

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

2  
3 **PROPOSED 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) proposes the following amendments to  
8 Chapter 801 relating to Local Workforce Development Boards:

9  
10 Subchapter A, General Provisions, §§801.1, 801.2, 801.11, 801.16, and 801.17

11  
12 Subchapter B, One-Stop Service Delivery Network, §§801.21, 801.22, 801.23, 801.24,  
13 801.25, 801.27, 801.28, 801.29

14  
15 Subchapter C, The Integrity of the Texas Workforce System, §801.51

16  
17 The Commission proposes the following new section to Chapter 801 relating to Local  
18 Workforce Development Boards:

19  
20 Subchapter B, One-Stop Service Delivery Network, §801.31

21  
22 The Commission proposes the following repeal to Chapter 801 relating to Local Workforce  
23 Development Boards:

24  
25 Subchapter B, One-Stop Service Delivery Network, §801.26

- 26  
27 PART I. PURPOSE, BACKGROUND, AND AUTHORITY  
28 PART II. EXPLANATION OF INDIVIDUAL PROVISIONS  
29 PART III. IMPACT STATEMENTS  
30 PART IV. COORDINATION ACTIVITIES

31  
32 **PART I. PURPOSE, BACKGROUND, AND AUTHORITY**

33  
34 The purpose of the proposed Chapter 801 rules change is to implement:

- 35 --House Bill (HB) 720, enacted by the 79th Texas Legislature, Regular Session (2005), which  
36 directs that Local Workforce Development Boards (Boards) include one member who is a  
37 veteran and serves the interests of veterans;  
38 --HB 2604, enacted by the 79th Texas Legislature, Regular Session (2005), which directs that  
39 veterans receive preference--i.e., priority of service--for state-funded training or assistance  
40 under a job training or employment assistance program or service;  
41 --SB 6, enacted by the 79th Texas Legislature, Regular Session (2005), which directs that  
42 workforce services be prioritized and targeted to meet the needs of current foster youth  
43 and former foster youth and that Boards and the Texas Department of Family and  
44 Protective Services (DFPS) jointly develop and adopt a memorandum of understanding;  
45 and  
46

1  
2 --Texas Open Meetings Act (Texas Government Code, Chapter 551) requirements as they apply  
3 to business conducted by the Boards in their capacity as governmental entities.  
4

5 Additionally, 38 U.S.C. §4215 provides federal priority of service for U.S. Department of Labor  
6 (DOL) funded employment, training, and placement programs for federal qualified veterans and  
7 qualified spouses. The proposed amendment to Chapter 801 distinguishes between state  
8 qualified veterans eligible for a preference in state-funded services and federal qualified veterans  
9 and qualified spouses eligible for preference in DOL-funded programs.  
10

#### 11 House Bill 720

12 Texas Government Code §2308.256(h) requires that at least one member of a Board, who  
13 qualifies under one of the existing membership categories, also be a veteran. Additionally, Texas  
14 Government Code §2308.251(2) specifies that veteran candidates for Board membership must  
15 have served in the federal armed forces, United States public health services, state military  
16 forces, or an auxiliary service of one of the branches of the armed forces, and possess an  
17 honorable discharge. Section 801.1(g)(2)(C)(vii) of this chapter requires that a veteran serve  
18 concurrently as a representative of veterans and in a membership category for which he or she  
19 qualifies.  
20

21 HB 720 amends Texas Government Code §2308.256 to strengthen this provision by directing  
22 that the Board member who is a veteran also represents the interests of veterans in the local  
23 workforce development area in addition to the interests of the membership category for which  
24 the veteran was appointed. In clarifying and defining an existing Board member role filled by a  
25 veteran and the interests that member represents, HB 720 does not require a new membership  
26 category.  
27

#### 28 House Bill 2604

29 HB 2604 amends Chapter 302 of the Texas Labor Code and directs that qualified veterans, as  
30 identified in Texas Government Code §657.002(a), receive preference--i.e., priority of service--  
31 for training or assistance under a job training or employment assistance program or service. This  
32 requirement applies to services funded in whole or in part by state funds.  
33

