

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 1:00 pm to 3:00 pm. The public comment hearing will also be conducted virtually.

<https://us06web.zoom.us/j/81954361699?pwd=bUNjc2hEcFFIc3I3ZGY0NXZjOHc1UT09>

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The purpose of this public hearing will be to obtain input and public comment on proposed amendments to the regulations concerning Unemployment Compensation, Claims Administration. The proposed amendment will change the language in NMAC 11.3.300.314 concerning enforcement of compensable weeks penalties in cases of fraud to comply with the statutory language in Section 51-1-38, NMSA 1978.

Summary: Section 51-1-38, NMSA 1978 states that any person who is found by the secretary to have so obtained or increased the amount of any benefit for the person, the person shall, in addition to other penalties provided herein, forfeit all benefit rights under the Unemployment Compensation Law for a period of not more than one year from and after such determination. The proposed amendment changes provisions in the current NMAC 11.3.300.314 to remove the language which states that the claimant shall forfeit all benefit rights for 52 weeks from the date the claimant is next determined eligible so that the regulation conforms with the statute, as written.

Under NMSA 1978, §9-26-4, 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 NMSA 1978 §51-1-1 et seq.

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. 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.