

1 **CHAPTER 801. LOCAL WORKFORCE DEVELOPMENT BOARDS**

2
3 **ADOPTED RULES WITH PREAMBLE TO BE SUBMITTED TO THE TEXAS**
4 **REGISTER. THIS DOCUMENT WILL HAVE NO SUBSTANTIVE CHANGES BUT IS**
5 **SUBJECT TO FORMATTING CHANGES AS REQUIRED BY THE TEXAS REGISTER.**
6

7 The Texas Workforce Commission (Commission) adopts the following new sections to Chapter
8 801, relating to Local Workforce Development Boards, *without* changes, as published in the
9 November 26, 2010, issue of the *Texas Register* (35 TexReg 10454):

10
11 Subchapter B. One-Stop Service Delivery Network, §§801.24, 801.25, and 801.31

12
13 The Commission adopts amendments to the following sections of Chapter 801, relating to Local
14 Workforce Development Boards, *without* changes, as published in the November 26, 2010, issue
15 of the *Texas Register* (35 TexReg 10454):

16
17 Subchapter A. General Provisions, §801.1 and §801.16

18 Subchapter B. One-Stop Service Delivery Network, §§801.21 - 801.23, 801.27, and 801.28

19
20 The Commission adopts the repeal of the following sections of Chapter 801, relating to Local
21 Workforce Development Boards, *without* changes, as published in the November 26, 2010, issue
22 of the *Texas Register* (35 TexReg 10454):

23
24 Subchapter A. General Provisions, §801.2 and §801.13

25 Subchapter B. One-Stop Service Delivery Network, §§801.24, 801.25, and 801.31

26
27 The Commission adopts the repeal of the following subchapter of Chapter 801, relating to Local
28 Workforce Development Boards, in its entirety, *without* changes, as published in the November
29 26, 2010, issue of the *Texas Register* (35 TexReg 10454):

30
31 Subchapter C. The Integrity of the Texas Workforce System, §§801.51 - 801.56

32
33 **PART I. PURPOSE, BACKGROUND, AND AUTHORITY**

34 **PART II. EXPLANATION OF INDIVIDUAL PROVISIONS**

35
36 **PART I. PURPOSE, BACKGROUND, AND AUTHORITY**

37 Texas Government Code §2001.039 requires that every four years each state agency review and
38 consider for readoption, revision, or repeal each rule adopted by that agency. The Commission
39 has conducted a rule review of Chapter 801, Local Workforce Development Boards (Boards),
40 and adopts the following:

41 --Repeal of rules related to the integrity of the Texas workforce system. Certain provisions of
42 the repealed rules will be consolidated into adopted new Chapter 802, which focuses solely on
43 the integrity of the workforce system. Adoption of new Chapter 802 will run concurrently with
44 this rulemaking. The aggregation of these rules in a separate chapter allows Chapter 801 to
45 address only Boards, resulting in better clarity and consistency.

46 --Amendment of Subchapter B, relating to the One-Stop Service Delivery Network, by:

- 1 --defining Texas Workforce Centers and Workforce Solutions Centers;
- 2 --classifying all workforce offices as Workforce Solutions Offices;
- 3 --establishing only one certification level for all Workforce Solutions Offices providing
- 4 workforce services; and
- 5 --transferring responsibility for certifying Workforce Solutions Offices from the Commission
- 6 to the Boards.
- 7 --Necessary technical changes to simplify and clarify rule language, update terminology and
- 8 definitions, and remove obsolete provisions.

9
10 Currently, Commission rules outline policy relating to requirements for Texas Workforce Center
11 certification/standards, which establish the following center certification levels:

- 12 --Basic Texas Workforce Center
- 13 --Certified Texas Workforce Center
- 14 --Full-Service Texas Workforce Center
- 15 --Certified Full-Service Texas Workforce Center

16
17 At a minimum, Texas Workforce Centers must meet the basic standards. If Texas Workforce
18 Centers exceed the basic standards and meet additional Commission-established standards, they
19 are considered full-service. Further, if a Board requests that the Commission conduct a
20 certification review of a particular Texas Workforce Center, the center is deemed a Certified
21 Texas Workforce Center. All local workforce development areas (workforce areas) must have at
22 least one Certified Full-Service Texas Workforce Center.

23
24 These certification standards were developed in 1996, pursuant to Texas Labor Code §301.001,
25 which created the Texas Workforce Commission. The statute established the requirement for
26 Texas Workforce Centers, and established the required and optional workforce partners.
27 Subsequently, Congress authorized the Workforce Investment Act (WIA), which contained
28 several grandfather provisions allowing Texas to continue using its previously adopted
29 workforce structure.

30
31 As the Commission implemented House Bill 1863 in 1996, it elected to take on the responsibility
32 of ensuring that newly formed Boards complied with the provisions of the statute, including the
33 provisions now contained in Texas Government Code §2308.312 regarding the establishment of
34 Texas Workforce Centers. To ensure that uniform minimum standards were met statewide in
35 this nascent system, the Commission established in rule that it was the entity responsible for
36 certifying Boards' compliance with the rules regarding services available at Texas Workforce
37 Centers.

38
39 With the maturation of the Texas workforce system, Boards now have a clear understanding of
40 the necessary standards for Texas Workforce Centers, and Boards use a variety of methods to
41 deliver a wide range of services. Thus, the requirement for Commission review and certification
42 is no longer necessary and, in fact, may inadvertently impede Boards' development of innovative
43 and streamlined service delivery methods. The Commission believes that transferring these
44 responsibilities to the Boards will allow Boards to develop innovative and streamlined service
45 delivery methods.

1 **PART II. EXPLANATION OF INDIVIDUAL PROVISIONS**

2 (Note: Minor editorial changes are made that do not change the meaning of the rules and,
3 therefore, are not discussed in the Explanation of Individual Provisions.)

