

New Mexico
State Workforce Development Board
BY-LAWS

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Article I Establishment

Authority. The New Mexico State Workforce Development Board is established pursuant to 29 U.S.C. § 3111 of the federal Workforce Innovation and Opportunity Act (WIOA) of 2014 and related regulations to carry out the functions and workforce development activities of the workforce system in New Mexico.

Name/Identity. The organization shall be commonly known as the “State Workforce Development Board” or the “State Board.” The Board members and staff supporting the board shall identify themselves in that manner when conducting the business of the organization.

Article II Purpose

The Workforce Innovation and Opportunity Act is designed to help job seekers and workers access employment, education, training, and support services needed to succeed in the labor market and to match employers with the skilled workers needed to compete in the global economy. The New Mexico State Workforce Development Board represents a wide variety of individuals, businesses, and organizations throughout the State, and plays a leadership role in aligning federal investments in job training and education programs, integrating service delivery across programs, enhancing the capacity and performance of the workforce development system at both the state and local levels, ensuring the one-stop system is customer driven, and the workforce system is job-driven and matches employers with skilled individuals. To accomplish these goals, the State Board must actively participate in convening the workforce development system’s stakeholders, brokering relationships with a diverse range of employers, and leveraging support for workforce development activities, and through these efforts, promote economic growth.

Article III Duties and Responsibilities

WIOA requires the State board to assist the Governor in the following duties and responsibilities:

1. the development, implementation, and modification of the State plan;
2. the review of statewide policies and programs, and recommended actions, to align workforce development programs in a manner that supports comprehensive and streamlined workforce development;
3. the development and continuous improvement of the workforce development system in the State, including—
 - a. the identification of barriers and means for removing barriers to better coordinate, align, and avoid duplication among the programs and activities carried out through the system;
 - b. the development of strategies to support the use of career pathways for the purpose of providing individuals, including low-skilled adults, youth, and individuals with barriers to employment, including individuals with disabilities, with workforce investment activities, education, and supportive services to enter or retain employment;
 - c. the development of strategies for providing effective outreach to and improved access for individuals and employers who could benefit from services provided through the workforce development system;
 - d. the development and expansion of strategies for meeting the needs of employers, workers, and jobseekers, particularly through industry or sector partnerships related to in-demand industry sectors and occupations;

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- e. the identification of regions, including planning regions, for the purposes of [WIOA section 3121\(a\)](#), and the designation of local areas under [WIOA section 3121](#), after consultation with local boards and chief elected officials;
 - f. the development and continuous improvement of the one-stop delivery system in local areas, including providing assistance to local boards, one-stop operators, one-stop partners, and providers with planning and delivering services, including training services and supportive services, to support effective delivery of services to workers, jobseekers, and employers; and
 - g. the development of strategies to support staff training and awareness across programs supported under the workforce development system;
4. the development and updating of comprehensive State performance accountability measures, including State adjusted levels of performance, to assess the effectiveness of the core programs in the State as required under [WIOA section 3141\(b\)](#);
5. the identification and dissemination of information on best practices, including best practices for—
 - a. the effective operation of one-stop centers, relating to the use of business outreach, partnerships, and service delivery strategies, including strategies for serving individuals with barriers to employment;
 - b. the development of effective local boards, which may include information on factors that contribute to enabling local boards to exceed negotiated local levels of performance, sustain fiscal integrity, and achieve other measures of effectiveness; and
 - c. effective training programs that respond to real-time labor market analysis, that effectively use direct assessment and prior learning assessment to measure an individual's prior knowledge, skills, competencies, and experiences, and that evaluate such skills, and competencies for adaptability, to support efficient placement into employment or career pathways;
6. the development and review of statewide policies affecting the coordinated provision of services through the State's one-stop delivery system described in [WIOA section 3151\(e\)](#), including the development of—
 - a. objective criteria and procedures for use by local boards in assessing the effectiveness and continuous improvement of one-stop centers described in such section;
 - b. guidance for the allocation of one-stop center infrastructure funds under [WIOA section 3151\(h\)](#); and
 - c. policies relating to the appropriate roles and contributions of entities carrying out one-stop partner programs within the one-stop delivery system, including approaches to facilitating equitable and efficient cost allocation in such system;
7. the development of strategies for technological improvements to facilitate access to, and improve the quality of, services and activities provided through the one-stop delivery system, including such improvements to—
 - a. enhance digital literacy skills (as defined in [WIOA title 20, section 9101](#));
 - b. accelerate the acquisition of skills and recognized postsecondary credentials by participants;
 - c. strengthen the professional development of providers and workforce professionals; and
 - d. ensure such technology is accessible to individuals with disabilities and individuals residing in remote areas;
8. the development of strategies for aligning technology and data systems across one-stop partner programs to enhance service delivery and improve efficiencies in reporting on performance accountability measures (including the design and implementation of common intake, data

