn’t feel like she pushed me to the side, I recommend her to anyone.”

REOCCURRING EVENTS

COH JOB READINESS FAIR

PY25 Q1

Previous Events	Total # of Job Seekers
July 2025	10
August 2025	14
September 2025 (Mock Interview Event)	8

UPCOMING EVENTS PY25 Q2 & Q3
OCTOBER 22, 2025
NOVEMBER 12, 2025
JANUARY 14, 2025
FEBRUARY 18, 2025
MARCH 18, 2025

OUTREACH, RECRUITMENT & RESOURCE EVENTS


Please see attached the Outreach & Recruitment spreadsheet attached to this packet. It will have all the events listed for PY25 Q1 and upcoming events for PY25 Q2-Q3.

If you have any questions, please reach out to Giselle Palomares.

PY25 Q1 Workforce Heroes

America's Job Center
NEW MEXICO

**WORKFORCE HERO
OF THE MONTH**



ALMA HERNANDEZ
AJC LAS CRUCES


Thank you for your passion, dedication, and commitment to serving your community. Your efforts inspire us all and have not gone unnoticed.

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July 2025

America's Job Center
NEW MEXICO

**WORKFORCE HERO
OF THE MONTH**



VIVIANA CANO
AJC DEMING

Thank you for your passion, dedication, and commitment to serving your community. Your efforts inspire us all and have not gone unnoticed.

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August 2025

America's Job Center
NEW MEXICO

**WORKFORCE HERO
OF THE MONTH**



ASHLEY ROLLER
AJC SILVER CITY

Thank you for your passion, dedication, and commitment to serving your community. Your efforts inspire us all and have not gone unnoticed.

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September 2025

SW Region Partner Meeting PY25 Q1

Month	Topic	Presenter(s)
July 2025	<ul style="list-style-type: none"> - Glitz - Cosmetology/Capstone - NM New 	<ul style="list-style-type: none"> - Mary Ann Luevano - Victor Ortiz
August 2025	<ul style="list-style-type: none"> - Direct Employers Association - FAMCo 	<ul style="list-style-type: none"> - Michelle Kfrefft - Frankie Torres
September 2025	<ul style="list-style-type: none"> - Luminous Mind, LLC - Western NM Adult Education Program 	<ul style="list-style-type: none"> - Cynthia Rosales - Carolina Worsham Esquerra

Partner Cross Trainings PY25 Q1

Month	Topic	Presenter(s)
August 2025	- Presentation Cross Training	- Devon DeLeon, DWS Trainer
November 2025	- De-escalation Training	- Devon DeLeon, DWS Trainer

OSO PROJECTS

Task	Purpose
All-Staff Training	The OSO team is actively working with Adult Education, Board members, and WIOA partners to plan a comprehensive All-Staff Meeting and Training for PY25 Q3.
Staff Directory/Partner Referral Guide	We're collaborating with both co-located and core partners to develop a Staff Directory and Partner Referral Guide that will be shared with all staff to support stronger communication and referrals.
SW Area Access Points	The OSO team will be visiting access points in Grant and Hidalgo Counties to assess current setups and identify opportunities to enhance services for those communities.

Thank you

————— For your attention

Giselle Palomares, One-Stop Operator

giselle.palomares@equusworks.com

575-528-8636

Sarah Raney, One-Stop Coordinator

sarah.raney@equusworks.com

505-485-9148

One-Stop Operator Report

PY25 Q2

Presented by
Giselle Palomares & Sarah Raney

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For federal grant funding disclosures, visit <https://www.employnm.com/funding>

PY 25 Q2

AJC NM SW Area Data

(DATA PROVIDED FROM NM JOBS)

NM JOBS Newly registered individuals	1,477
Total # of referrals to WIOA (Adult/DW & Youth)	396
Total number of services provided to individuals	33,558
Total number services provided employers	1,401
Total number of job orders created	229
Total number of job referrals	536
Total number of job placements	96

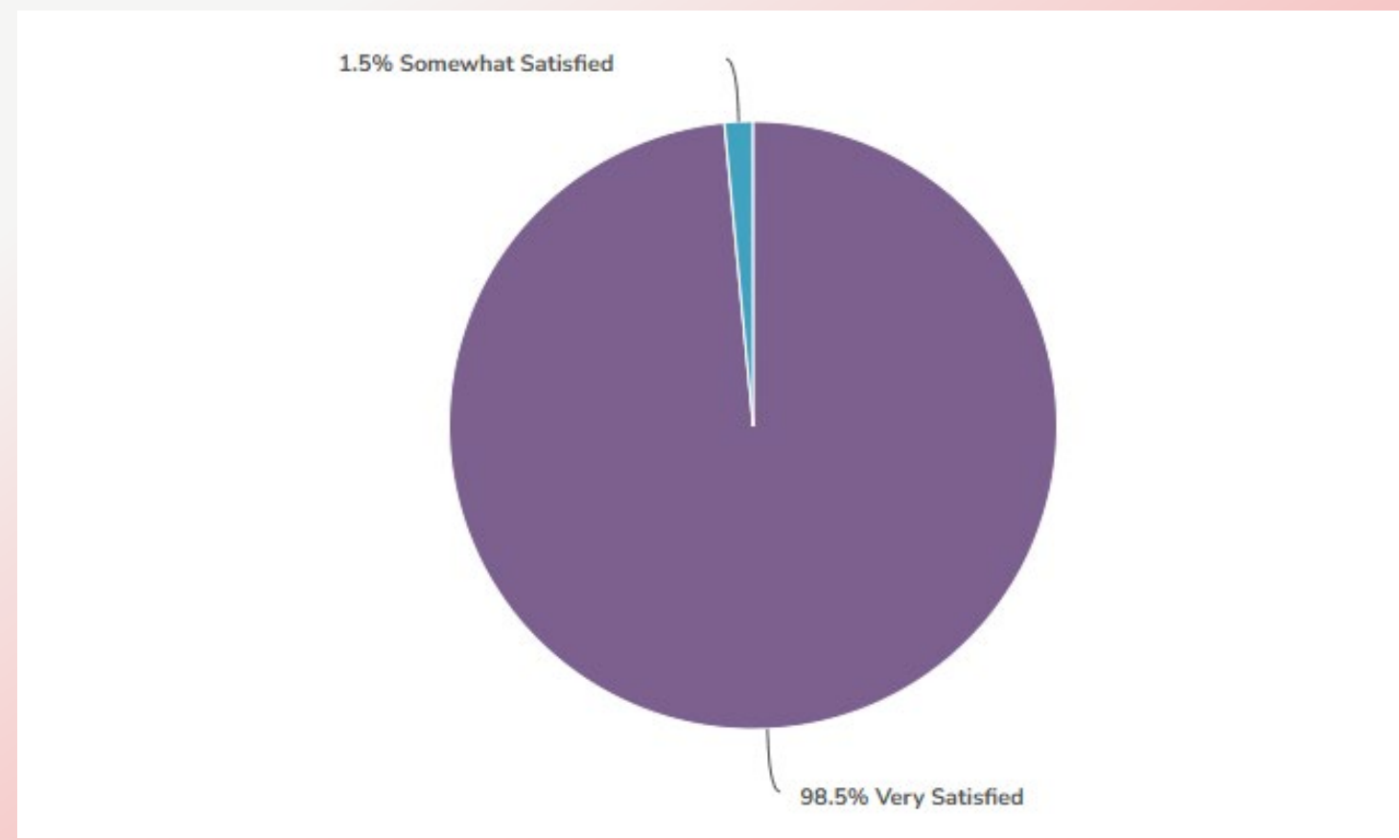
PY 25 Q2

AJC NM SW Area Foot Traffic

DEMING	2,548
LAS CRUCES	3,336
SILVER CITY	341
SOCORRO	46
SUNLAND PARK	510
TRUTH OR CONSEQUENCES	21
TOTAL	6,802

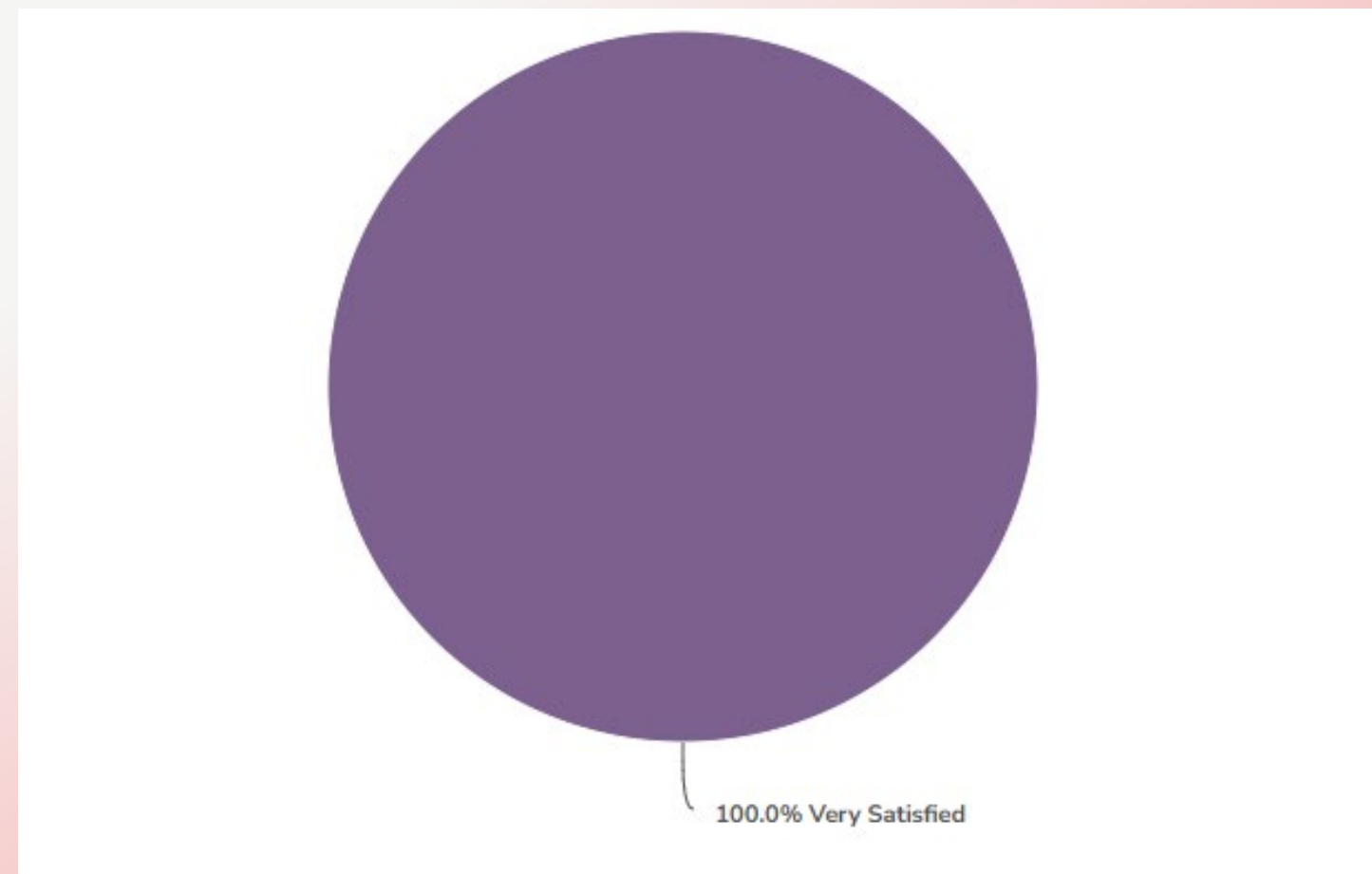
PY 25 Q2

Customer Surveys



CATRON COUNTY	0
DONA ANA COUNTY- LAS CRUCES	18
DONA ANA COUNTY- SUNLAND PARK	5
GRANT COUNTY- SILVER CITY	26
HIDALGO COUNTY	0
LUNA COUNTY- DEMING	18
SIERRA COUNTY- T OR C	1
SOCORRO COUNTY- ALAMO NAVAJO RESERVATION	0
SOCORRO COUNTY- SOCORRO	0
TOTAL	68

PY 25 Q2 Employer Surveys



CATRON COUNTY	0
DONA ANA COUNTY- LAS CRUCES	14
DONA ANA COUNTY- SUNLAND PARK	1
GRANT COUNTY	0
HIDALGO COUNTY	0
LUNA COUNTY	4
SIERRA COUNTY	0
SOCORRO COUNTY- ALAMO NAVAJO RESERVATION	0
SOCORRO COUNTY- SOCORRO	0
TOTAL	19

SOMETHING TO RAVE ABOUT!

