

Southwestern Area Workforce Development Board

Special Executive Committee Meeting Agenda

Mesilla Community Center
2251 Calle de Santiago
Mesilla, NM 88046

Friday, February 7, 2020 at 4:00 pm

*Mr. Joshua Orozco—Chair
Mr. Michael Olguin, Jr.—Vice Chair*

- I. Call to Order**
- II. Welcome and Introductions**
- III. Roll Call and Abstentions**
- IV. Public Comment (3-Minute Limit)**
- V. Approval of Agenda**
- VI. Discussion, Consideration and Possible Action Regarding**
 - a. Approval of the December 31, 2019 meeting summary
 - b. Resolution 19 – 35 approves the Board Chair’s committee appointments, per SAWDB Bylaws
 - c. Resolution 19 – 36 approves the amendment to the Electronic Files Content & Records Retentions Management Policy, 17 – 19.1
 - d. Resolution 19 – 37 authorizes the SAWDB to cost share security guard services for the New Mexico Workforce Connection Center in Las Cruces
- VII. Member Input**
- VIII. Public Comment (3-Minute Limit)**
- IX. Adjournment**

DRAFT OF MEETING SUMMARY

Meeting	: Special Executive Committee
Date and time	: December 31, 2019 at 3:00 p.m.
Location of Meeting	: Mesilla Community Center 2251 Calle de Santiago Mesilla, NM
Chair Person	: Joshua Orozco
Members Attending	: Present: Michael Olguin (by phone), Joshua Orozco, Erik Padilla, Debbie Schoonover (by phone), Gary Whitehead (by phone) Absent: Marcos Martinez, Kim Skinner Staff: Steve Duran
Guests in Attendance	: Eric Rivera, ResCare A/DW; Yvette Bayless, ResCare A/DW; Valerie Trujillo, ResCare A/DW
Summary submitted by/Signature	: Angela Longovia, Communications Specialist
Next Meeting	: No date set

#	Agenda Item	Summary
1.	Call to order	Meeting was called to order at 3:01 p.m. by Mr. Orozco
2.	Welcome and Introductions	Mr. Orozco welcomed the attendees
3.	Roll Call & Abstentions	Mr. Duran called roll a) Mr. Padilla made a motion to allow members to participate telephonically, seconded by Mr. Orozco. By unanimous consent, motion passed.
4.	Approval of Agenda	Mr. Padilla made a motion to approve the agenda, seconded by Mr. Olguin. By unanimous consent, motion passed.
5.	Discussion or Motion for Recommendation Items	a) Approval of the December 21, 2018 meeting summary • Mr. Padilla made a motion to accept the summary, seconded by Ms. Schoonover. Mr. Orozco abstained. By unanimous consent, motion passed. b) Approval of the April 3, 2019 meeting summary • Mr. Whitehead made a motion to accept the summary, seconded by Mr. Padilla. Mr. Orozco abstained. By unanimous consent, motion passed. c) Resolution 19 – 23 approves an amendment to contract Co. PY19-WIOA-02 between Arbor E & T, LLC dba ResCare Workforce Services and the Southwestern Area Workforce Development Board for WIOA Adult & Dislocated Worker Services, and authorizes the Board Chair or Vice Chair to sign the contract amendment • Mr. Whitehead made a motion to approve Resolution 19 – 23, seconded by Mr. Padilla. By unanimous consent, motion passed.
6.	Member Input	No member input
7.	Public Comment	Ms. Bayless commented that there is no change to the overall profit amount with this approved transfer

#	Agenda Item	Summary
8.	Next Meeting	No date was set
9.	Adjournment	Meeting was adjourned at 3:15 p.m.

Attested: _____

Date _____

AGENDA ITEM SUMMARY

Special Executive Committee Meeting	February 7, 2020
Agenda Item Resolution 19 – 35 approves the Board Chair’s committee appointments, per SAWDB Bylaws	
<p>SUMMARY OF AGENDA ITEM</p> <ul style="list-style-type: none"> • This item is presented for your review and consideration to approve the Board Chair's committee appointments, per SAWDB Bylaws. • In Bylaws under Article V Membership, Section C.1: Members shall serve on committees, subcommittees, and taskforces as appointed by the SAWDB Chair. • Article VIII Committees; Committee Selection states, “Appointments to all Committees shall encompass categorical and geographical representations as broadly as possible to ensure that each committee reasonably represents the membership of the SAWDB. When appointing committee members, the SAWDB Chair shall do so considering the knowledge, experience, and preference of the particular members so appointed.” • The Planning Committee is tasked with working on the region’s Local Four-Year Plan. With the departure of three members last year, there are now only three members on this committee. There is a need to appoint additional members to this committee. • While reviewing the membership of the committees, the Board Chair would like to address current membership of all committees including the new Policy Committee and an ad-hoc Outreach Committee <p>RECOMMENDATION</p> <p>A motion to approve Resolution 19 – 35.</p> <p>OPTIONS ARE TO</p> <ol style="list-style-type: none"> 1. Accept the recommendation 2. Amend the recommendation 3. Reject the recommendation 4. Table the item 5. Take no action on the item <p>DEPENDING ON ACTION TAKEN, ITEM MAY BE REFERRED OR REPORTED TO</p> <ul style="list-style-type: none"> • Staff or committee, as directed. <p>THIS ITEM SUPPORTS STRATEGIC PLAN GOAL(S)</p> <ul style="list-style-type: none"> • Supports all strategic plan goals <p>LIST OF SUPPORTING INFORMATION FOR YOUR REVIEW</p> <ul style="list-style-type: none"> • Bylaws including Committee Descriptions • Table of all current committee members. New committees and newly appointed members are in blue. 	

