

Southwestern Area Workforce Development Board

Special Policy Committee Meeting Agenda

Virtual Meeting via Zoom or Phone

To join meeting by phone, dial: (346) 248-7799, then enter Meeting ID: **832 2281 2646**

Or to join meeting online via Zoom, go to: <https://us02web.zoom.us/j/83222812646>

Friday, January 29, 2021 at 1:30 p.m.

*Vacant — Chair
Vacant — Vice Chair*

- I. Call to Order**
- II. Welcome and Introductions**
- III. Roll Call and Abstentions**
- IV. *Public Comment (3-Minute Limit)**
- V. Approval of Agenda**
- VI. Discussion, Consideration and Possible Action Regarding**
 - a. Election of a Committee Chair and Vice-Chair
 - b. Local Board Policies, State, and Federal Regulation Orientation
 - c. Four-Year Plan Vision and Goals
 - d. Policy Amendments
 - i. 19 – 01 Customized Training Policy
 - ii. 19 – 02 Communications Policy
- VII. Other**
 - a. Member Input
- VIII. *Public Comment (3-Minute Limit)**
- IX. Next Meeting**
- X. Adjournment**

*Public comments can be emailed to kmrozek@sccog-nm.com before January 29, 2021 by 1:30 p.m. (MDT). All public comments will be read at the meeting in the order received.

The Southwestern Area Workforce Development Board is an Equal Opportunity Employer and will make every effort to provide reasonable accommodations for people with disabilities who wish to attend a public meeting. Please provide notification at least five days before the meeting by calling (575) 744-4857. Relay New Mexico: 711 (Voice) or 1-800-659-8331 (TTY).

Funded by the U.S. Department of Labor.

AGENDA ITEM SUMMARY	
Special Policy Committee Meeting	January 29, 2021
Agenda Item Election of Committee Chair and Vice-Chair	
SUMMARY OF AGENDA ITEM <ul style="list-style-type: none">This is the first meeting of the newly formed policy committee. Presently, the committee does not have a Chair or Vice-Chair. Nominations will be taken by the committee members for chair, then for vice chair. The bylaws of the board allow for any member of the committee to serve in either office. ###	

AGENDA ITEM SUMMARY	
Special Policy Committee Meeting	January 29, 2021
Agenda Item Local Board Policies, State, and Federal Regulation Orientation	
SUMMARY OF AGENDA ITEM <ul style="list-style-type: none">• Staff will provide an orientation on the local and state policies, as well as the federal regulations within the public workforce system. These items can be access at the following website. https://www.employnm.com/policies-regulations <p>The committee members will become familiar with how the guidance letters, policies, and regulations are used by the board's sub-recipients and the public workforce system.</p> <p>###</p>	

AGENDA ITEM SUMMARY	
Special Policy Committee Meeting	January 29, 2021
Agenda Item Four-Year Plan Vision and Goals	
SUMMARY OF AGENDA ITEM <ul style="list-style-type: none"> • In addition to an orientation on policies and regulations, the committee will review the board's strategic vision and goals contained in the Four-year Plan. • The strategic vision and goals provide the committee with direction as it considers new or modifications to policies. Many of the local board policies are developed to comply with state and federal regulations. These regulations require local boards to examine the needs of their local communities in policy development. • The committee works to assist the board in carrying out the responsibilities under WIOA and the Four-year Plan. <p>###</p>	

AGENDA ITEM SUMMARY

Special Policy Committee Meeting	January 29, 2021
Agenda Item Policy Amendment: 19 – 01 Customized Training Policy	
SUMMARY OF AGENDA ITEM <p>This item is presented for your review and consideration to amend the Customized Training Policy. The amendment to the policy provides a definition on customized training individual employment plans that are developed with employers.</p> <p>The following pages contain the policy and show additions in RED and deletions as strikethroughs. Staff will provide a presentation on this item and stand for questions. If</p>	
RECOMMENDATION A motion to recommend an amend the Customized Training Policy, 19-01 to the SAWDB.	
COMMITTEE'S OPTIONS ARE TO <ul style="list-style-type: none"> • Accept the recommendation • Amend the recommendation • Reject the recommendation • Table the item • Take no action on the item 	
DEPENDING ON ACTION TAKEN, ITEM MAY BE REFERRED OR REPORTED TO <ul style="list-style-type: none"> • Staff or committee, as directed. 	
THIS ITEM SUPPORTS STRATEGIC PLAN GOAL(S) <ul style="list-style-type: none"> • Supports all strategic plan goals 	
LIST OF SUPPORTING INFORMATION FOR YOUR REVIEW <ul style="list-style-type: none"> • Customized Training Policy 	

