

TITLE 11 LABOR AND WORKERS COMPENSATION
CHAPTER 2 JOB TRAINING
PART 171 THE YOUTH CONSERVATION CORPS (YCC) PROGRAM

11.2.171.1 ISSUING AGENCY: The New Mexico Youth Conservation Corps Commission.
[11.2.171.1 NMAC – Rp, 11.2.171.1 NMAC, 07/16/2024]

11.2.171.2 SCOPE: General Public.
[11.2.171.2 NMAC – Rp, 11.2.171.2 NMAC, 07/16/2024]

11.2.171.3 STATUTORY AUTHORITY: Section 9-5B-1 et-seq. NMSA 1978.
[11.2.171.3 NMAC – Rp, 11.2.171.3 NMAC, 07/16/2024]

11.2.171.4 DURATION: Permanent.
[11.2.171.4 NMAC – Rp, 11.2.171.4 NMAC, 07/16/2024]

11.2.171.5 EFFECTIVE DATE: July 16, 2024 unless a later date is cited at the end of a section.
[11.2.171.5 NMAC – Rp, 11.2.171.5 NMAC, 07/16/2024]

11.2.171.6 OBJECTIVE: The objective of this rule is to establish procedures and standards for the administration of the Youth Conservation Corps (YCC) program.
[11.2.171.6 NMAC – Rp, 11.2.171.6 NMAC, 07/16/2024]

11.2.171.7 DEFINITIONS:

- A. "In-kind contribution"** means a non-monetary donation of goods or services provided by the project sponsor for the purpose of carrying out a program.
 - B. "Permanent capital improvement"** means a durable upgrade, adaptation, or enhancement of a property.
 - C. "Rural"** means locations that lie outside the limits of any municipality or unincorporated city, town or village.
 - D. "Under-resourced"** means lacking sufficient resources, including, but not limited to funds, opportunity, work force, knowledge base, support systems, physical aids, communication devices, and other physical assets that limit access to job training and outdoor recreation.
 - E. "Urban"** means locations within incorporated municipalities.
- [11.2.171.7 NMAC – Rp, 11.2.171.7 NMAC, 07/16/2024]

11.2.171.8 PROJECT PROPOSALS:

- A. At least annually, the Commission will request proposals for YCC projects. The Commission's announcement will include where to obtain proposal information and the date by which proposals must be submitted.**
 - B. The Commission may reach out directly to state agencies, and state agencies may reach out directly to the Commission to create cooperative multi-year agreements for funding YCC projects. The Commission shall prioritize funding state agencies with missions that involve conservation work on public land, do not have funding for youth projects and lack authority to hire seasonal employees designated as corps members.**
- [11.2.171.8 NMAC – Rp, 11.2.171.15 NMAC, 07/16/2024]

11.2.171.9 EVALUATION OF PROPOSALS

- A. The Commission shall adopt a competitive evaluation process to guide the allocation of funds.**
- B. The Commission shall oversee the review and evaluation of all proposals to determine the proposal's conformance with the goals of the programs as described in the act and 11.2.171 NMAC, Sections 12, 13 14, and 15.**

C. The Commission shall take appropriate measures to ensure the evaluation process is not influenced by donors to the youth conservation corps or conflicts of interest. This may include, but is not limited to, appointing an external review committee and concealing the identity of applicants during the review process.

D. The Commission will distribute funds equitably among qualified projects that variously engage indigenous, rural, urban and under-resourced populations.
[11.2.171.9 NMAC – Rp, 11.2.171.15 NMAC, 07/16/2024]

11.2.171.10 AWARD AGREEMENTS: Successful applicants shall enter into a formal agreement with the Commission for the expenditure of awarded funds.
[11.2.171.10 NMAC – Rp, 11.2.171.16, NMAC, 07/16/2024]

11.2.171.11 FUNDS:

A. The Commission may establish limitations on the availability and use of program funds. Any limitations shall be defined in the current application package.

B. The Commission may limit the amount of funding available for any element(s) of a program.
[11.2.171.11 NMAC – Rp, 11.2.171.17 NMAC, 07/16/2024]

11.2.171.12 YCC PROJECT ELIGIBILITY:

A. The YCC Commission will accept proposal applications from:

(1) A federally recognized sovereign tribal government within the state.

(2) A state agency.

