

CHAPTER 801. LOCAL WORKFORCE DEVELOPMENT BOARDS

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

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

Subchapter B. One-Stop Service Delivery Network, <*>801.24, 801.25, and 801.31

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

Subchapter A. General Provisions, <*>801.1 and <*>801.16

Subchapter B. One-Stop Service Delivery Network, <*>801.21 - 801.23, 801.27, and 801.28

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

Subchapter A. General Provisions, <*>801.2 and <*>801.13

Subchapter B. One-Stop Service Delivery Network, <*>801.24, 801.25, and 801.31

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

Subchapter C. The Integrity of the Texas Workforce System, <*>801.51 - 801.56

PART I. PURPOSE, BACKGROUND, AND AUTHORITY

PART II. EXPLANATION OF INDIVIDUAL PROVISIONS

PART I. PURPOSE, BACKGROUND, AND AUTHORITY

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

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 Certain provisions of the repealed rules will be consolidated into adopted new Chapter 802, which focuses solely on the integrity of the workforce system.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

- Amendment of Subchapter B, relating to the One-Stop Service Delivery Network, by:
 - defining Texas Workforce Centers and Workforce Solutions Centers;
 - classifying all workforce offices as Workforce Solutions Offices;
 - establishing only one certification level for all Workforce Solutions Offices providing workforce services; and
 - transferring responsibility for certifying Workforce Solutions Offices from the Commission to the Boards.
- Necessary technical changes to simplify and clarify rule language, update terminology and definitions, and remove obsolete provisions.

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

- Basic Texas Workforce Center
- Certified Texas Workforce Center
- Full-Service Texas Workforce Center
- Certified Full-Service Texas Workforce Center

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

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

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

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

PART II. EXPLANATION OF INDIVIDUAL PROVISIONS

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

SUBCHAPTER A. GENERAL PROVISIONS

The Commission adopts the following amendments to Subchapter A:

<*>801.1. Requirements for Formation of Local Workforce Development Boards

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

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

Section 801.1(g)(2)(A)(ii)(II) replaces the term "Texas Workforce Center" with "Workforce Solutions Office," as defined in <*>801.23(4).

<*>801.2. Waivers

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

<*>801.13. Board Member Conflicts of Interest

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

<*>801.16. Partnership Agreement

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

Section 801.16(a) - (c) replaces the reference to "Agreement for Local Procedures" with "Partnership Agreement" to align with terminology in Texas Government Code <*>2308.253(g).

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

Section 801.16(e) replaces the reference to "Agreement for Local Procedures" with "Partnership Agreement" to align with terminology in Texas Government Code <*>2308.253(g).

SUBCHAPTER B. ONE-STOP SERVICE DELIVERY NETWORK

The Commission adopts the following amendments to Subchapter B:

<*>801.21. Scope and Purpose

Section 801.21(b) replaces the references to <*>801.2 and <*>801.54. Both sections are repealed and incorporated into new Chapter 802, a separate, but concurrent, rulemaking adoption that groups together common rules that address the integrity of the workforce system.

References to new <*>802.21 (relating to Board Contracting Guidelines) and <*>802.44 (relating to Service Delivery Waiver Requests), respectively, are added.

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

<*>801.22. Requirement to Maintain a One-Stop Service Delivery Network

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

<*>801.23. Definitions

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

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

Section 801.23(3), the definition of competent, is removed. Texas Labor Code <*>302.151 defines veterans for the purposes of receiving job training and employment priority, and competency is not a criterion.

New <*>801.23(4) defines Workforce Solutions Office as 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.

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

<*>801.24. Texas Workforce Center Certification Levels

Section 801.24 is repealed and adopted as new.

<*>801.24. Workforce Solutions Office Certification

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

New <*>801.24(a) classifies all workforce offices that provide workforce services as Workforce Solutions Offices.

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

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

New <*>801.24(d), Other Workforce Solutions Offices, requires Boards, as directed by the Commission, to 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.