#### 34 Senate Bill 6

35 SB 6 amends Chapter 264 of the Texas Family Code and directs DFPS to address the unique  
36 challenges facing foster youth who are in the conservatorship of DFPS and must transition to  
37 independent living.  
38

39 The statute requires Boards and DFPS to jointly develop and adopt a memorandum of  
40 understanding. The memorandum of understanding will ensure that eligible foster youth are  
41 given access to the workforce system to help meet their employment, education, and training  
42 needs, and will promote collaborations and referrals to the Texas Workforce Centers in order to  
43 further the objectives of the Preparation for Adult Living (PAL) program.  
44

1 DFPS is the agency responsible for administering and overseeing the federal Chafee Foster Care  
2 Independence Program (Chafee). In Texas, the independent program that receives Chafee  
3 funding is the PAL program. The goals or objectives of the PAL program include:

- 4 --helping foster youth to transition to self-sufficiency;
- 5 --helping foster youth receive the education, training, and services necessary to obtain  
6 employment;
- 7 --helping foster youth prepare for postsecondary training and educational institutions;
- 8 --providing personal and emotional support to foster youth through mentors and the promotion of  
9 interactions with dedicated adults;
- 10 --providing financial, housing, counseling, employment, education, and other appropriate support  
11 services to former foster youth between the ages of 18 and 21; and
- 12 --providing vouchers for education and training, including postsecondary education, to youth  
13 who have aged out of foster care.

14  
15 SB 6 also charges that the Commission and Boards must ensure that workforce services are  
16 prioritized and targeted for youth transitioning out of the foster care system and for former foster  
17 youth. Further, where feasible, Boards must refer foster youth who need housing for short-term  
18 housing stays.

19  
20 In addition to 38 U.S.C. §4215, which establishes federal priority of service for federal qualified  
21 veterans and qualified spouses in DOL-funded programs, there are two federal statutes that  
22 define veterans for DOL-funded programs--38 U.S.C. §4211 and 29 U.S.C. §2801(49). These  
23 two federal statutes define veterans differently. To simplify identification of veterans and ensure  
24 consistent application of federal priority of service, the Commission has requested a waiver  
25 under the Workforce Investment Act (WIA) (29 U.S.C. §2939) of the definition of veteran [29  
26 U.S.C. §2801(49)] used for WIA services, to conform with the definition of veteran in 38 U.S.C.  
27 §4211.

28  
29 To reinforce the federal priority of service provisions (38 U.S.C. §4215) and to implement the  
30 state priority of service provisions, federal qualified veterans and qualified spouses, state  
31 qualified veterans, and eligible foster youth first must be identified at the initial point of contact  
32 and then notified of their entitlement to a priority for workforce services. These individuals will  
33 be given priority over all other equally qualified individuals in the receipt of employment  
34 assistance or job training services.

35  
36 For state-funded workforce services, if a state qualified veteran and an eligible foster youth  
37 concurrently apply for workforce services, or if a waiting list exists, the state qualified veteran  
38 must be served before the eligible foster youth.

39  
40 Furthermore, for DOL-funded workforce services, if a federal qualified veteran or qualified  
41 spouse, state qualified veteran, and eligible foster youth concurrently apply for workforce  
42 services, or if a waiting list exists, the federal qualified veteran or qualified spouse must be  
43 served before the state qualified veteran or the eligible foster youth.

1 Texas Open Meetings Act

2 The Texas Open Meetings Act directs all governmental bodies, including Boards, to adopt  
3 policies in an open public meeting that has been properly posted and convened.  
4

5 All Board directives that impact the rights, benefits, and privileges of employers, individuals,  
6 other customers, or organizations are official governmental policies, must be voted on, and  
7 adopted as Board policy in an open meeting. Board policy making involves developing and  
8 adopting directives as local guidelines that implement, interpret, or prescribe laws, regulations,  
9 and state policies.  
10

11 Board policy making also occurs when a Board chooses to make changes to long-standing  
12 administrative procedures in a manner that is significant enough to impact the rights, property, or  
13 privileges of individuals or groups of individuals.  
14