**Bylaws of the
Southwestern Area
Workforce Development Board**

**ARTICLE I
ESTABLISHMENT**

- A. The Southwestern Area Workforce Development Board of the State of New Mexico is established in accordance with the Workforce Innovation and Opportunity Act and the State of New Mexico Workforce Development Act (WDA) Statutes and Regulations.

**ARTICLE II
NAME**

- A. The name of this Board shall be The Southwestern Area Workforce Development Board, hereinafter referred to as the SAWDB.

**ARTICLE III
PURPOSE**

- A. It shall be the purpose of the SAWDB to set policy for, and provide operational oversight of, the local workforce system geographically comprised of the counties of Catron, Socorro, Grant, Sierra, Luna, Doña Ana, and Hidalgo for the State of New Mexico.
- B. The purpose of the SAWDB shall not preclude direct relationships between any local government and any other regional job development organization, public or private.
- C. The SAWDB shall remain autonomous with each of the local governments in the SAWDB and retain all rights and authority provided to them under their charters and ordinances, the laws of the State of New Mexico, or any other procedures and regulations not in conflict with state or federal law.
- D. The intent of the SAWDB is to carry out functions and responsibilities according to the Act and its Regulations under WIOA.
- E. The SAWDB shall assist the Governor, recommend, comment, plan, coordinate, review, identify, provide, develop, monitor, advise, and report as follows:
- 1) Provide a forum to facilitate the development of workforce training and development under the WIOA and WDA.
 - 2) Increase the capacity of each local government to assist in the development of programs that will provide meaningful job opportunities to all of its citizens.

- 3) Provide and support workforce development initiatives to the New Mexico Legislature, the Governor of New Mexico, the New Mexico Department of Workforce Solutions (NMDWS), and other local, state, and federal executive and legislative branches of government.
- 4) Enhance productivity of business competitiveness of New Mexico Business and Industry.

**ARTICLE IV
DUTIES AND RESPONSIBILITIES**

- A. The SAWDB will carry out its duties and responsibilities according to the federal WIOA, the New Mexico WDA, and all federal and State regulations duly promulgated under these acts.
- B. Specifically, as set forth in the WDA, the SAWDB shall:
 - 1) Advise the New Mexico State Workforce Development Board (hereinafter referred to as the “State Board”) on issues relating to regional and local workforce development needs.
 - 2) Develop and submit to the State Board and the Governor a Southwestern Area five-year workforce plan that shall be updated and revised annually in accordance with the WIOA.
 - 3) Designate or certify one-stop program operators in accordance with the WIOA
 - 4) Terminate, for cause, the eligibility of one-stop operators.
 - 5) Select providers and provide grants to youth activity providers in accordance with the WIOA.
 - 6) Identify eligible training and intensive service providers in accordance with the WIOA.
 - 7) Develop a budget subject to the approval of the chief elected officials of the SAWDB.
 - 8) Develop and negotiate local performance measurements, as described in the WIOA, with the chief elected officials of the Southwestern Area and the Governor.
 - 9) Ensure linkages with economic development activities.
 - 10) Encourage employer participation and assist employers in meeting their hiring needs.
 - 11) Conduct oversight of; local programs and youth programs, in partnership with the chief elected officials, authorized pursuant to the WIOA; employment and training activities pursuant to the WIOA; and the one-stop delivery system in the Southwestern Area.

C. Provide information regarding the following:

- 1) The Southwestern Area plan
- 2) Membership of the SAWDB
- 3) Designation and certification of one-stop operators; and the award of grants or contracts to eligible providers of youth activities.

D. The SAWDB shall also:

- 1) Review and evaluate the performance of all Southwestern Area Workforce Development activities and state agencies involved with workforce development.
- 2) Develop coordination with the State Board regarding its linkages with the State Board of Education to ensure coordination and no duplication of vocational education, apprenticeship, adult education, and vocational rehabilitation programs with other workforce development and training programs.
- 3) Provide policy advice, in coordination with the State Board, regarding the application of federal or state laws that pertain to workforce development.
- 4) Provide information for the annual report for the State Board and the Governor.
- 5) Annually review, for potential inclusion in the Southwestern Area five-year plan, any goals, objectives, and policies submitted by state agencies involved in workforce development activities in the Southwestern Area.
- 6) Administer WIOA funds allocated to the Southwestern Area workforce activities pursuant to the WIOA and WDA.
- 7) Contract with public entities to further the directives of the WIOA and WDA as deemed necessary.
- 8) Assist with statewide employment statistics system under Wagner-Peyser.