- “Anahi told what was available for tuition assistance and community help. Offered to print my resume. Made me feel that I can find employment with her positivity.”
- “Elaine was extremely helpful guiding me thru the amount of resources you have available to us. Encouraging in what resources would best fit my current needs. Great follow up and help with my redacted resume.”
- “The purpose of this is to tell you how all but especially Samantha Adam and Juan Ruiz went beyond professionalism. They restored my dignity and all who work here but especially these two treat all outstanding. They need recognition please.”
- “Nothing Claudia was amazing had great attitude great at explaining and answering any questions.”

OUTREACH, RECRUITMENT & RESOURCE EVENTS


Please see attached the Outreach & Recruitment spreadsheet attached to this packet. It will have all the events listed for PY25 Q1 & Q2 and upcoming events for PY25 Q3-Q4.

If you have any questions, please reach out to Giselle Palomares.

PY25 Q2 Workforce Heroes

America's Job Center
NEW MEXICO

WORKFORCE HERO
OF THE MONTH



SAMANTHA ADAM
AJC LAS CRUCES

Thank you for your passion, dedication, and commitment to serving your community. Your efforts inspire us all and have not gone unnoticed.

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October 2025

America's Job Center
NEW MEXICO

WORKFORCE HERO
OF THE MONTH



KRISTOPHER COGSWELL
AJC LAS CRUCES

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November 2025

America's Job Center
NEW MEXICO

WORKFORCE HERO
OF THE MONTH



YESENIA MENDEZ
AJC DEMING

Thank you for your passion, dedication, and commitment to serving your community. Your efforts inspire us all and have not gone unnoticed.

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December 2025

SW Region Partner Meeting PY25 Q2

Month	Topic	Presenter(s)
October 2025	<ul style="list-style-type: none"> - Supported Success Internship Program - Pinnacle Institute 	<ul style="list-style-type: none"> - Marisa DeWolf - Chris Rodriguez
November 2025	<ul style="list-style-type: none"> - Roswell Job Corps - New Mexico Healthcare Authority 	<ul style="list-style-type: none"> - Beverly - David Chavez & Fatima Renteria
December 2025	<ul style="list-style-type: none"> - Positive Pathways - El Caldito Soup Kitchen 	<ul style="list-style-type: none"> - Gilbert Carrasco & Jose Barron - Steven Chavira

Partner Cross Trainings PY25 Q2

Month	Topic	Presenter(s)
November 2025	- De-escalation Training	- Devon DeLeon, DWS Trainer

OSO PROJECTS

Task	Purpose
All-Staff Training	The OSO team is actively working with Adult Education, Board members, and WIOA partners to plan a comprehensive All-Staff Meeting and Training for April 16 th .
Staff Directory/Partner Referral Guide	We're collaborating with both co-located and core partners to develop a Staff Directory and Partner Referral Guide that will be shared with all staff to support stronger communication and referrals.
SW Area Access Points	The OSO team will be visiting access points in Grant and Hidalgo Counties to assess current setups and identify opportunities to enhance services for those communities.

Thank you

————— For your attention

Giselle Palomares, One-Stop Operator

giselle.palomares@equusworks.com

575-528-8636

Sarah Raney, One-Stop Coordinator

sarah.raney@equusworks.com

505-485-9148

PY25 Q1 AJC-SW Events

Date of event	Name of event
7/14/2025	Marshalls Recruitment Event
7/16/2025	Pop-Up Farmers Market
7/17/2025	Ribbon Cutting The New Recreation Center
7/17/2025	Cabinet In Your Community
7/22/2025	DACC Veterans Health Fair
7/23/2025	DACC Reentry program
7/24/2025	Be Pro Be Proud
7/24/2025	ACS Birthday and Oppen House
7/25/2025	Mountain Shadows Recruitment Event
7/26/2025	Cobre Summerfest 2025
7/26/2025	Cobre Summerfest 2025
7/29/2025	CYFD
7/31/2025	Open House
8/4/2025	Glitz and Capstone Open House
8/5/2025	National Night Out
8/5/2025	Las Cruces NNO
8/11/2025	Empowerment Congress
8/12/2025	Veteran's Advisory
8/14/2025	Veterans Treatment Court
8/15/2025	DACC Tabling
8/18/2025	Empowerment Congress
8/20/2025	Mesilla Valley Community of Hope
8/21/2025	WNMU Student Life Event
8/22/2025	Live Whole Health Summit
8/26/2025	NMSU Student Employment Event
8/26/2025	NMS Student Employment
8/26/2025	DACC Tabling
8/26/2025	Department of Health Presentation
8/28/2025	H & R Block Recruitment
9/5/2025	Recruitment Event
9/8/2025	Information Booth at DOH
9/9/2025	HelpNM Recruitment Event
9/10/2025	DACC Community Resource
9/15/2025	Job Fair
9/16/2025	NMSU Careers Expo
9/17/2025	Community of Hope Mock Interview event
9/17/2025	NMSU Careers Expo
9/19/2025	SHRM Luncheon
9/24/2025	Employer in Office Networking
9/25/2025	H & R Block Recruitment
9/30/2025	Healthcare Focused Industry Job Fair

TOTAL: 41

PY25 Q2 AJC-SW Events

Date of event	Name of event
10/1/2025	Fall 2025 Community Resource Fair
10/2/2025	Monthly Food Distribution
10/6/2025	Catron Co Building Information Table
10/7/2025	Job Corps Monthly Onsite
10/9/2025	H & R Block Recruitment
10/15/2025	Las Cruces Job Fair
10/17/2025	Head Start Awareness Fall Festival
10/21/2025	Marshall's Hiring Event
10/23/2025	Grand Opening Right at Home Legacy Care LLC
10/27/2025	Sunland Park Job Fair
11/6/2025	Grant County Career Connections Job Fair
11/13/2025	Assurance Wireless Services Recruitment and Services
11/24/2025	Cliff Schools Job Fair Event
12/4/2025	Employer Roundtable
12/11/2025	Silver City AJC Information Table Down Town
12/12/2025	DAV Event

PY25 Q3 & Q4 AJC-SW Events

Date of event	Name of event
1/15/2026	4th Annual Health and wellness Fair
1/21/2026	2026 College & Career Fair And Expo
1/26/2026	Allsup's Onboarding
2/2/2026	Allsup's Onboarding
2/3/2026	NMSU Career Expo
2/4/2026	SHS Career Fair
2/4/2026	Silver High School Career Fair
2/4/2026	Silver High School Career Fair
2/5/2026	Be Pro Be Proud
2/9/2026	Allsup's Onboarding Revised
2/10/2026	NMTech 2026 Spring Career and Graduate Fair
2/10/2026	meet and greet
2/10/2026	meet and greet
2/11/2026	MSFW 2026 Resource event
2/18/2026	Farmworker Workshop
2/26/2026	Every Thursday of the month
3/2/2026	Beehive Recruitment Event
3/4/2026	RESEA Workshop Employer Presentation
3/13/2026	DAV
3/18/2026	SCOPE Health Council Monthly Meeting
3/24/2026	CHS Next Step Expo
3/24/2026	HelpNM Recruitment Event
3/25/2026	Unlocking Export Finance
3/31/2026	Mock It Till You Rock It
4/1/2026	Las Cruces Job Fair/Hiring Heroes
4/7/2026	Labor Relations Training Session
4/10/2026	Sendero Prep Internship Fair
4/29/2026	AJC-Apprenticeship Employer Workshop
5/1/2026	Career Exploration Fair at DIS
5/7/2026	SCOPE Health Council Teen Summit 26
5/14/2026	Red Mountain Middle School Career Exploration Fair
5/30/2026	Socorro Community BBQ



Service Providers

Reports:

Youth Services

Alamo Navajo School Board

Youth Services

Equus Workforce Solutions

Adult/Dislocated Worker Services

Equus Workforce Solutions



Service Providers Reports

Youth Services

Alamo Navajo School Board, Inc.

Alamo Navajo School Board, Inc.

SAWDB WIOA YOUTH PROVIDER

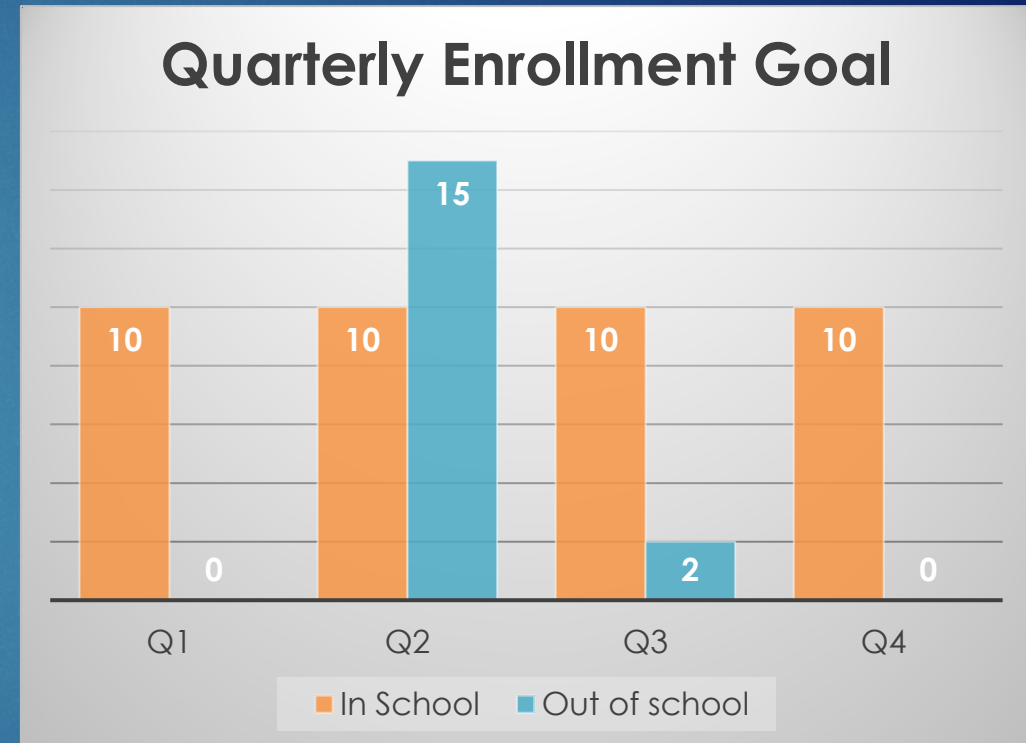
IN-SCHOOL & OUT-OF-SCHOOL YOUTH

PY25 Q1 REPORT

(JULY, AUGUST, OCTOBER)