15 While the Commission has offered guidance to Boards on implementation of the Texas Open  
16 Meetings Act, currently only the Commission's Child Care and Development rules specifically  
17 reference the open meetings requirement, stating that Boards must adopt child care policies in  
18 compliance with the Texas Open Meetings Act. Because the Texas Open Meetings Act applies  
19 to all Board policies, the proposed amendment to Chapter 801 sets out the requirements.  
20  
21

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

23 (Note: Minor editorial changes have been made that do not change the meaning of the rules and,  
24 therefore, are not discussed in the Explanation of Individual Provisions.)  
25

26 **SUBCHAPTER A. GENERAL PROVISIONS**

27 **The Commission proposes the following amendments to Subchapter A:**  
28

29 **§801.1. Requirements for Formation of Local Workforce Development Boards**

30 Section 801.1(g)(2)(A)(ii)(VI) is modified to improve clarity.  
31

32 Section 801.1(g)(2)(A)(ii)(VII) updates the name of the Texas Council on Workforce and  
33 Economic Competitiveness to the Texas Workforce Investment Council.  
34

35 Section 801.1(g)(2)(C) is reorganized. Section 801.1(g)(2)(C)(vii)(II) and  
36 §801.1(g)(2)(C)(vii)(III) are added to require that an existing Board member, who qualifies as a  
37 veteran, be actively engaged in veterans' affairs or services and maintain a policy or decision-  
38 making role as a voting member or officer in a veterans' organization or association.  
39

40 Section 801.1(g)(2)(D)(ii) is added to state that an existing Board member, who qualifies as a  
41 veteran, can represent local veterans' interests as well as the membership category for which he  
42 or she was appointed, if the Board member has a policy or decision-making role as a voting  
43 member or officer in a veterans' organization or association.  
44

45  
46 **§801.11. Board Member Nomination and Appointment**

1 New §801.11(d) has been added to clarify that Board membership categories must be  
2 maintained, as set forth in §801.1(g)(2)(C).

3  
4 **§801.16. Agreement for Local Procedures**

5 Section 801.16(a) is modified to correctly cite §801.1(g)(2)(A)(i)(I)–(VI).

6  
7 **§801.17. Board Training and Services Plans, Modifications, and Amendments**

8 Section 801.17(b) is reorganized to improve clarity.

9  
10 **SUBCHAPTER B. ONE-STOP SERVICE DELIVERY NETWORK**

11 **The Commission proposes the following amendments to Subchapter B:**

12  
13 **§801.23. Definitions**

14 Section 801.23(1) states that Certified Full-Service Texas Workforce Centers aid both employers  
15 and job seekers.

16  
17 Section 801.23(2) states that Certified Texas Workforce Centers aid both employers and job  
18 seekers.

19  
20 Section 801.23(3), the definition of One-Stop Innovation Plan, is deleted because it no longer  
21 applies to the current Incentive Awards contained in Chapter 800, Subchapter D.

22  
23 New §801.23(3) defines "competent" as it applies to state qualified veterans. A state qualified  
24 veteran must be eligible for both the program and the specific employment or training service for  
25 which the veteran is applying.

26  
27 New §801.23(4) defines "federal qualified veteran or qualified spouse" for the purpose of  
28 implementing federal priority of service as set forth in 38 U.S.C. §4215. A federal qualified  
29 veteran is further defined under the Workforce Investment Act [29 U.S.C. §2801(49)] or any  
30 relevant waivers, or in 38 U.S.C. §4211, and qualified spouse is defined in 38 U.S.C.  
31 §4215(a)(1)(B).

32  
33 Section 801.23(4), the definition of One-Stop Service Delivery Network, is deleted because it is  
34 defined in Chapter 800.2 of this title; therefore, it is unnecessary to redefine the term in this  
35 chapter.

36  
37 New §801.23(5) defines an "eligible foster youth" as:

38  
39 --a "current foster youth," defined as a youth, age 14 or older, who is receiving substitute care  
40 services under the managing conservatorship of DFPS, including youth residing in  
41 private foster homes, group homes, residential treatment centers, juvenile correctional  
42 institutions, and relative care; or

43  
44 --a "former foster youth," defined as a youth, not more than 23 years of age, who formerly  
45 was under the managing conservatorship of DFPS until:  
46

- 1 --a court transferred conservatorship;
- 2 --the youth was legally emancipated (i.e., the youth's minority status was removed by a
- 3 court); or
- 4 --the youth attained 18 years of age.