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

New<*>801.24(f) states that the Commission shall verify compliance with subsections (b) - (d) of this section through:

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

<*>801.25. Texas Workforce Center Standards

Section 801.25 is repealed and adopted as new.

<*>801.25. Minimum Standards for Certified Workforce Solutions Offices

New <*>801.25 delineates the standards that Boards shall ensure Workforce Solutions Offices meet.

New <*>801.25(a) requires Boards to ensure that each Workforce Solutions Office:

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

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

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

New <*>801.25(c) requires Boards to ensure that each Workforce Solutions Office complies with the following Commission-established standards:

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

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

New <*>801.25(e) requires Boards to ensure that only Workforce Solutions Office partners provide developmental services.

<*>801.27. Workforce Solutions Office Partners

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

Section 801.27(b):

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

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

<*>801.28. Services Available through the One-Stop Service Delivery Network

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

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

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

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

<*>801.31. Priority for Workforce Services

Section 801.31 is repealed and adopted as new.

<*>801.31. Priority for Workforce Services

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

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

- (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.

New <*>801.31(b) requires Boards to ensure that eligible foster youth, as defined in <*>801.23(1) of this subchapter; are informed of:

- (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.

New <*>801.31(c)(1) - (3) sets forth the priority order that Boards must apply:

- (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 (DOL), 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).

SUBCHAPTER C. THE INTEGRITY OF THE TEXAS WORKFORCE SYSTEM

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

<*>801.51. Purpose and General Provisions

<*>801.52. Definitions

<*>801.53. Prohibition against Directly Delivering Services

<*>801.54. Board Contracting Guidelines

<*>801.55. Employment of Former Board Employees by Workforce Service Contractors

<*>801.56. Enforcement

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

No comments were received.

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

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

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

CHAPTER 801. LOCAL WORKFORCE DEVELOPMENT BOARDS

SUBCHAPTER A. GENERAL PROVISIONS

<*>801.1. Requirements for Formation of Local Workforce Development Boards.

- (a) Purpose of Rule.
 - (1) Upon application by the chief elected officials (CEOs) and approval of the Commission, the Commission shall forward an application to form a Local Workforce Development Board (Board) to the Governor.
 - (2) Before an application may be submitted to the Governor, all requirements of this section shall be met.
- (b) State Law. The formation of Boards is governed by the Workforce Investment Act, Texas Government Code, Chapter 2308.
- (c) Chief Elected Official Agreement. Creation of a Board requires agreement by at least three-fourths of the CEOs in the local workforce development area (workforce area) who represent units of general local government, including all of the CEOs who represent units of general local government having populations of at least 200,000. The elected officials agreeing to the creation of the Board shall represent at least 75 percent of the population of the workforce area.
- (d) Chief Elected Officials. The CEOs may, and are encouraged to, consult with local officials other than the ones delineated below. The following officials are designated as the CEOs for the purpose of establishing agreements to form Boards:
 - (1) Mayors.
 - (A) The mayor of each city with a population of at least 100,000;
 - (B) or, if there is no city with a population of greater than 100,000, the mayor of each city with a population greater than 50,000;
 - (C) or, if there are no cities with a population of greater than 50,000, the mayor of the largest city in the workforce area.
 - (D) For purposes of this section, municipal population will be determined by the figure last reported by the Texas State Data Center at the time of submission of the application to the Commission.
 - (2) All county judges included in a workforce area as designated by the Governor.

