



DEC - 7 2012

The Honorable Susana Martinez
Governor of New Mexico
State Capitol Fourth Floor
Santa Fe, New Mexico 87501

Dear Governor Martinez:

This letter provides approval of New Mexico's State Integrated Workforce Plan for Title I of the Workforce Investment Act (WIA), the Wagner-Peyser Act (W-P), including W-P Agricultural Outreach Plan, plans for coordination with Trade Adjustment Assistance (TAA), and Title V of the Older Americans Act. The Employment and Training Administration (ETA) received the State Integrated Workforce Plan on September 17, 2012. This letter also addresses New Mexico's WIA waiver requests.

Training and Employment Guidance Letter (TEGL) No. 21-11, issued on March 27, 2012, and TEGL No. 21-11, Change 1 issued on August 8, 2012, provide guidance for states to submit their State Workforce Plans and waivers for Program Year (PY) 2012 and beyond. We appreciate the State's responsiveness to this guidance.

Plan Review and Approval

ETA has reviewed the New Mexico State Integrated Workforce Plan in accordance with Title I of WIA, the Wagner-Peyser Act, the Trade Act (as amended), the corresponding regulations, the *State Integrated Workforce Plan Requirements for Workforce Investment Act Title I/Wagner-Peyser Act, and Department of Labor Workforce Programs* (<http://www.doleta.gov/usworkforce/wia-planning/docs/integrated-planning-guidance.pdf>), Title V of the Older Americans Act and corresponding regulations, TEGL No. 21-11, and the corresponding Change 1. Pursuant to 20 CFR 661.230(e), this letter constitutes a written determination under WIA Section 112 (29 USC 2822), and WIA section 501 (20 USC 9271) which pertains to State Unified Plans, that ETA is approving those portions of the New Mexico State Integrated Workforce Plan that relate to Title I of WIA, the Wagner-Peyser Act, and TAA for Program Years 2012-2016, July 1, 2012 through June 30, 2017. The annual W-P Agricultural Outreach Plan is approved for the period July 1, 2012 through June 30, 2013. The Senior Community Service Employment Program (SCSEP) State Plan has been reviewed by both ETA and the Administration on Aging, and is approved for Program Years 2012-2015, July 1, 2012 through June 30, 2016. The State is eligible to receive WIA formula allotments for Adult, Dislocated Worker, and Youth programs, and W-P program allotments, effective July 1, 2012 through June 30, 2017.

Performance Levels

Each year, the Regional Administrator negotiates the Program Year's WIA and W-P performance goals with each state. As required by TEGLs No. 21-11 and 38-11 dated June 18, 2012, negotiations must be completed by December 31, 2012, for PY 2012. Once the final goals are established, the Regional Administrator's letter advising the State of the PY 2012 WIA and W-P final performance goals constitutes a modification to the State Workforce Plan. ETA will incorporate New Mexico's final performance goals for PY 2012 into the Regional and National Office copies of the State Integrated Workforce Plan. Please include these final PY 2012 goals in the State's official copy of the State Workforce Plan.

Waivers

As part of New Mexico's State Integrated Workforce Plan, the State submitted waiver requests for waivers of statutory and regulatory requirements under WIA (copy enclosed). The State's requests for waivers are written in the format identified in WIA Section 189(i)(4)(B) and 20 CFR 661.420(c). The disposition of the State's waiver requests is outlined below. This action is taken under the Secretary's authority at WIA Section 189(i) to waive certain requirements of WIA Title I, Subtitles B and E, and Sections 8-10 of the Wagner-Peyser Act.

Waiver of WIA Section 133(b)(4) to increase the allowable transfer amount between Adult and Dislocated Worker funding streams allocated to a local area.

The State requested a waiver to permit an increase in the amount a state is allowed to transfer between the Adult and Dislocated Worker funding streams. The State is granted this waiver through June 30, 2017. Under the waiver, transfer authority is limited to 50 percent. This limitation provides states flexibility while ensuring consistency with Congressional intent regarding the level of funding appropriated for the WIA Adult and Dislocated Worker programs.

Waiver to permit the State to replace the performance measures at WIA Section 136(b) with the common measures.

