

This is an amendment to 11.2.31 NMAC Sections 8, 9, 10 and 11 effective 09/24/2024.

**11.2.31.8 APPRENTICESHIP AND TRAINING ADVISORY [~~COMMITTEE~~] COMMITTEE:** The apprenticeship and training advisory committee shall provide input to the director for apprenticeship of the department of workforce solutions regarding:

- A. The administration of funds provided by the Apprenticeship Assistance Act to assist apprenticeship programs.
- B. [~~Recommend~~] Recommended request for legislative appropriation of state funds for apprenticeship training.
- C. Modifications to the application process and procedures manual.
- D. Funding formulas for distributing available funds that shall be uniformly applied to all registered apprenticeship programs based on data contained in the apprenticeship-related instruction cost study required by Section 21-19A-10 NMSA 1978.
- E. Development of a program and fiscal year calendar.

[11.2.31.8 NMAC - N, 3/31/2016; A, 09/24/2024]

**11.2.31.9 THE DEPARTMENT OF WORKFORCE SOLUTIONS:** The department of workforce solutions shall have sole control over the disbursement of funds appropriated under the Apprenticeship Assistance Act and shall:

- A. Receive input from the apprenticeship and training advisory committee regarding the administration of funds provided by the Apprenticeship Assistance Act to assist apprenticeship programs.
- B. [~~Annually develop~~] Develop and publish a procedures manual, [~~that~~] which may be updated, and shall include:
  - (1) a current calendar with the dates for apprenticeship meetings, quarterly reports, regulatory deadlines and any other significant items;
  - (2) an application form for requesting Apprenticeship Assistance Act funds;
  - (3) the date for [~~the~~] a public meeting to be held no later than February 28th for approving the procedures and application process;
  - (4) the date for [~~the~~] at least one public meeting to be held no later than March 30th to conduct [~~the~~] a mandatory technical assistance workshop for prospective applicants and the details of any additional mandatory technical assistance workshops; and
  - (5) the date for the public meeting to be held no later than May 30th to approve applicants for receipt of Apprenticeship Assistance Act funds; provided, however, that nothing in this section prohibits the department from conducting additional public meetings to approve applicants at other times during the year.
- C. Develop uniform formulas for the distribution of available funds to registered apprenticeship programs.
- D. Evaluate allocated funds throughout the fiscal year for possible redistribution to all participating programs as provided in the Apprenticeship Assistance Act.
- E. Review reimbursement claims for accuracy and to ensure that all funded programs have sufficient records to allow for audits in accordance with the Apprenticeship Assistance Act.
- F. Finalize grant agreements with all funded programs.

[11.2.31.9 NMAC - N, 3/31/2016; A, 09/24/2024]

**11.2.31.10 APPLICATION:** The department of workforce solutions shall develop an application that shall:

- A. Comply with criteria for apprenticeship programs as outlined in the Apprenticeship Assistance Act.
- B. Require any program applicant to have a minimum of [~~a~~] one year's registration with the department of workforce solutions office of apprenticeship and at least one apprentice at the time the application is submitted.
- C. Provide that requested funding shall be calculated based on the number of total related instruction contact hours multiplied by the approved hourly rate, not to exceed two hundred twenty hours per participant per year.

**D.** Require any program applicant to maintain a certificate of registration from the New Mexico taxation and revenue department and be licensed to do business in New Mexico.

**E.** Provide that requested funding shall be calculated using only those apprentices registered and in training at the time of application; the number of approved apprentices being applied for must be equal to or less than the total number of apprentices registered and in training at the time of application.

**F.** Provide that all programs have a structured component for related instruction with a minimum of four hours of direct in person contact with an instructor per month. Programs may request from the department an exception to this requirement. The request shall include the reason for the exception, a description of how the apprentice will demonstrate mastery of the content, and a description of the system that verifies the apprentice's participation in the instruction and mastery of the content.