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collection, case management information, and performance accountability measurement and reporting processes and the incorporation of local input into such design and implementation, to improve coordination of services across one-stop partner programs);

9. the development of allocation formulas for the distribution of funds for employment and training activities for adults, and youth workforce investment activities, to local areas as permitted under [WIOA sections 3163\(b\)\(3\) and 3173\(b\)\(3\)](#);
10. the preparation of the annual reports described in [WIOA section 3141\(d\)](#);
11. the development of the statewide workforce and labor market information system described in 15(e) of the Wagner-Peyser Act (29 U.S.C. 491–2(e)); and
12. the development of any other policies that may promote statewide objectives for, and enhance the performance of, the workforce development system in the State.

Article IV Membership

Composition. The State board shall include—

1. the Governor;
2. a member of each chamber of the State legislature, appointed by the appropriate presiding officers of such chamber; and
3. members appointed by the Governor, of which
 - a. a majority *shall* be representatives of businesses in the State, who—
 - i. are owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority, and who, in addition, may be members of a local board;
 - ii. represent businesses (including small businesses), or organizations representing businesses, that provide employment opportunities that, at a minimum, include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the State; and
 - iii. are appointed from among individuals nominated by State business organizations and business trade associations;
 - b. not less than 20 percent *shall* be representatives of the workforce within the State, who—
 - i. *shall* include representatives of labor organizations, who have been nominated by State labor federations;
 - ii. *shall* include a representative, who is a member of a labor organization, or a training director from a joint labor-management apprenticeship program, but if no such joint program exists in the State, a representative of an apprenticeship program in the State;
 - iii. *may* include representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of individuals with barriers to employment, including organizations that serve veterans or that provide or support competitive, integrated employment for individuals with disabilities; and
 - iv. *may* include representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth; and
 - c. the balance—

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- i. *shall* include representatives of government, who shall include the lead State officials with primary responsibility for the core programs;
- ii. *shall* include chief elected officials collectively representing both cities and counties, where appropriate; and
- iii. *may* include such other representatives and officials as the Governor may designate, such as the following.
 - State agency officials from agencies that are one-stop partners,
 - State agency officials responsible for economic development or juvenile justice programs,
 - individuals who represent an Indian tribe or tribal organization,
 - State agency officials responsible for education programs, including chief executive officers of community colleges and other institutions of higher education.

Multiple Representation. A State Board member may not represent more than one category of membership at a time. However, where a single government agency is responsible for multiple required programs, the head of the agency may represent each of the required programs.

Lead State Officials. The lead state officials with primary responsibility for core programs in New Mexico include, the cabinet secretaries for the New Mexico Department of Workforce Solutions, New Mexico Higher Education Department, and Division of Vocational Rehabilitation. Cabinet secretaries may designate the appropriate Deputy Secretary to represent their departments and transfer their vote to their designee. Assignment of designees must be communicated to the State Board Chair and NMDWS Deputy Secretary for consideration and review.

Ex-Officio State Officials. The following state departments will be identified as ex-officio partners on the State Workforce Development Board: New Mexico Public Education Department, New Mexico Economic Development, and New Mexico Human Services Department. Cabinet secretaries and/or designees will be able bring their subject-matter expertise to discussion items, but will not have voting privileges on action items of the board. The listed state departments will remain as ex-officio for State Board to be compliant in accordance with Workforce Innovation & Opportunity Act (WIOA), July 22, 2014, Chapter 1, Sec. 101(b).

Diverse and Distinct Representation. The members of the State board shall represent diverse geographic areas of the State, including urban, rural, and suburban areas.

Terms of Appointment.