(3) Local units of government include but are not limited to: counties, municipalities, villages, cities, towns, land grants, soil and water conservation districts (SWCDs), community acequia/ditch associations, school districts, public universities and colleges, and charter schools.

(4) A federal agency operating within the state.

(5) A non-profit organization with a 501(c) internal revenue service designation operating within the state.

(6) Any organization or agency with a 501(c) fiscal sponsor.

B. Projects must be consistent with the purposes of the YCC program and may include, but need not be limited to, projects that:

(1) protect, conserve, rehabilitate or increase resiliency of terrestrial and aquatic species, forests, refuges, rangelands and waters of the state;

(2) improve use and access to public parks, greenways, historic sites, libraries, museums, zoos, recreational areas and associated facilities;

(3) reinforce the “keep New Mexico true” campaign;

(4) provide emergency assistance, disaster relief or recovery; or

(5) improve disaster preparedness;

(6) increase energy efficiency.

(7) beautify, improve and restore urban areas;

(8) renovate community facilities, including those for the elderly or indigent.

[11.2.171.12 NMAC – Rp, 11.2.171.12 NMAC, 07/16/2024]

11.2.171.13 PROHIBITED ACTIVITIES: The following activities are prohibited in the conduct of any YCC project:

A. the displacement or substitution of an existing employee by a corps member or the replacement of a seasonal employee normally hired by the project sponsor;

B. the participation by corps members in the removal or cleaning up of any toxic or hazardous waste or toxic or hazardous waste site; and

C. the assignment of corps members to general work activities such as, but not limited to, routine lawn mowing, routine litter control, janitorial duties and clerical tasks, except as necessary to contribute to or prepare a site for project activities; and

D. funding permanent capital improvements on privately owned property.

[11.2.171.13 NMAC – Rp, 11.2.171.10 NMAC, 07/16/2024]

11.2.171.14 YCC PROJECT REQUIREMENTS:

A. Projects shall employ and manage a minimum of five corps members. The project sponsor may, at their own discretion, designate Corps members in leadership or mentoring roles.

B. Wages, employer contributions to FICA/Medicare, unemployment insurance and workers' compensation insurance for corps members shall account for a minimum of seventy percent of the total funds requested.

C. Project sponsors shall ensure that all project sites and practices conform to applicable state and federal health and safety standards and requirements.

D. Project sponsors shall have worker's compensation and unemployment insurance in place for the duration of the project.

E. Project sponsors shall specify whether their project primarily engages indigenous, rural, urban or under-resourced populations.

F. Project sponsors must provide an education and training program to corps members for the duration of the project. The number of hours of training provided for each corps member shall be no less than ten percent of the total hours budgeted per corps member for the entirety of the project.

G. Project sponsors shall match a minimum of ten percent of total funds requested with in-kind or cash contributions.

H. Project sponsors shall provide proof they have obtained permission from all landowners or managers where the project shall take place.

I. Project sponsors shall provide proof of adequate insurance coverage for any liability arising out of program activities for the duration of the program.

J. Project sponsors shall provide proof of necessary environmental, cultural, and tribal permits and consultation.

[11.2.171.14 NMAC – Rp, 11.2.171.11 NMAC, 07/16/2024]

11.2.171.15 YCC PROJECT LOCATIONS: Projects may be undertaken on:

A. public lands, waters and structures within the state; or federally recognized tribal lands, waters and structures within the state that

(1) are under the jurisdiction, owned or administered by the project sponsor; or

(2) are accessible to the project sponsor in accordance with a written agreement between the project sponsor and the agency or entity that owns, administers or has jurisdiction ~~over~~ of the public or tribal property; and

(3) there is a demonstrated community benefit of lasting value as a result of the project.

B. privately owned lands, waters or structures within the state that

(1) are owned or administered by a nonprofit organization; or

(2) are accessible to the project sponsor in accordance with a written agreement between the project sponsor and the nonprofit organization; and

(3) the project primarily benefits the public and provides only an incidental benefit to private individuals; and

(4) no funding for permanent capital improvements is requested for the project.

[11.2.171.15 NMAC – Rp, 11.2.171.12 NMAC, 07/16/2024]

11.2.171.16 YCC CORPS MEMBERS:

A. Recruitment, selection, compensation, supervision, development and dismissal of corps members will be the responsibility of the project sponsors.