5  
6 Section 801.23(5), the definition of "Texas Workforce Center Partner," is deleted because it is  
7 defined in Chapter 800.2 of this title; therefore, it is unnecessary to redefine the term in this  
8 chapter.

9  
10 New §801.23(6) defines the term "national emergency," referenced in Texas Government Code  
11 §657.002(a), to establish criteria for a qualified veteran. A national emergency declared in  
12 accordance with federal law is an emergency declared by the President pursuant to 50 U.S.C.  
13 §1621. Because historical data (Congressional Research Service Report for Congress on the  
14 National Emergency Powers, February 10, 2006) shows that the nation has been under one or  
15 more declared states of national emergency at all times since 1933--a trend that is expected to  
16 continue--it is likely that most veterans will meet this criteria to be considered a qualified veteran  
17 for purposes of establishing priority of service.

18  
19 New §801.23(7) defines "state qualified veteran," as set forth in Texas Government Code  
20 §657.002(a) and as directed by HB 2604.

21  
22 **§801.25. Texas Workforce Center Standards**

23 Section 801.25(a)(1) states that in addition to employers and students, Certified Texas Workforce  
24 Centers shall be available to job seekers.

25  
26 Section 801.25(a)(2) includes "referring qualified job seekers to employer job postings" as an  
27 example of employment services.

28  
29 Section 801.25(a)(4) clarifies that services are tailored to meet the needs of "employers and job  
30 seekers."

31  
32 Section 801.25(a)(5) replaces Adult Basic Education with Basic Education Skills as a  
33 developmental service that is not provided at a Certified Texas Workforce Center.

34  
35 Section 801.25(a)(7) states that a "flexible and market-driven process" shall be implemented.  
36 This modification is made to recognize that the Texas workforce system has evolved from a  
37 customer-driven to a market-driven system.

38  
39 Section 801.25(a)(8) removes references to "kiosk" and "wide area network (WAN)" because  
40 they are obsolete for purposes of this paragraph.

41  
42 Section 801.25(a)(9) adds that staff have experience and knowledge of required services  
43 provided for "employers," as well as job seekers.

44  
45 Section 801.25(a)(10) deletes "customer-driven" because it is not necessary.  
46

1 Section 801.25(a)(11) is modified for improved clarity.  
2  
3 Section 801.25(a)(13) is modified for better clarity.  
4  
5 Section 801.25(a)(14) adds WorkInTexas.com as a service to be maintained in a user-friendly  
6 resource center.  
7  
8 Section 801.25(a)(15) sets out the program services to be administered by Certified Texas  
9 Workforce Centers.  
10  
11 New §801.25(a)(16) sets out the program services to be provided by Certified Texas Workforce  
12 Centers.  
13  
14 New §801.25(a)(19) requires that Certified Texas Workforce Centers ensure that federal  
15 qualified veterans and qualified spouses, and state qualified veterans, receive priority in the  
16 receipt of services, as set forth in §801.31.  
17  
18 New §801.25(a)(20) requires that Certified Texas Workforce Centers ensure that eligible foster  
19 youth receive priority in the receipt of services, as set forth in §801.31.  
20  
21 New §801.25(a)(21) requires that Certified Texas Workforce Centers comply with the provisions  
22 of the memorandum of understanding between the Board and DFPS to further the objectives of  
23 the PAL program, as required by Texas Family Code §264.121.  
24  
25 Certain paragraphs in §801.25 have been renumbered to accommodate additions or deletions.  
26  
27 **§801.26. One-Stop Innovation Plan**  
28 Section 801.26 is repealed because the One-Stop Innovation Plan is no longer required.  
29  
30 **§801.27. Texas Workforce Center Partners**  
31 Section 801.27(b)(5) is removed because the Welfare-to-Work program has ended.  
32  
33 Section 801.27(c)(1) removes obsolete references to the "Texas Rehabilitation Commission" and  
34 the "Texas Commission for the Blind" and replaces both with the reference to the "Texas  
35 Department of Assistive and Rehabilitative Services."  
36  
37 Certain paragraphs in §801.27 have been renumbered to accommodate additions or deletions.  
38  
39 **§801.28. Services Available Through the One-Stop Service Delivery Network**  
40 Section 801.28(a) is clarified by adding that Certified Texas Workforce Centers must provide  
41 "access to" core services.  
42  
43 Section 801.28(a)(2) specifies that intake may include "reemployment services."  
44  
45 Section 801.28(a)(11) removes the reference to "Welfare to Work activities" because the  
46 Welfare-to-Work program has ended.