ARTICLE V MEMBERSHIP

A. Membership of the SAWDB: Pursuant to Section 107 of the WIOA, Southwestern Area membership shall include the following:

- 1) Board members shall be appointed by the chief elected officials of the SAWDB, based on criteria established by the Governor and the State Board. The staggered terms are determined by the chief elected officials and are generally for a period of two years. There are no term limits.
- 2) The composition of the SAWDB shall be in compliance with Section 107 (b) (2)(A),(B), and (C) of the WIOA.

- 3) The SAWDB shall contain “a minimum of fifty-one percent (51%) of its members coming from the private sector and shall also include representatives of education, labor, government, economic development, and community-based organizations, and others as appropriate.”
- 4) Terms of Appointments pursuant to Section 107 (c)(2) of the WIOA, the Governor shall certify the membership of the SAWDB once every two years.
- 5) Board member appointments shall be staggered so that a portion of the memberships expire in alternate years.
- 6) Consideration of all appointments shall include gender, ethnicity, categorical representation, and geographic diversity.
- 7) The mandatory orientation for new members pursuant to the Act shall include specific duties and responsibilities of individual board members.
- 8) The SAWDB members, who miss three consecutive scheduled Board and/or Committee meetings without cause, will be considered to have resigned their Board position. Their name shall be submitted to the Chief Elected Officials in writing for replacement to be made. Exceptions are based on absences for a special reason, as determined by the SAWDB Chair. The affected member may request their retention in writing and receive written approval from the AE, with approval from the SAWDB Chair.
- 9) A vacancy/replacement on the SAWDB shall be filled in the same manner as regular appointments.
- 10) A majority of members of the SAWDB shall be from the private sector. Preference shall be given to persons who are owners of businesses, Chief Executives Officers (CEO's), or Chief Operating Officers (CEO's) of business and other business executives or employers with optimum policymaking or hiring authority.
- 11) Vacancies on the SAWDB shall exist upon the death, resignation, or removal of a member.
- 12) A person selected to fill a vacancy as provided in these bylaws shall hold office for the unexpired term of her/his predecessor or until her/his death, removal, or resignation.

B. Membership Responsibilities:

- 1) Members shall have the responsibility to inform the SAWDB, through her/his designated representative, of any changes in status which would affect their categorical representation.
- 2) All members must go through the “Mandated Training Certification” process to complete membership on the Board.

C. Committee Service:

- 1) Members shall serve on committees, subcommittees, and taskforces as appointed by the SAWDB Chair. SAWDB members may serve on more than one committee. The board chair will be a member of all committees.
- 2) Once a committee meeting date has been set by the Committee Chair and its Members, the committee date can only be changed with that Committee Chair's prior approval before it can be rescheduled.

D. Conflict of Interest:

- 1) All members of the SAWDB, including the Chair, shall have the authority to vote on all matters that come before the Board where there is no conflict, or the appearance of a conflict of interest. The Code of Conduct/ Conflict of Interest Policy was approved and signed by the SAWDB and the CEO's on September 22, 2004. This Code of Conduct/ Conflict of Interest Policy applies to the members of the SAWDB, the CEO's, the SCCOG, Administrative Entity, Fiscal Agent, and all Adult and Youth Providers.

E. Compensation/Reimbursement of Expenses:

- 1) Members of SAWDB shall not receive any salaries or wages for their services, but may be reimbursed for reasonable and necessary expenses incurred in the performance of their duties. Every claim for reimbursement for per diem and travel, as allowed by the Per Diem and Mileage Act of the State of New Mexico, shall be submitted on a travel voucher and in accordance with the appropriate rules, formats, and informational requirements of the State Department of Finance and Administration.
- 2) Per House Bill 220 relating to reimbursement for per diem and mileage expenses increasing rates; providing for the reimbursement of members of the Southwestern Area Workforce Development Board (SAWDB) will receive a fixed and regular travel reimbursement of \$95.00 per meeting day for Board and all approved committee meetings in place of per diem and mileage.
- 3) Non-voting board members, and government employees using government vehicles and receiving government compensation, are excluded from the \$95.00 fixed and regular reimbursement.
- 4) Board members traveling to special events and/or events at the request of the SAWDB, Board Chairman, or their designee will be reimbursed for expenses by submitting regular travel request forms.

F. Liability:

- 1) Members of the SAWDB and staff, while acting under the direction of the SAWDB, shall not be held personally liable for the debts, decisions, liabilities, or other obligations of the SAWDB.