4
5 **SUBCHAPTER A. GENERAL PROVISIONS**

6 **The Commission adopts the following amendments to Subchapter A:**

7
8 **§801.1. Requirements for Formation of Local Workforce Development Boards**

9 Section 801.1(b), State Law, replaces the reference to the "Workforce and Economic
10 Competitiveness Act" with "Workforce Investment Act" to align with Texas Government Code,
11 Chapter 2308. Senate Bill 281, 78th Texas Legislature, Regular Session (2003), amended
12 Chapter 2308, and replaced all references to the Workforce and Economic Competitiveness Act
13 with Workforce Investment Act.

14
15 Section 801.1(e), Time of Application, replaces the reference to Workforce Economic
16 Competitiveness Act with Workforce Investment Act to align with the Texas Government Code,
17 Chapter 2308.

18
19 Section 801.1(g)(2)(A)(ii)(II) replaces the term "Texas Workforce Center" with "Workforce
20 Solutions Office," as defined in §801.23(4).

21
22 **§801.2. Waivers**

23 Section 801.2 is repealed. The information in this section has been incorporated into new
24 Chapter 802, a separate, but concurrent, rulemaking adoption that groups together common rules
25 that address the integrity of the workforce system.

26
27 **§801.13. Board Member Conflicts of Interest**

28 Section 801.13 is repealed. The information in this section has been incorporated into new
29 Chapter 802, a separate, but concurrent, rulemaking adoption that groups together common rules
30 that address the integrity of the workforce system.

31
32 **§801.16. Partnership Agreement**

33 Section 801.16 replaces the title "Agreement for Local Procedures" with "Partnership
34 Agreement" to align with terminology in Texas Government Code §2308.253(g).

35
36 Section 801.16(a) - (c) replaces the reference to "Agreement for Local Procedures" with
37 "Partnership Agreement" to align with terminology in Texas Government Code §2308.253(g).

38
39 Section 801.16(d)(1) - (2) replaces the reference to "Agreement for Local Procedures" with
40 "Partnership Agreement" to align with terminology in Texas Government Code §2308.253(g).

41
42 Section 801.16(e) replaces the reference to "Agreement for Local Procedures" with "Partnership
43 Agreement" to align with terminology in Texas Government Code §2308.253(g).

44
45
46 **SUBCHAPTER B. ONE-STOP SERVICE DELIVERY NETWORK**

1 **The Commission adopts the following amendments to Subchapter B:**

2
3 **§801.21. Scope and Purpose**

4 Section 801.21(b) replaces the references to §801.2 and §801.54. Both sections are repealed and
5 incorporated into new Chapter 802, a separate, but concurrent, rulemaking adoption that groups
6 together common rules that address the integrity of the workforce system. References to new
7 §802.21 (relating to Board Contracting Guidelines) and §802.44 (relating to Service Delivery
8 Waiver Requests), respectively, are added.

9
10 Section 801.21(b) also corrects the reference to Texas Government Code, Chapter 2803, with
11 Texas Government Code, Chapter 2308.

12
13 **§801.22. Requirement to Maintain a One-Stop Service Delivery Network**

14 Section 801.22 replaces the term "Certified Full-Service Texas Workforce Center" with
15 "Workforce Solutions Office," as defined in §801.23(4) of this chapter, to reflect the removal of
16 §801.23(1), the definition of "Certified Full-Service Texas Workforce Center." All workforce
17 offices are classified as Workforce Solutions Offices under new §801.24(a), and new §801.24(b)
18 establishes only one certification level for Workforce Solutions Offices.

19
20 **§801.23. Definitions**

21 Section 801.23(1), the definition of Certified Full-Service Texas Workforce Center, is removed.
22 New §801.24(a) classifies all workforce offices as Workforce Solutions Offices, and new
23 §801.25 establishes only one certification level for Workforce Solutions Offices; therefore, this
24 definition is obsolete.

25
26 Section 801.23(2), the definition of Certified Texas Workforce Center, is removed. New
27 §801.24(a) classifies all workforce offices as Workforce Solutions Offices, and new §801.24(b)
28 establishes only one certification level for Workforce Solutions Offices; therefore, this definition
29 is obsolete.

30
31 Section 801.23(3), the definition of competent, is removed. Texas Labor Code §302.151 defines
32 veterans for the purposes of receiving job training and employment priority, and competency is
33 not a criterion.

34
35 New §801.23(4) defines Workforce Solutions Office as a local Workforce Solutions Office that
36 provides one or more services, as set out in §801.25 of this subchapter, to aid employers and job
37 seekers.

38
39 Certain paragraphs in this section have been renumbered to accommodate additions or deletions.

40
41 **§801.24. Texas Workforce Center Certification Levels**

42 Section 801.24 is repealed and adopted as new.

43
44
45 **§801.24. Workforce Solutions Office Certification**

1 New §801.24 addresses the certification process for Workforce Solutions Offices. Since 1996,
2 the Commission has reviewed and certified Workforce Solutions Offices. In that time, the Texas
3 workforce system has matured and Boards clearly understand the certification standards. The
4 Commission will maintain its oversight responsibility for the certification of Workforce
5 Solutions Offices.

6
7 New §801.24(a) classifies all workforce offices that provide workforce services as Workforce
8 Solutions Offices.

9
10 New §801.24(b) requires that Boards ensure that at least one Workforce Solutions Office in the
11 workforce area provides on-site access to all services set forth in §801.25.

12
13 New §801.24(c), Certified Workforce Solutions Offices, requires Boards, as directed by the
14 Commission, to provide certification to the Commission for every Workforce Solutions Office
15 that provides on-site access to all services set forth in §801.25.

16
17 New §801.24(d), Other Workforce Solutions Offices, requires Boards, as directed by the
18 Commission, to notify the Commission of all on-site services available at any Workforce
19 Solutions Office that does not provide on-site access to all services set forth in §801.25.

