

**NOTICE OF RULEMAKING**

The New Mexico Department of Workforce Solutions (“Department” or “NMDWS”) hereby gives notice that the Department will conduct a public hearing in the conference room of the Human Rights Bureau located at 1596 Pacheco Street, Suite 103 in Santa Fe, New Mexico, 87505 on September 16, 2019 at 10:00 am.

The purpose of the public hearing will be to obtain input and public comment on the amendments proposed to the following rules:

11.3.100 NMAC - General Provisions  
11.3.300 NMAC - Claims Administration  
11.3.400 NMAC - Tax Administration

**Summary:**

11.3.100 NMAC - removal of “bureau” and associated “bureau” terms; implementing uniform language concerning references to unemployment insurance compensation benefits; removal of definitions that are no longer applicable or relevant in this provision; changing “remuneration” to “compensation”; updating types of medium that may be used to respond to record requests; change “Workforce Investment Act” to “Workforce Innovation Opportunities Act”; and clarification of what information is required to be submitted to the department electronically and what the timeframes for responses are, including possible applicable penalties or repercussions if responses are not received timely.

11.3.300 NMAC - clarification of what information is required to be submitted to the department electronically and what the timeframes for responses are, including possible applicable penalties or repercussions if responses are not received timely; removal of “bureau” and associated “bureau” terms; implementing uniform language concerning references to unemployment insurance compensation benefits; rephrasing certain provisions to implement clearer language and conforming with regulations that govern rulemaking; updating work search requirements for hiring halls and referral halls; and changing the name of extended benefits program from “Temporary extended unemployment compensation acts” to “any enacted federal extension program”

11.3.400 NMAC – defining “out of state wage” reporting requirements; clarification of what information is required to be submitted to the department electronically and what the timeframes for responses are, including possible applicable penalties or repercussions if responses are not received timely; updating what documents are required for employers to adequately respond to tax audits; updating the audit process to include online reporting, responding to document inquiries, submitting payments, and appealing; clarifying what conditions would require an experience history transfer from one employing unit to another, the process for requesting a history transfer, and when the department will force a transfer; and amending the procedure for requesting an abatement of penalties or interest.

Under Section 9-26-4, NMSA 1978, the Workforce Solutions Department is responsible for the administration of the workforce technology division and the workforce transition services division. The Department is therefore responsible for the administration of the Unemployment Compensation Law pursuant to Section 51-1-1 et seq., NMSA 1978.

Interested individuals may testify at the public hearing or submit written comments to State of New Mexico Department of Workforce Solutions, 401 Broadway NE, P.O. Box 1928, Albuquerque, N.M., 87103, attention Andrea Christman. Written comments must be received no later than 5 p.m. on September 13, 2019. However, the submission of written comments as soon as possible is encouraged.

Copies of the proposed rules may be accessed at <http://www.dws.state.nm.us/> or obtained by calling Andrea Christman at (505) 841-8478 or sending an email to [Andrea.Christman@state.nm.us](mailto:Andrea.Christman@state.nm.us). The proposed rules will be made available at least thirty days prior to the hearing.

Individuals with disabilities who require this information in an alternative format or need any form of auxiliary aid to attend or participate in this meeting are asked to contact Ms. Christman as soon as possible. The Department requests at least ten (10) days advance notice to provide requested special accommodations.