G. Gifts and Contributions:

- 1) SAWDB members may not accept any contribution, gift, bequest, or devise of any property whatsoever that would personally or professionally benefit the member. Contributions, gifts, bequests, or other devises of property directly benefiting the WIOA mission and participants may be accepted without reimbursement of any kind to the donor.

H. Representation of the SAWDB:

- 1) Members appointed to the SAWDB are considered representatives of the State in matters of workforce development programs in the Southwestern area and are entitled to any rights attendant to membership on the SAWDB; however, no SAWDB member may take any action or carry out any activity on behalf of the SAWDB not permitted to be taken or carried out without the approval, by vote, of the SAWDB.

Staff:

- 1) Staff support for the SAWDB shall be provided as determined by resolution of the membership at scheduled meetings. Contract with staff shall include specific duties of administrative support staff.

I. Operating Procedures:

- 1) Operating procedures shall be adopted by the SAWDB for committees, staff, and the SAWDB.

ARTICLE VI OFFICERS

A. The officers of the SAWDB, including the Chair and Vice-Chair, shall be members from the private sector and shall be nongovernmental persons:

- 1) **Chair:** The SAWDB Chair shall be elected by a majority of the SAWDB members present at scheduled meetings. The term of office of the Chair shall be for one (1) year and he/she shall preside at all meetings of the SAWDB and perform general and active management of the administrative business of the SAWDB. It shall also be the Chair's duty to:
 - (a) Perform all duties that are incidental to his/her office and such other duties as may be required by the WIOA and the WDA, of which may be prescribed by the SAWDB.

- 2) Preside at meetings of the SAWDB and the executive committee
- 3) Execute legal documents when authorized by the SAWDB, the WIOA, and the WDA
- 4) Appoint all committees subject to the approval of the SAWDB, except as otherwise provided by the WIOA and WDA.
- 5) **Vice-Chair:** The term of the Vice-Chair shall be for one (1) year. The Vice-Chair shall also perform additional duties from time to time as assigned by the Chair.
 - (b) In the absence of the Chair or in the event of their inability or refusal to act, or if the office of Chair is vacant, the Vice-Chair shall perform all the duties of the Chair and, when so acting, shall have all the powers and be subject to all the restrictions of the Chair.
 - (c) The Vice-Chair shall have such other powers and perform such other duties as may be prescribed by the WIOA, the WDA, these bylaws, or the SAWDB.
- 6) In accordance with Section 107(b)(3) of the Workforce Innovation and Opportunity Act, only members of the private sector shall be qualified to serve as Chair and Vice-Chair to be voted on at the first meeting of the program year.
- 7) The start date for the Chair and Vice-Chair shall begin on September 1 of each year.
- 8) Upon approval of the SAWDB, the Chair may continue in office for two consecutive terms.
- 9) The SAWDB may elect such other officers as it deems appropriate and such officers shall serve such terms, have such authority, and perform such duties as may be prescribed by the SAWDB.
- 10) Any SAWDB Chair or Vice-Chair may be removed for cause by a two-thirds majority of the SAWDB at any scheduled or special meeting. Any board member, Chair, or Vice-Chair may resign at any time by giving written notice to the Chair or Vice-Chair. Any such resignation shall take effect on the date of such notice or any time specified therein and, unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective. In these events, the Board will appoint a temporary Chair and Vice-Chair to preside over the next meeting to have an election to fill the positions of Chair and Vice-Chair.
- 11) In the event of a vacancy of any office, other than that of Chair, the vacancy may be filled temporarily by appointment of the Chair until such time as the SAWDB shall fill that vacancy.
- 12) In the event that the Chief Elected Officials do not appoint the sitting Chair or Vice-Chair, at the next Board meeting there would be a special election held to fill the position of Chair and Vice-Chair.

- 13) In addition to the Chair and Vice-Chair, the Board may also appoint other board members to have signature authority for the purpose of banking and contracts.

ARTICLE VII MEETINGS

A. Regular and Other Meetings:

- 1) The SAWDB shall meet at least once each quarter. The time and location will be determined at a prior meeting. The State Board, the Chair, or a majority of SAWDB members, at his/her/their discretion, may call special meetings. The time and location shall be determined by the individual(s) calling the meeting. All meetings shall be held in the Region 4 (Southwestern) of New Mexico.
- 2) The SAWDB member may participate in a meeting of the public body by means of a telephonic conference or other similar communications equipment as set forth in the New Mexico's Open Meetings Act, Section 10-15-1, and NMSA 1978 Compilation.

B. Open Meeting Requirements:

- 1) All meetings shall be in compliance with New Mexico's Open Meetings Act, Section 10-15-1, and NMSA 1978 Compilation. An open meeting resolution shall be adopted each year to establish reasonable notice of meetings.