20
21 New §801.24(e) requires Boards to notify the Commission, when a change occurs, of the
22 requirements set forth in subsections (c) and (d) of this section.

23
24 New §801.24(f) states that the Commission shall verify compliance with subsections (b) - (d) of
25 this section through:

- 26 (1) issuance of Agency guidance;
27 (2) assurances set forth in Agency-Board agreements;
28 (3) annual monitoring reviews; and
29 (4) other means as identified by the Agency.

30
31 **§801.25. Texas Workforce Center Standards**

32 Section 801.25 is repealed and adopted as new.

33
34 **§801.25. Minimum Standards for Certified Workforce Solutions Offices**

35 New §801.25 delineates the standards that Boards shall ensure Workforce Solutions Offices
36 meet.

37
38 New §801.25(a) requires Boards to ensure that each Workforce Solutions Office:

- 39 (1) provides basic labor exchange services;
40 (2) provides services set forth in §801.28(a);
41 (3) provides access to information and services available in the workforce area; and
42 (4) addresses the individual needs of employers and job seekers.

43
44 New §801.25(b) requires Boards to ensure that the services provided by each Workforce
45 Solutions Office, as set forth in Texas Government Code, Chapter 2308, include:

- 1 (1) labor market information, including available job openings and education and training
- 2 opportunities;
- 3 (2) uniform eligibility requirements and application procedures for all workforce training and
- 4 services;
- 5 (3) unemployment insurance (UI) assistance;
- 6 (4) independent assessment of individual needs and the development of an employment plan;
- 7 (5) centralized and continuous case management and counseling;
- 8 (6) individual referral for services, including basic education, classroom skills training, on-the-
- 9 job training, and customized training;
- 10 (7) support services, including child care assistance, student loans, and other forms of financial
- 11 assistance required to participate in and complete training; and
- 12 (8) job training and employment assistance for persons formerly sentenced to the Texas
- 13 Department of Criminal Justice's institutional division or state jail division, provided in
- 14 cooperation with Project Reintegration of Offenders.

15
16 New §801.25(c) requires Boards to ensure that each Workforce Solutions Office complies with
17 the following Commission-established standards:

- 18 (1) provides customer access to WorkInTexas.com; résumé preparation tools, including
- 19 software; and Internet access;
- 20 (2) ensures eligible foster youth are given access to workforce services to help meet their
- 21 employment, education, and training needs to transition to independent living, as set forth in
- 22 Texas Family Code §264.121;
- 23 (3) provides each customer with information on local high-growth, high-demand occupations
- 24 and industries, projected wage level upon completion of training programs, and performance of
- 25 training providers when requested;
- 26 (4) ensures that Workforce Solutions Offices' staff is trained and knowledgeable in order to
- 27 provide services to employers and job seekers;
- 28 (5) demonstrates on-site management of all personnel, a plan for cross-training staff in all
- 29 services, minimal programmatic specialization of staff, removal of redundancies within program
- 30 activities, and maximum flexibility to optimize use of resources;
- 31 (6) designs a customer-friendly waiting area and implements written procedures that define the
- 32 steps taken to minimize customer wait time in the reception area and in other areas of Workforce
- 33 Solutions Offices; and
- 34 (7) provides consumer information on the quality of education and training providers and
- 35 includes a mechanism for customer feedback on personal experience with such providers.

36
37 New §801.25(d) requires Boards to ensure that Workforce Solutions Offices that do not provide
38 all on-site services and programs specified in subsections (b) and (c) of this section, provide
39 electronic access to such services and programs.

40
41 New §801.25(e) requires Boards to ensure that only Workforce Solutions Office partners provide
42 developmental services.

43
44
45
46 **§801.27. Workforce Solutions Office Partners**

1 Section 801.27 replaces the title "Texas Workforce Center Partners" with "Workforce Solutions
2 Office Partners," as defined in §800.2(22) of this title, concurrently adopted for amendment.

3
4 Section 801.27(b):

5 --replaces the term "Texas Workforce Center" with "Workforce Solutions Offices," as defined in
6 §801.23(4) of this chapter; and

7 --removes the following from the list of required partners because they are not considered
8 partners: WIA adults, dislocated workers, and youth; FSE&T; TANF Choices; subsidized child
9 care; Wagner-Peyser ES; TAA, Project RIO; and UI.

10
11 **§801.28. Services Available through the One-Stop Service Delivery Network**

12 Section 801.28(a) replaces the term "Certified Texas Workforce Centers" with "Workforce
13 Solutions Offices." All workforce offices are classified as Workforce Solutions Offices under
14 new §801.24(a), and new §801.25 establishes only one certification level for Workforce
15 Solutions Offices.

16
17 Section 801.28(a)(11) changes the term "FSE&T" to "SNAP E&T" to align with federal and state
18 name changes.

19
20 Section 801.28(b)(2) replaces the term "Individual Employment Plan" with "employment plan"
21 to create a general term that applies to all Commission-administered employment and training
22 programs.

23
24 Section 801.28(b)(6) replaces the term "prevocational" with "work readiness," a more current
25 and descriptive term.

26
27 **§801.31. Priority for Workforce Services**

28 Section 801.31 is repealed and adopted as new.

29
30 **§801.31. Priority for Workforce Services**

31 New §801.31 sets forth priority of workforce services for eligible veterans and eligible foster
32 youth, and outlines the order in which workforce services are to be applied. In particular, this
33 section specifies that while Boards must identify eligible veterans at initial point of entry, it is
34 not required for foster youth. Services for foster youth must be prioritized and targeted to meet
35 the needs of eligible foster youth.

36
37 New §801.31(a)(1) - (3) requires Boards to ensure that eligible veterans, as defined in
38 §801.23(2), are identified at the initial point of entry into the workforce system and informed of
39 the following:

- 40 (1) Their right to priority of service;
41 (2) The full array of employment, training, and placement services available under priority of
42 service; and
43 (3) Any applicable eligibility requirements for those programs and services.