Enrollment Goal for PY25

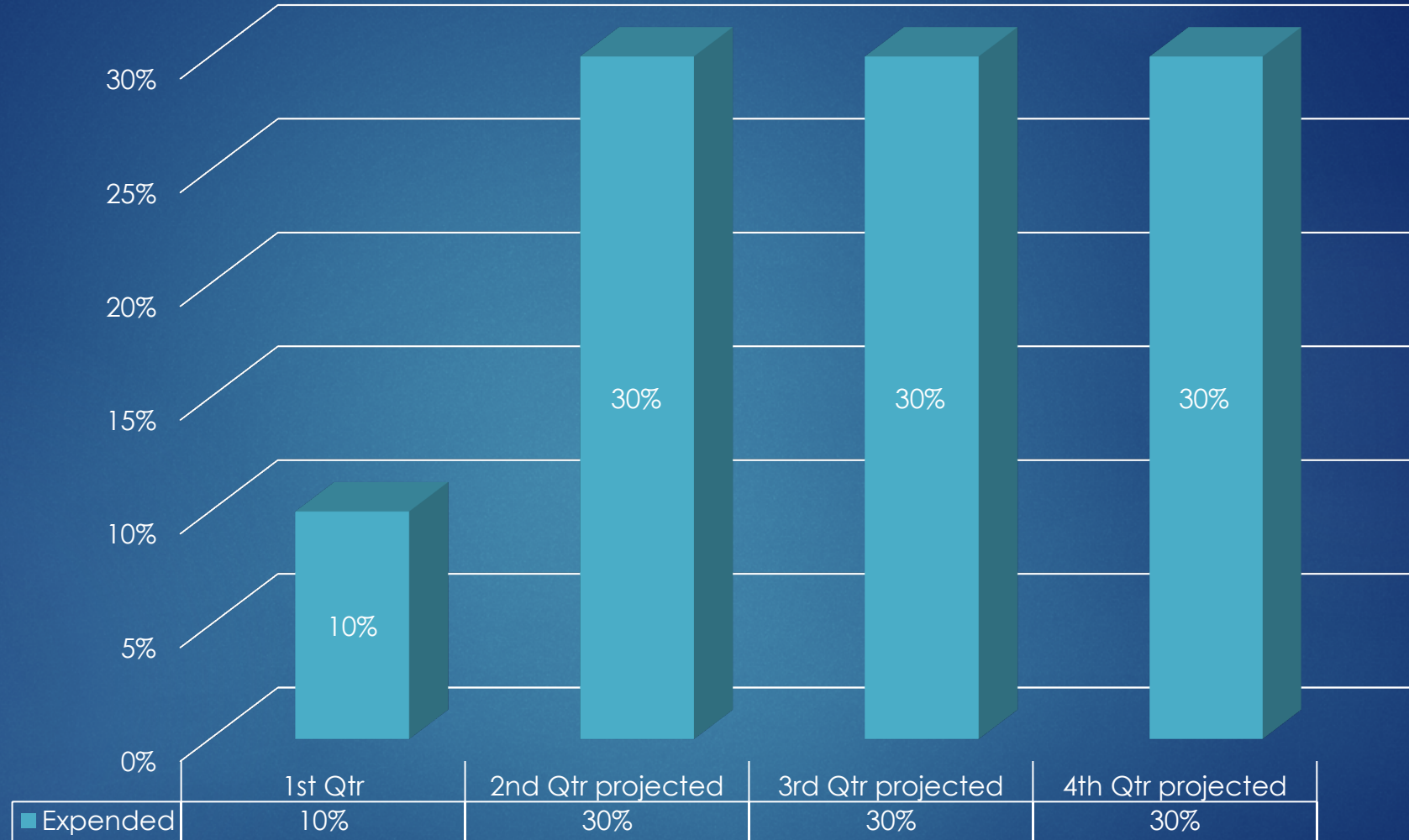
- ▶ GOAL FOR PY25 YOUTH
- ▶ 10-In-School youth (25%)
- ▶ 20-Out-of-School youth (75%)
- ▶ Total-30 participants



Enrollment

- ▶ For first quarter of FY25, enrollment is currently being conducted. In-school enrollment will be completed by October 3, 2025.
- ▶ Ten (10) eligible in-school participants have been identified and will begin WIOA services
- ▶ Out-of-school participants are in the process of enrolling. The goal is to reach 20 participants.

PY25 Total Budget Expenditure



Training Opportunities

- ▶ Commercial Driver's License Class A (Theory and Behind the Wheel)
- ▶ Commercial Driver's License Class B – School Bus Driver (Department of Motor Vehicle – Permit)
- ▶ Onsite Digital Literacy
- ▶ Onsite Online Classroom Training - Essential Education
- ▶ GED –Online learning with SIPI (Southwestern Indian Polytechnic Institute) ABE program
- ▶ On-line or Face-to-Face First-Aid CPR Training
- ▶ Online Food Handler's Training (Indian Health Services, an agency with Department of Health & Human Services serving American Indians and Alaska Natives)
- ▶ Forestry Program: Firefighting Training, Forest Workers Safety Certification
- ▶ Health Field – Pharmacy Tech, Dental Tech, Certified Nursing Assistant (CNA)
- ▶ CNA Training through NM Health Registry, Alamo approved training site, Alamo Clinic Nurse, Instructor

Performance goal - to meet the 14 elements

- Paid and unpaid Tutoring, study skills training – drop-out prevention leading to attainment of high school diploma, digital literacy
- Alternative secondary school – two individuals working on their GED with SIPI
- Paid/Unpaid Work Experience (summer employment, job shadow)
- Occupational Skills Training (work-based learning , First Aid/CPR American Heart, online food handlers, etc.)
- Employability Skills Training – Workforce Preparation Activities - Career Awareness – Life Skills
- Leadership Development Opportunities (exposure to post-secondary, peer mentoring/tutoring,
- Adult Mentoring (provide youth with guidance, support and encouragement on the job, etc.
- Follow-up (regular contact with participants)
- Comprehensive Guidance and Counseling – Career Pathways to help youth transition to post-secondary education and/or training
- Financial Literacy Education (creating personal budgets, setting up checking/savings accounts,)

Alamo Navajo School Board, Inc.
Division of Community Service
P.O. Box 5907
Alamo, New Mexico 87825
(575) 854-2609 ext. 1400

- ▶ Marlene Thomas-Herrera: marleneh@ansbi.org
 - ▶ Sherri Bennett: sbennett@ansbi.org
 - ▶ Sylvia Monte: smonte@ansbi.org
 - ▶ Juanisha Padilla: jpadilla@ansbi.org
 - ▶ Lacey Apachito: [laceya@ansbi.org](mailto:lacey@ansbi.org)
- ▶ THANK YOU SEVEN COUNTY REGION AND SAWDB!!

ALAMO NAVAJO SCHOOL BOARD, INC.

SAWDB WIOA YOUTH PROVIDER

YOUTH AND YOUNG ADULT COMMITTEE MEETING
IN-SCHOOL & OUT-OF-SCHOOL YOUTH

PY25 QUARTER 2 REPORT

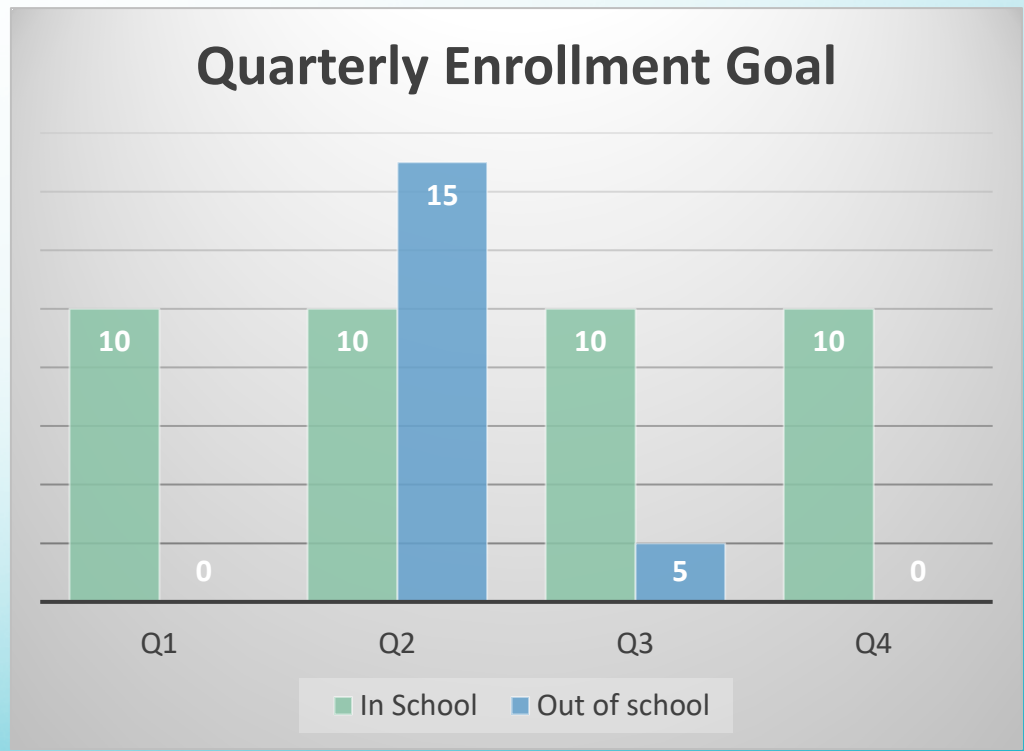
(OCTOBER, NOVEMBER, DECEMBER)



America's JobCenter
NEW MEXICO

ENROLLMENT GOAL FOR PY25

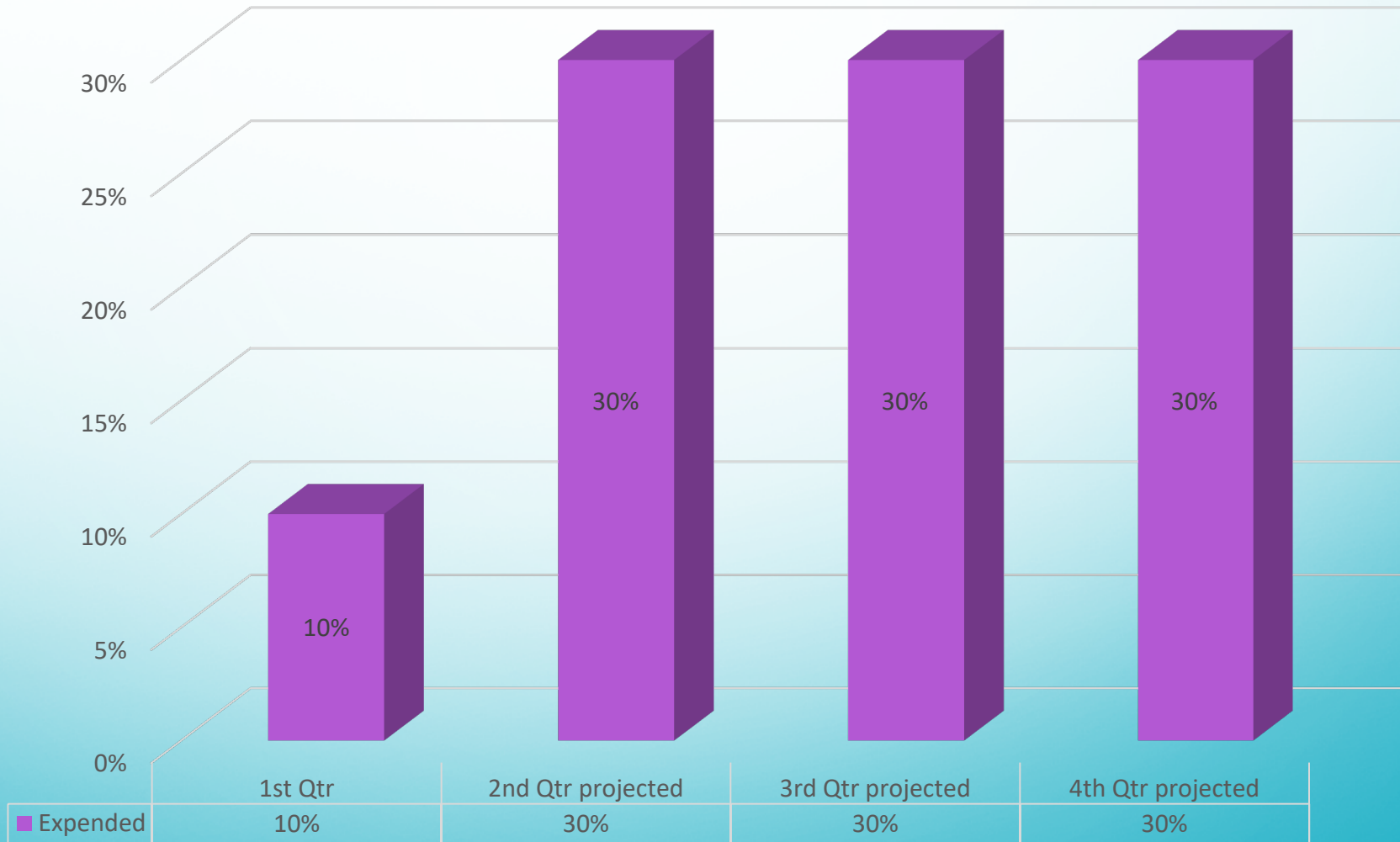
- 10-In-School youth (25%)
- 20-Out-of-School youth (75%)
- Total-30 participants



2ND QUARTER ENROLLMENT

- As of October 3, 2025, all Ten (10) eligible in-school participants have been enrolled. In-school participants are enrolled to stay in school to attain their high school diplomas. Six (6) participants attend the Alamo High School and Four (4) participants attend the Magdalena High School.
- Out-of-school participants are in the process of enrolling. The goal is to reach 20 participants. Currently, it's a challenge to enroll out-of-school participants. There are many eligible out-of-school youth but they are difficult to locate, are unable to fully enroll due to their family status, many have children, lack of transportation, and are unable to gather their eligibility documents.