C. Meeting Announcement:

- 1) Once the meeting date, time, and location are established and the agenda developed, a written announcement along with the agenda will be transmitted to all SAWDB members.
 - (d) All SAWDB members shall receive notice of any meetings at least ten (10) days prior to the date of the meeting. All SAWDB members shall receive notice of any special meeting at least three (3) days prior to the date of the meeting. It shall be presumed that the addressee will receive the notice emailed or otherwise transmitted from the SAWDB office on the following business day.
 - (e) Notice of all meetings shall specify the nature of business to be conducted at such meeting. No action can be taken except on business specified in the notice. New business, not specified in the notice, may be raised; no vote or action shall be taken on such business at that time.

D. Quorum:

- 1) A quorum of the SAWDB shall consist of a simple majority of the currently appointed membership. A quorum of a committee shall consist of a simple majority of the members of the specific committee. If a quorum is present, the affirmative vote of the majority shall be the official act of the SAWDB. A quorum of the SAWDB has been determined to be a simple majority of the respective membership, and a minimum of three members for committees.

E. Minutes:

- 1) Minutes of the proceedings for each SAWDB meeting shall be recorded and maintained in the permanent files for the SAWDB. A draft summary of the recorded minutes will be prepared and distributed to each member two weeks after a scheduled Board meeting. The minutes and agenda, as well as supporting and informational material of any meeting of the SAWDB, shall be made available to the public upon written request. Minutes for the committee meetings shall be recorded and made available upon request and will be maintained in the permanent files of the SAWDB.

F. Voting:

- 1) All members of the SAWDB, including the Chair, shall have the authority to vote on all matters that come before the Board where there is no conflict of interest or appearance of a conflict of interest.
- 2) As stated in the Code of Conduct/Conflict of Interest Policy approved and signed by the SAWDB and the CEO's on September 22, 2004, a member of the SAWDB, the CEO's, the SCCOG, Administrative Entity, Fiscal Agent, and all Adult and Youth Providers shall not vote on a matter under consideration by the Board relating to provision of services by the member, or by the entity the member represents, if such provisions of services might provide personal, private, or professional benefit to the member or his or her immediate family or business represented.
- 3) A member shall abstain from any evaluation of an affiliate organization with which that member is associated.
- 4) In accordance with the NMAC 11.2.4.12, local boards are not permitted to use proxies or alternates as a delegation of local board duties.

ARTICLE VIII COMMITTEES

A. Committee Selection:

- 1) The SAWDB shall establish an Executive Committee and may establish such other committees or advisory groups as it deems necessary in order to carry out its duties and discharge its responsibilities. The Chair shall define the duties and responsibilities of all committees, subject to approval of the SAWDB. The Chair shall appoint committee members of all committees, but all such committee members and Chairs must be certified by a majority vote of a quorum of SAWDB members.
- 2) Appointments to all committees shall encompass categorical and geographical representations as broadly as possible to ensure that each committee reasonably represents the membership of the SAWDB.
- 3) When appointing committee members, the SAWDB Chair shall do so considering the knowledge, experience, and preference of the particular members so appointed.
- 4) The SAWDB Chair shall serve as an ex-officio member on all committees; however, the SAWDB Chair at his/ her discretion may appoint the Vice-Chair to serve as an ex-officio on all or part of the committees.
- 5) Committees shall elect their own Chair, in the event a Committee Chair resigns or is no longer a Board member, the Vice-Chair shall be Acting Chair until such time the committee elects a new Chair. The meeting of each committee to appoint its own Chair shall be at a time and place selected by the SAWDB Chair.

B. Executive Committee:

- 1) The Executive Committee ensures consistency of policies and action with the mission statement, core values, and strategic priorities of the Southwestern Area Workforce Development Board (SAWDB).
- 2) Membership:
 - (a) The Executive Committee shall consist of the Board Chair, the Vice-Chair, and the Chair of all standing committees. The SAWDB Chair may add one at-large voting member and non-voting advisory members as necessary. The Chair may appoint Ad Hoc committees as needed to support the work of the Board. Ad Hoc committees organized for addressing temporary work or issues are not considered standing committees.
 - (b) The SAWDB Chair shall act as the Executive Committee Chair and will exercise the power to vote on the Executive Committee only to break a tie vote.

- (c) Terms on the Executive Committee are naturally staggered as officers and committee chairs change. In the event of interim vacancies, the Chair, with ratification of the Board, will appoint individuals to temporarily serve in the respective roles.
- (d) In the event of vacancy in the Chair position, the Vice-Chair will assume the responsibilities of the Chair until the position is filled.

3) Committee Responsibilities:

- (a) The Executive Committee shall act on behalf of the SAWDB on business that cannot wait until the next regularly scheduled meeting as determined by the Chair. The Executive Committee may exercise all such powers in a manner consistent with the Board's mission statement and in the best interest of the Board.
- (b) All meetings of the Executive Committee will be held in accordance with the Open Meetings Act.
- (c) Meetings of the Executive Committee shall be called by the Chair and held in locations the Chair designates as appropriate.
- (d) A quorum consisting of a simple majority of the members of the Executive Committee is required to take official action on behalf of the Board. Proxies shall not be used to constitute a quorum.
- (e) The Executive Committee shall review and coordinate the work of the other committees prior to the Chair of those committees reporting to the SAWDB. The Executive Committee may recommend to the Chairs of the other committees that additional work be completed before reporting to the Board, but it may not block the Committee Chairs from reporting to the Board.