44
45 New §801.31(b) requires Boards to ensure that eligible foster youth, as defined in §801.23(1) of
46 this subchapter; are informed of:

- 1 (1) their right to priority of service;
2 (2) the full array of employment, training, and placement services available under priority of
3 service; and
4 (3) any applicable eligibility requirements for those programs and services.
5

6 New §801.31(c)(1) - (3) sets forth the priority order that Boards must apply:

7 (1) Eligible veterans receive priority over all other equally qualified individuals in the receipt of
8 services funded in whole or in part by the U.S. Department of Labor (DOL), in accordance with
9 38 U.S.C. §4215--except state qualified spouses who meet the criterion in §801.23(2)(C)(ii) of
10 this subchapter.

11 (2) Eligible veterans receive priority over all other equally qualified individuals in the receipt of
12 services funded in whole or in part by state funds in accordance with Texas Labor Code
13 §302.152.

14 (3) Eligible foster youth receive priority over all other equally qualified individuals--except
15 eligible veterans as defined in this subchapter--in the receipt of federal or state-funded services in
16 accordance with Texas Family Code §264.121(3).
17

18 **SUBCHAPTER C. THE INTEGRITY OF THE TEXAS WORKFORCE SYSTEM**

19 **The Commission adopts the repeal of Subchapter C in its entirety:**
20

21 §801.51. Purpose and General Provisions

22 §801.52. Definitions

23 §801.53. Prohibition against Directly Delivering Services

24 §801.54. Board Contracting Guidelines

25 §801.55. Employment of Former Board Employees by Workforce Service Contractors

26 §801.56. Enforcement
27

28 These sections have been incorporated into new Chapter 802, a separate, but concurrent,
29 rulemaking adoption that groups together common rules that address the integrity of the
30 workforce system.
31

32 No comments were received.
33

34 The Agency hereby certifies that the adoption has been reviewed by legal counsel and found to
35 be within the Agency's legal authority to adopt.
36

37 The rules are adopted under Texas Labor Code §301.0015 and §302.002(d), which provide the
38 Texas Workforce Commission with the authority to adopt, amend, or repeal such rules as it
39 deems necessary for the effective administration of Agency services and activities.
40

41 The adopted rules affect Texas Labor Code, particularly Chapters 301 and 302, as well as Texas
42 Government Code, Chapter 2308.
43
44

1
2 **CHAPTER 801. LOCAL WORKFORCE DEVELOPMENT BOARDS**

3
4 **SUBCHAPTER A. GENERAL PROVISIONS**

5
6 **§801.1. Requirements for Formation of Local Workforce Development Boards.**

7
8 (a) Purpose of Rule.

9
10 (1) Upon application by the chief elected officials (CEOs) and approval of the
11 Commission, the Commission shall forward an application to form a Local
12 Workforce Development Board (Board) to the Governor.

13
14 (2) Before an application may be submitted to the Governor, all requirements of
15 this section shall be met.

16
17 (b) State Law. The formation of Boards is governed by the Workforce Investment Act,
18 Texas Government Code, Chapter 2308.

19
20 (c) Chief Elected Official Agreement. Creation of a Board requires agreement by at least
21 three-fourths of the CEOs in the local workforce development area (workforce area)
22 who represent units of general local government, including all of the CEOs who
23 represent units of general local government having populations of at least 200,000.
24 The elected officials agreeing to the creation of the Board shall represent at least 75
25 percent of the population of the workforce area.

26
27 (d) Chief Elected Officials. The CEOs may, and are encouraged to, consult with local
28 officials other than the ones delineated below. The following officials are designated
29 as the CEOs for the purpose of establishing agreements to form Boards:

30
31 (1) Mayors.

32 (A) The mayor of each city with a population of at least 100,000;

33 (B) or, if there is no city with a population of greater than 100,000, the
34 mayor of each city with a population greater than 50,000;

35 (C) or, if there are no cities with a population of greater than 50,000, the
36 mayor of the largest city in the workforce area.

37 (D) For purposes of this section, municipal population will be determined by
38 the figure last reported by the Texas State Data Center at the time of
39 submission of the application to the Commission.

40
41 (2) All county judges included in a workforce area as designated by the Governor.
42
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46

- 1 (e) Time of Application. CEOs in a workforce area may not establish a Board until the
2 Governor has designated that area as a workforce area as provided in the Workforce
3 Investment Act, Texas Government Code, Chapter 2308.
4
- 5 (f) Applications shall meet all Governor-approved criteria for the establishment of
6 Boards.
7
- 8 (g) Procedures for Formation of a Board. The CEOs shall comply with the following
9 procedures to form a Board.
10
- 11 (1) Public process procedure. If three-fourths of the CEOs, as defined in
12 subsection (d) of this section, agree to initiate procedures to establish a Board,
13 they shall conduct a public process, including at least one public meeting, to
14 consider the views of all affected organizations before making a final decision
15 to form a Board. This public process may include, but is not limited to, notices
16 published in various media and surveys for public comment.
17
- 18 (2) Application procedure.
19
- 20 (A) The CEOs shall submit an application to the Commission. This
21 application shall include evidence of the actions required by paragraph
22 (1) of this subsection. As a part of the application, each CEO who is in
23 agreement regarding the formation of a Board, shall execute the
24 following documents:
25
- 26 (i) An interlocal agreement delineating:
27
- 28 (I) The purpose of the agreement;
29
- 30 (II) The process that will be used to select the CEO who will act
31 on behalf of the other CEOs and the name of such CEO if
32 the person has been selected;
33
- 34 (III) The procedure that will be followed to keep those CEOs
35 informed regarding Board activities;
36
- 37 (IV) The initial size of the Board;
38
- 39 (V) How resources allocated to the workforce area will be
40 shared among the parties to the agreement;
41
- 42 (VI) The process to be used to appoint the Board members,
43 which shall be consistent with applicable federal and state
44 laws; and
45
- 46 (VII) The terms of office of the members of the Board.