1. All members of the State Board, except the State Legislative members, are appointed by the Governor.
2. The State Legislative members shall be appointed by the appropriate presiding officers of the House and Senate Chambers.
3. Member terms shall be for a minimum of two years. Terms begin at the time of appointment.
4. There shall be no limit on the number of terms a member may serve, beyond those set by the sitting Governor, and for the Legislative members, those set by the presiding officers of their respective House and Senate Chambers.

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5. Terms of the Governor, members of the Senate and House, and Chief Elected Officials shall run concurrently with their terms in office.
6. To ensure the staggering of terms such that only a portion of membership expires in a given year, a portion of Board member terms shall expire in odd-numbered years, as appropriate.

Vacancies. In the event of a Board vacancy via resignation, termination, or other means, Board staff will utilize the following process to fill the vacancy:

- (a) Member's written resignation received by a board member, should be forwarded to State Workforce Development Board staff to submit to Governor's office for notification.
- (b) Board will identify the sector represented by the departing board member, and identify same-sector representation to keep the full board composition in compliance.
- (c) Board members will decide on primary and secondary candidates. A second candidate will be considered, if primary candidate is unable to accept appointment. Selecting a secondary candidate will reduce time frame of vacancy.
- (d) Board will forward nominations to the Governor for consideration in filling the vacancy.
- (e) Governor's office will utilize its internal process to fill vacancy.
- (f) Governor's office will advise Board Chair or Board staff of appointment selection.
- (g) Board staff will send orientation documentation to appointed board member.

Member Compensation and Expense Reimbursement. Members of the State Workforce Development Board are eligible for reimbursement pursuant to the Per Diem and Mileage Act of New Mexico.

Conflicts of Interest. The State Workforce Development Board, in conducting its business, will comply with state's Governmental Conduct Act and federal laws regarding conflict of interest. All members of the State Workforce Development Board, including the Chair, shall have the authority to vote on all matters that come before the State Workforce Development Board where there is no conflict or appearance of a conflict of interest. No member of the State Workforce Development Board shall vote on the provision of services by that member (or any organization which that member directly represents) or on any matter, which would provide personal direct or indirect, financial or other benefit to that member. A member shall abstain from any evaluation of an affiliate organization with whom that member is associated.

Termination of Appointment. All Board members serve at the pleasure of the Governor with the exception of legislative members. Legislative members serve at the pleasure of their respective chamber's presiding officers. In addition, membership may be terminated for:

1. Failure of a member to continue to hold the qualifications which were the basis for his/her initial appointment. Board members are responsible for informing the Board of any changes in status which would affect their categorical representation.
2. Receipt by the Board of the written resignation of the member.
3. Failure of a Board member to attend at least 50 percent of scheduled board and committee meetings during a one-year period, except for absences excused by the Board Chair.

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4. Failure to represent the State Workforce Development Board in a manner deemed appropriate by the Board.

In all cases, the Chair in consultation with the Governor will make final determination.

Article V

Officers

Positions. The officers of the State Workforce Development Board shall include a Chair and Vice Chair.

Chair. The Chair is appointed by the Governor and shall be a representative of business. The Board Chair shall preside over all meetings of the Board, and serve as Chair of the Executive Committee. The Chair may also call special or emergency Board meetings, as appropriate. **Vice Chair.** The Vice Chair is elected by a majority of State Workforce Development Board members. The Vice Chair shall preside at meetings in absence of the Chair, and serve on the Executive Committee.

Article VI

State Board Meetings

Presiding Officer. The Chair of the State Workforce Development Board, or in his/her absence, the Vice Chair, shall preside over the State Workforce Development Board meetings. In the absence of the aforementioned, the members present will select a chair for the meeting.

Meeting Schedule. The full State Workforce Development Board shall meet alternating months, or six (6) times per year in accordance with the meeting schedule adopted by the State Workforce Development Board. Special meetings of the Board may be called by the Chair or the Governor or by petition.

Use of technology. In-person participation at all meetings is preferred and highly encouraged. Meeting participation by video or teleconference is only allowed at the discretion of the Chair if in-person attendance is “extremely difficult” for a member. Members must attend no less than 50% of meetings in-person. Other electronic strategies include sending out appropriate meeting materials, including agendas and previous minutes prior to all board meetings.