The State requested a waiver that allows the State to replace the 17 performance measures under WIA Section 136(b) with the common measures. The State is granted this waiver through June 30, 2017.

This waiver permits the State to negotiate and report WIA outcomes against the common performance measures only, rather than the performance measures described at WIA Section 136(b). The State will no longer negotiate and report to ETA on the following WIA measures: WIA adult and dislocated worker credential rates; participant and employer customer satisfaction; older youth measures; and younger youth measures. The State will use the three adult common performance measures to negotiate goals and report outcomes for the WIA Adult and WIA Dislocated Worker programs. The State

will use the three youth common performance measures to negotiate goals and report outcomes for the WIA Youth program. Workforce Investment Act Standardized Record Data system (WIASRD) item 619, Type of Recognized Credential, should be completed for each individual as appropriate, regardless of this waiver to report on common performance measure outcomes only.

Waiver of the provision at 20 CFR 663.530 that prescribes a time limit on the period of initial eligibility for training providers.

The State requested a waiver of the time limit on the period of initial eligibility of training providers provided at 20 CFR 663.530. The State is granted this waiver through June 30, 2017. Under the waiver, the State is allowed to postpone the determination of subsequent eligibility of training providers. The waiver also allows the State to provide an opportunity for training providers to re-enroll and be considered enrolled as initially eligible providers.

Waiver of WIA Section 101(31)(B) to increase the employer reimbursement for on-the-job training.

The State requested a waiver to permit an increase in employer reimbursement for on-the-job training through a sliding scale based on the size of the business. The State is granted this waiver through June 30, 2017. Under the waiver, the following reimbursement amounts will be permitted: 1) up to 90 percent for employers with 50 or fewer employees, and 2) up to 75 percent for employers with 51-250 employees. For employers with more than 250 employees, the current statutory requirements (50 percent reimbursement) will continue to apply. When determining the funding source for on-the-job training, the State must use the appropriate program funds for the appropriate WIA-eligible population. The State and local area may provide on-the-job training to individuals over age 18 with WIA Adult funds and must provide priority to low-income individuals when funds are limited; the State and local area may provide on-the-job training to dislocated workers with WIA Dislocated Worker funds. On-the-job training provided with statewide funds must serve WIA eligible individuals.

Waiver of the prohibition at 20 CFR 664.510 on the use of Individual Training Accounts for older and out-of-school youth.

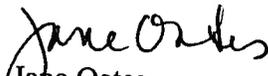
The State requested a waiver of the prohibition at 20 CFR 664.510 on the use of Individual Training Accounts (ITAs) for older youth and out-of-school youth program participants. The State is granted this waiver through June 30, 2017. Under this waiver, the State can use ITAs for older youth and out-of-school youth program participants. The State must continue to make the 10 youth program elements available as described at WIA Section 129(c)(2). The State should ensure that funds used for ITAs are tracked and that the ITAs are reflected in the individual service strategies for these youth.

The approved waivers are incorporated by reference into the State's WIA Grant Agreement, as provided for under paragraph 3 of the executed Agreement, and are

incorporated into the State Integrated Workforce Plan. A copy of this letter should be filed with the State's WIA Grant Agreement and with the approved State Plan. In addition, as described in TEGL No. 29-11, the State should address the impact these waivers have had on the State's performance in the WIA annual performance report, due on October 1 of each year.

We look forward to working together as you implement your State Integrated Workforce Plan for PY 2012 and beyond. As discussed in TEGL 36-11, we strongly encourage State WIA grantees to adopt the use of the American Job Center brand for your physical One-Stop Career Centers and online tools. We are available to provide technical assistance. If you have any questions related to the issues discussed above, please contact Roseana Smith, the Federal Project Officer for New Mexico, at (972) 850-4615 or Smith.Roseana@dol.gov.

Sincerely,


Jane Oates
Assistant Secretary

Enclosures

cc: Joseph Juarez, Regional Administrator, ETA Dallas Regional Office
Roseana Smith, Federal Project Officer for New Mexico

From: Haley, Dolores, NMDWS [dolores.haley@state.nm.us]
Posted At: Thursday, November 08, 2012 4:45 PM
Conversation: NM State Plan
Posted To: WIA.PLAN

Subject: FW: NM State Plan

The New Mexico State Plan is attached for your review and approval. Thank you.