- (e) Time of Application. CEOs in a workforce area may not establish a Board until the Governor has designated that area as a workforce area as provided in the Workforce Investment Act, Texas Government Code, Chapter 2308.
- (f) Applications shall meet all Governor-approved criteria for the establishment of Boards.
- (g) Procedures for Formation of a Board. The CEOs shall comply with the following procedures to form a Board.
 - (1) Public process procedure. If three-fourths of the CEOs, as defined in subsection (d) of this section, agree to initiate procedures to establish a Board, they shall conduct a public process, including at least one public meeting, to consider the views of all affected organizations before making a final decision to form a Board. This public process may include, but is not limited to, notices published in various media and surveys for public comment.
 - (2) Application procedure.
 - (A) The CEOs shall submit an application to the Commission. This application shall include evidence of the actions required by paragraph (1) of this subsection. As a part of the application, each CEO who is in agreement regarding the formation of a Board, shall execute the following documents:
 - (i) An interlocal agreement delineating:
 - (I) The purpose of the agreement;
 - (II) The process that will be used to select the CEO who will act on behalf of the other CEOs and the name of such CEO if the person has been selected;
 - (III) The procedure that will be followed to keep those CEOs informed regarding Board activities;
 - (IV) The initial size of the Board;
 - (V) How resources allocated to the workforce area will be shared among the parties to the agreement;
 - (VI) The process to be used to appoint the Board members, which shall be consistent with applicable federal and state laws; and
 - (VII) The terms of office of the members of the Board.

- (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

followed the nomination process specified in applicable state and federal law, including Texas Government Code <*>2308.255 and <*>2308.256.

- (i) Private sector members shall be owners of business concerns, chief executives, chief operating officers of nongovernmental employers, or other private sector executives who have substantial management or policy responsibility. To be eligible to represent the private sector, at least 51 percent of an individual's annual income shall be from private sector sources.
- (ii) Private sector membership should represent the composition of the local pool of employers. The private sector membership should include representatives of the region's larger employers and emerging growth industries. Primary consideration should be given to private sector employers who do not directly provide employment and workforce training services to the general public. CEOs shall develop a profile of the workforce area's major industries using locally obtained information and state-published data. The Agency shall provide relevant labor market information, including data that identifies employment trends, emerging high-growth, high-demand industries, the size of local employers, and other data needed to assist CEOs in developing the employer profile. Documentation submitted with the application shall show how the regional employer profile is reflected in the Board membership.
- (iii) Board membership shall include representatives of local organized labor organizations, community-based organizations, educational agencies, vocational rehabilitation agencies, public assistance agencies, economic development agencies, the public employment service, local literacy councils, and adult basic and continuing education organizations as required by law.
- (iv) Representatives of local organized labor organizations shall be nominated by local labor federations unless no employees in the workforce area are represented by such organizations, in which case nominations may be made by other representatives of employees. A labor federation is defined as an alliance of two or more organized labor unions for the purpose of mutual support and action.
- (v) Board nominees shall be actively engaged in the organization, enterprise, or field that they are nominated to represent. Board nominees shall have an existing relationship with the workforce area through residence or employment within the workforce area.

- (vi) At least one of the members of a Board appointed under Texas Government Code <*>2308.256(a) shall, in addition to the qualifications required for the members under that subsection, have expertise in child care or early childhood education.
- (vii) At least one of the members of a Board appointed under Texas Government Code <*>2308.256(a) shall, in addition to the qualifications required for the members under that subsection:
 - (I) be a veteran as defined in Texas Government Code <*>2308.251(2); and
 - (II) have an understanding of the needs of the local veterans' population and willingness to represent the interests and concerns of veterans.
- (D) No individual member shall be a representative of more than one sector or category described in this section, except as statutorily permitted for one or more members having:
 - (i) expertise in child care or early childhood education; or
 - (ii) the qualifications set forth in subparagraph (C)(vii) of this paragraph.
- (E) The application shall include documentary evidence substantiating compliance with the application procedure, including but not limited to, written agreements, minutes of public meetings, copies of correspondence, and such other documentation as may be appropriate.

<*>801.16. Partnership Agreement.

