

TITLE 11 LABOR AND WORKERS' COMPENSATION
CHAPTER 2 JOB TRAINING
PART 31 APPRENTICESHIP ASSISTANCE

11.2.31.1 ISSUING AGENCY: Public Education Department.
[11.2.31.1 NMAC - N, 12/31/09]

11.2.31.2 SCOPE: All New Mexico registered apprenticeship programs that develop skilled craftsmen in occupations recognized by the office of apprenticeship and the New Mexico state apprenticeship council.
[11.2.31.2 NMAC - N, 12/31/09]

11.2.31.3 STATUTORY AUTHORITY: 22-2-1, 22-2-2, 21-19A-6 NMSA 1978.
[11.2.31.3 NMAC - N, 12/31/09]

11.2.31.4 DURATION: Permanent.
[11.2.31.4 NMAC - N, 12/31/09]

11.2.31.5 EFFECTIVE DATE: December 31, 2009, unless a later date is cited at the end of a section.
[11.2.31.5 NMAC - N, 12/31/09]

11.2.31.6 OBJECTIVE: To set forth requirements and processes by which an apprenticeship program shall receive assistance through the public education department relating to 21-19A-2 et seq NMSA 1978.
[11.2.31.6 NMAC - N, 12/31/09]

11.2.31.7 DEFINITIONS:

- A. **“Advisory committee”** means the apprenticeship and training advisory committee to the division.
- B. **“Applicant”** means an entity desiring to file for Apprenticeship Assistance Act funding.
- C. **“Apprentice”** means a person at least sixteen years old who is approved by the council and is covered by a written apprenticeship agreement with an employer, or with an association of employers or employees acting as agent for an employer, which apprentice agreement provides for reasonably continuous employment not less than two thousand hours required for any given trade for that person for his participation in an approved schedule of work experience through employment and for at least one hundred forty four hours per year of related supplemental instruction.
- D. **“Apprenticeable trades”** means those on the United States department of labor (USDOL) list of officially recognized apprenticeable occupations that meet the standards of apprenticeship.
- E. **“Apprenticeship”** means a formal educational method for training a person in a skilled trade that combines supervised employment with classroom study.
- F. **“Apprenticeship agreement”** means a written agreement between an apprentice and either his employer, or an apprenticeship committee acting as agent for employer(s), which agreement contains the terms and conditions of the employment and training of the apprentice identified in 21-19A-5.C.
- G. **“Apprenticeship committee”** means the sponsoring committee of each apprenticeable craft that is responsible for that particular apprenticeship program.
- H. **“Apprenticeship standards”** means those standards that are registered and approved by the state apprenticeship council (SAC) per statutory duties in 50-7-4 NMSA 1978 or the office of apprenticeship.
- I. **“Chair”** means “director of the New Mexico state apprenticeship council” who shall chair the apprenticeship training and advisory committee (ATAC) meetings.
- J. **“Council”** means the New Mexico state apprenticeship council (SAC).
- K. **“Director”** means the state director of apprenticeship of the PED.
- L. **“Division”** means the public education department (PED), instructional support and vocational education division formally known as vocational education division of the state department of public education.
- M. **“Journeyman”** means an individual who has documented sufficient skills and knowledge of a trade, craft or occupation, either through formal apprenticeship or through practical on-the-job experience, and formal training. This individual is recognized by the state or his/her employer, as being fully qualified to perform the work of the trade, craft or occupation.

N. **“Preparatory instruction”** means the relevant academic classroom instruction that is needed by the apprentice prior to the start of related instruction.

O. **“Registered apprenticeship program”** for the purposes of eligibility for Apprenticeship Assistance Act funding, means a program registered by the New Mexico state apprenticeship council (SAC) or United States office of apprenticeship (OA).

P. **“Related instruction”** means the organized, off-the-job instruction in theoretical or technical subjects required for the completion of an apprenticeship for a particular apprenticeable trade.

Q. **“Reserved funds”** mean funds not obligated on March 1 through June 30 of the current fiscal year.

R. **“Slots”** means an allotment of approved training positions that are filled by individual apprentices, by which funding is calculated.