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(ii) An acknowledgment in the following form: We, the chief elected officials of the _____ Workforce Development Area, acknowledge that the following are responsibilities and requirements pursuant to the formation of the Board:

- (I) The Board will assume the responsibilities for the following committees and councils that will be replaced by the Board unless otherwise provided in Texas Government Code, Chapter 2308: private industry council, quality workforce planning committee, job service employer committee, and local general vocational program advisory committee;
- (II) At least one Workforce Solutions Office shall be established within 180 days of Board certification;
- (III) The Board shall have its own independent staff and not be a provider of workforce services, unless the Board secures a waiver of these provisions;
- (IV) The CEOs shall enter into a partnership agreement with the Board to designate a grant recipient to receive, be accountable for, and be liable for any misuse of block grant funds;
- (V) The partnership agreement shall also specify the entity that will administer the programs, which may be separate from the entity that receives the funds from the state;
- (VI) The partnership agreement shall define the process through which the Boards and CEOs will develop the strategic and operational plans, including the training plan required under the Workforce Investment Act (WIA); and
- (VII) The strategic plan shall be reviewed by both the Commission and the Texas Workforce Investment Council (TWIC), and approved by the Governor before block grants will be available to the workforce area.

(B) The application shall include evidence that any affected existing Board has been notified and agrees that its functions and responsibilities will be assumed by the proposed Board upon the proposed Board's final certification by the Governor.

(C) The application shall include the names and affiliations of individuals recommended for Board membership, with documentation that CEOs

1 followed the nomination process specified in applicable state and federal
2 law, including Texas Government Code §2308.255 and §2308.256.
3

4 (i) Private sector members shall be owners of business concerns, chief
5 executives, chief operating officers of nongovernmental
6 employers, or other private sector executives who have substantial
7 management or policy responsibility. To be eligible to represent
8 the private sector, at least 51 percent of an individual's annual
9 income shall be from private sector sources.
10

11 (ii) Private sector membership should represent the composition of the
12 local pool of employers. The private sector membership should
13 include representatives of the region's larger employers and
14 emerging growth industries. Primary consideration should be
15 given to private sector employers who do not directly provide
16 employment and workforce training services to the general public.
17 CEOs shall develop a profile of the workforce area's major
18 industries using locally obtained information and state-published
19 data. The Agency shall provide relevant labor market information,
20 including data that identifies employment trends, emerging high-
21 growth, high-demand industries, the size of local employers, and
22 other data needed to assist CEOs in developing the employer
23 profile. Documentation submitted with the application shall show
24 how the regional employer profile is reflected in the Board
25 membership.
26

27 (iii) Board membership shall include representatives of local organized
28 labor organizations, community-based organizations, educational
29 agencies, vocational rehabilitation agencies, public assistance
30 agencies, economic development agencies, the public employment
31 service, local literacy councils, and adult basic and continuing
32 education organizations as required by law.
33

34 (iv) Representatives of local organized labor organizations shall be
35 nominated by local labor federations unless no employees in the
36 workforce area are represented by such organizations, in which
37 case nominations may be made by other representatives of
38 employees. A labor federation is defined as an alliance of two or
39 more organized labor unions for the purpose of mutual support and
40 action.
41

42 (v) Board nominees shall be actively engaged in the organization,
43 enterprise, or field that they are nominated to represent. Board
44 nominees shall have an existing relationship with the workforce
45 area through residence or employment within the workforce area.
46

- 1 (vi) At least one of the members of a Board appointed under Texas
- 2 Government Code §2308.256(a) shall, in addition to the
- 3 qualifications required for the members under that subsection, have
- 4 expertise in child care or early childhood education.
- 5
- 6 (vii) At least one of the members of a Board appointed under Texas
- 7 Government Code §2308.256(a) shall, in addition to the
- 8 qualifications required for the members under that subsection:
- 9
- 10 (I) be a veteran as defined in Texas Government Code
- 11 §2308.251(2); and
- 12
- 13 (II) have an understanding of the needs of the local veterans'
- 14 population and willingness to represent the interests and
- 15 concerns of veterans.
- 16
- 17 (D) No individual member shall be a representative of more than one sector
- 18 or category described in this section, except as statutorily permitted for
- 19 one or more members having:
- 20
- 21 (i) expertise in child care or early childhood education; or
- 22
- 23 (ii) the qualifications set forth in subparagraph (C)(vii) of this
- 24 paragraph.
- 25
- 26 (E) The application shall include documentary evidence substantiating
- 27 compliance with the application procedure, including but not limited to,
- 28 written agreements, minutes of public meetings, copies of
- 29 correspondence, and such other documentation as may be appropriate.
- 30

31 **§801.16. Partnership Agreement.**

- 32
- 33 (a) The CEOs in a workforce area shall enter into a Partnership Agreement with the
- 34 Board as required by Texas Government Code §2308.253(g) and by
- 35 §801.1(g)(2)(A)(i)(I) - (VII) of this subchapter.
- 36
- 37 (b) The Partnership Agreement shall be signed by the current CEOs and the Board
- 38 Chair.
- 39
- 40 (c) Any amendment to a Partnership Agreement, change to a Board's organizational plan
- 41 or bylaws, or notice of an election of a new CEO or Board Chair shall be submitted
- 42 to the Agency within 15 calendar days of the adoption of such amendment, change,
- 43 or election.
- 44

- 1 (d) If a CEO or Board Chair is newly elected during the then-current, two-year program
2 planning cycle, such newly elected individual shall submit to the Agency a written
3 statement acknowledging that he or she:
4
5 (1) has read, understands, and will comply with the current Partnership
6 Agreement; and
7
8 (2) reserves the option to request negotiations to amend the Partnership Agreement
9 at any time during the official's tenure as CEO or Board Chair.
10
11 (e) All Partnership Agreements and Board organizational plans or bylaws shall state that
12 Board members will not be permitted to delegate any Board duties to proxies or
13 alternates.
14
15