Southwestern Area Workforce Development Board

Customized Training Policy ~~Policy 19-01~~1

Date of Issue

~~November 7~~ February 5, 2021, 2019

Effective Date

~~November 12, 2019~~ February 8, 2021

Applicability

WIOA Adults and Dislocated Workers

PURPOSE. The purpose of this policy is to provide direction to Southwestern Area Workforce Development Board (SAWDB) Service Provider regarding the permissible use of adult and dislocated worker funds for customized training activities.

REFERENCES.

- Workforce Innovation and Opportunity Act (WIOA), July 22, 2014, §108, §122, §134, §181 and §194.
- ~~WIOA Final Rules – U.S. Department of Labor (Title I): 20 CFR §680.110, §680.760,~~
- ~~§680.830, and §680.840.~~
- Office of Management and Budget (OMB), Uniform Guidance at 2 CFR §200, et al., Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.
- Training and Employment Guidance Letter WIOA No. 19-16 Operating Guidance for the Workforce Innovation and Opportunity Act.
- Fair Labor Standards Act (FLSA) §203.

BACKGROUND.

The Workforce Innovation and Opportunity Act (WIOA) of 2014 explicitly allows for the use of customized training contracts as a workforce strategy. This training strategy is designed to meet the special requirements of an employer (including groups of employers) with the commitment that the employer(s) hire an individual upon successful completion of the training.

DEFINITIONS.

- **Appropriate Commitment** to hire an individual means to maintain an employer-employee relationship meeting the requirements of the Fair Labor Standards Act for a minimum of one (1) year.
- **Customized Training** is a training by an employer or group of employers generally

for the hiring of new or recent employees and not for retraining existing employees.

- **Customized Training Individual Employment Plan (CTIEP)** is a trainee's employment plan that is developed with the employer to identify skills, or knowledge, or abilities that will be gained by the training. This differs from the IEP that is used for WIOA participants as defined in CFR 680.110.
- **High-Priority Occupation (HPO)** is an in-demand occupation that has higher skill needs and is likely to provide a self-sufficient wage. Statistical data, regional expertise, and local workforce development area inputs are combined to determine whether or not an occupation meets the high-priority criteria.
- **Incumbent Worker** is an individual who is employed, meets Fair Labor Standards Act requirements for an employer-employee relationship, and has an established employment history with the employer for six (6) months or more.
- **Incumbent Worker Training (IWT)** is training provided to an incumbent worker that is designed to meet the needs of an employer(s) to retain a skilled workforce or avert the need to lay off employees; increase the competitiveness of the employer or employee; and be conducted with a commitment by the employer to retain or avert the layoffs of the incumbent worker trained. Such training may also include the upskilling of an employer's current workforce, which may lead to additional opportunities for potential jobseekers.
- **In-Demand Industry Sector** is an industry sector that has a substantial current or potential impact (including jobs that lead to economic self-sufficiency and opportunities for advancement) on the state, regional, or local economy, as appropriate, and that contributes to the growth or stability of other supporting businesses, or the growth of other industry sectors.
- **In-Demand Occupation** is an occupation that currently has or is projected to have a number of positions (including positions that lead to economic self-sufficiency and opportunities for advancement) in an industry sector so as to have a significant impact on the state, regional, or local economy, as appropriate.

Note: The determination of whether an industry sector or occupation is in-demand in a local area is made by the local board, as appropriate, using business and labor market projections and statistics. Customized Training must lead to an in-demand occupation, but does not necessarily have to lead to an HPO. However, all HPOs are considered in-demand occupations, and therefore, eligible for customized training.

- **Recent Employee** is an individual who is employed, meets Fair Labor Standards Act requirements for an employer-employee relationship, and has an established employment history with the employer for six (6) months or less.

EMPLOYER PAYMENT OF SIGNIFICANT COST OF TRAINING.

Employers receiving funds for customized training are required to pay a significant cost of the customized training. This can be done through both cash and fairly evaluated in-kind contributions. Rules for matching funds can be found in the Uniform Guidance at 2CFR

200.306 and 2 CFR 2900.8.