S. **“Supplementary instruction”** means new or upgraded skill training for those already employed as journeymen craftsmen.

[11.2.31.7 NMAC - N, 12/31/09]

11.2.31.8 ROLES AND RESPONSIBILITIES

A. The apprenticeship and training advisory committee shall follow guidance outlined in the Apprenticeship Assistance Act (21-19A-8) to include:

- (1) review of a state fiscal year calendar during spring meeting;
- (2) review of updated procedures manual annually;
- (3) maintenance of a quorum that shall consist of no fewer than simple majority of voting members;

and

(4) appointment of a standing committee of at least five members to solicit written testimony of participating apprenticeship training programs in the development of a position for the legislative process.

B. The public education department shall:

- (1) administer apprenticeship assistance funds in accordance with legislative requirements and established policies and guidelines;
- (2) assist apprenticeable crafts requesting training funds;
- (3) provide oversight to ensure that contractual compliance and performance of the Apprenticeship Assistance Act are met;
- (4) report to the ATAC any noncompliance identified by the evaluation and monitoring process; and
- (5) provide reporting updates on a regular basis.

C. The apprenticeship training program funded through the Apprenticeship Assistance Act (21-19A-5) shall:

- (1) maintain registered status as outlined in the Apprenticeship Assistance Act;
- (2) submit program information by approved deadline dates as stated in the approved yearly calendar for management purposes;
- (3) have representative attendance at all scheduled committee meetings as stated in the approved yearly calendar; and
- (4) attend the designated annual meetings for purposes of completing an application; and notification of funding.

[11.2.31.8 NMAC - N, 12/31/09]

11.2.31.9 REQUIREMENTS

A. The applicant shall:

- (1) comply with criteria for apprenticeship programs as outlined in the Apprenticeship Assistance Act (Section 21-19A-5);
- (2) maintain a certificate of registration from New Mexico taxation and revenue department and be licensed to do business in New Mexico serving New Mexico residents;
- (3) have a minimum of a one year registration with the NM council or USDOL office;
- (4) calculate the program funding request using only those New Mexico apprentices registered and in training at the time of application; the number of approved apprentices being applied for must be equal to or lesser than the total number of apprentices registered and in training at the time of application;
- (5) demonstrate the capacity to fund a training program that meets the requirement of the Apprenticeship Assistance Act;

- (6) submit required documents within the identified timelines as stated in the approved yearly calendar;
 - (7) acknowledge that any application not received by the timeline as specified on the approved calendar shall not be considered for funding;
 - (8) have a minimum of five apprentices;
 - (9) have an administrative facility physically located in New Mexico;
 - (10) have a structured component for related instruction; a minimum of four hours of direct contact with an instructor per month is required;
 - (11) attend any mandatory request for application meeting as identified in the approved calendar to be considered for funding;
 - (12) attend any mandatory approval of application meeting as identified in the approved calendar to be considered for funding;
 - (13) submit additional information as requested within identified timelines for management purposes;
- and
- (14) be entitled to a review pertaining to their application; a program request for review shall be submitted in writing to the public education department by the last business day in May.