16 **SUBCHAPTER B. ONE-STOP SERVICE DELIVERY NETWORK**

17 **§801.21. Scope and Purpose.**

- 18
19
20 (a) The purpose of this subchapter is to set forth the rules relating to the One-Stop
21 Service Delivery Network as set forth in Texas Government Code, Chapter 2308;
22 Texas Labor Code, Chapters 301 and 302; and WIA §121 (29 U.S.C.A. §2841). It is
23 the intent of the Commission, in partnership with Boards, to facilitate the
24 development and maintenance of the One-Stop Service Delivery Network such that
25 information and services responsive to individual needs are available to all
26 customers. The One-Stop Service Delivery Network shall be evaluated against
27 established levels of certification as well as any additional standards developed by
28 the Commission to ensure the continuous improvement of the system.
29
30 (b) The rules contained in this subchapter shall apply, except that to the extent of any
31 conflict, the provisions of Texas Government Code, Chapter 2308, and §802.21 of
32 this title (relating to Board Contracting Guidelines) and §802.44 of this title (relating
33 to Service Delivery Waiver Requests) shall govern.
34

35 **§801.22. Requirement to Maintain a One-Stop Service Delivery Network.**

36
37 Each Board shall maintain a One-Stop Service Delivery Network, consistent with WIA,
38 state law, and this subchapter. The One-Stop Service Delivery Network shall include at
39 least one Workforce Solutions Office providing the core services set forth in §801.28(a)
40 of this subchapter.
41

42 **§801.23. Definitions.**

43
44 In addition to the definitions contained in §800.2 of this title, the following words or
45 terms shall have the following meanings, unless the context clearly indicates otherwise.
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- (1) Eligible Foster Youth--An eligible foster youth is a:
 - (A) Current Foster Youth--A youth, age 14 or older, who is receiving substitute care services under the managing conservatorship of the Texas Department of Family and Protective Services (DFPS). This includes youth residing in private foster homes, group homes, residential treatment centers, juvenile correctional institutions, and relative care; or
 - (B) Former Foster Youth--A youth up to 23 years of age, who formerly was under the managing conservatorship of DFPS, until:
 - (i) the conservatorship was transferred by a court;
 - (ii) the youth was legally emancipated (i.e., the youth's minority status was removed by a court); or
 - (iii) the youth attained 18 years of age.
- (2) Eligible Veteran--An eligible veteran is one of the following:
 - (A) Federal/state qualified veteran--an individual who served in the active military, naval, or air service, and who was discharged or released from such service under conditions other than dishonorable as specified at 38 U.S.C. §101(2). Active service includes full-time duty in the National Guard or a Reserve component, other than full time for training purposes.
 - (B) Federal qualified spouse--the spouse of one of the following:
 - (i) Any veteran who died of a service-connected disability.
 - (ii) Any member of the Armed Forces serving on active duty who, at the time of application for assistance under this section, is listed, pursuant to 37 U.S.C. §556 and regulations issued thereunder, by the Secretary concerned in one or more of the following categories and has been so listed for a total of more than 90 days:
 - (I) Missing in action;
 - (II) Captured in line of duty by a hostile force; or
 - (III) Forcibly detained or interned in line of duty by a foreign government or power.

- (iii) Any veteran who has a total disability resulting from a service-connected disability as evaluated by the Department of Veterans Affairs.
- (iv) Any veteran who died while a disability, as defined in clause (iii) of this subparagraph, was in existence.

(C) State qualified spouse:

- (i) A spouse who meets the definition of federal qualified spouse; or
 - (ii) A spouse of any member of the armed forces who died while serving on active military, naval, or air service.
- (3) National Emergency--A condition declared by the President by virtue of powers previously vested in that office to authorize certain emergency actions to be undertaken in the national interest pursuant to 50 U.S.C. §1621.
 - (4) Workforce Solutions Office--A local Workforce Solutions Office that provides one or more services, as set out in §801.25 of this subchapter, to aid employers and job seekers.

§801.24. Workforce Solutions Office Certification.

- (a) All offices providing workforce services will be classified as Workforce Solutions Offices.
- (b) Boards shall ensure that at least one Workforce Solutions Office in the workforce area provides on-site access to all services set forth in §801.25 of this subchapter.
- (c) Certified Workforce Solutions Offices. As directed by the Commission, Boards shall provide certification to the Commission for every Workforce Solutions Office that provides on-site access to all services set forth in §801.25 of this subchapter.
- (d) Other Workforce Solutions Offices. As directed by the Commission, Boards shall notify the Commission of all on-site services available at any Workforce Solutions Office that does not provide on-site access to all services set forth in §801.25 of this subchapter.
- (e) Boards shall notify the Commission, when a change occurs, of the requirements set forth in subsections (c) and (d) of this section.
- (f) The Commission shall verify compliance with the requirements set forth in subsections (b) - (d) of this section through:

- 1 (1) issuance of Agency guidance;
- 2
- 3 (2) assurances set forth in Agency-Board agreements;
- 4
- 5 (3) annual monitoring reviews; and
- 6
- 7 (4) other means as identified by the Agency.
- 8

9 **§801.25. Minimum Standards for Certified Workforce Solutions Offices.**

10 (a) Boards shall ensure that each Workforce Solutions Office:

