

TITLE 11 LABOR AND WORKERS' COMPENSATION
CHAPTER 1 LABOR GENERAL PROVISIONS
PART 3 PUBLIC WORKS APPRENTICESHIP AND TRAINING ACT POLICY MANUAL

11.1.3.1 ISSUING AGENCY: New Mexico Department of Workforce Solutions, Labor Relations Division, Labor and Industrial Bureau, Public Works Unit.
[11.1.3.1 NMAC - Rp, 11.1.3.1 NMAC, 04/30/2014]

11.1.3.2 SCOPE: All contractors, subcontractors, employers or any person acting as a contractor employing laborers or mechanics on public works projects.
[11.1.3.2 NMAC - Rp, 11.1.3.2 NMAC, 04/30/2014]

11.1.3.3 STATUTORY AUTHORITY: Section 13-4D-1 to 13-4D-8 NMSA 1978.
[11.1.3.3 NMAC - Rp, 11.1.3.3 NMAC, 04/30/2014]

11.1.3.4 DURATION: Permanent.
[11.1.3.4 NMAC - Rp, 11.1.3.4 NMAC, 04/30/2014]

11.1.3.5 EFFECTIVE DATE: 04/30/ 2014, unless a later date is written at the end of section.
[11.1.3.5 NMAC - Rp, 11.1.3.5 NMAC, 04/30/2014]

11.1.3.6 OBJECTIVE: The purpose of the Public Works Apprentice and Training Act is to ensure funding, through contributions made by employers, to establish an apprenticeship program that will develop skilled building trades' craftsmen in occupations recognized by the United States department of labor, office of apprenticeship or the New Mexico state apprenticeship agency. The funding will ensure adequate training during economic downturns, increase the number of New Mexicans possessing skills that will enhance their opportunities for employment and maintain the high standards of craftsmanship in our state.
[11.1.3.6 NMAC - Rp, 11.1.3.6 NMAC, 04/30/2014]

11.1.3.7 DEFINITIONS:

A. "Approved program" means building trades apprenticeship and training programs in New Mexico that are recognized by the United States department of labor, office of apprenticeship or the New Mexico state apprenticeship agency.

B. "Qualified apprentices" mean participants in approved apprenticeship and training programs that have had 90% of 144 hours of classroom instruction and not less than 1000 hours of on-the-job training for the fiscal year.
[11.1.3.7 NMAC - Rp, 11.1.3.7 NMAC, 04/30/2014]

11.1.3.8 DISBURSEMENT/CREATION OF FUNDS: The director of the labor relations division, New Mexico department of workforce solutions, shall disburse the public works apprentice and training fund in accordance with NMSA 1978, Section 13-4D-5.

A. The director shall develop an annual budget taking into account the crafts that participated in the same fiscal year beginning July 1 and ending the following year on June 30.

B. The director shall utilize no more than 15% of the funds to be used by the public works unit to administer the Public Works Apprentice and Training Act.

C. The remainder of the funds shall be disbursed by the director to approved apprenticeship and training programs in New Mexico.

(1) Disbursement of funds. The director shall disburse the funds to approved apprenticeship and training programs in proportion to amount collected and participants within such programs.

(a) The director, in disbursing the funds, shall take into account participants who have had 90% of 144 hours of classroom instruction and not less than 1000 hours of on-the-job training for the fiscal year.

(b) The funds shall be disbursed in proportion to the number of qualified apprentices within each approved program.

(2) Method of calculation. The director shall take into account the number of participants in each approved program, the total amount collected (minus the administrative fee) divided by the total amount of approved participants for that fiscal year and disburse to each participating sponsor.

EXAMPLE: MULTIPLE PROGRAMS	
Funds collected by public works unit:	
Hours times contribution (1000 times \$.50/hour)	\$500.00
Minus 15% administration fee	-\$75.00
Funds available	\$425.00
Approved apprenticeship programs	
Associated builders and contractors	20
Northern New Mexico IEC	80
Ironworkers JATC	20
Plumbers and pipefitters JATC	100
Total apprentices	220
Funds available divided by participants (\$425.00 divided by 220)	\$1.9318/participant

Programs	Participants	Amount per participant	Amount to be distributed
ABC	20	\$1.9318	\$38.64
NNMIEC	80	\$1.9318	\$154.54
IEC Las Cruces	20	\$1.9318	\$38.64
Electricians JATC	100	\$1.9318	\$193.18
Total			\$425.00*
*Any remaining amount reverts to the public works apprentice and training fund.			

D. A single apprentice contribution rate will be determined annually by the director. All approved apprenticeship and training programs shall submit to the director by July 30 of each year, the apprenticeship costs data for the program's most recent completed fiscal year and the total number of registered apprentices. The director will take into account all submissions in determining the apprenticeship contribution rate that will be in effect on qualifying public works projects at the beginning of each new calendar year.

[11.1.3.8 NMAC - Rp, 11.1.3.8 NMAC, 04/30/2014]

11.1.3.9 STATEMENT OF COMPLIANCE ON CERTIFIED PAYROLLS: Statement of compliance on certified payrolls shall contain a statement identifying the program approved by the United States department of labor, office of apprenticeship or the New Mexico state apprenticeship agency or paid to the public works apprentice and training fund.

A. A monthly record of contributions shall be submitted to the public works unit of the labor relations division, New Mexico department of workforce solutions, identifying the project by state wage decision number, week ending, employee's name, number of hours, and rate in the following format by **all** contractors/subcontractors employing laborers or mechanics requiring apprenticeship contributions in the following sample form.

EXAMPLE: COMPLIANCE STATEMENT								
WAGE DECISION NO.:			(SA 93-990 A and B)					
NAME OF PROJECT:			(Constr. Of Labor and Industrial Div. Offices/Street Paving)					
NAME OF COMPANY:			(XYZ CONSTRUCTION CO., INC.)					
ADDRESS:			(111 Oak St., Santa Fe, NM 87501)					
PAYMENT FOR MONTH/YEAR: (APRIL) 20 (xx) TOTAL OF CHECK: \$12.75 CHECK NO. (17895)								
EMPLOYEE	WK END	WK END	WK END	WK END	WK END	TOTAL HOURS	RATE/HOUR	TOTAL CONTRIB.
	(4/2)	(4/09)	(4/16)	(4/23)	(4/30)			

(John Doe)	2	0	3	5	5.5	15.5	\$.50	\$7.75
(Tom Smith)	0	0	5	0	5.0	10.0	\$.50	\$5.00
SIGNATURE								

B. The above information shall be submitted no later than the 15th of the following month with a copy of check paid to apprenticeship and training fund by contractors that **do** pay into an approved apprenticeship and training program in New Mexico.

C. A monthly check of contributions and the above compliance statement shall be submitted by contractors that **do not** participate in an approved apprenticeship and training program to the apprenticeship and training fund, labor relations division, New Mexico department of workforce solutions.

D. A notation shall be made in each certified payroll indicating where payment is being sent when applicable.

E. The director shall publish a list of approved apprenticeship and training programs in New Mexico to be furnished upon request.

[11.1.3.9 NMAC - Rp, 11.1.3.9 NMAC, 04/30/2014]

HISTORY OF 11.1.3 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center: PWAT 93-1, Rules and Regulations under the New Mexico Public Works Apprenticeship and Training Act, filed 6/24/93.

History of Repealed Material:

11 NMAC 1.3, Public Works Apprenticeship and Training Act Policy Manual, filed 7/23/1998, repealed 04/30/2014.