B. Budget and accounting

- (1) Applicant shall:
 - (a) submit original application for funding to PED state director of apprenticeship, and a copy of the completed application to department of workforce solutions (DWS) to the attention of director of the SAC by the deadline date as specified on the approved calendar; the application packet is comprised of the following forms:
 - (i) CTWEB/ATAC: A-01 - funding request;
 - (ii) CTWEB/ATAC: A-02 - funding survey;
 - (iii) CTWEB/ATAC: A-03 - acknowledgment of policies and procedures; and
 - (iv) Substitute W-9 - current taxpayer identification number verification;
 - (b) upon approval of an application at the May meeting, return to the director, located in the career-technical and workforce education bureau (CTWEB) of PED, a completed, signed grant agreement by the timeline as specified on the approved calendar; the approved grant agreement shall become effective July 1; failure to comply with this timeline shall result in forfeiture of any and all identified funds for that program; the form required is the CTWEB/ATAC: B-01 - grant agreement;
 - (c) set up the budget using PED reimbursement form CTWEB/ATAC: C-01-A;
 - (d) complete the reimbursement request form which identifies registered apprentices and training hours using the following forms:
 - (i) CTWEB/ATAC: C-01 - claim;
 - (ii) CTWEB/ATAC: C-02 - record of apprenticeship expenditure; and
 - (iii) CTWEB/ATAC: C-03 - record of journeyman expenditure;
 - (e) submit claims for reimbursement for the first through third fiscal quarters by the date as specified on the approved calendar, using forms CTWEB/ATAC: C-01 and CTWEB/ATAC: C-02;
 - (f) file the fourth quarter and final claim for reimbursement by June 30th or the last working day of that month, using forms CTWEB/ATAC: C-01; CTWEB/ATAC: C-02; CTWEB/ATAC: C-03;
 - (g) submit a mid-year survey by the date(s) as specified on the approved calendar, or as specified by ATAC using form CTWEB/ATAC: B-02 - mid-year survey;
 - (h) complete budget adjustments using form CTWEB/ATAC: C-01-A;
 - (i) acknowledge that all slots as identified in 11.2.31.9 A (4) which are not used by January 10th of each year may result in the loss of funds for those slots through the mid-year survey using form CTWEB/ATAC: B-02;
 - (j) acknowledge that funds shall not be distributed to programs unable to maintain their registered status;
 - (k) acknowledge that no funds shall be distributed to an apprenticeship training program until the program has filed all reports required by the Apprenticeship Assistance Act and the division by the date as specified on the approved calendar; and
 - (l) receive funds 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.
- (2) The advisory committee shall:

- (a) follow budget and accounting guidelines outlined in the Apprenticeship Act (21-19-A, 8 and 10);
- (b) evaluate applications during open meeting and recommend funding slots; recommendations may include consideration of historical performance and potential to successfully expend available funds;
- (c) evaluate allocated funds throughout the fiscal year; any and all funds identified by March 1 as potentially unexpended by the end of the fiscal year shall be combined with reserved funds and redistributed to all participating programs as provided in the act; and
- (d) serve in an advisory capacity regarding the disbursement of funds pursuant to 21-19A-10.
- (3) The public education department shall:
 - (a) review commentary provided by the ATAC for use in requesting appropriations of state funds as a budgetary line item for the registered apprenticeship system;
 - (b) follow budget and accounting guidelines as outlined in the Apprenticeship Assistance Act (21-19-A, 9);
 - (c) adopt forms, formulas, and administrative procedures upon recommendation of the ATAC for the distribution of available funds to registered apprenticeship training programs; distribution formulas shall be uniform in application to all programs;
 - (d) identify, annually in the month of March, the qualifications required and the procedures to be followed in the coming year, in applying for state funds for the following fiscal year; applications for funding shall be distributed at this meeting;
 - (e) formulate, for annual review in the month of May, allocation tables to be used in funding distribution;
 - (f) prepare grant agreements in accordance with the established rate for the approved applications;
 - (g) mail grant agreements to registered apprenticeship training programs by the deadline date as specified on the approved calendar;
 - (h) finalize the grant agreements granted by the state secretary of the public education department;
 - (i) review reimbursement claims for accuracy and submit to PED's fiscal office for vouchering;
 - (j) provide technical assistance to ensure contract specifications are met; and
 - (k) assist all applicants as requested.

[11.2.31.9 NMAC - N, 12/31/09]

11.2.31.10 CALENDAR: A calendar of events shall be published each year for inclusion in the annual procedures manual, with dates, timelines and items required for each event. If the due date for a claim or application falls on a weekend or a holiday, all submittals must be received by the Friday prior to the due date.