- 11 (1) provides basic labor exchange services, including access to job orders for
- 12 applicants, access to applicants for employers, and screening and referral
- 13 methods for matching qualified applicants and job orders;
- 14
- 15 (2) provides services, as set forth in §801.28(a) of this subchapter, of the following
- 16 programs: WIA adults, dislocated workers, and youth; Supplemental Nutrition
- 17 Assistance Program Employment and Training (SNAP E&T); Temporary
- 18 Assistance for Needy Families (TANF) Choices; access to subsidized child
- 19 care services; Wagner-Peyser Employment Service (ES); Trade Adjustment
- 20 Assistance (TAA); and Project Reintegration of Offenders (Project RIO).
- 21 Boards shall ensure that Workforce Solutions Offices' staff is available to
- 22 provide these services during all Workforce Solutions Offices' operating hours;
- 23
- 24 (3) provides access to information and services available in the workforce area; and
- 25
- 26 (4) addresses the individual needs of employers and job seekers.
- 27

28 (b) Boards shall ensure that the services provided by each Workforce Solutions Office,

29 as set forth in Texas Government Code, Chapter 2308, include:

- 30 (1) labor market information, including:
- 31 (A) available job openings; and
- 32 (B) education and training opportunities;
- 33
- 34 (2) uniform eligibility requirements and application procedures for all workforce
- 35 training and services;
- 36
- 37 (3) assistance to unemployment insurance (UI) claimants;
- 38
- 39 (4) independent assessment of individual needs and the development of an
- 40 employment plan;
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- 1 (5) centralized and continuous case management and counseling;
2
3 (6) individual referral for services, including basic education, classroom skills
4 training, on-the-job training, and customized training;
5
6 (7) support services, including child care assistance, student loans, and other forms
7 of financial assistance required to participate in and complete training; and
8
9 (8) job training and employment assistance for persons formerly sentenced to the
10 Texas Department of Criminal Justice's institutional division or state jail
11 division, provided in cooperation with Project RIO.
12
- 13 (c) Boards shall ensure that each Workforce Solutions Office complies with the
14 following Commission-established standards:
15
- 16 (1) Provides customer access to WorkInTexas.com; résumé preparation tools,
17 including software; and Internet access;
18
- 19 (2) Ensures eligible foster youth are given access to workforce services to help
20 meet their employment, education, and training needs to transition to
21 independent living, as set forth in Texas Family Code §264.121;
22
- 23 (3) Provides each customer with information on local high-growth, high-demand
24 occupations and industries, projected wage level upon completion of training
25 programs, and performance of training providers when requested;
26
- 27 (4) Ensures that Workforce Solutions Offices' staff is trained and knowledgeable
28 in order to provide services to employers and job seekers;
29
- 30 (5) Demonstrates on-site management of all personnel, a plan for cross-training
31 staff in all services, minimal programmatic specialization of staff, removal of
32 redundancies within program activities, and maximum flexibility to optimize
33 use of resources;
34
- 35 (6) Designs a customer-friendly waiting area and implements written procedures
36 that define the steps taken to minimize customer wait time in the reception area
37 and in other areas of Workforce Solutions Offices; and
38
- 39 (7) Provides consumer information on the quality of education and training
40 providers and includes a mechanism for customer feedback on personal
41 experience with such providers.
42
- 43 (d) Boards must ensure that, if a Workforce Solutions Office does not provide all
44 services and programs on-site as specified in subsections (b) and (c) of this section,
45 electronic access to such services is provided, for example, by making access
46 available through computer applications or by telephone conferencing.

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2 (e) Boards must ensure that only Workforce Solutions Office partners provide
3 developmental services, such as General Educational Development, English as a
4 Second Language, or basic education skills.
5

6 **§801.27. Workforce Solutions Office Partners.**
7

- 8 (a) Each Board shall maintain one or more memorandum of understanding that sets out
9 the obligations of the Board and each partner in the operation of the One-Stop
10 Service Delivery Network in the workforce area. Each Board shall obtain a general
11 authorization from the CEOs for actions taken under this subsection.
12

- 13 (b) Subject to the limitations referenced in §801.29 of this subchapter, relating to
14 Limitations on Delivery of Services, the required Workforce Solutions Office
15 Partners are the entities that administer the following services in the workforce areas:
16

- 17 (1) veterans' employment and training;
18
19 (2) Adult Basic Education;
20
21 (3) National Literacy Act;
22
23 (4) noncertificate, postsecondary career and technology training;
24
25 (5) Senior Community Service Employment Program;
26
27 (6) Apprenticeship Training Program; and
28
29 (7) National and Community Service Act.
30

- 31 (c) Other entities that provide services of benefit to workforce development, including
32 federal, state, and local programs as well as programs in the private sector, may be
33 voluntary partners in the One-Stop Service Delivery Network if the Board and CEOs
34 agree on each entity's participation. The entities include, but are not limited to, those
35 that provide:
36

- 37 (1) vocational rehabilitation services (for example, the Texas Department of
38 Assistive and Rehabilitative Services);
39
40 (2) Migrant and Seasonal Farmworker employment services;
41
42 (3) secondary and postsecondary vocational education and training activities;
43
44 (4) community services block grant programs;
45

- 1 (5) employment and training services provided through grantees of the U.S.
2 Department of Housing and Urban Development;
- 3
- 4 (6) Job Corps services for youth; and
- 5
- 6 (7) Native American programs.
- 7