B. Project sponsors shall, at their own expense, comply with all applicable laws, regulations, rules ordinances, and requirements of local, state, and federal authorities, including but not limited to those pertaining to equal opportunity employment, workers compensation benefits, fair labor standards, and child labor laws.

C. Sponsors shall verify corps members meet the following eligibility requirements at the time of enrollment and keep records of such:

(1) are unemployed at the time of hire;

(2) are New Mexico residents consistent with 18.19.5 NMAC;

(3) are between the ages of 14 and 25 at the time of hire;

(4) have a work permit if under the age of 16; and

(5) are not the children, siblings or spouse of the project sponsor's hiring officer or project

supervisor.

D. Compensation:

(1) All corps members shall be compensated, at a minimum, as provided by law following the state or municipality established minimum wage.

(2) Project sponsors may request increased starting wages to adjust to local labor markets.

(3) Project sponsors may request wage increases for corps members based on promotion, performance or additional responsibilities; and if there are sufficient funds in the budget to complete the project as planned.

(4) The YCC will support the project sponsor's existing policy for holiday pay, compassionate pay, and sick pay.

(5) Project sponsors may not budget overtime pay into the budget proposal, however, YCC may compensate for occasional overtime related to travel or other unavoidable circumstances.

(6) The YCC will not reimburse the project sponsor for hazard pay.

E. Project sponsors shall follow their established personnel policies for dismissal of corps members. Sponsors are encouraged to provide opportunities for improvement prior to dismissal.

F. The length of a corps member's employment shall be determined by the duration of the work project in which the corps member is participating.

[11.2.171.16 NMAC – Rp, 11.2.171.13 NMAC, 07/16/2024]

11.2.171.17 YCC EDUCATIONAL TUITION VOUCHERS AND ADDITIONAL CASH COMPENSATION:

A. On completion of employment with the YCC, a corps member who has 12 full months (48 weeks) of employment as a corps member during a period not to exceed 48 months, and who has received satisfactory evaluations throughout their employment, may receive a one-time \$500.00 additional cash compensation or a \$1500.00 educational tuition voucher from the Commission.

B. A corps member who receives satisfactory employment evaluations and has completed a minimum of 32 weeks employment but less than 12 months (48 weeks) in a four-year period due to circumstances beyond the corps member's control as determined by the Commission may apply for or receive a pro-rated cash compensation or educational tuition voucher.

C. The YCC staff shall certify that the corps member was employed for the duration of the project.

D. The educational voucher is good for reimbursement of expenses at a New Mexico institution of higher education, including accredited universities, colleges, community colleges, vocational schools and on-line education associated with an accredited New Mexico institution of higher education.

(1) The educational tuition voucher is valid for two years and will be reimbursed upon presentation of receipts and proof of payment to YCC staff.

(a) Examples of reimbursable expenses include educational expenses such as tuition, software, computers, textbooks, room & board at the educational institution, and classroom and lab supplies.

(b) Examples of non-reimbursable expenses include personal expenses, transportation not required by course requirements, residential rent for off-campus housing, and food.

[11.2.171.17 NMAC –Rp, 11.2.171.14 NMAC, 07/16/2024]

HISTORY of 11.2.171 NMAC:

Pre-NMAC History:

The material in this Part was derived from that previously filed with the state records center & archives under; YCC Rule No. 92-1, Rules and Regulations Governing the New Mexico Youth Conservation Corps, filed November 20, 1992.

History of Repealed Material: 11.2.171 NMAC, The Youth Conservation Corps (YCC) Program, filed 4/30/2001, was repealed and replaced by 11.2.171 NMAC, The Youth Conservation Corps (YCC) Program and Outdoor Equity Grant (OEG) Program, effective 12/17/2019.

11.2.171 NMAC was renamed from 'The Youth Conservation Corps (YCC) And Outdoor Equity Grant (OEG) Programs' to 'The Youth Conservation Corps (YCC) Program' effective 9/15/2020.

11.2.171 NMAC, The Youth Conservation Corps (YCC) Program, filed 12/17/2019, was repealed and replaced by 11.2.171 NMAC, The Youth Conservation Corps (YCC) Program effective 07/16/2024

Other History: 11 NMAC 2.YCC, The Youth Conservation Corps (YCC) Program, filed 5/14/1997, was reformatted, renumbered, and amended to 11.2.171 NMAC effective 4/30/2001.