PY25 Total Budget Expenditure



TRAINING OPPORTUNITIES

- Commercial Driver's License Class A (Theory and Behind the Wheel)
- Commercial Driver's License Class B – School Bus Driver (Department of Motor Vehicle – Permit)
- Onsite Digital Literacy
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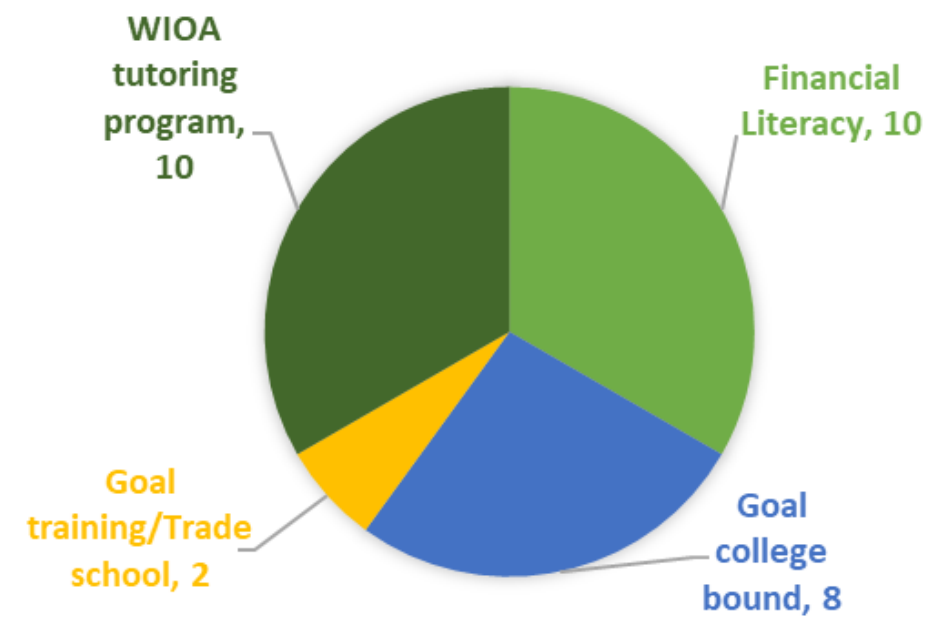
Employment Opportunities

Local employment opportunities for work experience include positions with the Alamo Navajo School Board, Inc. which is the largest employment organization in Alamo, New Mexico. Job placement opportunities include:

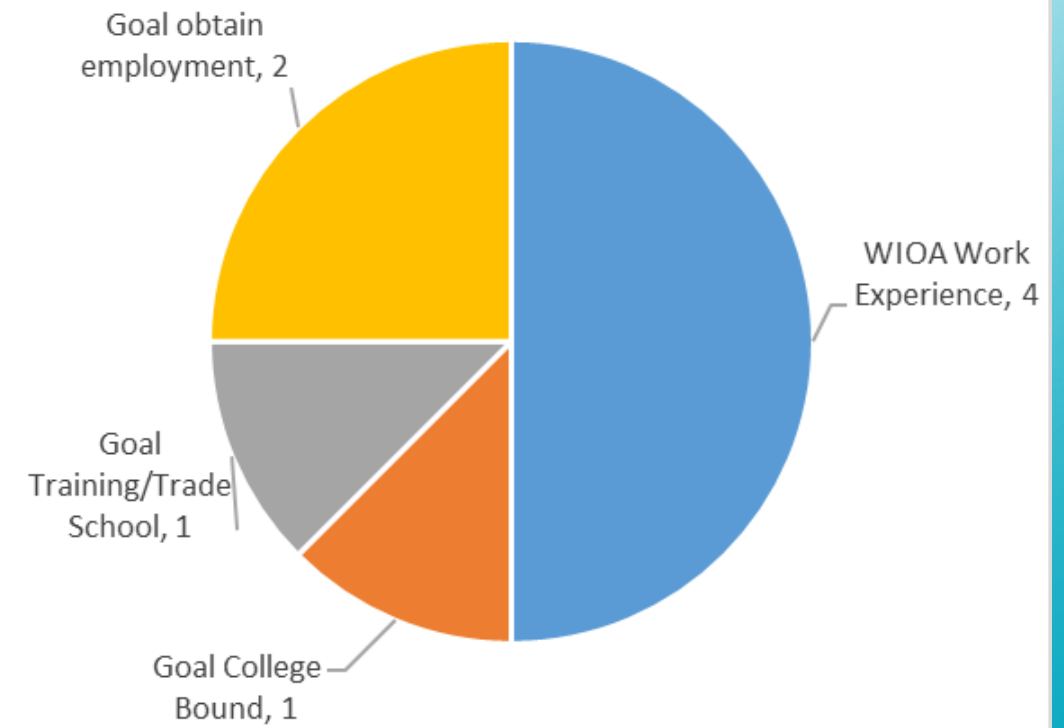
- Alamo Business Office – Receptionist (*Business Management*)
 - ✓ *One (1) participant*
- Radio Station Announcer (*Arts/A/V Tech/Communication*)
 - *No participant is placed*
- Facilities Department – Groundskeeper Technician, Maintenance Tech, (*Construction Industry*)
 - ✓ *One (1) participants*
- Alamo Wellness Center – Recreation Specialist (*Hospitality & Tourism Industry*)
 - ✓ *One (1) participant*
- Division of Community Service – Receptionist (*Business Management*)
 - ✓ *One (1) participant*

OVERALL REPORTING PARTICIPANT ACTIVITY

WIOA (SAWDB) IN SCHOOL



WIOA (SAWDB) OUT OF SCHOOL



Performance goal - to meet the 14 elements

- Paid and unpaid Tutoring, study skills training – drop-out prevention leading to attainment of high school diploma, digital literacy
- Alternative secondary school – two individuals working on their GED with SIPI
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Service Providers Reports

Adult & Dislocated Worker Services

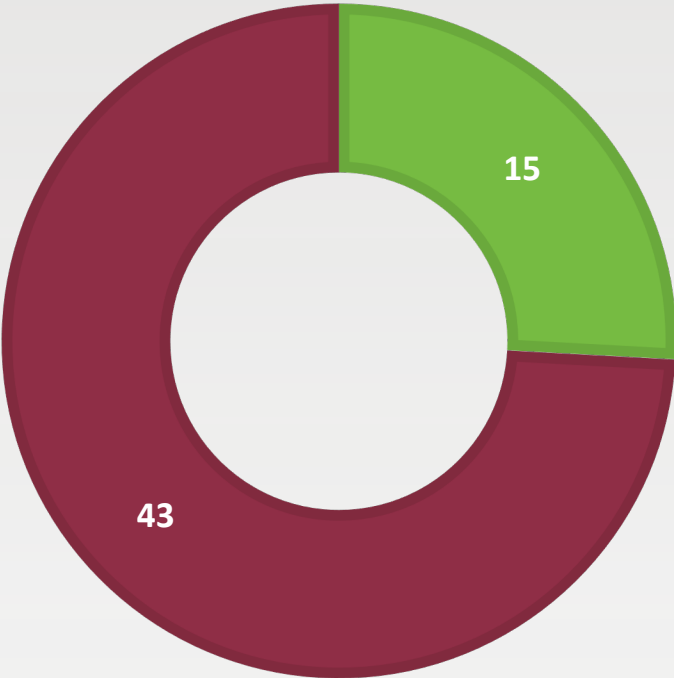
Equus Workforce Solutions

Youth Program

Program Year 2025 Report

Youth Enrollments by Program

■ In-School ■ Out-of-School



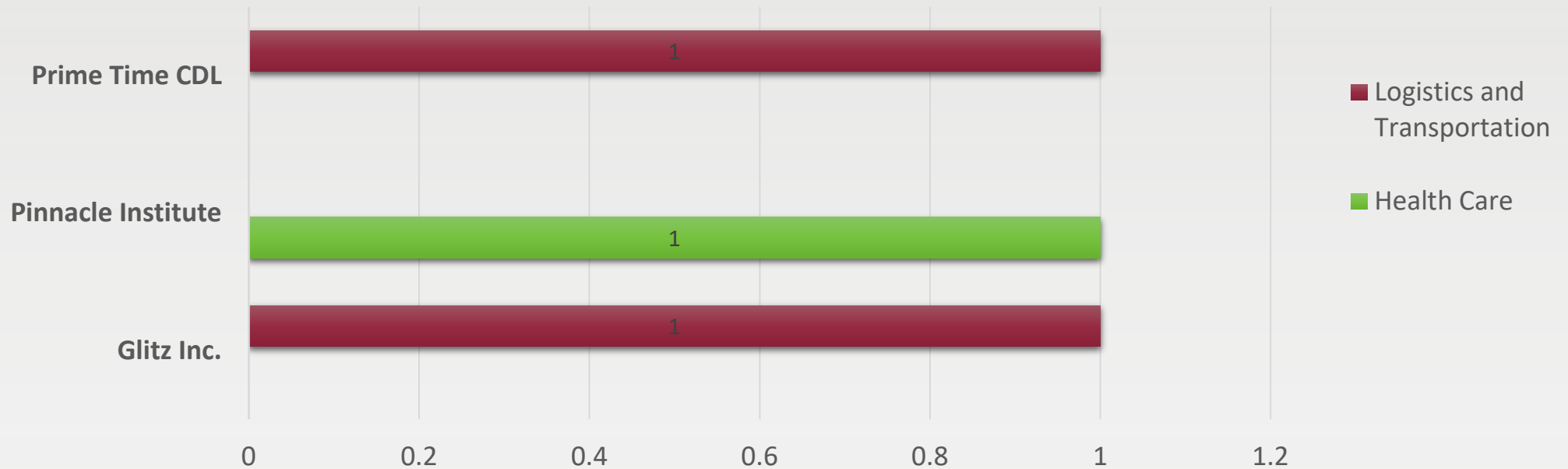
Work Experience Count by Funding and Successful Completion



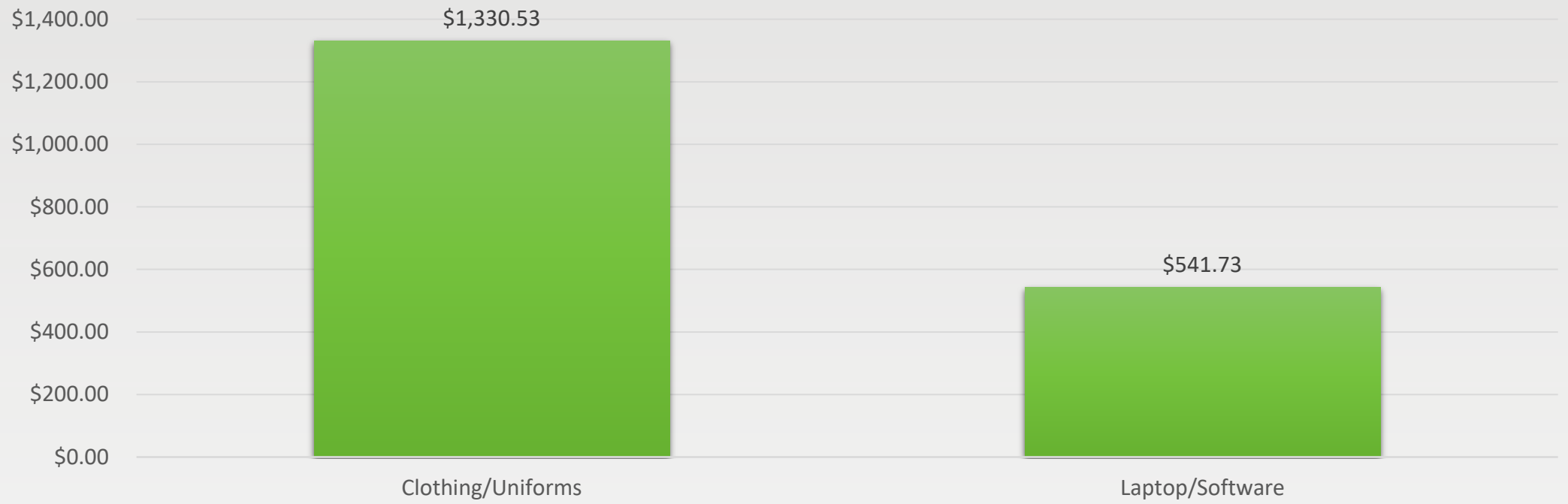
Individual Training Account Investment by Sector



