

AN ACT

CREATING THE STATE WORKFORCE DEVELOPMENT BOARD AND LOCAL
BOARDS; DEFINING THEIR POWERS AND DUTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.--This act may be cited as the
"Workforce Development Act".

Section 2. DEFINITIONS.--As used in the Workforce
Development Act:

A. "board" means the state workforce development
board;

B. "chief elected official" means the chief
elected executive officer of a unit of general local
government in a local area and in a case in which a local
area includes more than one unit of general local government,
"chief elected official" means the person designated pursuant
to the federal Workforce Investment Act of 1998;

C. "job corps" means the job corps provided for
in the federal Workforce Investment Act of 1998;

D. "local board" means a local workforce
development board;

E. "person" means an individual; and

F. "representative of business" means the person:

(1) is an owner, chief executive or
operating officer of a business, or a business executive or

employer with optimum policymaking or hiring authority, or a member of a local board;

(2) represents businesses with employment opportunities that reflect the employment opportunities of the state; and

(3) is appointed from among persons nominated by state business organizations and business trade associations.

Section 3. STATE WORKFORCE DEVELOPMENT BOARD.--

A. The "state workforce development board" is created. The board consists of members as provided in the federal Workforce Investment Act of 1998 as follows:

(1) the governor;

(2) the speaker of the house of representatives shall appoint two members of the house of representatives;

(3) the president pro tempore shall appoint two members from the senate; and

(4) the governor shall appoint:

(a) the secretary of economic development;

(b) the secretary of human services;

(c) the secretary of labor;

(d) the superintendent of public instruction;

(e) representatives of business to ensure that a majority of the members of the board are representatives of business;

(f) two representatives of organized labor nominated by organized labor;

(g) two chief elected officials;

(h) two representatives of organizations that have special knowledge and experience of youth training activities;

(i) two representatives of organizations that have experience and expertise in the delivery of workforce investment activities, including one chief executive officer of a community college; and

(j) one community-based organization that conducts training activities.

B. In making the appointments, the speaker of the house, the president pro tempore and the governor shall consider gender, ethnicity and geographic diversity.

C. A vacancy on the board shall be filled in the same manner as regular appointments are made for the unexpired portion of the regular term.

D. All terms shall be for four years.

E. A majority of the members of the board shall be representatives of business who are owners of businesses, chief executives or operating officers of businesses and

other business executives or employers with optimum policymaking or hiring authority, including members of local boards.

F. The governor shall appoint one of the business representatives as chairman of the board.

G. The board shall meet at the call of the chairman.

H. A majority of the board members constitutes a quorum.

I. Members are eligible to be paid pursuant to the Per Diem and Mileage Act.

J. A member of the board may not vote on a matter under consideration by the board relating to provision of services by the member or by the entity the member represents, or that would provide direct financial benefit to the member or his immediate family, or that is an activity determined by the governor to be a conflict of interest as provided in the state plan prepared pursuant to the federal Workforce Investment Act of 1998.

Section 4. DUTIES OF THE BOARD.--

A. The board shall assist the governor to:

(1) develop a five-year state plan that shall be updated annually and revised in accordance with the requirements of the federal Workforce Investment Act of 1998;

(2) develop and improve the statewide

activities funded pursuant to the workforce investment system and the one-stop delivery system, including development of linkages to assure coordination and nonduplication among the programs and activities described in the federal Workforce Investment Act of 1998;

(3) review local plans;

(4) comment annually on the measures taken pursuant to Section 113(b)(14) of the Carl D. Perkins Vocational and Applied Technology Education Act;

(5) develop allocation formulas for adult and youth employment and training activity funds to local areas in accordance with the federal Workforce Investment Act of 1998;

(6) develop comprehensive state performance measures to assess the effectiveness of workforce investment activities pursuant to the federal Workforce Investment Act of 1998;

(7) designate local workforce development areas;

(8) develop the statewide employment statistics system; and

(9) prepare reports and applications required for submission to the federal government.

B. The board shall also:

(1) review, evaluate and report annually on

the performance of all workforce development activities administered by state agencies involved with workforce development;

(2) develop linkages with the state board of education to ensure coordination and nonduplication of vocational education, apprenticeship, adult education and vocational rehabilitation programs with other workforce development and training programs; and

(3) provide policy advice regarding the application of federal or state law that pertains to workforce development.

C. All state agencies involved in workforce development activities shall annually submit to the board for its review and potential inclusion in the five-year plan their goals, objectives and policies. The plan shall include recommendations to the legislature on the modification, consolidation, initiation or elimination of workforce training and education programs in the state.