1  
2 Section 801.28(b)(1) removes the reference to adults and dislocated workers and identifies "job  
3 seekers" as individuals who may receive comprehensive and specialized assessments of their  
4 skill levels and service needs.

5  
6 Section 801.28(c)(8) clarifies that training may include "referrals to Adult Basic Education" and  
7 literacy activities.

8  
9 The text of §801.28(d)(1) is incorporated into §801.28(d).

10  
11 Sections 801.28(d)(2) and 801.28(d)(3) are deleted because this information is set out in  
12 §801.27.

13  
14 **§801.31. Priority for Workforce Services**

15 New §801.31, Priority for Workforce Services, is added to implement the provisions of HB 2604  
16 and SB 6 requiring state qualified veterans to receive priority for state-funded employment  
17 assistance and training services, and eligible foster youth to receive priority for federal and state-  
18 funded services. To ensure that state qualified veterans and eligible foster youth receive priority  
19 over all other equally qualified individuals, they must be identified at the initial point of contact  
20 and then notified of their entitlement to a priority for services. Individuals may identify  
21 themselves at the initial point of contact or, in the case of eligible foster youth, DFPS staff may  
22 make a referral for workforce services.

23  
24 In addition to the priority of service directed by HB 2604 for state-funded employment  
25 assistance or job training services, Boards must continue, in accordance with 38 U.S.C. §4215,  
26 providing federal priority of service for federal qualified veterans and qualified spouses in the  
27 receipt of services funded in whole or in part by DOL. As previously stated, there are currently  
28 two federal definitions for veterans for DOL-funded programs. The Commission has requested a  
29 waiver of the WIA federal definition to align these definitions.

30  
31  
32 **SUBCHAPTER C. THE INTEGRITY OF THE TEXAS WORKFORCE SYSTEM**

33 **The Commission proposes the following amendments to Subchapter C:**

34  
35 **§801.51. Purpose and General Provisions**

36 The dates in §801.51(d) and §801.51(e)(4) are deleted because they are no longer relevant.

37  
38 New §801.51(f) adds the requirements of the Texas Open Meetings Act with regard to Boards  
39 conducting business and making policy decisions in open meetings, posting appropriate notice of  
40 open meetings for the public, and preparing and retaining minutes for each open meeting.

41  
42  
43 **PART III. IMPACT STATEMENTS**

44  
45 Randy Townsend, Chief Financial Officer, has determined that for each year of the first five  
46 years the rules will be in effect, the following statements will apply:



1  
2 There are no estimated additional costs to the state and to local governments expected as a result  
3 of enforcing or administering the rules.

4  
5 There are no estimated reductions in costs to the state and to local governments as a result of  
6 enforcing or administering the rules.

7  
8 There are no estimated losses or increases in revenue to the state or to local governments as a  
9 result of enforcing or administering the rules.

10  
11 There are no foreseeable implications relating to costs or revenue of the state or local  
12 governments as a result of enforcing or administering the rules.

13  
14 There will be no probable economic costs to persons required to comply with this rule, and there  
15 will be no adverse economic effect on small businesses.

16  
17 The Agency hereby certifies that the proposal has been reviewed by legal counsel and found to  
18 be within the Agency's legal authority to adopt.

19  
20 Mark Hughes, Director of Labor Market Information, has determined that there is no significant  
21 negative impact upon employment conditions in the state as a result of the rules.