The share of the cost of training can include elements such as the expenses related to the:

- Instruction or the instructor
- Curriculum development
- Course materials or books

Expenses that are **not** permissible under the match and are not reimbursable through a customized training contract include:

- Equipment purchases
- Administration
- Facility upgrades/ renovations
- Travel and incidentals

The employer share is based on the size of the workforce as follows:

- At least 10 percent of the cost for employers with 50 or fewer employees:
- At least 25 percent of the cost for employers with 51 to 100 employees; and
- At least 50 percent of the cost for employers with more than 100 employees.

SAWDB Service Providers will track and document employer cost share contributions.

The employer size means the number of employees currently employed at the local operation where the customized training placement will be made. Employer size is determined by the number of employees at the time of the execution of the customized training contract. This applies at all employers, including employers with seasonal or intermittent employee size fluctuations.

RESTRICTIONS.

SAWDB will comply with the limitations and prohibitions on the use of funds allocated to the local area under WIOA title I-B §181 and Part 680 of federal regulations, as follows.

- WIOA funds cannot be used to pay the wages of employees during their participation in an economic development activity provided through a statewide workforce development system.

- When a relocation of a business results in the loss of employment of any employee of such business, no funds provided for employment training can be used for customized training until after 120 days has passed since the relocation that caused the loss of employment at an original business location in the United States.
- WIOA work-based training funds must not be used to directly or indirectly assist, promote, or deter union organizing.
- WIOA work-based training funds may not be used to directly or indirectly aid in the filling of a job opening which is vacant because the former occupant is on strike, or is being locked out in the course of a labor dispute, or the filling of which is otherwise an issue in a labor dispute involving a work stoppage.
- WIOA work-based training funds must not be used to directly or indirectly provide supportive services described in §680.900 or §681.570.

ELIGIBILITY CRITERIA.

Customized Training Agreement

SAWDB will address the following factors when developing a customized training agreement:

- Special training requirements of the employer (or group of employers);
- Agreement that the employer will pay for the significant cost of the training;
- Agreement that an appropriate commitment is made by the employer to employ the individual upon successful completion of the training;
- Curriculum;
- Performance and;
- A clearly stated goal.

SAWDB Service Providers will document the factors that were considered in approving a customized training agreement with an employer (or group of employers).

Employer Eligibility

SAWDB will consider the following factors when determining the eligibility of employers to receive the WIOA customized training funds.

1. The strategy of the LWDB in fulfilling the vision and goals established for the local area (i.e., the local plan)
2. The characteristics of the workers to be trained (i.e., the extent to which these individuals historically represent individuals with barriers to employment as defined in WIOA Section 3(24), and how such individuals would benefit from a skill gain that results in retention or advancement).
3. The quality of the training (e.g., industry-recognized credentials, advancement opportunities, etc.).
4. The number of participants the employer plans to train.
5. The wage and benefit levels of participants (before and after training).
6. The occupation(s) for which customized training is being provided must be in-demand as defined by WIOA Section 3(23) and as determined by workforce development area-specific labor market information.
7. Employer's industry status. Is the employer in:
 1. An in-demand industry as defined by WIOA Section 3(23) and determined by labor market information; or

2. A stable industry as determined by labor market information; or
3. A declining industry, but there are compelling reasons (e.g., evidence of long- term viability of the employer) justifying investment in customized training?
8. Recent lay-offs and relocations. The employer must not have laid off workers within 120 days to relocate from another state.
9. Employer's unemployment insurance and workers' compensation status. The employer must be current on unemployment insurance and workers' compensation taxes, penalties, and/or interest or related payment plan (including timely Quarterly Reports).
10. Be located in and have operations in the Southwestern Area.
11. Employ at least one full-time employee.
12. Keep accurate records of the project's implementation process for audit purposes for a minimum of five years.

SAWDB will document the factors that were considered in approving a customized training contract with an employer (or group of employers).

Employed Worker Eligibility

Customized Training funds may be used to provide training to eligible employed workers for an employer (or group of employers) when the following conditions are met:

- Employee is not earning a self-sufficient wage;
- All other provisions of Customized Training are met; and
- Customized Training relates to the introduction of new technologies, introduction to new production or service procedures, upgrading to new jobs that require additional skills or workplace literacy.

Exception: Customized training is generally for hiring new or recent employees (less than six months) and not for retraining existing employees which is reserved for incumbent worker training, although there may be instances where customized training is appropriate in that circumstance. In those instances, customized training may be used for individuals making more than self-sufficient wages if all appropriate criteria are met and it leads to comparable or higher than previous employment.