Dolores Haley
State Administrative Entity
New Mexico Department of Workforce Solutions
505-841-8429
dolores.haley@state.nm.us

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WIA WAIVER SUMMARY

- Waiver of WIA Section 101(31)(B) to increase the employer reimbursement for on-the-job training based on the size of participating business
- Waiver of WIA Section 133(b)(4) to increase the allowable transfer amount between Adult and Dislocated Worker funding streams allocated to a local area to 50%
- Waiver of the prohibition at 20 CFR 664.510 on the use of Individual Training Accounts for older and out-of-school youth program participants
- Waiver to permit the State to replace the performance measures at WIA Section 136(b) with Common Measures
- Waiver of the provision at 20CFR 663.530 that prescribes a time limit on the period of initial eligibility for training providers.



WIA WAIVER PLANS

State of New Mexico New Mexico Department of Workforce Solutions Waiver Plan - Transfer of WIA Funds Between Adult and Dislocated Worker Programs

The New Mexico Department of Workforce Solutions (DWS), the state Administrative Entity for the Workforce Investment Act, (WIA). DWS is requesting a waiver to eliminate the 20 percent limit when transferring WIA funds between Adult and Dislocated Worker programs. New Mexico is requesting a waiver that would provide the ability to transfer up to 50% between funding streams ensuring expanded flexibility in meeting the regional workforce needs of business.

Statutory Regulations to be waived. WIA § 133(b)(4) (29 USCA § 2863(b)(4)) and WIA Regulations at 20 CFR § 667.110, provide that with the approval of the Governor, Local Workforce Development Boards may transfer up to 20 percent of a program year allocation for adult employment and training activities, and up to 20 percent of a program year allocation for dislocated worker employment and training activities between the two programs.

State or Local Statutory and/or Regulatory Barriers: There are no state or local regulatory barriers to implementing the waiver if approved.

Goals to be achieved by the Waiver: The following goals will be achieved with the grant of the waiver request:

- Local Workforce Development Board ability to respond to ongoing changes within their local areas
- Local Workforce Board control over program service delivery based on regional need will be increased
- Improved ability to manage funding to meet the needs of regional needs of business and job seekers
- Increased accountability at the state, local and service provider level for ensuring needs are met and funding is used effectively
- Improved program design and implementation strategies

based on need not funding streams

Programmatic Outcomes by the Waivers

- This waiver will increase flexibility and local control to transfer funds between Adult and Dislocated Worker programs. This flexibility will allow local boards to respond to changes within their respective areas and address the specific geographic, demographic and industry needs. Approval of the waiver will enable local boards to effectively use the limited funds to impact their communities.
- Empower Boards to plan, oversee and evaluate the delivery of all workforce training and services in their respective areas. This waiver will encourage Boards to design more innovative programs unique to the specific local areas and to most advantageously use limited funds to address the established needs and priorities.
- Strengthen business partnerships and enhance employer participation positively impacting job seekers through the provision of more relevant business driven services.
- Increased utilization of available funds resulting in more customers being served.

WIA Funds Transfer Request Process

Local Boards must submit a written request to the State Administrative Entity (SAE) to transfer funds between Adult and Dislocated Workers funding streams. The request must include the following:

- Amount to be transferred between designated funding streams
- PY/FY funds impacted by the transfer
- Justification for the transfer; change in need, change in demographics or targeted population, special initiative, unforeseen circumstance, etc.

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- Assurance that the Adult and Dislocated Worker populations will be adequately served after if transfer is approved

The State Administrative Entity will perform the following:

- SAE will review request and confirm availability of specific PY/FY funds for transfer
- SAE will coordinate with fiscal personnel to support transfer
- SAE will provide a written response to the Local Board indicating approval or denial within 30 days of receipt of request

Individuals Impacted by the Waiver

This waiver impacts the following: Local Workforce Development Boards, Workforce Connection Centers, business/employers, job seekers, service providers, and all New Mexico communities.