22  
23 Luis M. Macias, Director, Workforce Development Division, has determined that for each year  
24 of the first five years the rules are in effect, the public benefit anticipated as a result of enforcing  
25 the proposed rules will be to ensure compliance with federal and state requirements for priority  
26 of service for federal qualified veterans and qualified spouses, state qualified veterans, and  
27 eligible foster youth and to assist Boards with meeting those requirements; representation of  
28 veterans on the Boards; and that all Board directives impacting the rights, benefits, and privileges  
29 of employers, customers, and organizations are official governmental policies, and are voted on  
30 and adopted as Board policy in an open meeting.

31  
32  
33 **PART IV. COORDINATION ACTIVITIES**

34  
35 In the development of these rules for publication and public comment, the Commission sought  
36 the involvement of each of Texas' 28 Boards. The Commission provided the policy concepts  
37 regarding this rule amendment to the Boards for consideration and review. During the  
38 rulemaking process, the Commission considered all information gathered in order to develop a  
39 rule that provides clear and concise direction to all parties involved.

40  
41 Comments on the proposed rules may be submitted to TWC Policy Comments, Workforce and  
42 UI Policy, 101 East 15th Street, Room 440T, Austin, Texas 78778; faxed to 512-475-3577; or e-  
43 mailed to [TWCPolicyComments@twc.state.tx.us](mailto:TWCPolicyComments@twc.state.tx.us). The Commission must receive comments  
44 postmarked no later than 30 days from the date this proposal is published in the *Texas Register*.  
45

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

4  
5 The proposed rules affect Title 4, Texas Labor Code, particularly Chapters 301 and 302; Texas  
6 Family Code, Chapter 264; and Texas Government Code, Chapter 551 and Chapter 2308.  
7

1 SUBCHAPTER A. GENERAL PROVISIONS

2  
3 §801.1. Requirements for Formation of Local Workforce Development Boards

4  
5 (a) Purpose of Rule.

6  
7 (1) Upon application by the chief elected officials (CEOs) and approval of the  
8 Commission, the Commission ~~shall will~~ forward an application to form a Local  
9 Workforce Development Board ~~local workforce development board~~ (Board) to  
10 the Governor.

11  
12 (2) Before an application may be submitted to the Governor, all requirements of  
13 this section ~~shall must~~ be met.

14  
15 (b) State Law. The formation of Boards is governed by the Workforce and Economic  
16 Competitiveness Act, Texas Government Code, Chapter 2308.

17  
18 (c) Chief Elected Official Agreement. Creation of a Board requires agreement by at  
19 least three-fourths of the CEOs in the local workforce development area (workforce  
20 area) who represent units of general local government, including all of the CEOs  
21 who represent units of general local government having populations of at least  
22 200,000. The elected officials agreeing to the creation of the Board ~~shall must~~  
23 represent at least 75% of the population of the workforce area.

24  
25 (d) Chief Elected Officials. The CEOs may, and are encouraged to, consult with local  
26 officials other than the ones delineated below. The following officials are designated  
27 as the CEOs for the purpose of establishing agreements to form Boards:

28  
29 (1) Mayors.

30  
31 (A) The mayor of each city with a population of at least 100,000;

32  
33 (B) or, if there is no city with a population of greater than 100,000, the mayor  
34 of each city with a population greater than 50,000;

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

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

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

44  
45 (e) Time of Application. CEOs in a workforce ~~an~~ area may not establish a Board until  
46 the Governor has designated that area as a workforce area as provided in the

1 Workforce and Economic Competitiveness Act, Texas Government Code, Chapter  
2 2308.

3  
4 (f) Applications shall ~~must~~ meet all Governor-approved criteria for the establishment of  
5 Boards.

6  
7 (g) Procedures for Formation of a Board. The CEOs shall ~~must~~ comply with the  
8 following procedures to form a Board.

9  
10 (1) Public process procedure. If three-fourths of the CEOs, as defined in  
11 subsection (d) of this section, agree to initiate procedures to establish a Board,  
12 they shall ~~must~~ conduct a public process, including at least one public meeting,  
13 to consider the views of all affected organizations before making a final  
14 decision to form a Board. This public process may include, but is not limited  
15 to, notices published in various media and surveys for public comment.

16  
17 (2) Application procedure.

