

This is an amendment to 11.2.4 NMAC Sections 11, 12, 13 to be effective 9/9/2026.

11.2.4.11 LOCAL BOARD MEMBERSHIP: The local workforce development board is ~~[appointed by the CEOs]~~ certified in each local area every two years. The CEO shall appoint all members of the board and members shall serve staggered terms established in local bylaws. All members must 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 must have the optimum policy-making authority within each of the entities they are representing. All required local board members must have voting privileges. The CEO may convey voting privileges to non-required members. The local board must elect a chairperson from among the business representatives on the local board.

A. Representatives of business. The majority (fifty-one percent) of the members of the local board must be representatives of business in the local area. At a minimum, two members must represent small business as defined by the US small business administration. Business representatives serving on local boards may also serve on the state board. Each business representative must meet the following criteria:

- (1) be an owner, chief executive officer, chief operating officer, or other individual with optimum policymaking or hiring authority;
- (2) provide employment opportunities in in-demand industry sectors or occupations, as those terms are defined in WIOA section 3, and provide high-quality, work-relevant training and development opportunities to its workforce or to the workforce of others; and
- (3) are appointed from among individuals nominated by local business organizations and business trade associations.

B. Representatives of the workforce. Not less than twenty percent of the members of the local board must be workforce representatives. These representatives:

- (1) must include two or more representatives of labor organizations, where such organizations exist in a local area. Where labor organizations do not exist, representatives must be selected from other employee representatives; and
- (2) must include one or more representatives of a joint labor-management or union affiliated, registered apprenticeship program within the area who must be a training director or a member of a labor organization. If no union affiliated registered apprenticeship programs exist in the area, a representative of a registered apprenticeship program with no union affiliation must be appointed, if one exists.
- (3) In addition to the above representatives, the board may also include the following to contribute to the twenty percent requirement:
 - (a) one or more representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment training or education needs of individuals with barriers to employment including organizations that serve veterans or provide or support competitive integrated employment for individuals with disabilities; and
 - (b) one or more representatives of organizations with demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth.

C. Representatives of education and training. The balance of local board membership must include:

- (1) at least one eligible provider administering adult education and literacy activities under WIOA Title II;

- (2) at least one representative from an institution of higher education providing workforce investment activities, including community colleges; and
- (3) may include representatives of local educational agencies, and of community-based organizations with demonstrated experience and expertise in addressing the education or training needs of individuals with barriers to employment.

D. Representatives of governmental and economic and community development entities. Each local board must include at least one appropriate representative from:

- (1) economic and community development entities;
- (2) the state employment service office under the Wagner-Peyser Act (29 USC 49 et seq.) serving the local area;

- (3) the programs carried out under title I of the Rehabilitation Act of 1973, other than section 112 or part C of that title, serving the local area; and
- (4) may include representatives from:
 - (a) agencies or entities administering programs serving the local area relating to transportation, housing, and public assistance;
 - (b) philanthropic organizations serving the local area; and
 - (c) other appropriate individuals deemed appropriate by the CEO.

[11.2.4.11 NMAC - N, 7/1/2018; A, 9/9/2026]

11.2.4.12 LOCAL BOARD ROLES AND RESPONSIBILITIES: The local board must perform the following functions per WIOA section 107 and must describe the implementation of these functions in the agreement with its CEOs, including:

- A.** develop and submit a four-year local plan for the local area, in partnership with the CEO per WIOA section 108;
- B.** 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 DWS 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.
- C.** convene local workforce development system stakeholders to assist in the development of the local plan and in identifying non-federal expertise and resources to leverage support for workforce development activities. Such stakeholders may assist the local board and standing committees in carrying out the convening, brokering, and leveraging functions at the direction of the local board;
- D.** lead efforts to engage with a diverse range of employers and other entities in the region to:
 - (1) promote business representation on the local board;
 - (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 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.
- E.** with representatives of secondary and postsecondary 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;
- F.** lead efforts in the local area to identify and promote proven and promising strategies and initiatives for meeting the needs of employers, workers and job seekers, and identify and disseminate information on proven and promising practices carried out in other local areas for meeting such needs;
- G.** 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 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;
 - (2) facilitating access to services provided through the one-stop delivery system involved, including access in remote areas;
 - (3) 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 access in remote areas;

(4) leveraging resources and capacity within the local workforce development system, including resources and capacity for services for individuals with barriers to employment.

H. in partnership with the CEOs for the local area:

(1) conduct oversight of youth workforce investment activities authorized under WIOA section 129, adult and dislocated worker employment and training activities under WIOA section 134, and the entire one-stop delivery system in the local area;

(2) ensure the appropriate use and management of the funds provided under WIOA Title I 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 section 116.