4) Limitations:

- (a) The Executive Committee is accountable to report all actions taken to the Board. Any action taken by the Executive Committee must be in accordance with the Board's mission statement and is subject to ratification by the Board. Ratification may include revisions by the Board, provided that such revision does not affect any officer, employee, or third party that took action based on direction from the Executive Committee.
- (b) The Executive Committee shall not have the power or authority of the Board to elect, appoint, or remove any member of the Board, or any officer required to be elected by the Board; or in reference to amending or repealing of Board approved policies or bylaws; in addition, the Executive Committee shall not

have the power or authority of the Board in reference to any matter which under these Bylaws or the Workforce Innovation and Opportunity Act is vested exclusively in the SAWDB or the CEO's.

C. Committee Description:

- 1) **Executive Committee:** This committee has the responsibility for reviewing and coordinating the work of the other committees prior to the Chair of those committees reporting to the SAWDB. This committee is accountable to and reports all actions taken to the Board. Any action taken by the Executive Committee must be in accordance with the Board's mission statement and is subject to ratification by the Board.
- 2) **Planning Committee:** This committee has responsibility for reviewing and making recommendations pertaining to workforce development planning and operation. This includes reviewing state and local plans, resources for those workforce areas, and identification of education needs for services and training. The Planning Committee shall develop a five-year plan with Board approval and CEO concurrence and annually review and update said plan as necessary, as outlined in the local plan.
- 3) **Monitoring/Performance Committee:** The responsibility of this committee is to oversee and evaluate workforce development areas and local programs for compliance with rules and regulations to determine program success or failure. Additionally, it will review and approve state and local performance goals, review monitoring and performance reports, make recommendations for recognition, award incentive grants for program success, take corrective action, and/or impose sanctions for non-compliance or program failure. The goal of this committee is to assure the continuous improvement of State training programs.
- 4) **Disabilities Committee:** This committee will provide information and assist with operational and other issues relating to the provision of services to individuals with disabilities, including issues relating to compliance with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) regarding providing programmatic and physical access to the services, programs, and activities of the one-stop delivery system, as well as appropriate training for staff on providing supports for or accommodations to, and finding employment opportunities for, individuals with disabilities.
- 5) **One-Stop Partner Committee:** This committee will facilitate the integration of all the One-Stop Workforce Connections Centers in the Southwest area. They will make efforts to minimize program duplication, facilitate coordination and communication between agencies, employers, and training providers. The committee will research and identify employment and training activities, services available, and facilitate the

interaction between the government and private sector to assure they do not overlap and are effective and efficient to promote a clear strategy leading to program success.

- 6) **Youth and Young Adult Committee:** This committee will provide recommendations to the SAWDB on matter related the WIOA Youth program, its related policies, measures, and practices. The committee shall also review the youth services provider's performance reports, to include quarterly performance measures.

ARTICLE IX ANNUAL REPORT

- A. Annual Report:
- 1) SAWDB shall submit information to the WIOA State Administrative Entity to include in the annual report to the Governor, the New Mexico Legislature, the Chief Executive Officers of the counties and municipalities of the Southwestern Area, and to such other federal, state, and local government units as deemed appropriate.

ARTICLE X PARLIAMENTARY AUTHORITY

- A. Rules:
- 1) Where not otherwise provided for in these bylaws, rules similar to Robert Rules of Order may be followed to maintain order in conducting all meetings of the SAWDB and its committees. The SAWDB Chair shall appoint a parliamentarian for the SAWDB and its committees as appropriate.

ARTICLE XI AMENDMENT OF BYLAWS

- A. First Revision:
- 1) The bylaws as contained herein have been revised and amended in accordance with the provision for amendment contained in Section B herein, and these bylaws, as amended, shall replace all bylaws previously enacted by the Southwestern Area Workforce Development Board, and shall constitute the duly enacted and governing bylaws of the Southwestern Area Workforce Development Board.
- B. Amendments:
- 1) These bylaws may be amended or repealed by a two-thirds (2/3) majority vote at any regular, or special business meeting at which a quorum is present, after notification of such an amendment to the SAWDB Membership, in compliance with Article VII of these bylaws. A committee may be appointed by the SAWDB Chair to review these

bylaws on an as needed basis. This committee shall also review and recommend policies and procedures, as needed, for committees, staff, and the SAWDB for board approval.