PERFORMANCE ACCOUNTABILITY.

Due to the unique eligibility requirements in WIOA sec. 134, individuals who receive only customized training are reportable individuals, but not participants required for inclusion in the WIOA performance accountability calculations. As a result, an individual who only receives customized training and does not become a core program participant will not be included in the calculation of the primary indicators of performance for negotiations and accountability purposes. However, LWDBs are required to collect and report the outcomes of individuals in receipt of customized training on the primary indicators of performance, among other required elements.

CONFLICT OF INTEREST.

State and local board members and members of standing committees may not vote or nor

participate in any decisions regarding the provision of services by such members or any organization they directly represent, nor on any matter that would provide any direct financial benefit to that member or the member's immediate family. For example, a SAWDB member who is also an employer who wants to use services on a fee-for-service basis would be prohibited from voting to approve the use of local area services, facilities, or equipment for employment and training activities to such board member's workers. Neither membership on the state board, local board, or standing committee, nor receipt of WIOA funds to provide training and related services, by itself, violates these conflict of interest provisions. In accordance with §200.112 of the Uniform Guidance, recipients of federal awards must disclose in writing any potential conflicts of interest. Sub-recipients must disclose in writing any potential conflict of interest to the recipient of grant funds.

PROCESS FOR CONTRACTING

Process

While customized training is a service that focuses on the needs of business, it shall still follow all the regular requirements for providing individual participant training. All required customized training documentation shall be kept on file with the service provider, business and Workforce Connection Online System (WCOS). Service providers shall make all files and documentation available for monitoring, audits and data validation as required.

1. Eligibility shall be determined and eligibility documents shall be compiled and kept on file with the service provider and business.
- 2.A Customized Training Individual Employment Plan (view definition) ~~an individual employment plan~~ shall be completed for each participant identifying the need for customized training and kept on file with the service provider and business.
- 2.3. Customized training processes can include the following.
 - a. Service providers may work with an employer to provide the eligibility documentation on potential trainees (staff-assisted service without significant staff involvement). Special attention shall be paid to eligibility documentation requirements to ensure all data validation requirements are met.
 - b. Once eligibility is determined, the service provider may work with the employer to complete an customized training individual employment plan for each participant, identifying the need for customized training. For purposes of the customized training activity, an individual employment plan may consist of the employment goal, achievement objective and services to achieve the employment goals.
 - c. Service providers do not have to maintain individual file folders for each participant as long as all required information and documentation is kept on file collectively for each customized training contract by the service provider and business.

Customized training agreement provisions

Customized training agreements shall at a minimum include the following elements:

1. The occupation for which training will be provided; the skills and competencies to be achieved and the length of time for the training.
2. The name of each employee to be trained, social security number, date of birth, gender, selective service registration, I-9 on file with employer, hourly pay, hours per week, and employee start date.
3. The employer's assurance that customized training is needed based upon the individual skill sets of trainees.
4. Training outline.
5. Method and maximum amount of reimbursement.
6. The cost and documented description of any ancillary items or supportive services that may be needed.
7. Other appropriate training outcomes related to the training (includes obtainment of veteran status, highest grade completed, household/family size and increases in earnings after training if applicable).
8. Appropriate assurances and certifications as defined in the agreement:
 - a. Employer shall provide worker's compensation coverage for the participants on the same basis as the compensation is provided to other individuals in the same employment. 20 CFR 680.700 (b).
 - b. Employer shall verify that the training will relate to the introduction of new technologies, introduction to new production or service procedures, or is an upgrade to a new job that requires additional skills, work place literacy, or other appropriate identified by the local WDB. 20 CFR 680.710 (C).
 - c. Employer certifies that the company is financially solvent on the date of the contract, and the employer's best projection is that they will remain financially able to meet contract obligations at the end of the training period, including training participant retention.
 - d. Employer agrees that wage and labor standards will be adhered to and to pay the participants at the same rates, including increases, and benefits as trainees or employees who are situated in similar jobs. Such rates shall be in accordance with applicable law, but in no event less than the higher rate specified in section 6(a) (1) of the Fair Labor Standards Act of 1938 (and as amended in 1996) or the applicable state or local minimum wage law and WIOA 20 CFR Part 683.275.
 - e. Conditions of employment and training will be in full accordance with all applicable federal, state, and local laws and ordinances (including but not limited to anti-discrimination, labor and employment laws, environmental laws or health and safety laws), 29 CFR part 38.
 - f. Employer certifies that the training will not impair existing agreements for

services or collective bargaining agreements and that either it has the concurrence of the appropriate labor organization as to the design and conduct of training, or it has no collective bargaining agreement with a labor organization that covers the participants' position.