Section 5. LOCAL WORKFORCE DEVELOPMENT AREAS--LOCAL BOARDS--DUTIES AND RESPONSIBILITIES.--

A. The governor shall designate specified local workforce development areas based on population and geographic configuration and consistent with provisions of the federal Workforce Investment Act of 1998 upon recommendation of the board and consideration of needs

expressed by chief elected officials, business, labor and other interested parties.

B. The chief elected officials of each workforce development area shall establish a local board and appoint members based on the criteria established by the governor, the board and the federal Workforce Investment Act of 1998.

C. Each local board shall:

(1) advise the board on issues relating to regional and local workforce development needs;

(2) develop and submit to the board and governor a local five-year workforce plan that shall be updated and revised annually in accordance with requirements of the federal Workforce Investment Act of 1998;

(3) designate or certify one-stop program operators in accordance with the federal Workforce Investment Act of 1998;

(4) terminate, for cause, the eligibility of one-stop operators;

(5) select and provide grants to youth activity providers in accordance with the federal Workforce Investment Act of 1998;

(6) identify eligible training and intensive service providers in accordance with the federal Workforce Investment Act of 1998;

(7) develop a budget subject to the approval

of the chief elected official;

(8) develop and negotiate local performance measurements as described in the federal Workforce Investment Act of 1998 with the chief elected official and the governor;

(9) assist in development of an employment statistics system;

(10) ensure linkages with economic development activities;

(11) encourage employer participation and assist employers in meeting hiring needs;

(12) in partnership with the chief elected official, conduct oversight of local programs of youth activities authorized pursuant to the federal Workforce Investment Act of 1998 and employment and training activities pursuant to that act, and the one-stop delivery system in the local area;

(13) establish as a subgroup a youth council, appointed by the local board in cooperation with the chief elected official; and

(14) prior to submission of the local plan, provide information regarding the following:

(a) the local plan;

(b) membership;

(c) designation and certification of

one-step operators; and

(d) the award of grants or contract to eligible providers of youth activities.

D. The local board shall be appointed in accordance with criteria established by the governor with a minimum of fifty-one percent of its members coming from the private sector and shall include representation of education, labor, government, economic development and community-based organizations and others as appropriate and shall be appointed or ratified by the local chief public official.

E. Nothing in the Workforce Development Act shall be construed to provide a local board with the authority to mandate curricula for schools.

F. A member of the local board may not vote on a matter under consideration by the local board relating to provision of services by the member or by the entity the member represents, or that would provide direct financial benefit to the member or his immediate family, or that is an activity determined by the governor to be a conflict of interest as provided in the state plan prepared pursuant to the federal Workforce Investment Act of 1998.

Section 6. YOUTH COUNCILS--MEMBERSHIP--DUTIES.--

A. The membership of each youth council shall include:

(1) members of the local board with interest or expertise in youth policy; representatives of youth

service agencies, including juvenile justice and law enforcement agencies; and representatives of local public housing;

(2) parents of eligible youth seeking assistance;

(3) persons, including former participants as defined pursuant to the New Mexico Works Act, and representatives of organizations, that have experience relating to youth activities;

(4) representatives of job corps, as appropriate; and

(5) other persons that the chairman of the local board, in cooperation with the chief elected official, determines to be appropriate.

B. Members of the youth council who are not members of the local board shall be voting members of the youth council and nonvoting members of the local board.

C. The duties of the youth council shall include:

(1) developing the portions of the local plan relating to eligible youth, as determined by the chairman of the local board;

(2) recommending eligible youth providers to the local board;

(3) conducting oversight of eligible providers of youth activities and coordinating youth

activities authorized pursuant to the federal Workforce Investment Act of 1998 subject to the approval of the local board; and

(4) performing other duties as determined to be appropriate by the chairman of the local board.

D. A member of a local board or youth council may not vote on a matter under consideration by the local board regarding the provision of services by the member or by an entity that the member represents or that would provide direct financial benefit to the member or the immediate family of the member engaged in any activity determined by the governor to constitute a conflict of interest as specified in the state plan prepared pursuant to the federal Workforce Investment Act of 1998.

Section 7. FUNDING--PERSONNEL.--

A. To carry out its functions, the board may use money available to the state pursuant to the federal Workforce Investment Act of 1998. The labor department shall be the fiscal agent for the board. The labor department may be the fiscal agent for a local board.

B. Staff support for the board shall be provided by each of the state agencies represented on the board.

Section 8. LEGISLATIVE POWERS.--Any money received by the state pursuant to the federal Workforce Investment Act of 1998 shall be subject to appropriation by the legislature

consistent with the terms and conditions required by that act.

Section 9. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2000. _____