**ARTICLE XII
DISSOLUTION**

A. Dissolution:

- 1) Upon any dissolution of the SAWDB, the Southwestern Board shall, after paying or making provision for payment of liabilities, dispose of all of the assets in accordance with the WIOA and the WDA and any other applicable laws of the State of New Mexico.

**ARTICLE XIII
COMPLIANCE WITH LAW**

A. Compliance:

- 1) The SAWDB, in execution of its business, shall comply with all applicable New Mexico Statutes and regulations including, but not limited to, the State Procurement Code, the State Open Meetings Act, as provided in Section 10-15-1, NMSA 1978 Compilation, and the State Mileage and Per Diem Act.

This amendment to the Bylaws was approved in accordance with Article XIV. B. of the Bylaws on July 9, 2015.

ATTESTED BY:

Gary Whitehead, Chair

SAWDB Committees

Disabilities Committee

Chris Boston, *Vice Chair*
 Alisa Estrada
 Marlene Herrera
 Erik Padilla, *Chair*
 Debbie Schoonover
 *Susana Santillan

Monitoring/Performance Committee

Marlene Herrera
 Anton Salome, *Vice Chair*
 Kim Skinner, *Chair*
 *Susana Santillan
 Alonzo Gonzales
 Gary Whitehead

One-Stop/Agency Coordination Committee

Cassie Arias
 Mary Ann Chavez-Lopez
 Jacqueline Fryar
 Marcos Martinez, *Chair*
 Erik Padilla
 Mary Ulrich, *Vice Chair*

Policy Committee

Chris Boston
 Erik Padilla
 Anton Salome
 Sharon Thomas

Planning Committee

Cassie Arias
 Sharon Thomas, *Vice Chair*
 Gary Whitehead, *Chair*
 Joe Gristy
 Michael Olguin, Jr.

Youth & Young Adult Committee

Cassie Arias
 Alisa Estrada
 Marlene Herrera
 Anton Salome
 Debbie Schoonover, *Chair*
 Steve Siañez, *Vice Chair*
 Mary Ulrich

Executive Committee

Marcos Martinez
 Michael Olguin, Jr., *Vice Chair*
 Joshua Orozco, *Chair*
 Erik Padilla
 Debbie Schoonover
 Kim Skinner
 Gary Whitehead

Outreach Committee (ad hoc)

Jacqueline Fryar
 Gary Whitehead

AGENDA ITEM SUMMARY

Special Executive Committee Meeting	February 7, 2020
Agenda Item Resolution 19-36 approves the amendment to the Electronic Files Content & Records Retentions Management Policy, 17 – 19.1.	
<p>SUMMARY OF AGENDA ITEM</p> <ul style="list-style-type: none"> • This item is presented for your review and consideration to approve changes to policy 17-19.1. • The policy was amended to meet the federal requirements regarding the retention of participant records in the MIS computer system. • The amended policy specifically defines they types of system overrides that our providers can conduct in electronically recording participant case files. <p>RECOMMENDATION</p> <p>A motion to approve Resolution 19-36.</p> <p>OPTIONS ARE TO</p> <ol style="list-style-type: none"> 1. Accept the recommendation 2. Amend the recommendation 3. Reject the recommendation 4. Table the item 5. Take no action on the item <p>DEPENDING ON ACTION TAKEN, ITEM MAY BE REFERRED OR REPORTED TO</p> <ul style="list-style-type: none"> • Staff or committee, as directed. <p>THIS ITEM SUPPORTS STRATEGIC PLAN GOAL(S)</p> <ul style="list-style-type: none"> • Supports all strategic plan goals <p>LIST OF SUPPORTING INFORMATION FOR YOUR REVIEW</p> <ul style="list-style-type: none"> • Electronic Files Content & Records Retentions Management Policy, 17 – 19.1. 	

SOUTHWESTERN AREA WORKFORCE DEVELOPMENT BOARD

ELECTRONIC FILES CONTENT & RECORDS RETENTION MANAGEMENT POLICY 17-19.1

DATE OF ISSUE

~~June 29, 2017~~ February 10, 2020

EFFECTIVE DATE

~~July 1, 2017~~ February 17, 2020

APPLICABILITY

~~Electronic Files Content Management~~ Southwestern Area Workforce Development Board and its sub-recipients

DATE OF ISSUE

To establish the local board policy regarding electronic file storage and imaging standards for workforce programs utilizing the New Mexico Workforce Connection Online System (NMWCOS).

ACTION

The State established a standard for an electronic file (e-file) which includes a paperless registration, eligibility determination, and program enrollment. Effective January 1, 2015, all new program enrollments are required to be completed in an e-file format. The results are a real-time environment for storing and viewing applicant verification and eligibility determination documents. Authorized personnel are required to scan, import, and save all verification documents at the time they are being reviewed during the application process in NMWCOS per distinct program requirements.

E-files for purposes of this policy and all programs related to this policy, refer to the comprehensive storage of participant files in an electronic format using the NMWCOS. The program application, related activities, case notes, and all other relevant individual/entity information are captured and stored solely in NMWCOS, the state integrated management information system, and all

documentation and eligibility verifications specific to each applicant are scanned and stored in the Content Management System in the NMWCOS.