Quorum. A minimum of ten (10) State Board members must be present and/or participating in the meeting electronically to constitute a quorum.

Voting. All State Board members present and/or participating in the meeting electronically shall have voting privileges. In the event of a quorum, all action shall be taken by a vote of a majority of the board members participating in the meeting.

Open Meetings Requirements. The State Board must conduct business in an open manner as required by WIOA sec. 101(g). The State Board must make available to the public, on a regular basis through electronic means and open meetings, information about the activities and functions of the State Board,

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including the State Plan, or modification to the State Plan, prior to submission; information regarding membership; minutes of formal meetings of the State Board, upon request; and State Board by-laws. All State Workforce Development Board meetings will be publicly announced and will comply with the state's Open Meetings Act.

Public Comment. At regular meetings of the State Workforce Development Board, the Chair will provide opportunities for public comment with time constraints determined by the Chair as appropriate.

Meeting Minutes. State Board staff shall produce meeting minutes after each meeting for distribution to and approval by the full Board at or before the next scheduled State Board meeting.

Article VII

Committees and Committee Meetings

Executive Committee. The State Board shall establish an Executive Committee. The State Board Chair must serve as the chair of the Executive Committee. The Executive Committee shall be composed of a majority of business members. All committee members must be members of the State Workforce Development Board and are appointed by the State Board Chair. Executive Committee members serve two-year terms and may serve multiple terms. The Executive Committee shall meet at least twice per year between full Board meetings to serve in an advisory capacity for the purpose of supporting the review and development of proposed activities required by WIOA federal laws and regulations; as well as to conduct planning for State Board meeting agenda items. The Executive Committee shall not be used to take any formal action, in lieu of the full State Board.

Other Committees. The State Workforce Development Board may create as many committees (i.e. task forces, interim, or ad hoc committees), as it deems necessary to carry out the work of the State Workforce Development Board.

Committee Membership. All committees must be chaired by a member of the State Workforce Development Board. Committee Chairs shall be appointed by the State Workforce Board Chair (except the Board Chair must serve as the chair of the Executive Committee). Committee chairs shall be responsible for recruitment and selection of their committee members in consultation with the State Workforce Board Chair. Committees may contain members who are not required State Workforce Board members. However, a majority of committee members must be from the State Workforce Development Board.

Conduct of Committee Meetings. The committees shall meet in a manner agreed upon by the committee chair and other members of the committee. All committee members shall be allowed to vote on committee recommendations. All recommendations discussed by the committees shall be presented to and voted on by the full State Workforce Development Board. The quorum for committee meetings shall be those members of the committee present and eligible to vote.

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Article VIII General Provisions

Parliamentary Authority. Where not otherwise provided for in these by-laws, Robert's Rules of Order shall be followed in conducting all meeting of the State Board and in its committees. The State Board chair person shall appoint a parliamentarian for the Board and its committees as appropriate.

Address. The State Workforce Development Board shall maintain a mailing address established by the State Workforce Development Board: State Workforce Development Board, 401 Broadway NE, Albuquerque, NM 87102.

Records. The Department of Workforce Solutions shall be the designated site for maintaining all records of the State Workforce Development Board, including minutes of proceedings of all State Workforce Development Board meetings. The State Workforce Development Board meeting schedule, meeting agendas, and meeting minutes shall be made available to the public on the Department of Workforce Solutions web site: www.dws.state.nm.us.

Staff Support and Record-Keeping. Executive Order 2015-012 designates the New Mexico Department of Workforce Solutions as the lead state agency responsible for supporting and performing state administrative functions as outlined in the provisions of WIOA and supporting regulations on behalf of the Governor and the State Workforce Board.

Amendments. These bylaws shall be reviewed periodically by the Executive Committee. These bylaws shall only be amended by a majority vote of the State Workforce Development Board at any meeting of the State Workforce Development Board, following a meeting where the proposed changes are introduced.

Compliance with Law. The State Board, in execution of its business, shall comply with all applicable New Mexico Statutes and regulations, including, but not limited to, the State Procurement Code, the State Open Meetings Act, and the State Mileage and Per Diem Act.

These by-laws were amended and approved and became effective on the 6th day of February, 2020.

Signature:

Board Chair