- g. Employer assures that they are not debarred or suspended in regard to federal funding. 29CFR 180 Sub Part H, (Verifiable at <https://www.sam.gov/portal/SAM/#1#1>).
- h. Employer further assures that federal funds will not be used to assist, promote or deter union organizing, 20 CFR 663.730.
- i. Employer certifies that no member of the training participant's immediate family will directly supervise the participant. For the purpose of this contract, immediate family is defined as spouse, children, parents, grandparents, grandchildren, brothers, sisters or person bearing the same relationship to the participant's spouse, 20 CFR 683.200 (a).
- j. Employer assures that the participants will not be employed to carry out the construction, operation or maintenance of any part of a facility that is used or to be used for sectarian instruction or as a place for religious worship, 29 CFR part 2, Subpart D.
- k. Employer assures that the participant(s) has not been hired into or will remain working in any position when any other person is on layoff from the same or a substantially equivalent job within the same organizational unit or has been bumped and has recall rights to that position, nor if the training is created in a promotional line that infringes on opportunities of current employees, 20 CFR 680.710.
- l. Employer is committed to employ and/or retain the individual upon successful completion of the training for a minimum of twelve months as specified in section 680.760 (b), WIOA July 22, 2014.

Customized training documentation.

The Customized Training Agreement and its related information and documentation may be kept by the service provider and business. The local board and service provider are responsible for ensuring the information and documentation is available for monitoring and review as required:

- 1. Customized Training Agreement and supporting documentation.
- 2. Customized Training Plan.
- 3. Customized Training Modification(s), if applicable.
- 4. Customized Training Progress Report and Invoice.
- 5. All Provider and Participant Files required documentation submitted in the Workforce Connection Online System (WCOS).

ACTIONS REQUIRED

LWDBs must establish a local customized training policy that outlines the following;

1. Criteria for determining employer eligibility.
2. How the significant cost of the training' will be established;
3. Define what constitutes an appropriate commitment to hire the individual on behalf of the employer.
4. The process for collecting, from the employer, performance information and data entry into the Workforce Connection Online System.
5. Contracting process with employers providing customized training.

APPLICABILITY:

All WCCNM –initiated customized training contracts and all service provider-initiated customized training contracts.

INQUIRIES:

WIOA Administrator 575-740-5381

Attested

This policy was reviewed and approved by the SAWDB

SAWDB Chairman

Date

Equal Opportunity Employer/Program. Auxiliary aids and services are available upon request to individuals with disabilities. Relay New Mexico: 711 (Voice) or 1-800-659-8331 (TTY) FUNDED BY THE U.S. DEPARTMENT OF LABOR

AGENDA ITEM SUMMARY

Special Policy Committee Meeting	January 29, 2021
Agenda Item Policy Amendment: 19 – 02 Communications Policy	
SUMMARY OF AGENDA ITEM <p>The Communications policy addresses various items that comply with federal regulatory requirements, but it does not contain the state’s branding requirements. The state’s requirements are in DWS Workforce Guidance Letter, herewith attached.</p> <p>An amended Communications policy will be presented at the Policy Committee’s next meeting in March after partner and stakeholder input given. It is anticipated that the policy will go before the SAWDB for their consideration at their April 2021 meeting.</p> <p>Angela Longovia, Communications Manager, will provide the committee with a brief and stand for questions at the meeting.</p> <p>Supporting Documents</p> <ul style="list-style-type: none"> • Communications policy • DWS Workforce Guidance Letter 	

SOUTHWESTERN AREA WORKFORCE DEVELOPMENT BOARD

REQUIRED INFORMATION IN COMMUNICATIONS POLICY 19-02

DATE OF ISSUE

November 7, 2019

EFFECTIVE DATE

December 1, 2019

APPLICABILITY

New Mexico Workforce Region IV, Southwestern Area New Mexico Workforce Connection in all seven counties: Catron, Doña Ana, Grant, Hidalgo, Luna, Sierra, Socorro

PURPOSE

In compliance with the Consolidated Appropriations Act, 2017, the Southwestern Area Workforce Development Board will inform the public of how much funds comes from Federal sources in any program, project, or grant activity when issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing its projects or programs funded in whole or in part with Federal funds.