Content Management Access for all users shall be granted based on the users' security access profile.

Any and all pertinent documentation that is scanned is required to be legible in view and printed form. Illegible images must be removed and the document must be rescanned until a legible image has been captured.

The process of deleting an image that has already been saved to an applicant's electronic file can only be performed by the State or Local System Administrator. Scenarios requiring the deletion of images may include the following:

- A. Image was saved to an incorrect program applicant's file, or
- B. Image was saved under an incorrect document type

Documents scanned into the Content Management System are required to be scanned by case management staff. Uploaded documents must be processed, maintained, or discarded by case management staff to ensure the confidentiality of information and to safeguard against misuse.

Use of Content Management System in accordance with this policy provides opportunities for monitoring to be performed remotely. Information is readily ~~available~~ available, and files are current due to the real-time entry of all documentation.

The State and Local Workforce Board are responsible for completing the full scope of monitoring as outlined in federal, state, and local policies including all elements of notification,

reporting, entrance, and exit conferences and associated timelines. Transition to e-files and utilization of the content management system expands opportunity for remote monitoring as appropriate but does not eliminate any of the requirements for program administration and monitoring.

The Document Tag List attached is to be followed and no variation is to be made to this list.

RECORDS RETENTION

The purpose of the records retention section of this policy is to ensure that complete historical records are maintained and that overrides are restricted to an individual's record in the NMWCOS or in areas identified in 2 CFR 200.333.

The SAWDB will follow the federal regulations in 2 CFR§ 200.333 (a), (b) and (d).

2 CFR 200.333 (a), (b), and (d) state, "Financial records, supporting documents, statistical records, and all other non-Federal entity records pertinent to a Federal award must be retained for a period of three years from the date of submission of the final expenditure report or, for Federal awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, respectively, as reported to the Federal awarding agency or pass-through entity in the case of a subrecipient. Federal awarding agencies and pass-through entities must not impose any other record retention requirements upon non-Federal entities. The only exceptions are the following:

(a) If any litigation, claim, or audit is started before the expiration of the 3-year period, the records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken.

(b) When the non-Federal entity is notified in writing by the Federal awarding agency, cognizant agency for audit, oversight agency for audit, cognizant agency for indirect costs, or pass-through entity to extend the retention period.

(d) When records are transferred to or maintained by the Federal awarding agency or pass-through entity, the 3-year retention requirement is not applicable to the non-Federal entity"

Specific to participant records, service providers must ensure that:

(a) The following participants' documents are signed & dated, scanned, and uploaded in the NMWCOS:

(1) Application

(2) Individual Employment Plan; and

(3) Objective Assessment Summary

(4) Credential

The above documents cannot be deleted only updated, resigned and scanned into NMWCOS. With the exception of a credential.

(b) Case notes are an integral part of the participant's record and must include detailed accounts of the participant's progress in accordance with their plan.

(c) Case note must be included prior to any changes made to the exit dates and activity codes.

~~On a monthly basis quality assurance measures are to be taken to ensure that records are reviewed in accordance with this policy and that a summary report is provided to the Administrative Entity no later than the 15th day of the following month. The administrative entity will provide a report the monitoring committee of the SAWDB on its desk review related to the report submitted.~~

(d) Overrides must be case noted and will only be allowed on a case by case bases with a justification as long as exit dates are not affected in the NMWCOS.

(e) As part of the SAWDB's monthly desk review and annual on-site monitoring of the service provider, the Administrative Entity will sample participant files for records retention and include its findings in the monitoring report that is submitted to the SAWDB's monitoring committee for review and action.

INQUIRIES

Questions related to this policy should be directed to the Administrative Entity at (575) 744-4857.

ATTESTED

This policy was reviewed and approved by the SAWDB

on: _____

SAWDB Chairman

Date

AGENDA ITEM SUMMARY

Special Executive Committee Meeting

February 7, 2020

Agenda Item

Resolution 19 – 37 authorizes the SAWDB to cost share security guard services for the New Mexico Workforce Connection Center in Las Cruces

SUMMARY OF AGENDA ITEM

- Information is still being collected at this time and will be provided at the meeting

RECOMMENDATION

A motion to approve Resolution 19 – 37.

OPTIONS ARE TO

1. Accept the recommendation
2. Amend the recommendation
3. Reject the recommendation
4. Table the item
5. Take no action on the item

DEPENDING ON ACTION TAKEN, ITEM MAY BE REFERRED OR REPORTED TO

- Staff or committee, as directed.

THIS ITEM SUPPORTS STRATEGIC PLAN GOAL(S)

- Supports all strategic plan goals

LIST OF SUPPORTING INFORMATION FOR YOUR REVIEW

- None

2020

JANUARY

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DECEMBER

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Holidays