Process used to Monitor Progress and Implementing the Waiver: DWS has a monitoring and performance accountability system that measures and evaluates results for job seekers and employers accessing New Mexico workforce system. DWS reviews and analyzes customer enrollment and service levels, program expenditures, and performance outcomes. In addition, State program monitors conduct onsite reviews designed to assure that contract requirements and federal regulations are being met for all WIA programs. Should this waiver request be granted, DWS will ensure annual reviews of programs to monitor provider effectiveness and compliance; outcomes and performance.

Public comment and notification to affected boards

The proposed waiver was posted on-line at the Department of Workforce Solutions web page as part of the State Plan with the ability to review and comment. No comments were received regarding this waiver request during the review and comment period. The finalized/approved waiver Plan will be forwarded to the State Workforce Development Board and all Local Workforce Development Boards.

Below is a description of transfers by local areas to address local need, respond to business demand, serve specific populations and support local program design.

- Program Year 2011/Fiscal Year 2012 transfers from the Dislocated Worker program to the Adult Program:
 - Central DW transfers to Adult program \$375,000, which equates to 26% transfer authority
 - Eastern DW transfers to Adult program \$208,791, which equates to 50% transfer authority
 - Southwestern DW transfers zero in PY 2011 to Adult program
 - Northern DW transfers to Adult program \$204,149, a 33% transfer authority

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State of New Mexico New Mexico Department of Workforce Solutions Waiver Plan - Individual Training Accounts for Youth

The New Mexico Department of Workforce Solutions (DWS), the state Administrative Entity for the Workforce Investment Act, (WIA). DWS is requesting a waiver to remove barriers to employment for older youth or out-of-school youth by permitting the issuance of Individual Training Account's (ITA).

Granting this waiver will ensure that New Mexico's older youth workers will be afforded the opportunity to receive quality training through a system that provides a wide range of effective training opportunities.

An ITA allows youth to receive individual training in accordance with systems established by the local areas and one-stop systems. The ITA is applicable generally to older youth who do not want to pursue post-secondary education, but lack the skills to be successful in employment. Occasionally youth under the age of 18 are also suitable for this activity. The ITA gives service providers options for youth, which maximize efficiency and customer choice. The use of the ITA will not be used indiscriminately, but only after a comprehensive assessment demonstrates that the ITA is the best option for the youth.

Statutory Regulations to be waived: NM requests a waiver of WIA Section 129 and CFR 664.510, to allow local areas to employ the use of Individual Training Accounts (ITA) for out-of-school youth, especially those 16 years of age or above.

State or Local Statutory or Regulatory Barriers: There are no state or local statutory or regulatory barriers to implementing the requested waiver.

State Policy supporting this Waiver

State Rule 11.2.14.19 NMAC (D)(5)(b) supports the use of this activity

- Out-of-school youth participants, ages 16-21 may receive an individual training account to access occupational skill training without co-enrolling in the adult and dislocated

workers program under current waiver authority. Without the waiver, individual training accounts are not allowed for youth participants, however, individuals 18 or above, who are eligible for the adult or dislocated worker programs, may receive ITAs through those programs.

Goals to be achieved by the Waiver

- Provide youth service providers additional options for youth
- Enhance the employability of youth and therefore increase the number entering into employment increase the percentage of youth receiving credentials
- Increase the number of youth being retained in employment
- Use of Youth Funds for training

Description of Waiver Goals and Programmatic Outcomes: Under the current law, ITA's are not allowable for youth. This is a major barrier, especially for out-of-school youth. It is possible to serve youth with ITA's, but they need to be 18 years of age and co-enrolled in the adult program.

The local areas will identify specific criteria for using the ITA in accordance with local needs. The use of the ITA for youth will require a comprehensive plan for delivery of services in accordance with local area recommendations. Use of the ITA will enhance not supplant current delivery systems and implementation of the required elements for youth programs. The use of the ITA is intended to offer options for customer choice for youth, but the implementation will not be used as an encouragement to leave traditional programs.

Description of Individuals Impacted by the Waiver: Out-of-school youth or older youth; local workforce development boards, youth service providers; training entities

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Description of the Process Used to Monitor Progress: DWS has a monitoring and performance accountability system that measures and evaluates results for job seekers and employers accessing New Mexico workforce system. DWS reviews and analyzes customer enrollment and service levels, program expenditures, and performance outcomes. In addition, State program monitors conduct on-site reviews designed to assure that contract requirements and federal regulations are being met for all WIA programs. Should this waiver request be granted, DWS will ensure annual reviews of programs to monitor provider effectiveness and compliance; outcomes and performance.

