

TITLE 11 LABOR AND WORKERS' COMPENSATION
CHAPTER 1 LABOR GENERAL PROVISIONS
PART 3 PUBLIC WORKS APPRENTICESHIP AND TRAINING ACT POLICY MANUAL

11.1.3.1 ISSUING AGENCY: New Mexico Department of Workforce Solutions, Labor Relations Division, Labor and Industrial Bureau, Public Works Unit.
[11.1.3.1 NMAC - Rp, 11.1.3.1 NMAC, 6/23/2026]

11.1.3.2 SCOPE: All contractors, subcontractors, employers or any person acting as a contractor employing laborers or mechanics on public works projects.
[11.1.3.2 NMAC - Rp, 11.1.3.2 NMAC, 6/23/2026]

11.1.3.3 STATUTORY AUTHORITY: Section 13-4D-1 to 13-4D-8 NMSA 1978.
[11.1.3.3 NMAC - Rp, 11.1.3.3 NMAC, 6/23/2026]

11.1.3.4 DURATION: Permanent.
[11.1.3.4 NMAC - Rp, 11.1.3.4 NMAC, 6/23/2026]

11.1.3.5 EFFECTIVE DATE: June 23, 2023, unless a later date is written at the end of section.
[11.1.3.5 NMAC - Rp, 11.1.3.5 NMAC, 6/23/2026]

11.1.3.6 OBJECTIVE: The purpose of the Public Works Apprentice and Training Act is to ensure funding, through contributions made by employers, to establish an apprenticeship program that will develop skilled building trades' craftsmen in occupations recognized by the United States department of labor, office of apprenticeship or the New Mexico state apprenticeship agency. The funding will ensure adequate training during economic downturns, increase the number of New Mexicans possessing skills that will enhance their opportunities for employment and maintain the high standards of craftsmanship in our state.
[11.1.3.6 NMAC - Rp, 11.1.3.6 NMAC, 6/23/2026]

11.1.3.7 DEFINITIONS:

- A. "Approved program"** means building trades apprenticeship and training programs in New Mexico that are recognized by the United States department of labor, office of apprenticeship or the New Mexico state apprenticeship agency.
- B. "Department"** means the department of workforce solutions
- C. "Labor relations division (LRD) director"** means the director of the labor relations division of the department of workforce solutions.
- D. "Qualified apprentices"** means participants in registered apprenticeship and training programs that have had ninety percent of 144 hours of classroom instruction and not less than 1000 hours of on-the-job training for the fiscal year.
- E. "State apprenticeship agency (SAA)"** means an agency of a state government that has responsibility and accountability for apprenticeship within the state. The SAA for New Mexico is the New Mexico department of workforce solutions.
- F. "SAA director"** means the director of the state apprenticeship agency.

[11.1.3.7 NMAC - Rp, 11.1.3.7 NMAC, 6/23/2026]

11.1.3.8 DISBURSEMENT OR CREATION OF FUNDS:

- A. The SAA director shall develop an annual budget taking into account the crafts that participated in the same fiscal year beginning July 1 and ending the following year on June 30.**
- B. All registered apprenticeship and training programs shall submit to the SAA director by July 30 of each year, the apprenticeship costs data for the program's most recent completed fiscal year and the total number of registered apprentices.**
- C. The SAA director shall utilize no more than fifteen percent of the funds to be used by the public works unit to administer the Public Works Apprentice and Training Act (PWAT).**
- D. The remainder of the funds shall be disbursed by the SAA director to approved apprenticeship and training programs in New Mexico.**
 - (1) Disbursement of funds. The SAA director shall disburse the funds to approved apprenticeship and training programs in proportion to amount collected and participants within such programs.**

(a) The SAA director, in disbursing the funds, shall take into account participants who have had ninety percent of 144 hours of classroom instruction and not less than 1000 hours of on-the-job training for the fiscal year.

(b) The funds shall be disbursed in proportion to the number of qualified apprentices within each approved program.

(2) Method of calculation. The SAA director shall take into account the number of participants in each approved program, the total amount collected (minus the administrative fee) divided by the total amount of approved participants for that fiscal year and disburse to each participating sponsor.

E. A single apprentice contribution rate will be determined annually by the LRD director. The LRD director will take into account all submissions in determining the apprenticeship contribution rate that will be in effect on qualifying public works projects at the beginning of each new calendar year.

[11.1.3.8 NMAC - Rp, 11.1.3.8 NMAC, 6/23/2026]

11.1.3.9 STATEMENT OF APPRENTICESHIP CONTRIBUTION COMPLIANCE:

A. All compliance reports and apprenticeship contribution payments must be paid by the 15th of the following month.

B. A monthly report of apprenticeship contributions shall be submitted to the labor relations division, through the PWAA system, identifying the project by state wage decision number, week ending, number of hours, and rate in the following format by all contractors or subcontractors subject to the Public Works Minimum Wage Act (PWMWA).

C. If a contractor elects to pay contributions to a registered apprenticeship and training fund in which the contractor is a participant rather than to the department's PWAT fund, proof of contributions paid shall be submitted with the monthly reports certifying payment made in the same manner and for the same amount as required under the PWMWA.

D. If a contractor is not a participant in a registered apprenticeship and training program, payment shall be submitted to the department's PWAT fund.

E. Failure to submit contributions due by the 15th of the month will result in a penalty of ten dollars per day until payment is received

[11.1.3.9 NMAC - Rp, 11.1.3.9 NMAC, 6/23/2026]

11.1.3.10 APPEALS Determinations of violations and assessments of penalties for failure to pay PWAT contributions timely may be appealed in accordance with procedures set forth in Section 13-4-15 NMSA 1978 and 11.1.17 NMAC.

[11.1.3.10 NMAC – N, 6/23/2026]

HISTORY OF 11.1.3 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center: PWAT 93-1, Rules and Regulations under the New Mexico Public Works Apprenticeship and Training Act, filed 6/24/93.

History of Repealed Material:

11 NMAC 1.3, Public Works Apprenticeship and Training Act Policy Manual, filed 7/23/1998, repealed 04/30/2014.

11 NMAC 1.3, Public Works Apprenticeship and Training Act Policy Manual; repealed 6/23/2026.