TEXAS WORKFORCE COMMISSION LETTER

ID/No:	WD 80-05, Change 1
Date:	March 19, 2008
Keyword:	Administration
Effective:	Immediately

To: Local Workforce Development Board Executive Directors
Commission Executive Offices
Integrated Service Area Managers

From: Laurence M. Jones Director, Workforce Development Division

Subject: Senate Bill 286: Open Meetings and Public Information Training Requirements for Elected and Appointed Public Officials **and Board Responsibilities under the Open Meetings Act and Public Information Act**

PURPOSE:

To inform Local Workforce Development Boards (Boards) about:

- ~~new~~ open meetings and public information training requirements for public officials, as directed by Senate Bill (SB) 286, 79th Legislature, Regular Session (2005)~~.~~ **;**
- **Board responsibilities under the Open Meetings Act;**
- **Board responsibilities under the Public Information Act (formerly the Open Records Act); and**
- **designation of a public information coordinator.**

CHANGES TO WD LETTER 80-05:

New information in this WD Letter is indicated by:

- A ~~strikethrough~~ of the original language, which indicates that language has been deleted; and
- **Bold** typeface, which indicates new or clarifying language.

BACKGROUND:

SB 286 amends Texas Government Code §551.005 and §552.012 to include mandatory Open Meetings Act and Public Information Act training requirements for elected and appointed officials. The intent of the training is to prevent unintentional violations of open government laws and to strengthen the public's confidence in governing bodies.

Effective January 1, 2006, SB 286 directs at least two hours of open government training, consisting of one educational course on the Open Meetings Act and one educational course on the Public Information Act.

There are no grandfather provisions for public officials who may have attended open government training in the past. Under provisions of the ~~new~~ law, only training approved by the Office of the Attorney General (OAG) complies with SB 286.

~~On December 12, 2005, OAG released training materials for all public officials to comply with open government training requirements.~~ **Texas Government Code §551.001(3) includes Boards, as created under §2308.253, in the definition of governmental bodies.** Information and resources related to open government requirements and the training are available on the OAG Web site:

- For open government issues and information: http://www.oag.state.tx.us/opinopen/opengovt.shtml
- For open government training information and frequently asked questions: http://www.oag.state.tx.us/opinopen/og_training.shtml
- To access the Open Meetings Handbook, Public Information Handbook, and other open government resources: http://www.oag.state.tx.us/opinopen/og_resources.shtml

Note: **House Bill 2120 and Senate Bill 1619, each enacted by the 80th Texas Legislature, Regular Session (2007), state that unemployment compensation information maintained by the Commission is not subject to the Public Information Act. For questions regarding the applicability of these bills, contact the Commission's Office of General Counsel, Open Records, at (512) 463-2422.**

PROCEDURES:

Boards must comply with Board responsibilities and requirements as set forth in the Open Meetings and Public Information Acts. **NLF**

Boards must: **NLF**

- **ensure that Board members complete Open Meetings Act training, consisting of one educational course on the Open Meetings Act;**
- **designate a public information coordinator and a sufficient number of backup staff for the public information coordinator; and**
- **ensure that the public information coordinator and all backup staff complete the Public Information Act training course.**

~~Boards must ensure that Board members complete the Open Meetings Act and Public Information Act training courses and that public information officers complete the Public Information Act training course~~.

~~However, as set forth in SB 286, Board members are not required to complete the Public Information Act training course if the Board employs a designated public information coordinator to be responsible for responding to Public Information Act requests on behalf of the Board.~~

In order for the Board to authorize the public information coordinator to complete the Public Information Act course and act on behalf of all Board members, the Board must take such action in an open meeting. ~~In this case, the Board must ensure that the public information coordinator completes the Public Information Act training on behalf of the Board members.~~

OAG has advised that designation of a public information coordinator to complete training on behalf of a Board member does not relieve the Board member of his or her duty to comply with other provisions of the Public Information Act. Therefore, it is recommended that all Board members complete the Public Information Act ~~course regardless of whether a designated public information coordinator also receives the~~ training. **LF**

Boards must ensure that Board members in office before January 1, 2006, complete the required training before January 1, 2007. Board members elected or appointed after January 1, 2006, have 90 days to complete the required training. **NLF**

Boards must ensure that Board members use the free OAG-approved open government training, available online or on DVD. **NLF**

Online Open Government Training
The Open Meetings Act course (running time: approx. one hour) is available at:
http://www.oag.state.tx.us/media/videos/play.php?image=2005openmeetings&id=138

The Public Information Act course (running time: approx. one hour) is available at:
http://www.oag.state.tx.us/media/videos/play.php?image=2005openrecords&id=139

DVD Open Government Training
~~Boards may~~ **To** obtain free DVD copies of the training courses**,** ~~by~~ call~~ing~~ the OAG Public Information and Assistance line at 1 (800) 252-8011.

Boards must ensure that Board members and public information coordinators obtain course completion certificates by providing OAG with the identification code given to them at the end of each training course. The identification code may be entered on the OAG *Training Certificates* Web page at http://www.oag.state.tx.us/forms/openrec/og_certificates.php, or provided by calling the OAG 1 (800) 252-8011 number. **NLF**

Boards must ensure that the training completion certificates are kept on file and available for public inspection upon request. **NLF**

~~Boards that have~~ Questions about open government training or its requirements ~~may call~~ **can be directed to** the OAG Open Government Hotline at **(512) 478-OPEN (6736) or toll-free at** 1 (877) OPEN TEX ~~or 1 (877)~~ **(**673-6839**)**.

INQUIRIES:

Direct inquiries regarding this WD Letter to wfpolicy.clarifications@twc.state.tx.us.

RESCISSIONS:

WD Letter 111-98

REFERENCES:

Texas Government Code §551.005 and §552.012 (Senate Bill 286, 79th Legislature, Regular Session (2005))
Open Meetings Act, Texas Government Code, Chapter 551, Subchapter A
Public Information Act, Texas Government Code, Chapter 552, Subchapter A
Texas Workforce Commission Local Workforce Development Boards Rules: 40 TAC §801.1
WD Letter 48-01, issued January 9, 2002, and entitled "Effect of House Bill 936 on Roles and Responsibilities of Local Workforce Development Boards"
WD Letter 28-01, Change 4, issued July 15, 2005, and entitled "Updated 'Chief Elected Official's Membership Guide for Local Workforce Development Boards'"
Open Meetings Handbook, Office of the Attorney General, 2008
Public Information Handbook, Office of the Attorney General, 2008
New Board Member Orientation Guide, Texas Workforce Commission, August 2005

FLEXIBILITY RATINGS:

No Local Flexibility (NLF): This rating indicates that Boards must comply with the federal and state laws, rules, policies, and required procedures set forth in this WD Letter and have no local flexibility in determining whether and/or how to comply. All information with an NLF rating is indicated by "must" or "shall."

Local Flexibility (LF): This rating indicates that Boards have local flexibility in determining whether and/or how to implement guidance or recommended practices set forth in this WD Letter. All information with an LF rating is indicated by "may" or "recommend."