Public comment and notification to affected boards

The proposed waiver was posted on-line at the Department of Workforce Solutions web page as part of the State Plan with the ability to review and comment. No comments were received regarding this waiver request during the review and comment period. The finalized/approved waiver Plan will be forwarded to the State Workforce Development Board and all Local Workforce Development Boards.

Conclusion

Approval of this waiver will:

- Provide options for youth to receive training which will lead to sustainable employment.
- Promote a healthy NM economy and strong communities by increasing employment opportunities for out-of-school youth that develop, strengthen, stimulate and diversify NM's economic base.
- Improve customer choice for out-of-school youth.
- Improve use of state and federal resources, leading to greater effectiveness and efficiency.

Summary of outcomes as a result of this waiver

In Program Year 2011, 18 ITAs were written to support occupational skill training for youth. This expanded the training options available to these individuals with the support of youth funds.

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State of New Mexico New Mexico Department of Workforce Solutions Waiver Plan - On-the-Job Training

According to information obtained from the Bureau of Labor Statistics, New Mexico is home to some 50,619 business establishments with 98.3% (49,792) employing fewer than 50 employees. The removal of the 50% reimbursement limit will enable local boards to more effectively market OJTs and incentivize the private sector in high-growth and targeted industries, small business owners and entrepreneurs to hire employees in viable jobs and careers.

Statutory Regulations to be waived: Pursuant to WIA Section 189(i)(4)(B) and the WIA federal regulations at 20 CFR 661.420(c), the State of New Mexico is requesting a waiver of the requirement to reimburse employers up to 50% of the wage rate of an OJT participant for the extraordinary costs of providing the training and additional supervision related to the OJT, as identified at WIA 101(31)(B).

State or Local Statutory or Regulatory Barriers: There is no existing State or local statutory or regulatory barriers to the implementation of this waiver request.

State Policy to support the waiver
State Rule 11.2.12.9 (D)(3) supports the provisions of this waiver.

- USDOL approved waivers can provide greater flexibility in the level of employer reimbursement. The state currently has a waiver that permits local boards to reimburse employers at a rate of up to 90% of the applicable wage level based on employer size. As long as this waiver is in effect, local boards will use the following sliding scale for employer reimbursement based on employer size: 50 or fewer employees - up to 90 percent; 51-250 employees - up to 75 percent; and 251 or more employees - the standard WIA provision which allows up to 50 percent will apply.

Description of Waiver Goals and Programmatic Outcomes

- Replace the 50% reimbursement limitation with a sliding

scale, ranging from 50 to 90 percent for employer reimbursement based on the employer's size. Specifically, the State will establish the allowable reimbursement of up to 90% of the wage rate for employers with 50 or fewer employees, up to 75% of the wage rate for employers with 51-250 employees and up to 50% of the wage rate for employers with 251 or more employees.

- Increase local workforce boards' capability to market demand driven services and further increase relationships with the private sector.
- Increase the likelihood of job placement for job seekers; offset cost of training through increased employer reimbursement; and increase the ability of employers to hire and train employees to meet their specifications.
- Impact small business (1-50 employees) which makes up the largest percentage of New Mexico business establishments.

Description of Individuals Impacted by the Waiver: Individuals affected by this waiver are local workforce boards, business and job seeker customers, and incumbent workers. This waiver initially affects individuals who are currently underemployed, increasing their skills, marketability, and benefit to employers, and employment options. The impact ripples throughout the community by enhancing service industry capabilities, and overall business efficiency and competitiveness.

Description of the Process Used to Monitor Progress: DWS has a monitoring and performance accountability system that measures and evaluates results for job seekers and employers accessing New Mexico workforce system. DWS reviews and analyzes customer enrollment and service levels, program expenditures, and performance outcomes. In addition, State program monitors conduct onsite reviews designed to assure that contract requirements and federal regulations are being met for all WIA programs. Should this waiver request be granted, DWS will ensure annual reviews of programs to monitor provider effectiveness and compliance; outcomes and performance.