In compliance with Code of Federal Regulations Title 29, Part 38, Subpart B, the Southwestern Area Workforce Development Board will provide notice in communications of the nondiscrimination and equal opportunity provisions of the Workforce Innovation and Opportunity Act (WIOA) which are contained in section 188 of WIOA (29 U.S.C. 3248)

BACKGROUND

Public Law 115-31 – May 5, 2017, Division H, Title V, Section 505, stipulates when issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in the Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state –

- A. The percentage of the total costs of the program or project which will be financed with Federal money;
- B. The dollar amount of Federal funds for the project or program; and
- C. Percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

Section 188 of WIOA prohibits discrimination on the basis or race, color, religion, sex, national origin, age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship status or participation in a WIOA Title I-financially assisted program or activity.

ACTION

- A. For consistency in all forms of communications, internal and external, either verbal or print, including digital forms, such as but not limited to emails, letterhead, issued statements, press releases, policies, outreach materials to include business cards, brochures, fliers, banners, posters, social media posts and the like, will contain at a minimum the following tagline:

Funded by the U.S. Department of Labor

- B. Per CFR §38.34: Recipients' obligations to disseminate equal opportunity notice
- 1) A recipient must provide initial and continuing notice as defined in §38.36 that it does not discriminate on any prohibited basis. This notice must be provided to:
 - a. Registrants, applicants, and eligible applicants/registrants;
 - b. Participants;
 - c. Applicants for employment and employees;
 - d. Unions or professional organizations that hold collective bargaining or professional agreements with the recipient;
 - e. Subrecipients that receive WIOA Title I financial assistance from the recipient; and
 - f. Members of the public, including those with impaired vision or hearing and those with limited English proficiency.
 - 2) As provided in §38.15, the recipient must take appropriate steps to ensure that communications with individual with disabilities are as effective as communications with others and that this notice is provided in appropriate languages to ensure meaningful access for LEP individuals as described in §38.9.
- C. Per CFR §38.34: Equal opportunity notice/poster
- 1) The notice must contain the following specific wording:

Equal Opportunity Is the Law

It is against the law for this recipient of Federal financial assistance to discriminate on the following bases: Against any individual in the United States, on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or, against any beneficiary of, applicant to, or participant in programs financially assisted under Title I of the Workforce Innovation and Opportunity Act, on the basis of the individual's citizenship status or participation in any WIOA Title I-financially assisted program or activity.

The recipient must not discriminate in any of the following areas:

Deciding who will be admitted, or have access, to any WIOA Title I-financially assisted program or activity;

providing opportunities in, or treating any person with regard to, such a program or activity; or

making employment decisions in the administration of, or in connection with, such a program or activity.

Recipients of federal financial assistance must take reasonable steps to ensure that communications with individuals with disabilities are as effective as communications with others. This means that, upon request and at no cost to the individual, recipients are required to provide appropriate auxiliary aids and services to qualified individuals with disabilities.

What To Do If You Believe You Have Experienced Discrimination

If you think that you have been subjected to discrimination under a WIOA Title I-financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either:

The recipient's Equal Opportunity Officer (or the person whom the recipient has designated for this purpose); or

The Director, Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Avenue NW., Room N-4123, Washington, DC 20210 or electronically as directed on the CRC Web site at www.dol.gov/crc.

If you file your complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above).

If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you may file a complaint with CRC before receiving that Notice. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient).

If the recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

D. Per CFR §38.36: Recipients' obligations to publish equal opportunity notice

- 1) At a minimum, the Equal Opportunity Notice required by §38.34 and 38.35 must be:
 - a. Posted prominently, in reasonable numbers and places, in available and conspicuous physical locations and on the recipient's webs tie pages;
 - b. Disseminated in internal memoranda and other written or electronic communications with staff;
 - c. Included in employee and participant handbooks or manuals regardless of form, including electronic and paper form if both are available; and
 - d. Provided to each participant and employee; the notice must be made part of each employee's and participant's file. It must be part of both paper and electronic files, if both are maintained.
- 2) The notice must be provided in appropriate formats to registrants, applicants, eligible applicants/registrants, applicants for employment and employees and participants with visual impairments. Where notice has been given in an alternate format to registrants, applicants, eligible applicants/registrants, participants, applicants for employment and employees with a visual impairment, a record that such notice has been given must be made a part of the employee's or participant's file.
- 3) The notice must be provided to participants in appropriate languages other than English as required in §38.9.
- 4) The notice required by §§38.34 and 38.35 must be initially published and provided within 90 days of January 3, 2017, or of the date this part first applies to the recipient, whichever comes later.

