

**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 May 25, 2022 from 10:00 am to 12:00 pm. The public comment hearing will also be conducted virtually. The link to participate in the virtual meeting is:

<https://us06web.zoom.us/j/84742085534?pwd=ODlhVHpJd2ozOVQ5Y2trcWNDOW9EQT09>  
Passcode: 654694

Or One tap mobile :

US: +13462487799,,84742085534#,,,,\*654694# or +16699006833,,84742085534#,,,,\*654694#

Or Telephone:

Dial (for higher quality, dial a number based on your current location):

US: +1 346 248 7799 or +1 669 900 6833 or +1 253 215 8782 or +1 312 626 6799 or +1 929 436 2866 or +1 301 715 8592

Webinar ID: 847 4208 5534

Passcode: 654694

The purpose of the public hearing will be to obtain input and public comment on proposed amendments to the regulation governing the public works policy manual, NMAC 11.1.2.

Summary: The proposed amendment will ensure the Public Works Manual regulations in NMAC 11.1.2 comport with the statutory requirements of NMSA §13-4-11. Specifically, the proposed amendments will change the timelines for predetermination of wage rates from July 31 to May 31 to allow the director to determine the rates no later than October 1. The amendments will remove the provision of NMAC 11.1.2.17 that stays decisions of the director pending appeals to district court. The amendments will align the regulations with the governing statutes in regards to timelines for investigations and the implementation of penalties assessed if a violation is determined.

Under Section 9-26-4, NMSA 1978, the Workforce Solutions Department is responsible for the administration of the labor relations division which oversees setting the prevailing wage and fringe benefit rates. Pursuant to Section 13-4-11, NMSA 1978, the director shall issue rules necessary to administer and accomplish the purposes of the Public Works Minimum Wage Act.

Interested individuals are encouraged to submit written comments to the New Mexico Department of Workforce Solutions, P.O. Box 1928, Albuquerque, N.M., 87103, attention Andrea Christman prior to the hearing for consideration. Written comments must be received no later than 5 p.m. on May 24, 2022. However, the submission of written comments as soon as possible is encouraged.

Copies of the proposed rule may be accessed online at <https://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 rule 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.