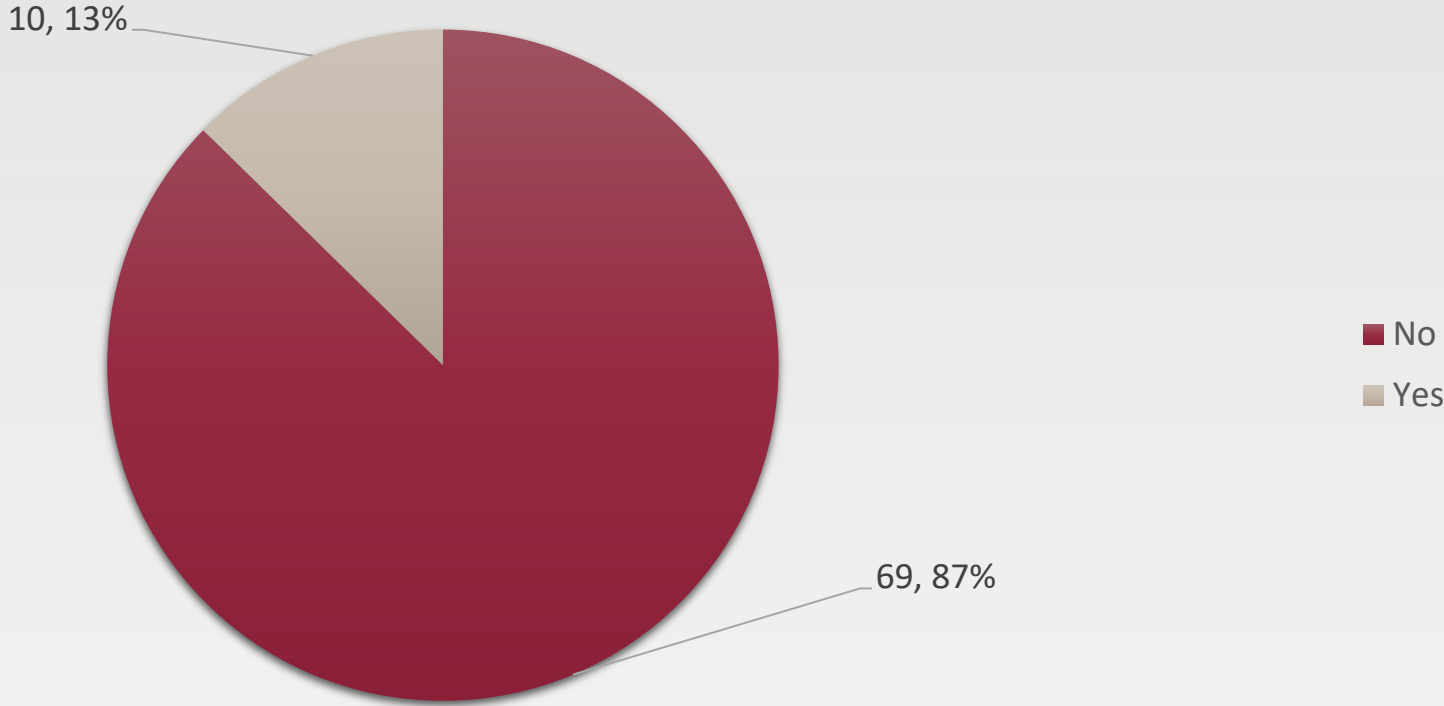
Individual Training Account by Training Provider and Sector