**G.** Require a representative from any program applicant to appear [~~in person at the~~] at a mandatory technical assistance workshop for prospective applicants and at [~~the~~] a mandatory application approval meeting, except as provided in Subsection C of 11.2.31.11 NMAC.

**H.** Contain sections requesting information for funding requests, a funding survey and an acknowledgment of the department of workforce solutions' policies and procedures.

**I.** Provide that no funds shall be distributed to an apprenticeship program until the program has timely filed all reports required by the Apprenticeship Assistance Act and the department of workforce solutions.

**J.** Require any program applicant to respond to requests for additional information that the department of workforce solutions regards as necessary to clarify issues identified in the application or expenditure of Apprenticeship Assistance Act funds.

[11.2.31.10 NMAC - N, 3/31/2016; A, 09/24/2024]

**11.2.31.11 PROCESS FOR APPLICATION AND [~~EXPENDITURE~~] EXPENDITURE OF FUNDS:**

**A.** To increase transparency and expedite the transmission of necessary information, the department of workforce solutions will publish and maintain on the [~~department of workforce solutions'~~] department's website the current calendar, application form for Apprenticeship Assistance Act funds, and a procedures manual that contains all the required forms developed by the department of workforce solutions.

**B.** Program applicants to be eligible for consideration for Apprenticeship Assistance Act funds in the fiscal year shall submit their applications to the director by the deadline specified in the department of workforce solutions' procedures manual.

**C.** A program representative [~~from the program applicant~~] must appear [~~in person~~] at [~~the~~] a mandatory technical assistance workshop for prospective applicants and at the mandatory application approval meeting to be eligible for consideration for funding in the fiscal year; provided, however, that if any applicant notifies the department in advance of the mandatory workshop or meeting that attendance is impracticable due to extenuating circumstances, the department may excuse the applicant from the workshop or meeting conditioned upon the applicant's participation in an individual technical assistance meeting.

**D.** If the director of apprenticeship for the department of workforce solutions denies an application or approves the application with conditions, the director shall:

(1) state the reasons for the denial or imposition of conditions in writing within three [~~(3)~~] days of the meeting at which the application was denied or conditions imposed;

(2) a program applicant whose application was denied or approved with conditions that are unacceptable to the program applicant may appeal the decision to the secretary within three [~~(3)~~] days of the receipt of the notice of the denial or imposition of conditions;

(3) within three [~~(3)~~] days of receipt of the notice of appeal, the secretary shall meet with the program applicant and review the director of apprenticeship's decision that denied the application or approved it with conditions;

(4) the secretary may affirm the decision of the director of apprenticeship or reverse the decision with or without the imposition of conditions; and

(5) the secretary's decision shall be final and binding on the program applicant.

**E.** All approved program applicants shall comply with the following requirements by the dates specified in the department of workforce solutions' procedures manual:

(1) complete and sign a grant agreement;

(2) submit quarterly claims for reimbursement;

(3) submit a mid-year survey; and

(4) comply with all other requirements of the procedures manual.

F. Participation in any apprenticeship assistance act meeting of the department of workforce solutions ~~[by means of a conference telephone or other communications equipment]~~ using electronic communication technology ~~[when it is otherwise difficult or impossible for the participant to attend the meeting in person]~~ shall be allowed as applicable and available when otherwise it is difficult or impossible for the participant to attend the meeting in person, provided that each person participating ~~[by conference telephone or other communications equipment]~~ via electronic communication ~~[can be]~~ shall be identified, particularly when speaking, and all participants ~~[are]~~ shall be able to hear each other and ~~[members of the public attending the meeting are able to hear any person speaking]~~ other meeting attendees. ~~[; except that a representative from any program applicant shall appear in person at the mandatory technical assistance workshop for prospective applicants and at the mandatory application approval meeting.]~~  
[11.2.31.11 NMAC - N, 3/31/2016; A, 09/24/2024]