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Public comment and notification to affected boards: The proposed waiver was posted on-line at the Department of Workforce Solutions web page as part of the State Plan with the ability to review and comment. No comments were received regarding this waiver request during the review and comment period. The finalized/approved waiver Plan will be forwarded to the State Workforce Development Board and all Local Workforce Development Boards.

New Mexico Use of the OJT Waiver

All four workforce regions are taking full advantage of the provisions of this waiver. The flexibility to reimburse small employers up to 90% has increased the ability of employers to hire and train employees during challenging and unpredictable economic times; provided opportunities for job seekers, specifically the long-term unemployed and revitalized on the job training programs within the state.

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State of New Mexico

New Mexico Department of Workforce Solutions

Waiver Plan - Common Measures

Statutory Regulations to be waived: The State of New Mexico is seeking to continue the waiver of the 17 indicators of performance for employment and training activities authorized under Section 136(b) of the Workforce Investment Act, replacing them with common performance measures articulated by the U.S. Department of Labor in TEGL 17-05 effective July 01, 2008. New Mexico wants to continue to report the three Common Measures for WIA Adult and WIA Dislocated Worker programs and the three Youth Common Measures for the WIA Youth program. New Mexico continues to work to refocus performance management based on integrated service instead of funding stream and believes that reporting of Common Measures is the tool to do so.

Approval of this waiver request will continue to limit duplication of service and reduce and focus reporting requirements. With the approval of this waiver, New Mexico will continue to promote integration, improve consistency and reliability of data. In addition, limiting performance reporting to the Common Measures will simplify service delivery as well as data collection, reporting, and validation at the local level. While not a common measures requirement, New Mexico will ensure customer satisfaction surveys and older and younger youth participant and exiter counts will be reported in the WIASRD.

State or Local Statutory or Regulatory Barriers: There is no existing State or local statutory or regulatory barriers to the implementation of this waiver request.

State Policy to support the waiver

State Rule 11.2.9 NMAC – Adult and Dislocated Services

- This policy defines WIA core, intensive and training services for adults and dislocated workers. It also provides instruction and guidance to enhance the range and quality of workforce development services offered through the core workforce programs and clarifies the

point at which one-stop (non-employer) customers become part of required service counts and performance calculations. It provides instruction and guidance that supports a statewide, comprehensive one-stop system.

State Rule 11.2.10 NMAC- Participation and Co-enrollment

- This policy provides instruction and guidance regarding co-enrollments across funding streams and serves to encourage coordination and leveraging of resources among workforce system partners (partners). In this policy, the DWS/state administrative entity outlines its expectations on co-enrollment and the framework for case management, file management and documentation requirements to support co-enrollment.

Goals and programmatic outcomes to be achieved by the waiver

- Provide a simplified and streamlined performance measurement system which is more transparent to our business partners and our service providers; effectively allowing for cross program performance management and improvement
- Provide a basis for an integrated system with greater performance accountability and allow workforce system to continue to focus on the integration of services as required partners work toward common performance goals
- Provide clear and understandable information to congressional and legislative leaders and general public concerning the use of public funds and return on investment
- Provide performance measures that serve as useful program management tools
- Provide for better service coordination and information sharing among programs

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- Promote customer-driven instead of program driven outcomes
- Provide an opportunity for better implementation of youth programs focused on out-of-school populations with increased accountability for employment and/or education outcomes

The State and local workforce areas have taken significant action over the past several years to streamline services, increase flexibility and integration, and eliminate unnecessary duplication. Actions include moving towards integration of staff and services in comprehensive Workforce Connection Centers, cross-training of partner staff, utilization of a common management information system. This waiver will allow New Mexico to continue to streamline services and enhance the benefits to all of our customers.

Individuals impacted by the waiver

This waiver will benefit local workforce development boards, Workforce Connection Centers, employers, customers, and service providers. Approval of this waiver will positively impact all customers of the workforce investment system by allowing streamlined service delivery while improving program management and performance.

Process used to monitor progress in implementing the waiver

Department of Workforce Solutions (DWS) has established a monitoring and performance accountability system that measures and evaluates results for job seekers and employers. DWS will monitor the implementation and impact of the waiver, as well as progress toward expected outcomes, through a combination of performance reporting from the local level and discussion with stakeholders. State oversight and evaluation will make effective use of these means to identify and address obstacles.

