WIOA Approval Letter for the State of New Mexico

Approval Letter for the State Plan

Approval Letter

This is an accessible version of the State Plan Approval letter without the Department’s signatures.

The Honorable Susana Martinez Governor of New Mexico Office of the Governor 490 Old Santa Fe Trail Room 400 Santa Fe, NM 87501

Dear Governor Martinez:

After careful review, the U.S. Departments of Labor and Education (Departments) are pleased to inform you that we have determined that New Mexico’s four-year Workforce Innovation and Opportunity Act (WIOA) Combined State Plan (Combined State Plan or State Plan), submitted on April 1, 2016, is substantially approvable. Therefore, the Departments have approved your Combined State Plan, which covers the period July 1, 2016 through June 30, 2020, subject to conditions discussed below. Although the Departments have approved the four-year plan, you must submit a State Plan modification in 2018, as required by sections 102(c)(3)(A) and 103(b)(1) of WIOA.

WIOA represents a fundamental transformation of the workforce system to deliver integrated, job-driven services to job seekers, workers, and employers. It supports the development of strong regional economies, and it improves performance accountability so that consumers and investors can get information about programs and services that work. The Departments are encouraged by the progress that New Mexico has made to implement and operationalize WIOA. We look forward to working with you to continue this important work to strengthen your current plan to continue to take the workforce system to a new level of innovation.

The Departments approved your Combined State Plan, subject to conditions, after reviewing it in light of the requirements contained in sections 102 and 103 of WIOA, and the WIOA State Plan Information Collection Request (ICR), Required Elements for Submission of the Unified or Combined State Plan and Plan Modifications under the Workforce Innovation and Opportunity Act, as well as the program-specific requirements for the included Department of Labor and Education programs. This decision constitutes a written determination that covers the joint planning elements, or “common elements,” as well as the program-specific requirements for the six core programs: the Adult, Dislocated Worker, and Youth programs authorized under title I of WIOA and administered by the Department of Labor; the Adult Education and Family Literacy Act (AEFLA) program authorized under title II of WIOA and administered by the Department of Education; the Employment Service program authorized under the Wagner-Peyser Act (Wagner-Peyser), as amended by title III of WIOA and administered by the Department of Labor; and the Vocational Rehabilitation Program, authorized under title I of the Rehabilitation Act of 1973, as amended by title IV of WIOA, and administered by the Department of Education.

This decision also constitutes a written determination that covers the program-specific requirements for the Combined State Plan program that New Mexico included in its State Plan that is administered by the Department of Labor: the Senior Community Service Employment Program authorized under title V of the Older Americans Act of 1965.
The Departments have approved the State Plan subject to conditions because there are a number of deficiencies set forth in Attachment A to this letter that must be remedied. No later than September 1, 2016, New Mexico must correct the deficiencies identified in Attachment A that can be fully remedied by that date by submitting revised State Plan descriptions that comply with statutory and ICR requirements to the portal at https://rsa.ed.gov/. We expect that by September 1, 2016, States will make maximum efforts to correct the deficiencies that can be remedied by that date. However, we recognize that some deficiencies will take longer to remedy. For those deficiencies identified in Attachment A that cannot be remedied by September 1, 2016, New Mexico must provide the Departments with an action plan for correcting each of those deficiencies to WIOA.Plan@dol.gov. New Mexico must include in its action plan the specific steps that will be taken to remedy the deficiencies, benchmarks that will be used to monitor progress, and the timeline for correcting each of the remaining deficiencies. Your acceptance of any funds pursuant to this approval with conditions constitutes your agreement to remedy each of the deficiencies identified in Attachment A to the satisfaction of the Departments, and the Notices of Award and Grant Award Notifications used to award New Mexico’s funds will include this condition.

The Departments recognize the unique challenges States faced in developing the initial State Plan required by WIOA, particularly given that: the State Plan requirements under WIOA are substantially different from those required by the Workforce Investment Act of 1998 (WIA); the State Plan information collection request was published on February 22, 2016; and the final regulations are not expected to be publicly available until late June. As such, the Departments are exercising the transition authority provided by section 503 of WIOA to develop a process that ensures the orderly transition from the requirements of WIA to those of WIOA and its strategic vision. As part of this process, however, it is critical that New Mexico work to address the deficiencies in the State Plan in the manner described above and to the satisfaction of the Departments. In the case of those deficiencies that require a longer period for New Mexico to address, the Departments will monitor New Mexico’s progress to ensure that the State Plan fully reflects WIOA’s planning requirements. If New Mexico fails to make progress in remedying the deficiencies in the State Plan, the Departments may take enforcement actions that are available to them, and New Mexico’s funding could be affected.

Finally, per the Departments’ State Plan ICR, the State Plan included expected levels of performance for certain primary indicators of performance. Those indicators are the basis for negotiations that the Departments and New Mexico use to establish negotiated levels of performance, which are incorporated into the Combined State Plan and will apply for the first two years.

For the WIOA Adult, Dislocated Worker, Youth, and Wagner-Peyser programs, the Department of Labor is using transition authority in WIOA sec. 503(a) to extend the negotiation period for those indicators past June 30, 2016; negotiations are to conclude no later than August 15, 2016. For the AEFLA program, the Department of Education will complete negotiations by June 30, 2016. For the Vocational Rehabilitation program, the Department of Education is using the transition authority to take the time necessary to implement a negotiation process for the first time for this program, and the program, therefore, will not have negotiated indicators of performance for the first two years of this Plan. For all WIOA core programs, all primary indicators of performance that are not subject to negotiations are designated as baseline indicators for these two years. For those indicators not subject to negotiations, the State was not required to include expected levels of performance in the State Plan.

The Departments will provide ongoing technical assistance to help New Mexico realize the vision of WIOA. Following the release of the final regulations, the Departments will provide training on the final regulations and issue additional guidance. The Departments’ staff will work with you and your agencies and staff to address important qualitative issues in the initial State Plan that are not listed.
on the attachment because they do not rise to the level of non-compliance, in order to help New Mexico better position itself to submit a 2018 State Plan modification that reflects its significant experience in implementing WIOA, and articulates the integration and innovations it has undertaken. In other words, the Departments anticipate that the 2018 State Plan modification will be a key step in demonstrating the workforce system transformation envisioned by WIOA.

We appreciate your efforts in submitting this Combined State Plan and commitment to working together with other States and the Departments to support the public workforce system. We look forward to working with you to ensure that the revisions are submitted in a timely manner.

Sincerely,

Portia Wu Assistant Secretary Employment and Training Administration

Johan E. Uvin Deputy Assistant Secretary Delegated the Duties of the Assistant Secretary for Career, Technical, and Adult Education

Sue Swenson Acting Assistant Secretary Office of Special Education and Rehabilitative Services

Janet LaBreck Commissioner Rehabilitation Services Administration