I. negotiate and reach agreement on local performance indicators with the CEO and DWS;

J. negotiate with CEOs and required partners on the methods for funding the infrastructure costs of one-stop centers in the local area or must notify DWS if they fail to reach agreement at the local level and will use a state infrastructure funding mechanism;

K. select the following providers in the local area, and where appropriate terminate such providers:

(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); however, if the local board determined there is an insufficient number of eligible training providers in the local area, the local board may award contracts on a sole-source basis as per WIOA section 123;

(2) providers of training services consistent with the criteria and information requirements established per WIOA section 122;

(3) providers of career services through the award of contracts, if the one-stop operator does not provide such services; and

(4) one-stop operators through a competitive procurement process that occurs at least once every four years.

L. work with the state to ensure there are sufficient numbers and types of providers of career services and training services 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 section 107;

M. coordinate activities with education and training providers in the local area, including:

(1) reviewing applications to provide adult education and literacy activities under WIOA Title II, for the local area to determine whether such applications are consistent with the local plan;

(2) making recommendations to the eligible agency to promote alignment with such plan; and

(3) replicating and implementing 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 at cooperation, collaboration, and coordination;

N. develop a budget for the activities of the local board, with the approval of CEOs and consistent with the local plan and the duties of the local board;

O. assess on an annual basis, the physical and programmatic accessibility of all one-stop centers in the local area per WIOA section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 USC 12101 et seq.);

P. certify one-stop centers;

Q. produce an annual report that must be submitted to the state administrative entity, per guidelines established by the state administrative entity;

R. promote workforce connection center programs and activities; and

S. conduct business in an open manner by making available to the public information about the activities of the local board.

[11.2.4.12 NMAC - N, 7/1/2018; A, 9/9/2026]

11.2.4.13 BYLAWS: The ~~[local board]~~ CEO must establish bylaws that include, at a minimum, the following sections:

A. Establishment. Acknowledge that the local board is established in accordance with WIOA section 107;

B. Name. Identify the name of the local board.

- C.** Purpose. Acknowledge the establishment of the local board consistent with WIOA sections 107;
- D.** Duties and responsibilities. Acknowledge the duties and responsibilities as outlined in WIOA and in the partnership agreement between the CEOs and the local board.
- E.** Membership. Include a description of membership as outlined in WIOA section 107 and in the CEO agreement, as required by this rule.
- F.** Local board chair election. Describe the process used to elect a local board chair, including term details.
- G.** Election of officers. Outline officer positions, the process used to elect officers, officer terms, removal of officers, and specific officer roles and responsibilities.
- H.** Meetings.
 - (1)** Information on how often local board and committee meetings will be held.
 - (2)** Acknowledgement of open meeting requirements and compliance.
 - (3)** Description of the process of announcing regular and special meetings.
 - (4)** Acknowledgement that a quorum shall consist of at least a simple majority of the currently appointed membership.
 - (5)** Clarification as to whether phone and web-based meetings will be permitted.
- I.** Delegation of local board duties. Acknowledge that local board members will not be permitted to delegate any local board duties to proxies or alternates.
- J.** Committees. Include a list of standing committees including the descriptions for each and composition, and description of the process for having ad hoc committees.
- K.** Conflict of interest. Acknowledge that local board members shall adhere to the following in regard to conflict of interest:
 - (1)** A local board member may not vote on any matter that would provide direct financial benefit to the member or the member's immediate family, or on matters of the provision of services by the member or the entity the member represents.
 - (2)** A local board member shall avoid even the appearance of a conflict of interest. Prior to taking office, local board members shall provide to the local 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 local board. Such declarations shall be updated annually or within 30 days to reflect any changes in such business interests or relationships. The local board shall appoint an individual to timely review the disclosure information and advise the local board chair and appropriate members of potential conflicts.
 - (3)** Prior to a discussion, vote, or decision on any matter before a local board, if a member, or a person in the immediate family of such member, has a substantial interest in or relationship to a business entity, organization, or property that would be affected by any official local board action, the member shall disclose the nature and extent of the interest or relationship and shall abstain from discussion and voting on or in any other way participating in the decision on the matter. All abstentions shall be recorded in the minutes of the local board meeting and be maintained as part of the official record.
 - (4)** It is the responsibility of the local board members to monitor potential conflict of interest and bring it to the local board's attention in the event a member does not make a self-declaration.
 - (5)** In order to avoid a conflict of interest, a local board shall ensure that the local board's workforce service providers shall 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.
 - (6)** Local board members or their organizations may receive services as a customer of a local workforce service provider or workforce system partner. To avoid conflict of interest, a local board shall ensure that the local board, its members, or its administrative staff do not directly control the daily activities of its workforce service providers, workforce system partners or contractors.
- L.** Compensation and reimbursement of expenses. A description of the policy on compensating local board members and reimbursing expenses shall be included.
- M.** Amendment. Include a description of the process for amending the bylaws.
- N.** Compliance with law.
 - (1)** Acknowledgement stating, in execution of its business, the local board shall comply with all applicable New Mexico statutes and regulations including, but not limited to, the state Procurement Code, the state Open Meetings Act, NMSA 1978 Compilation, and the state Mileage and Per Diem Act.

(2) Acknowledgement stating, in execution of its business, the local board shall comply with WIOA and related regulations as well as state policies and directives.
[11.2.4.13 NMAC - N, 7/1/2018; A, 9/9/2026]