Supportive Services by Type and Amount



Youth Exiters – Employed



Contact Information

Chris Ruiz, Operations Managers, Adult, Dislocated Worker and Youth Programs

Email: chris.ruiz@equusworks.com

Phone: 575-288-9503

Peter Martinez, Project Director, Adult, Dislocated Work, and Youth Programs

Email: peter.martinez@equusworks.com

Phone: 575-635-4266



Service Providers Reports

Youth Services

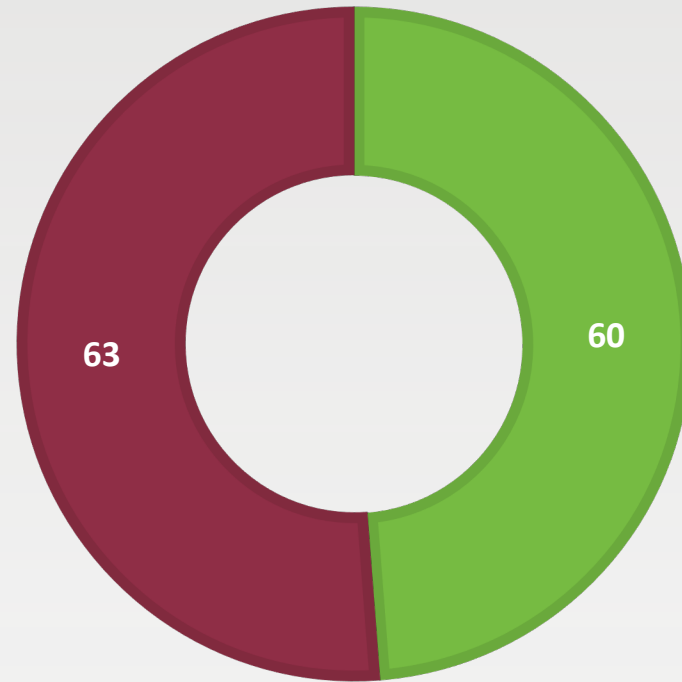
Equus Workforce Solutions

Adult, Dislocated Worker Programs

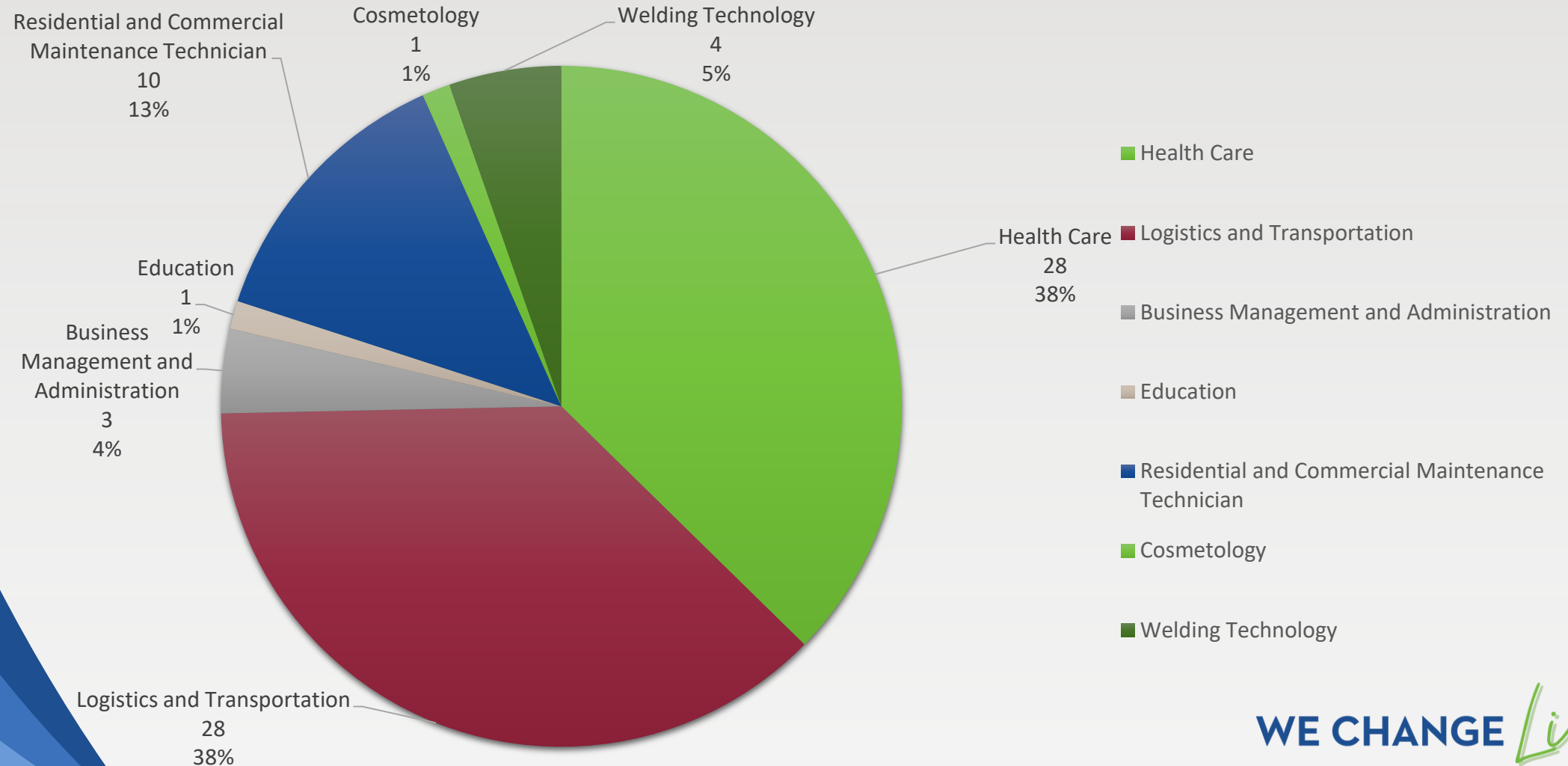
Program Year 2025 Report

Enrollments by Program

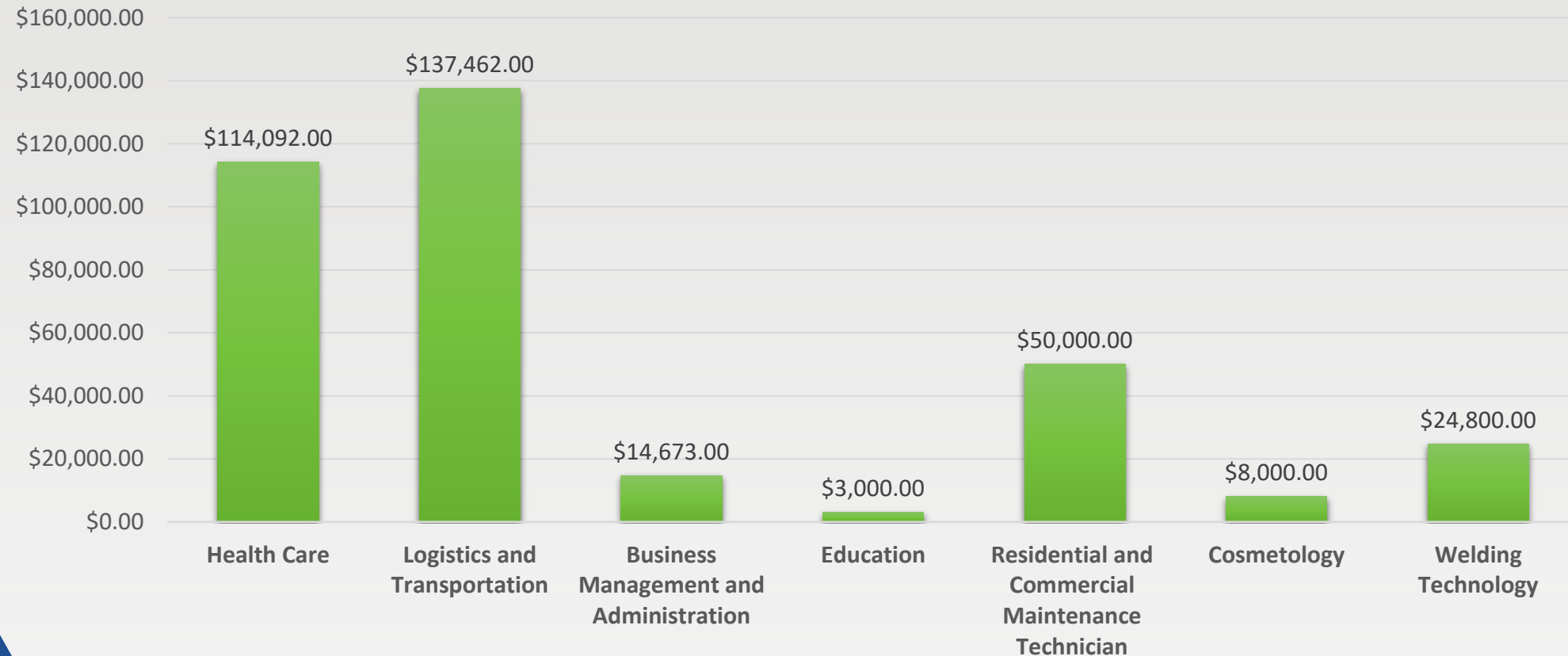
■ Adult ■ Dislocated Worker



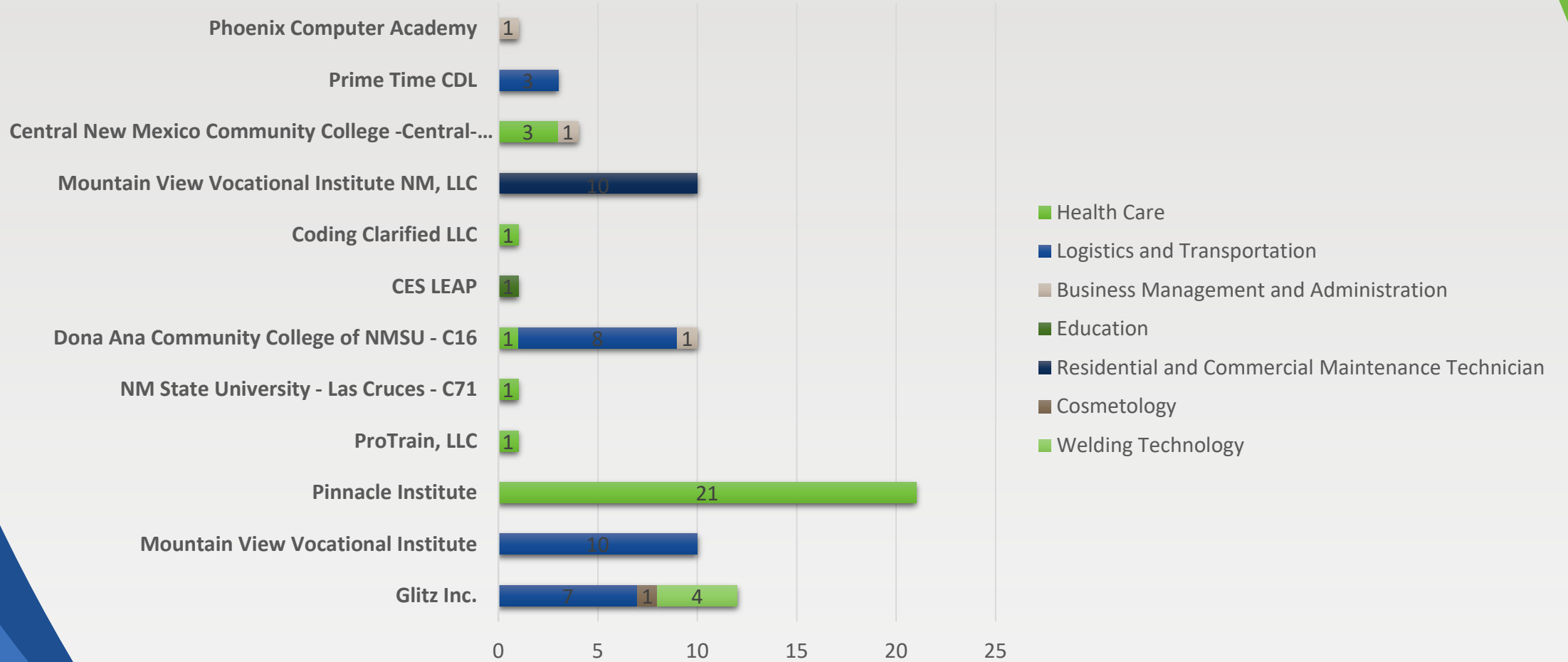
Adult, Dislocated Worker Distribution of Individual Training Account by Sector



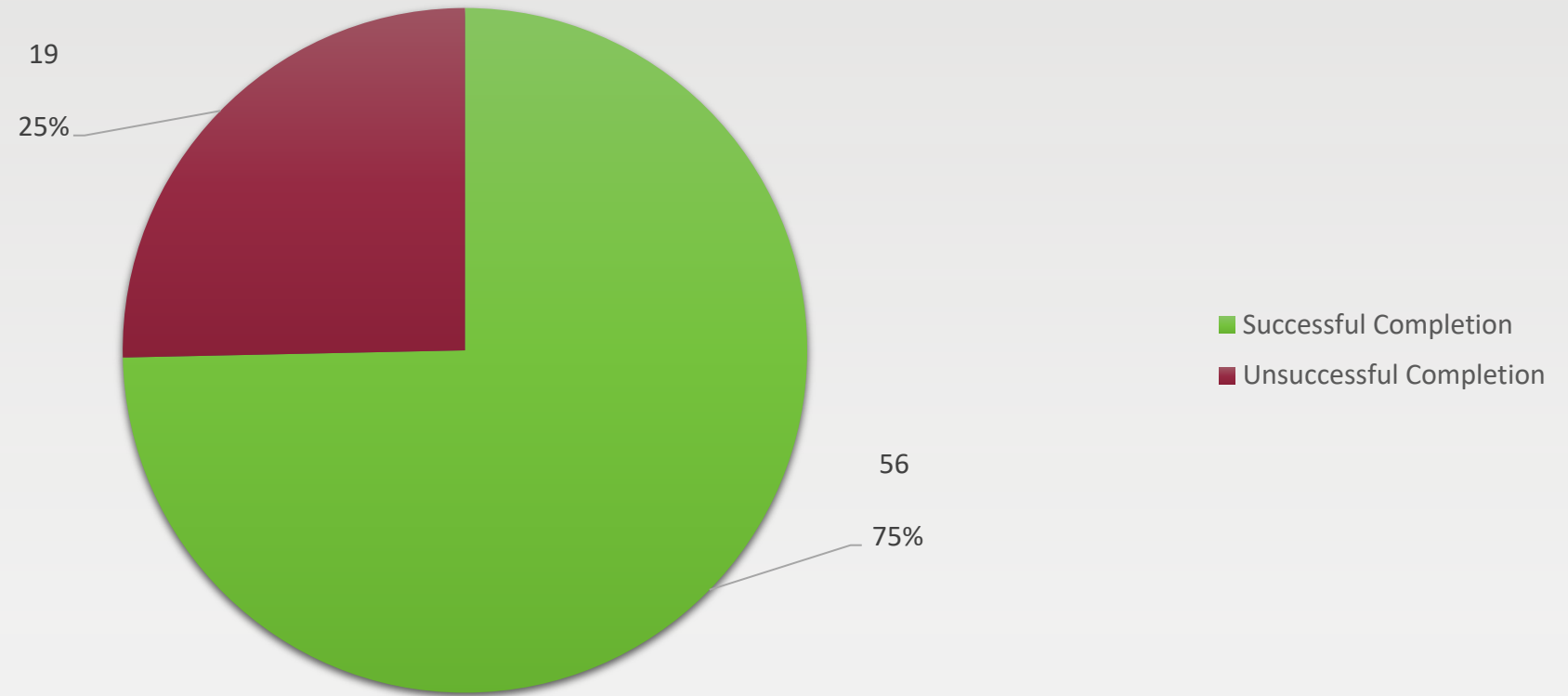
Adult, Dislocated Worker Individual Training Account Investment by Sector



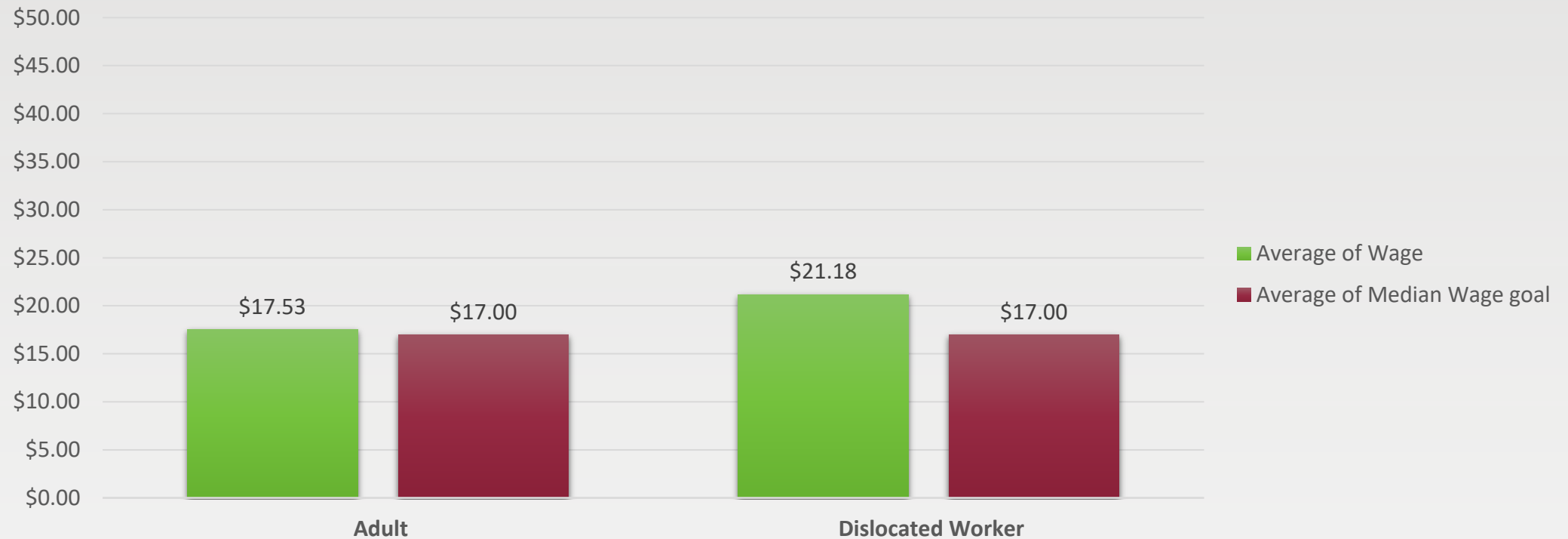
Adult & Dislocated Worker Individual Training Account by Sector and Training Provider



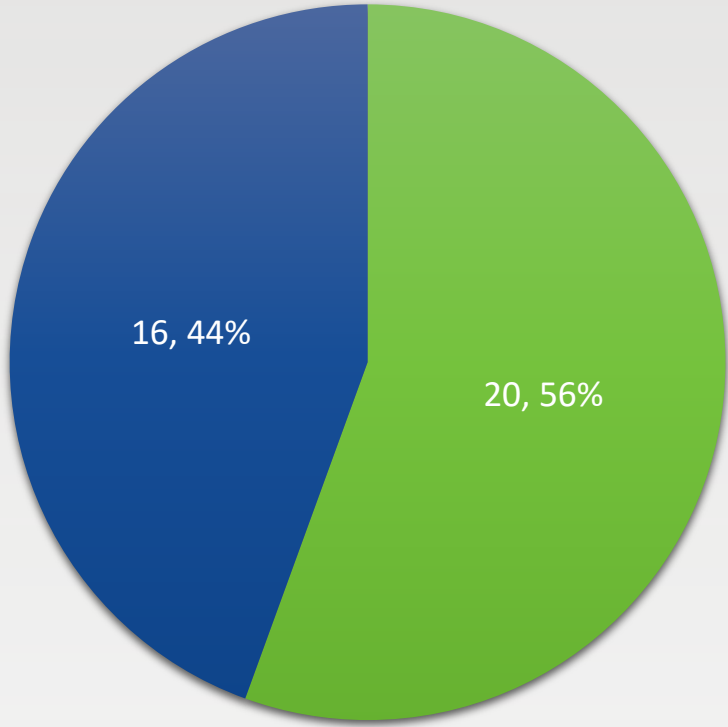
Adult, Dislocated Worker Individual Training Account Successful Completion Rate