[11.2.31.10 NMAC - N, 12/31/09]

11.2.31.11 FORMS: To expedite the transmission of necessary information between the programs and the state agencies that administer the Apprenticeship Assistance Act, required forms will be developed by PED with input from the ATAC. The required forms are provided at the mandatory application meeting, reside at the PED website and are found in the annual procedures manual. Required forms are as follows:

A. The "CTWEB/ATAC A-01 - funding request" form is for the purpose of making application and includes but is not limited to, demographic and other information, such as the legal name of apprenticeship training program, contact information; the funding period; whether program is certified by SAC or OA; the SAC/OA identification number; the accounting data for sources of funding; in-kind services; state or federal assistance; whether or not the program uses any local education agency or other institution and the name of any such entity; a list of services and the amount the program pays for each service; if the program provides for correspondence classes; whether or not the correspondence apprentices meet with an instructor at least 4 hours per month; the length of apprenticeship program in years, the hours of related instruction for each year of training that are approved by OA or SAC; and a list of factors that make funding essential to the quality of the program with certifying official's name, signature and date.

B. The "CTWEB/ATAC A-02 - funding survey" form is for the purpose of surveying apprenticeship related instruction costs and shall include, but not be limited to, the program legal name and SAC/OA program number; facility costs; utility costs; instructor costs; equipment/supplies; administrative support; contract services;

the hourly rate cost; and the name of the person completing this form with position, title, phone, fax, email and address.

C. The “CTWEB/ATAC A-03 - acknowledgment” form is for the purpose of acknowledgment of policy and procedures information provided and shall include, but not be limited to, the signature, title and phone number of the certifying official, and the name of the entity so certified.

D. The current W-9 “request for taxpayer identification number (TIN) verification substitute W-9 form from the New Mexico department of finance and administration (DFA)”.

E. The “CTWEB/ATAC B-01 grant agreement” is for the purpose of clear terms of participation and shall be completed individually for each approved training program. The grant agreement includes the legal name and registered project number for the contractor to received fiscal year apprenticeship assistance act funds. The grant agreement may include, but not be limited to, the following information:

- (1) program requirements;
- (2) apprentice/journeyman qualifications;
- (3) term;
- (4) reimbursement:
 - (a) includes the annual rate and allocation;
 - (b) the formula is established on a composite of all approved training programs for funding;
 - (c) formula for the fiscal year is total apprentices approved in annual application for training, multiplied by total training hours, divided into legislative funding authorized for the program year;
 - (d) allocation may be adjusted by PED based on training hours and available funds;
- (5) final signatures are acquired by the contractor and authorized PED officials; and
- (6) attachments to the grant agreement include reimbursement forms.

F. The “CTWEB/ATAC B-02 - mid-year survey” form is for the purpose of fiscal management for adjustments and shall include, but not be limited to, the legal name; the number of apprentices to decrease, if applicable; and a formula to determine the total decrease request.

G. The “CTWEB/ATAC C-01A – start here” reimbursement instructions form is for the purpose of “read only” information and includes the instructions to complete the claims for reimbursement, allocation with adjustments and the name and contact information for PED monitor.

H. The “CTWEB/ATAC C-01 - claim” form is for the purpose of processing reimbursement request and shall include, but not be limited to, the period covered with the date the claim was submitted; apprenticeship training program legal name, remittance address; quarterly claim request and balances; state apprenticeship council/office of apprenticeship verification signature; and the PED program manager’s verification signature. Each claim for reimbursement must be certified by an authorized representative signature and date.

I. The “CTWEB/ATAC C-02 - record of apprentice” form is for the purpose of providing claim supporting documentation and shall include, but not be limited to, the project number; legal name; period covered; apprentice names and a numeric identification; the hours worked and unclaimed training hours, the rate per hour and amount claimed.

J. The “CTWEB/ATAC C-03 - record of journeyman” form is for the purpose of providing claim supporting documentation and shall include, but not be limited to, the program name, period covered, journeyman names, the hours worked multiplied by the rate per hour.

K. The “CTWEB/ATAC C-04 - apprentices” form is for the purpose of providing audit documentation and shall include, but not be limited to, the program number; name of each apprentice, hours in class; the class title/occupation; the dates and hours the class meets; the location of the class; the class dates; the instructor’s name; the name and the signature and phone number of the training director or coordinator.

L. The “CTWEB/ATAC C-05 - journeyman” form is for the purpose of providing audit documentation and shall include, but not be limited to, the name of each journeyman and hours in supplemental training.

[11.2.31.11 NMAC - N, 12/31/09]

HISTORY OF 11.2.31 NMAC: [RESERVED]