8 **§801.28. Services Available through the One-Stop Service Delivery Network.**

- 9
- 10 (a) Core Services. All Workforce Solutions Offices shall provide access to core
11 services, as defined in WIA § 134(d)(2) (29 U.S.C.A. §2864 (d)(2)) and Texas
12 Government Code, Chapter 2308, including:
 - 13
 - 14 (1) outreach;
 - 15
 - 16 (2) intake, which may include reemployment services, and orientation to the
17 information and services available through the One-Stop Service Delivery
18 Network;
 - 19
 - 20 (3) determinations of individuals' eligibility for programs funded through the
21 Commission that are available through the One-Stop Service Delivery
22 Network;
 - 23
 - 24 (4) initial assessment of skill levels, aptitudes, abilities, and support service needs;
 - 25
 - 26 (5) job search and placement assistance and, where appropriate, career counseling;
 - 27
 - 28 (6) provision of performance information and program cost information on eligible
29 providers of training services as described in §§841.31 - 841.47 of this title
30 (relating to Training Provider Certification), provided by program, and eligible
31 providers of youth activities described in WIA § 123 (29 U.S.C.A. §2843),
32 providers of adult education described in Title II of WIA, providers of
33 postsecondary vocational education activities and vocational education
34 activities available to school dropouts under the Carl D. Perkins Vocational
35 and Applied Technology Education Act (20 U.S.C.A. §2301 *et seq.*), and
36 providers of vocational rehabilitation program activities described in Title I of
37 the Rehabilitation Act of 1973 (29 U.S.C.A. §720 *et seq.*);
38
 - 39 (7) provision of information regarding how the workforce area is performing on
40 the local performance measures and any additional performance information
41 with respect to the One-Stop Service Delivery Network in the workforce area;
 - 42
 - 43 (8) provision of information regarding filing claims for UI;
 - 44
 - 45 (9) provision of employment statistics information, including the provision of
46 accurate information relating to local, regional, and national labor market

1 areas, including job vacancy listings in such labor market areas, information on
2 job skills necessary to obtain the jobs listed, and information related to local
3 high-growth, high-demand jobs and the earnings and skill requirements for
4 such jobs;

5
6 (10) provision of accurate information relating to the availability of support
7 services, including child care and transportation, available in the workforce
8 area, and referral to such services, as appropriate;

9
10 (11) assistance in establishing eligibility for Choices, SNAP E&T, and programs of
11 financial aid assistance for training and education that are available in the
12 workforce area; and

13
14 (12) follow-up services, including counseling regarding the workplace, for youth
15 participants in WIA activities authorized under Chapter 841 of this title,
16 relating to WIA, who are placed in unsubsidized employment, for not less than
17 12 months after the first day of the employment, as appropriate.

18
19 (b) Intensive Services. A One-Stop Service Delivery Network shall provide access to
20 services as described in the Texas Government Code, Chapter 2308, and intensive
21 services as described in WIA § 134(d)(3) (29 U.S.C.A. § 2864(d)(3)), which may
22 include the following:

23
24 (1) comprehensive and specialized assessments of the skill levels and service
25 needs of job seekers, such as diagnostic testing and use of other assessment
26 tools, in-depth interviewing, and evaluation to identify employment barriers
27 and employment goals;

28
29 (2) development of an employment plan and service strategy to identify the
30 employment goals, appropriate achievement objectives, and appropriate
31 combination of services for the participant to achieve employment goals and
32 objectives;

33
34 (3) group counseling;

35
36 (4) individual counseling and career planning;

37
38 (5) centralized and continuous case management; and

39
40 (6) short-term, work readiness services, including learning skills, communication
41 skills, interviewing skills, punctuality, personal maintenance skills, and
42 professional conduct to prepare individuals for unsubsidized employment or
43 training.

44
45 (c) Training Services. A One-Stop Service Delivery Network shall provide access to
46 training services as described in WIA § 134(d)(4) (29 U.S.C.A. § 2864(d)(4)) and

1 Texas Government Code, Chapter 2308. Training services may include the
2 following:

- 3
- 4 (1) high-growth, high-demand industry skills training, including training for
5 nontraditional employment;
 - 6
 - 7 (2) on-the-job training;
 - 8
 - 9 (3) programs that combine workplace training with related instruction;
 - 10
 - 11 (4) training programs operated by the private sector;
 - 12
 - 13 (5) skills upgrading and retraining;
 - 14
 - 15 (6) entrepreneurial training;
 - 16
 - 17 (7) job readiness training;
 - 18
 - 19 (8) referrals to Adult Basic Education and literacy activities in combination with
20 services with activities described in paragraphs (1) - (7) of this subsection; and
 - 21
 - 22 (9) customized training conducted with a commitment by an employer or group of
23 employers to employ an individual upon successful completion of training.

- 24
- 25 (d) Other Services and Activities. A One-Stop Service Delivery Network shall offer
26 access to all other permissible local employment and training activities included in
27 the local workforce development plan, which may include discretionary one-stop
28 activities, support services, and needs-related payments as set forth in WIA §134(e)
29 (29 U.S.C.A. §2864(e)).

30
31 **§801.31. Priority for Workforce Services.**

- 32
- 33 (a) Boards shall ensure that eligible veterans, as defined in §801.23(2) of this
34 subchapter, are identified at the initial point of entry into the workforce system and
35 informed of the following:
 - 36 (1) Their right to priority of service;
 - 37
 - 38 (2) The full array of employment, training, and placement services available under
39 priority of service; and
 - 40
 - 41 (3) Any applicable eligibility requirements for those programs and services.
 - 42
 - 43
 - 44 (b) Boards shall ensure that eligible foster youth, as defined in §801.23(1) of this
45 subchapter, are informed of the following:
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- (1) Their right to priority of service;
 - (2) The full array of employment, training, and placement services available under priority of service; and
 - (3) Any applicable eligibility requirements for those programs and services.
- (c) Boards shall ensure the following order of priority for workforce services is applied:
- (1) Eligible veterans receive priority over all other equally qualified individuals in the receipt of services funded in whole or in part by the U.S. Department of Labor, in accordance with 38 U.S.C. §4215--except state qualified spouses, who meet the criterion in §801.23(2)(C)(ii) of this subchapter.
 - (2) Eligible veterans receive priority over all other equally qualified individuals in the receipt of services funded in whole or in part by state funds in accordance with Texas Labor Code §302.152.
 - (3) Eligible foster youth receive priority over all other equally qualified individuals--except eligible veterans as defined in this subchapter--in the receipt of federal or state-funded services in accordance with Texas Family Code §264.121(3).