Public comment and notification to affected boards

The proposed waiver was posted on-line at the Department of Workforce Solutions web page as part of the State Plan with the ability to review and comment. No comments were received regarding this waiver request during the review and comment period. The finalized/approved waiver plan will be forwarded to the State Workforce Development Board and all Local Workforce Development Boards.

New Mexico use of the Common Measure Waiver

New Mexico is reporting on the three Common Measures for WIA Adult and WIA Dislocated Worker programs and the three Youth Common Measures for the WIA Youth program.

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State of New Mexico New Mexico Department of Workforce Solutions Waiver Plan - Eligible Training Provider Eligibility

Statutory Regulations to be waived: WIA Section 122(c) (5) and WIA Regulations 663.530 regarding the time limit for initial eligibility and or subsequent eligibility of eligible training providers.

State or Local Statutory or Regulatory Barriers: There are no state requirements that impede this process.

State Policy to support waiver

State Rule 11.2.1B.10 NMAC – Eligible Training Provider List

- Waiver of provision 20 CFR 663.530. The state currently has a waiver of provision 20 CFR 663.530 that prescribes a time limit on the period of initial eligibility for training providers. The state is allowed to postpone the determination of subsequent eligibility as outlined above. The waiver allows the state to provide an opportunity to training providers to reenroll and be considered as initially eligible providers without consideration of the federally mandated performance measures. The state and local boards can require levels of performance for training providers but it is not a requirement as long as the waiver is in place.

Goals and programmatic outcomes to be achieved by the waiver: NM intends to achieve the following goals:

- Retain and continue to increase the number of approved eligible training providers in order to increase their numbers providing quality customer choice
- Set reasonable criteria for subsequent eligibility performance
- Develop an effective and efficient method of data collection from training providers
- Maintain the highest level of provider accountability

Programmatic outcomes

- New Mexico will set criteria for performance and satisfaction data collection in such a way as to ensure that information is obtained while easing the burden of data collection placed upon training providers
- State and Local Boards together can set performance criteria and continuously improve the Eligible Training Provider process including subsequent eligibility performance data collection

Individuals Impacted by the waiver: System wide impact; public and private training institutions; participants, local boards and service providers; business in need of trained job seekers

Maintaining and Evaluating Quality Providers: The New Mexico management information system used to manage and disseminate the state Eligible Training Provider List will require local boards to determine subsequent eligibility and make the appropriate approvals in order to continue as an eligible training provider. The following performance areas may be considered by local boards in determining the subsequent eligibility of programs to remain on the ETPL.

1. Completion rates for all individuals in the listed program
2. Percentage of all individuals participating in the listed program who obtain unsubsidized employment
3. Wages at placement in employment
4. Percentage of WIA participants who completed the listed program and were placed in unsubsidized employment
5. Retention rate in unsubsidized employment of participants who have completed the listed program; six-months after the first day of their employment

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6. Wages received by participants who have completed the listed program; six-months after the first day of employment
7. Where appropriate, the rates of licensure or certification, attainment of academic degrees or equivalents, or attainment of other measures of skills, for the WIA participants who completed the listed program.
8. Program costs to participate in the listed program

Process used to monitor progress in implementing the waiver: Department of Workforce Solutions (DWS) has established a monitoring and performance accountability system that measures and evaluates results for job seekers and employers. DWS will monitor the implementation and impact of the waiver, as well as progress toward expected outcomes, through a combination of performance reporting from the local level and discussion with stakeholders. State oversight and evaluation will make effective use of these means to identify and address obstacles.

Public comment and notification to affected boards: The proposed waiver was posted on line at the Department of Workforce Solutions web page as part of the State Plan with the ability to review and comment. No comments were received regarding this waiver request during the review and comment period. The finalized/approved waiver Plan will be forwarded to the State Workforce Development Board and all Local Workforce Development Boards.

New Mexico Use of the Eligible Training Provider Waiver

The State has successfully used the waiver to retain eligible training providers and continue to increase the number of approved eligible training providers without the burdensome requirements of subsequent eligibility criteria.