- (a) The CEOs in a workforce area shall enter into a Partnership Agreement with the Board as required by Texas Government Code <*>2308.253(g) and by <*>801.1(g)(2)(A)(i)(I) - (VII) of this subchapter.
- (b) The Partnership Agreement shall be signed by the current CEOs and the Board Chair.
- (c) Any amendment to a Partnership Agreement, change to a Board's organizational plan or bylaws, or notice of an election of a new CEO or Board Chair shall be submitted to the Agency within 15 calendar days of the adoption of such amendment, change, or election.

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

SUBCHAPTER B. ONE-STOP SERVICE DELIVERY NETWORK

<*>801.21. Scope and Purpose.

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

<*>801.22. Requirement to Maintain a One-Stop Service Delivery Network.

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

<*>801.23. Definitions.

In addition to the definitions contained in <*>800.2 of this title, the following words or terms shall have the following meanings, unless the context clearly indicates otherwise.

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

<*>801.25. Minimum Standards for Certified Workforce Solutions Offices.

- (a) Boards shall ensure that each Workforce Solutions Office:
 - (1) provides basic labor exchange services, including access to job orders for applicants, access to applicants for employers, and screening and referral methods for matching qualified applicants and job orders;
 - (2) provides services, as set forth in <*>801.28(a) of this subchapter, of the following programs: WIA adults, dislocated workers, and youth; Supplemental Nutrition Assistance Program Employment and Training (SNAP E&T); Temporary Assistance for Needy Families (TANF) Choices; access to subsidized child care services; Wagner-Peyser Employment Service (ES); Trade Adjustment Assistance (TAA); and Project Reintegration of Offenders (Project RIO). Boards shall ensure that Workforce Solutions Offices' staff is available to provide these services during all Workforce Solutions Offices' operating hours;
 - (3) provides access to information and services available in the workforce area; and
 - (4) addresses the individual needs of employers and job seekers.
- (b) Boards shall ensure that the services provided by each Workforce Solutions Office, as set forth in Texas Government Code, Chapter 2308, include:
 - (1) labor market information, including:
 - (A) available job openings; and
 - (B) education and training opportunities;
 - (2) uniform eligibility requirements and application procedures for all workforce training and services;
 - (3) assistance to unemployment insurance (UI) claimants;
 - (4) independent assessment of individual needs and the development of an employment plan;

- (5) centralized and continuous case management and counseling;
 - (6) individual referral for services, including basic education, classroom skills training, on-the-job training, and customized training;
 - (7) support services, including child care assistance, student loans, and other forms of financial assistance required to participate in and complete training; and
 - (8) job training and employment assistance for persons formerly sentenced to the Texas Department of Criminal Justice's institutional division or state jail division, provided in cooperation with Project RIO.
- (c) Boards shall ensure that each Workforce Solutions Office complies with the following Commission-established standards:
- (1) Provides customer access to WorkInTexas.com; résumé preparation tools, including software; and Internet access;
 - (2) Ensures eligible foster youth are given access to workforce services to help meet their employment, education, and training needs to transition to independent living, as set forth in Texas Family Code <*>264.121;
 - (3) Provides each customer with information on local high-growth, high-demand occupations and industries, projected wage level upon completion of training programs, and performance of training providers when requested;
 - (4) Ensures that Workforce Solutions Offices' staff is trained and knowledgeable in order to provide services to employers and job seekers;
 - (5) Demonstrates on-site management of all personnel, a plan for cross-training staff in all services, minimal programmatic specialization of staff, removal of redundancies within program activities, and maximum flexibility to optimize use of resources;
 - (6) Designs a customer-friendly waiting area and implements written procedures that define the steps taken to minimize customer wait time in the reception area and in other areas of Workforce Solutions Offices; and
 - (7) Provides consumer information on the quality of education and training providers and includes a mechanism for customer feedback on personal experience with such providers.
- (d) Boards must ensure that, if a Workforce Solutions Office does not provide all services and programs on-site as specified in subsections (b) and (c) of this section, electronic access to such services is provided, for example, by making access

available through computer applications or by telephone conferencing.

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

<*>801.27. Workforce Solutions Office Partners.