E. Per CFR §38.37: Notice requirement for service providers

The Governor or the LWDA grant recipient, as determined by the Governor and as provided in that State's Nondiscrimination Plan, will be responsible for meeting the notice requirement provided in Per CFR § Per CFR §38.34 and 38.35 with respect to a State's service providers.

F. Per CFR §38.38: Publications, broadcasts, and other communications

- 1) Recipients that publish or broadcast program information in the news media must ensure that such publications and broadcasts state that the WIOA Title I-financially assisted program or activity in question is an equal opportunity employer/program (or otherwise indicate that discrimination in the WIOA Title I-financially assisted program or activity is prohibited by Federal law), and indicate that auxiliary aids and services are available upon request to individuals with disabilities.
- 2) A recipient must not communicate any information that suggests, by text or illustration, that the recipient treats beneficiaries, registrants, applicants, participants, employees or applicants for employment differently on any prohibited basis specified in §38.35, except as such treatment is otherwise permitted under Federal law or this part.

G. Per CFR §38.39: Communication of notice in orientations

During each presentation to orient new participants, new employees, and/or the general public to its WIOA Title I-financially assisted program or activity, in person or over the internet or using other technology, a recipient must include a discussion of rights and responsibilities under the nondiscrimination and equal opportunity provisions of WIOA and this part, including the right to file a complaint of discrimination with the recipient or the Director. This information must be communicated in appropriate languages as required in §38.9 and in formats accessible for individuals with disabilities as required in this part and specified in §38.15.

H. Per CFR §38.40: Affirmative outreach

Recipients must take appropriate steps to ensure that they are providing equal access to their WIOA Title I-financially assisted programs and activities. These steps should involve reasonable efforts to include members of the various groups protected by these regulations including but not limited to persons of different sexes, various racial and ethnic/national origin groups, various religions, individuals with limited English proficiency, individuals with disabilities, and individuals in different age groups. Such efforts may include, but are not limited to:

- 1) Advertising the recipient's programs and/or activities in media, such as newspapers or radio programs, that specifically target various populations;
- 2) Sending notices about openings in the recipient's programs and/or activities to schools or community service groups that serve various populations; and
- 3) Consulting with appropriate community service groups about ways in which the recipient may improve its outreach and service to various populations.

I. Training

- 1) The administrative entity will provide training on the required communications within the Act to SAWDB's service providers' management, One-Stop Operator, and SAWDB Board

J. Monitoring

- 1) The administrative entity will work with the One-Stop Operator to review materials and online information which will include procurement solicitations
- 2) The administrative entity will review procurement and other printed materials during the annual on-site monitoring review for compliance

INQUIRIES

Questions related to this policy may be directed to the Administrative Entity at (575) 744-4857.

ATTESTED

This policy was approved through board resolution on November 7, 2019

SAWDB Board Chair Signature

Date

New Mexico Department of Workforce Solutions State Administrative Entity (NMDWS) Workforce Innovation and Opportunity Act (WIOA)	Workforce Guidance Letter: DWS 16-005
	Subject: One-Stop Common Identifier
	Date: February 20, 2017

PURPOSE. To provide guidance, process, and deadlines for the implantation of Section 121(e)(4) of WIOA requiring each one-stop delivery system to use a common identifier on all products, programs, activities, services and electronic resources, facilities, and related property and new material.

REFERENCE(S).

- Workforce Innovation and Opportunity Act (WIOA), July 22, 2014.
- WIOA Joint Final Rules for One-Stop System Joint Provisions – U.S. Department of Labor (Title I), Rehabilitation Services Administration (Title IV), Office of Career, Technical, and Adult Education (Title II): 20 CFR, Parts §678.300, §678.310, §678.800, §361.300, §361.310, §361.800, §463.300, §463.310, §463.800, One-Stop Certification.

BACKGROUND. The U.S. Department of Labor’s Employment and Training Administration (ETA), Education’s Office of Career, Technical, and Adult Education (OCTAE), Office of Special Education and Rehabilitative Services’ Rehabilitation Services Administration (RSA), and HHS’s Administration for Children and Families established the “American Job Center” network, a unifying name and brand, that identifies online and in-person workforce development services as part of a single network of publicly funded services. The one-stop delivery system must use either that common identifier as its name, or use the tag line phrase, “a proud partner of the American Job Center network.”