18  
19 (A) The CEOs shall ~~must~~ submit an application to the Commission. This  
20 application shall ~~must~~ include evidence of the actions required by  
21 paragraph (1) of this subsection. As a part of the application, each of the  
22 CEOs, who is in agreement regarding the formation of a Board, shall ~~must~~  
23 execute the following documents:

24  
25 (i) An ~~an~~ interlocal agreement delineating:

26  
27 (I) The ~~the~~ purpose of the agreement;

28  
29 (II) The ~~the~~ process that will be used to select the CEO who will  
30 act on behalf of the other CEOs and the name of such CEO if  
31 the person has been selected;

32  
33 (III) The ~~the~~ procedure that will be followed to keep those CEOs  
34 informed regarding Board ~~local workforce development~~  
35 activities;

36  
37 (IV) The ~~the~~ initial size of the Board;

38  
39 (V) How ~~how~~ resources allocated to the workforce area will be  
40 shared among the parties to the agreement;

41  
42 (VI) The ~~the~~ process to be used to appoint the Board members,  
43 which shall ~~must~~ be consistent with applicable federal and  
44 state laws; and

45  
46 (VII) The ~~the~~ terms of office of the members of the Board.

1  
2 (ii) An ~~an~~ acknowledgment in the following form: We, the chief elected  
3 officials of the (Name) Workforce Development Area, acknowledge  
4 that the following are responsibilities and requirements pursuant to the  
5 formation of the Board ~~local workforce development boards (Boards):~~  
6

7 (I) The Board will assume the responsibilities for the following  
8 committees and councils that will be replaced by the Board  
9 unless otherwise provided in Texas Government Code, Chapter  
10 2308: private industry council, quality workforce planning  
11 committee, job service employer committee, and local general  
12 vocational program advisory committee;.

13 (II) At least one Texas Workforce Center shall ~~career development~~  
14 ~~center must~~ be established within 180 days of ~~Board~~  
15 ~~certification;~~  
16

17 (III) The Board shall ~~must~~ have its own independent staff and not be  
18 a provider of ~~workforce~~ services, unless the Board secures a  
19 waiver of these provisions;  
20

21 (IV) The CEOs shall ~~chief elected officials must~~ enter into a  
22 partnership agreement ~~with the Board to designate a grant~~  
23 ~~recipient to receive, and be accountable for block grant funds,~~  
24 ~~and be liable for any misuse of block grant funds;~~  
25

26 (V) The partnership agreement shall ~~must~~ also specify the entity  
27 that will administer the programs, ~~which~~ may be separate from  
28 the entity that receives the funds from the state;  
29

30 (VI) The partnership agreement shall ~~must~~ define the process  
31 through which the Boards and CEOs ~~chief elected officials~~ will  
32 develop the strategic and operational plans, ~~including the~~  
33 ~~training plan required under the Workforce Investment Act~~  
34 ~~(WIA), required by the legislation in order to receive block~~  
35 ~~grant funds; and~~  
36

37 (VII) The strategic plan shall ~~must~~ be reviewed by both the  
38 Commission and the Texas Workforce Investment Council  
39 (TWIC) Council on Workforce and Economic  
40 Competitiveness, and approved by the ~~Governor~~ before block  
41 ~~grants will be available to the workforce area.~~  
42

43  
44  
45 (B) The application shall ~~must~~ include evidence that any affected existing  
46 Board has been notified and agrees that its functions and responsibilities

1 will be assumed by the proposed Board upon the proposed Board's final  
2 certification by the Governor.  
3

4 (C) The application shall include the names and affiliations of individuals  
5 recommended for Board membership, with documentation that CEOs  
6 followed the nomination process specified in applicable state and federal  
7 law, including Texas Government Code §2308.255 and §2308.256.  
8

9 (i) Private sector members shall be owners of business concerns, chief  
10 executives, chief operating officers of nongovernmental employers,  
11 or other private sector executives who have substantial management  
12 or policy responsibility. To be eligible to represent the private  
13 sector, at least 51% of an individual's annual income ~~shall~~ must be  
14 from private sector sources.  
15