- (a) Each Board shall maintain one or more memorandum of understanding that sets out the obligations of the Board and each partner in the operation of the One-Stop Service Delivery Network in the workforce area. Each Board shall obtain a general authorization from the CEOs for actions taken under this subsection.
- (b) Subject to the limitations referenced in <*>801.29 of this subchapter, relating to Limitations on Delivery of Services, the required Workforce Solutions Office Partners are the entities that administer the following services in the workforce areas:
 - (1) veterans' employment and training;
 - (2) Adult Basic Education;
 - (3) National Literacy Act;
 - (4) noncertificate, postsecondary career and technology training;
 - (5) Senior Community Service Employment Program;
 - (6) Apprenticeship Training Program; and
 - (7) National and Community Service Act.
- (c) Other entities that provide services of benefit to workforce development, including federal, state, and local programs as well as programs in the private sector, may be voluntary partners in the One-Stop Service Delivery Network if the Board and CEOs agree on each entity's participation. The entities include, but are not limited to, those that provide:
 - (1) vocational rehabilitation services (for example, the Texas Department of Assistive and Rehabilitative Services);
 - (2) Migrant and Seasonal Farmworker employment services;
 - (3) secondary and postsecondary vocational education and training activities;
 - (4) community services block grant programs;

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

<*>801.28. Services Available through the One-Stop Service Delivery Network.

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

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

- (10) provision of accurate information relating to the availability of support services, including child care and transportation, available in the workforce area, and referral to such services, as appropriate;
 - (11) assistance in establishing eligibility for Choices, SNAP E&T, and programs of financial aid assistance for training and education that are available in the workforce area; and
 - (12) follow-up services, including counseling regarding the workplace, for youth participants in WIA activities authorized under Chapter 841 of this title, relating to WIA, who are placed in unsubsidized employment, for not less than 12 months after the first day of the employment, as appropriate.
- (b) Intensive Services. A One-Stop Service Delivery Network shall provide access to services as described in the Texas Government Code, Chapter 2308, and intensive services as described in WIA <*>134(d)(3) (29 U.S.C.A. <*>2864(d)(3)), which may include the following:
- (1) comprehensive and specialized assessments of the skill levels and service needs of job seekers, such as diagnostic testing and use of other assessment tools, in-depth interviewing, and evaluation to identify employment barriers and employment goals;
 - (2) development of an employment plan and service strategy to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve employment goals and objectives;
 - (3) group counseling;
 - (4) individual counseling and career planning;
 - (5) centralized and continuous case management; and
 - (6) short-term, work readiness services, including learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct to prepare individuals for unsubsidized employment or training.
- (c) Training Services. A One-Stop Service Delivery Network shall provide access to training services as described in WIA <*>134(d)(4) (29 U.S.C.A. <*>2864(d)(4))

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

- (1) high-growth, high-demand industry skills training, including training for nontraditional employment;
 - (2) on-the-job training;
 - (3) programs that combine workplace training with related instruction;
 - (4) training programs operated by the private sector;
 - (5) skills upgrading and retraining;
 - (6) entrepreneurial training;
 - (7) job readiness training;
 - (8) referrals to Adult Basic Education and literacy activities in combination with services with activities described in paragraphs (1) - (7) of this subsection; and
 - (9) customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of training.
- (d) **Other Services and Activities.** A One-Stop Service Delivery Network shall offer access to all other permissible local employment and training activities included in the local workforce development plan, which may include discretionary one-stop activities, support services, and needs-related payments as set forth in WIA <*>134(e) (29 U.S.C.A. <*>2864(e)).

<*>801.31. Priority for Workforce Services.

- (a) Boards shall ensure that eligible veterans, as defined in <*>801.23(2) of this subchapter, are identified at the initial point of entry into the workforce system and informed of the following:
 - (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.
- (b) Boards shall ensure that eligible foster youth, as defined in <*>801.23(1) of this subchapter, are informed of the following:

- (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).