New Mexico Department of Workforce Solutions (NMDWS), as the State Administrative Entity for the implementation and oversight of WIOA, has adopted the tag line phrase, “A Proud Partner of the American Job Center Network.” Specifically, NMDWS is requiring the replacement of existing New Mexico Workforce Connection Center logos with the revised logo below where appropriate. This includes updates to website pages and documents accessed through the New Mexico Workforce Connection online system, NMDWS web portal, NMDWS Intranet, and other related sites. In addition, all printed materials that are copied and distributed for specific events and meetings, and all related publications and handouts which include references to the New Mexico Workforce Connection Center logo must also include the revised logo and adhere to the branding guidelines.

The goal of the proposed logo adoption is to provide an easy way for job seekers and employers to locate, recognize, and access workforce development services. The adoption of the new brand will also provide a consistent identity of our network of Workforce Connection Centers across the state.

New Mexico

Workforce Connection

A Proud Partner of the American Job Center Network

Logo Usage and Branding Guidelines. The following guidelines and instructions will ensure that the New Mexico Workforce Connection Centers follow a consistent style and use across the state:

1. *Use only the approved, official New Mexico Workforce Connection logo* - The New Mexico Workforce Connection official logo may not be reproduced or used in any way without the consent of the NMDWS Office of Communications, Marketing & Government Affairs. The NMDWS Office of Communications, Marketing & Government Affairs will provide the logo in the required format and size upon request.
2. *How to properly use the New Mexico Workforce Connection logo* - In general, do not place elements near or on the logo, and do not alter, redraw, or distort the New Mexico Workforce Connection logo in any way. Only the official logo on the preceding page may be used. Additional parameters and usage guidelines may be applicable and required. The NMDWS Office of Communications, Marketing & Government Affairs will be also provide direction, clarification, and feedback regarding colors, file types, minimum and maximum size requirements, safe space, and logo choices when used with light or dark-colored backgrounds. If you have questions about logo use, such as interpretations of logo use guidelines, reviewing logo executions, file types, or to get help determining the proper file for a specific use, please contact the NMDWS Office of Communications, Marketing & Government Affairs.
3. *Prior permission for use of the New Mexico Workforce Connection logo* - In order to use the New Mexico Workforce Connection logo on promotional items, such as printed material and signage, prior permission must be obtained from NMDWS Office of Communications, Marketing & Government Affairs.

To request the official logo, to obtain permission for the use, or if you have any questions, please contact:
 New Mexico Department of Workforce Solutions
 Office of Communications, Marketing & Government Affairs
 (505) 841-9004
 NMDWS.Communication@state.nm.us

Action, Requirements & Timeframes. To identify the Workforce Connection Centers as part of the American Job Centers Network, each one-stop New Mexico Workforce Connection Center and every Local Workforce Development Board is required to use the revised New Mexico Workforce Connection Center logo on websites and in outreach materials whenever the New Mexico Workforce Connection Center or LWDB name is displayed. This effort should be undertaken wherever practical, and without a great deal of effort or redesigning of your materials and websites. The NMDWS Office of Communications, Marketing & Government Affairs will be providing all the New Mexico Workforce Connection Centers with publications and outreach material that include the new logo on a continual basis and upon request.

Efforts are currently underway to purchase new signage for all state owned facilities. NMDWS has begun the process to evaluate signage needs and has funds available for the purchase of new signs. Locations under lease agreements are encouraged to review cost for changing signage to adopt the new logo.

The timeframe for adopting the required rebranding varies depending on the material:

- March 1, 2017, each one-stop center must begin incorporating the new logo that includes the tag line phrase “A Proud Partner of the American Job Center Network” on all primary

electronic resources used by the one-stop delivery system and on any newly printed, purchased, or created materials.

- July 1, 2017, each one-stop delivery system must incorporate the new logo that includes the tag line phrase “A Proud Partner of the American Job Center Network” on all products, programs, activities, services, electronic resources, facilities, and related property and new materials used in the one-stop delivery system.

NMDWS will not object if the one-stop center continue to use printed materials that do not contain the logo with the tag line phrase if they were created before March 1, 2017.



Next Meeting

Program Year 20-21

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Meeting Adjourned

***Thank You for
Attending***

Have a great day!