Adult, Dislocated Worker Average Wage vs. Median Earnings Goal

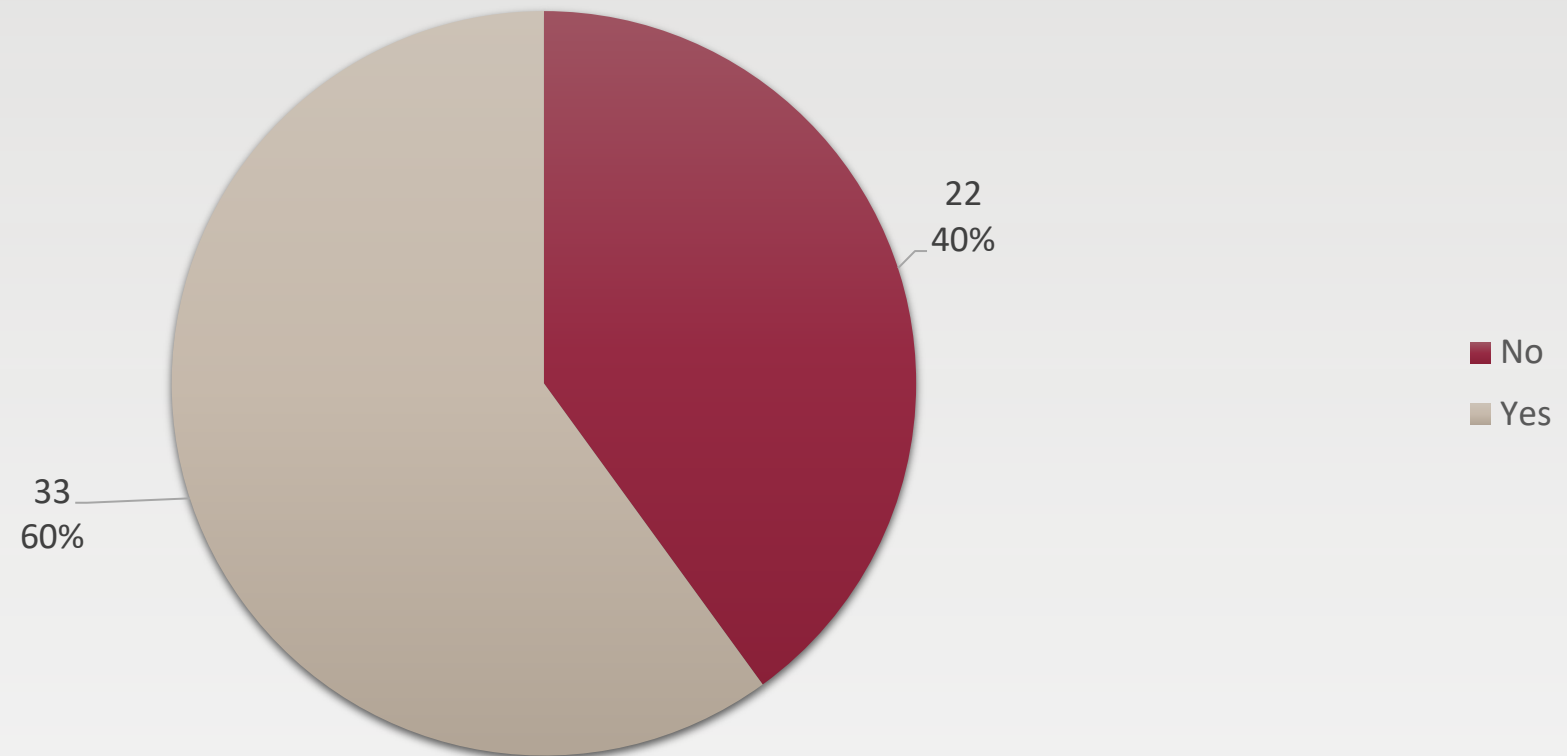


Adult Program Exits - Employed

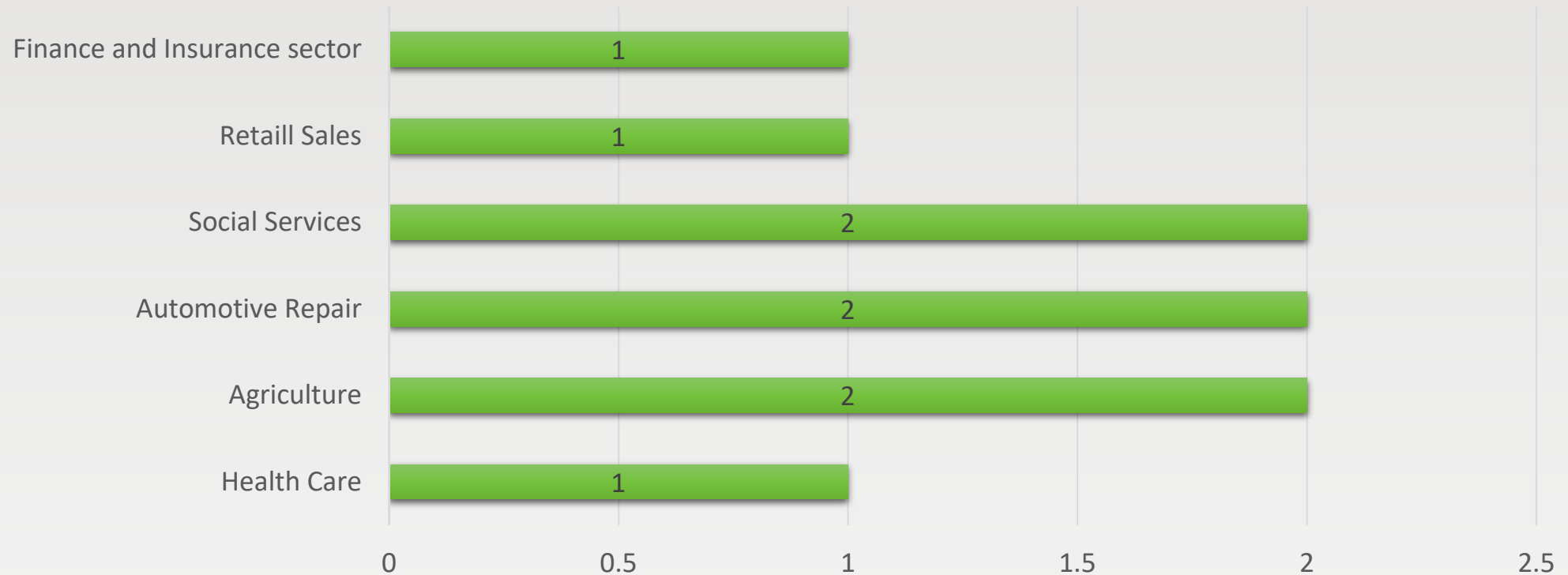


■ Yes ■ No

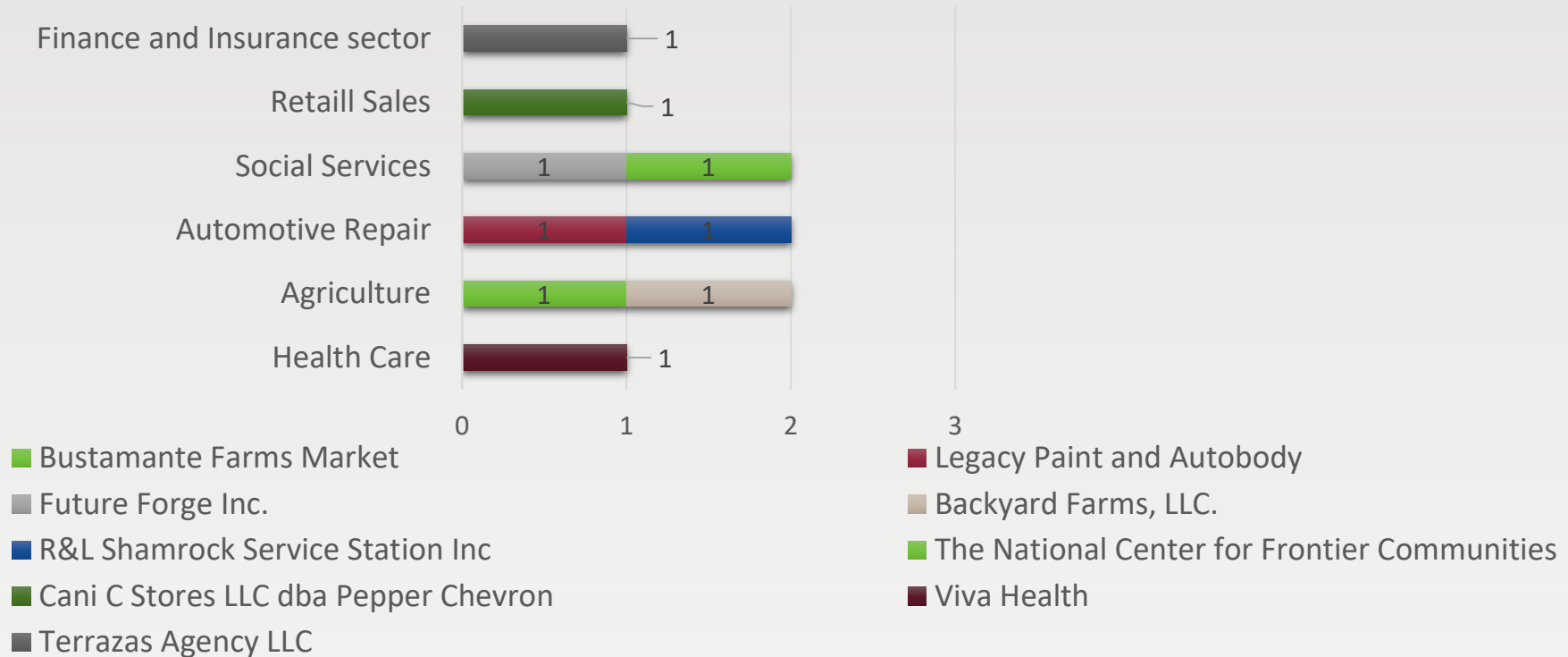
Dislocated Worker Exits - Employed



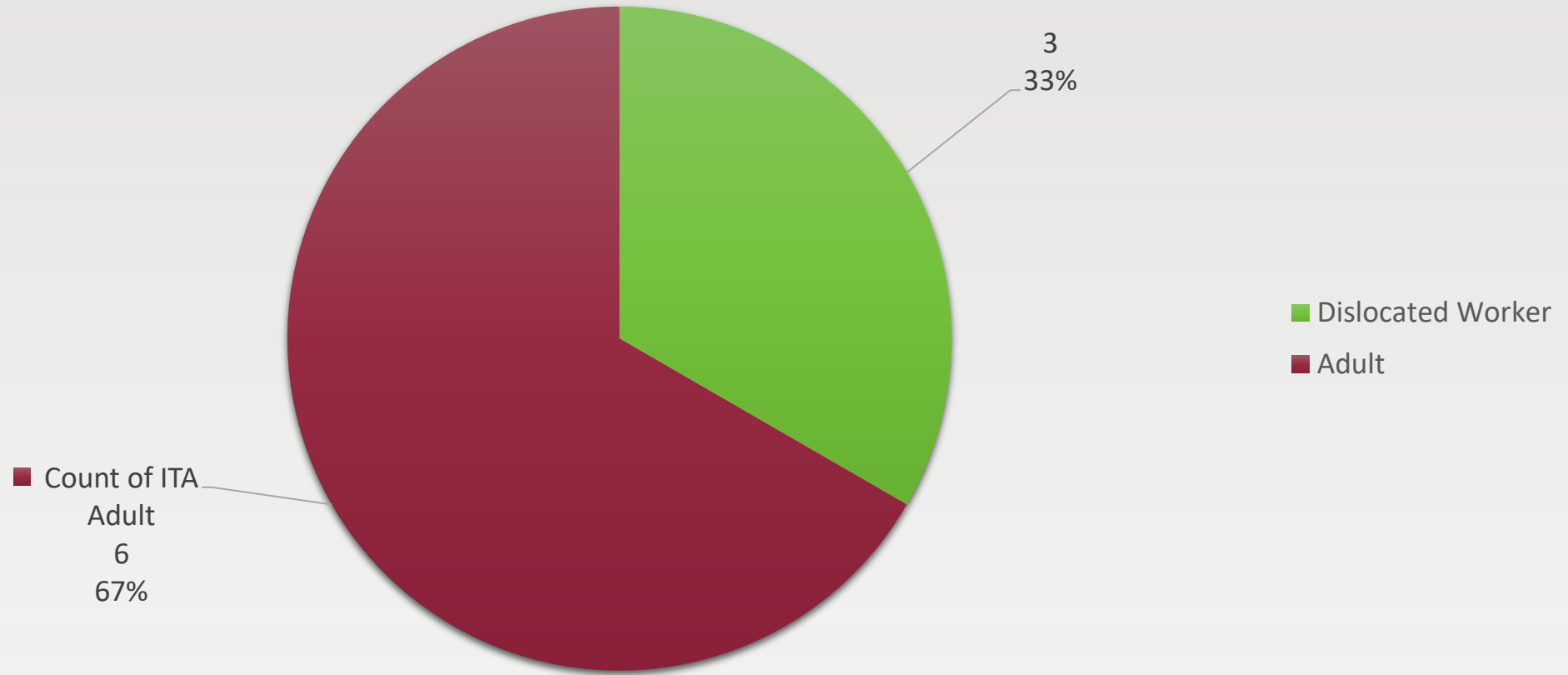
Adult, Dislocated Worker On-the-Job Training by Sector



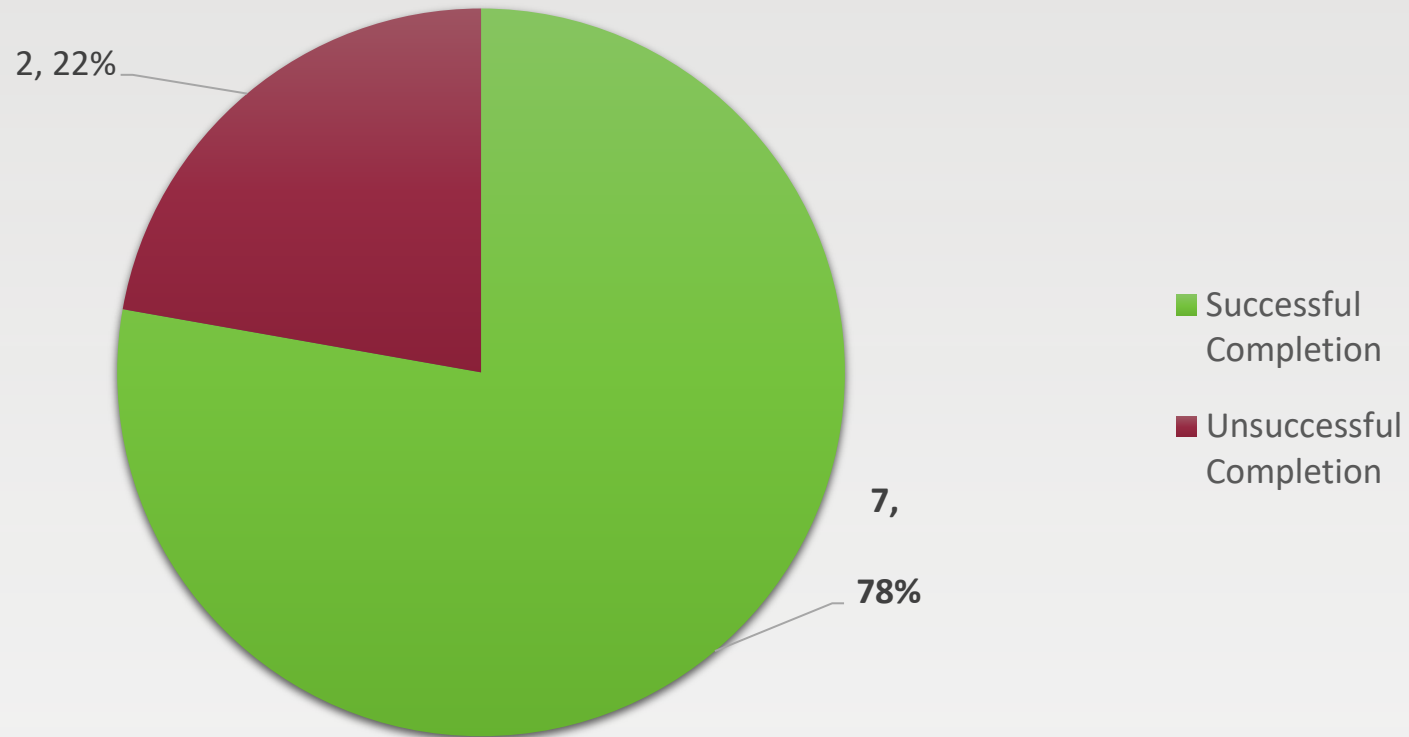
Adult, Dislocated Worker On-the-Job Training Investment by Sector and Provider



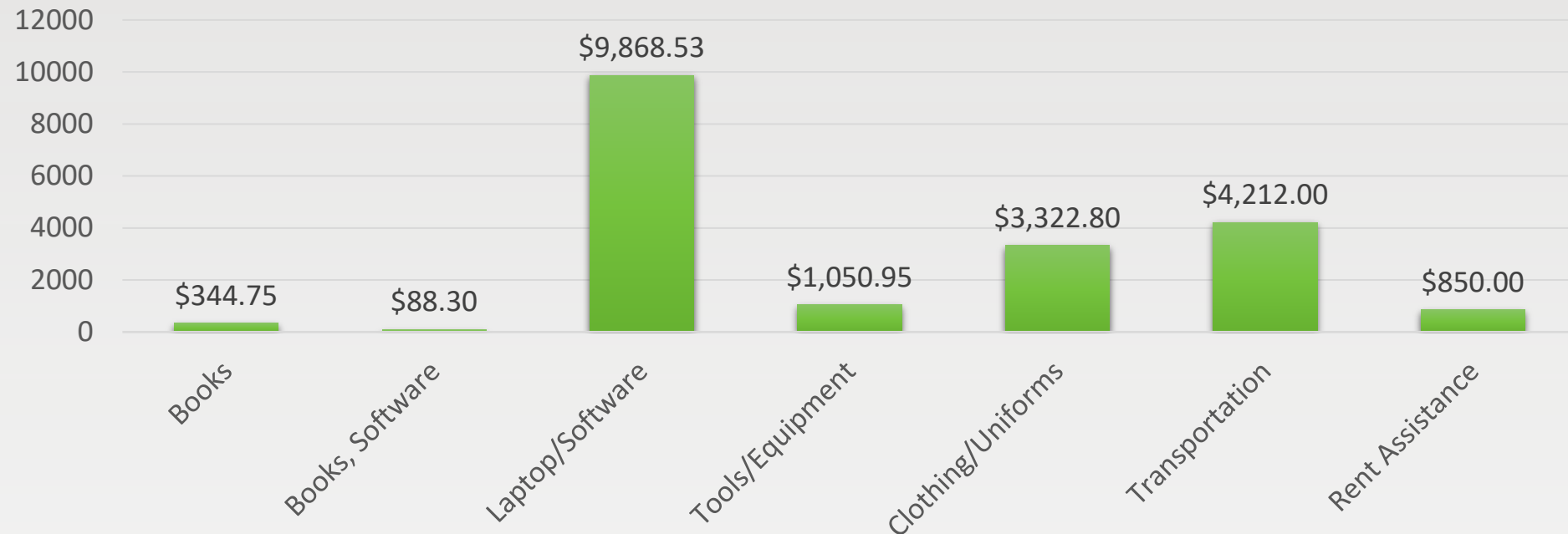
Adult, Dislocated Worker Distribution of On-the-Job Training by Grant



Adult, Dislocated Worker On-the-Job Training Success Rate



Adult, Dislocated Worker Supportive Services by Distribution Type



Contact Information

Chris Ruiz, Operations Managers, Adult, Dislocated Worker Program

Email: chris.ruiz@equusworks.com

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DWS Updates



Other

SAWDB Member Input
CEO Member Input



Next Meeting

SAWDB- Thursday, June 25, 2026

CEO- Friday, June 5, 2026



Meeting Adjourned

***Thank You for
Attending***

Have a great day!



Glossary

WIOA Titles

Service Providers

Acronyms



WIOA Titles

The Workforce Innovation and Opportunity Act (WIOA) is a United States public law that replaced the previous Workforce Investment Act of 1998 (WIA) as the primary federal workforce development legislation to bring about increased coordination among federal workforce development and related programs.

WIOA includes five titles:

- Title I—Workforce Development Activities—authorizes job training and related services to unemployed or underemployed individuals and establishes the governance and performance accountability system for WIOA;
- Title II—Adult Education and Literacy—authorizes education services to assist adults in improving their basic skills, completing secondary education, and transitioning to postsecondary education;
- Title III—Amendments to the Wagner-Peyser Act—amends the Wagner-Peyser Act of 1933 to integrate the U.S. Employment Service (ES) into the One-Stop system authorized by WIOA;
- Title IV—Amendments to the Rehabilitation Act of 1973—authorizes employment-related vocational rehabilitation services to individuals with disabilities, to integrate vocational rehabilitation into the One-Stop system; and
- Title V—General Provisions—specifies transition provisions from WIA to WIOA.

Source: https://en.wikipedia.org/wiki/Workforce_Innovation_and_Opportunity_Act



SAWDB Service Providers

The Southwestern region covers seven counties:

1. Catron
2. Doña Ana
3. Grant
4. Hidalgo
5. Luna
6. Sierra
7. Socorro

Title I – Adult & Dislocated Worker: Equus Workforce Solutions

Title IB – Youth Services in Alamo Navajo Reservation in Socorro County: Alamo Navajo School Board, Inc. (ANSBI)

Title IB – Youth Services in the rest of the Southwestern region: Equus Workforce Solutions

One-Stop Operator: Equus Workforce Solutions

The primary roll of the One-Stop Operator is to coordinate the delivery of partner program services at their AJCs, ensuring that AJCs can provide customers with career services, training services, and other employment related services provided by required partner programs.



Acronyms

AE - Administrative Entity (staff for the SAWDB)

AEFLA - Adult Education and Family Literacy Act

AEL- Adult Education and Literacy

AES - Adult Education Services

ADA - Americans with Disabilities Act

AJC - American Job Center (New Mexico Workforce Connection center)

ATAA - Alternative Trade Adjustment Assistance

BLS - Bureau of Labor Statistics

CBO - Community-based organization

CCRS - College and Career Readiness Standards

CDBG - Community Development Block Grant

CEO - Chief elected official

CFR - Code of Federal Regulations, Complaint System Employment Service and, Employment-Related Law Complaint System

CLC - Career Learning Center

CTS - Career Transition Services

CTT - Career Technical Training

DOC - Department of Corrections

DOE - Department of Education

U.S. DOL – U.S. Department of Labor

DVOP - Disabled Veterans Outreach Program

DWG - Dislocated Worker Grant

EEOC - Equal Employment Opportunity Commission

EO Officer - Equal Opportunity Officer

ESA - Employment Standards Administration



Acronyms

ESL - English as a Second Language

ETA - Employment and Training Administration

ETPL - Eligible training provider list

FEIN - Federal employer identification number

FEMA - Federal Emergency Management Agency

FLSA - Fair Labor Standards Act

HHS - U.S Department of Health and Human Services

HUD - U.S. Department of Housing and Urban Development

IDEA - Individuals with Disabilities Education Act

IEP - Individual Employment Plan (SDWORKS); or Individual Education Plan

IRAP - Industry-Recognized Apprenticeship Program

IRT - Integrated Resource Team

ISY - In-school youth

IT - Information technology

ITA - Individual Training Account

IWT - Incumbent Worker Training

JTPA - Job Training Partnership Act

JVSG - Jobs for Veterans State Grants

LACES - Literacy, Adult, and Community Education System

LEP - Limited English proficiency

LEWIS - Local Employment and Wage Information System

LLSIL - Lower Living Standard Income Level

LMI - Labor Market Information

LMS - Learning Management System

MOU - Memorandum of Understanding



Acronyms

MSFW - Migrant and Seasonal Farmworker

MSG - Measurable Skill Gain

NAA - National Apprenticeship Act

NAACP - National Association for the Advancement of Colored People

NCRC - National Career Readiness Certificate

NFJP - National Farmworker Jobs Program

OJT - On-the-job training

OSO - One-Stop Operator

OSY - Out-of-school youth

PII - Personally identifiable information

PIRL - Participant Individual Record Layout

PY - Program year

RA - Reemployment Assistance

RAP - Registered Apprenticeship Program

REA - Reemployment and Eligibility Assessment

RES - Reemployment Services Program

RESEA - Reemployment Services and Eligibility

RFP - Requests for proposals

SBA - Small Business Administration

SNAP - Supplemental Nutrition Assistance Program

SSN - Social Security Number

STEM - Science, Technology, Engineering, and Mathematics

TAA - Trade Adjustment Assistance

TABE - Test of Adult Basic Education

TANF - Temporary Assistance for Needy Families



Acronyms

TAT - Technical Assistance and Training

TEGL - Training and Employment Guidance Letter

U.S.C. - United States Code

VA - Department of Veterans Affairs

VETS - Veterans' Employments and Training Service

VR - Vocational Rehabilitation (i.e., WIOA Title IV)

WP - Wagner-Peyser Act of 1933

WDB - Workforce Development Board

WIA - Workforce Investment Act of 1998

WIB - Workforce investment boards

WIOA - Workforce Innovation and Opportunity Act