16 (ii) Private sector membership should represent the composition of the  
17 local pool of employers. The private sector membership should  
18 include representatives of the region's larger employers and  
19 emerging growth industries. Primary consideration should be given  
20 to private sector employers who do not directly provide employment  
21 and workforce training services to the general public. CEOs shall  
22 ~~must~~ develop a profile of the workforce area's major industries using  
23 locally obtained information and ~~state-published~~ state-published  
24 data. The Agency shall ~~Commission will~~ provide relevant labor  
25 market information, including data that identifies ~~which identify~~  
26 employment trends, emerging -high-growth, high-demand ~~and~~  
27 ~~growth~~ industries, the size of local employers, and other data needed  
28 to assist CEOs in developing the employer profile. Documentation  
29 submitted with the application ~~shall~~ must show how the regional  
30 employer profile is reflected in the Board membership.  
31

32 (iii) Board membership ~~shall~~ must include representatives of local  
33 organized labor organizations, community-based organizations,  
34 educational agencies, vocational rehabilitation agencies, public  
35 assistance agencies, economic development agencies, the public  
36 employment service, local literacy councils, and adult basic and  
37 continuing education organizations as required by law.  
38

39 (iv) Representatives of local organized labor organizations shall be  
40 nominated by local labor federations unless no employees in the  
41 workforce area are represented by such organizations, in which case  
42 nominations may be made by other representatives of employees. A  
43 labor federation is defined as an alliance of two or more organized  
44 labor unions for the purpose of mutual support and action.  
45

1 (v) Board nominees shall be actively engaged in the organization,  
2 enterprise, or field ~~that which~~ they are nominated to represent. ~~A~~  
3 Board ~~nominees nominee~~ shall have an existing relationship with the  
4 workforce area through residence or employment within the  
5 workforce area.  
6

7 (vi) At least one of the members of a Board appointed under Texas  
8 Government Code §2308.256(a) ~~shall must~~, in addition to the  
9 qualifications required for the members under that subsection, have  
10 expertise in child care or early childhood education.  
11

12 (vii) At least one of the members of a Board appointed under Texas  
13 Government Code §2308.256(a) ~~shall must~~, in addition to the  
14 qualifications required for the members under that subsection: ~~be a~~  
15 ~~veteran as defined in Texas Government Code §2308.251(2).~~  
16

17 (I) be a veteran as defined in Texas Government Code  
18 §2308.251(2);  
19

20 (II) be actively engaged in the field of veterans' affairs or services;  
21 and  
22

23 (III) maintain a policy or decision-making role as a voting member  
24 or officer in a veterans' organization or veterans' association as  
25 evidence that the Board member understands the needs of the  
26 local veterans' population and will represent the interest and  
27 concerns of veterans.  
28

29 (D) No individual member shall be a representative of more than one sector or  
30 category described in this section, except as statutorily permitted for one  
31 or more members having: ~~expertise in child care or early childhood~~  
32 ~~education in addition to meeting one of the other sector or categories of~~  
33 ~~representation.~~  
34

35 (i) expertise in child care or early childhood education; or  
36

37 (ii) the qualifications set forth in subsection (g)(2)(C)(vii) of this  
38 section.  
39

40 (E) The application ~~shall must~~ include documentary evidence substantiating  
41 compliance with the application procedure, including but not limited to,  
42 written agreements, minutes of public meetings, copies of correspondence,  
43 and such other documentation as may be appropriate.  
44  
45  
46

1        §801.2. Waivers.  
2

- 3        (a) Purpose of Rule. Texas Government Code §2308.264~~The Workforce and~~  
4        ~~Economic Competitiveness Act, §§2308.264~~, §2308.267, and §2308.312;  
5        ~~Government Code, Vernon's Texas Codes Annotated, set sets~~ forth prohibitions  
6        regarding service delivery, Board ~~board~~-staffing, and developmental services. Only  
7        under circumstances that fit the criteria specified in those statutes will requests for  
8        waivers be granted.  
9
- 10       (b) Independent Service Delivery. A Board ~~board~~ is prohibited from directly providing  
11       workforce training and services, including operational functions normally associated  
12       with such services such as intake, eligibility determination, assessment, and referral,  
13       unless a waiver is obtained.  
14
- 15       (c) Separate Staffing. Board ~~The board's~~ staff shall ~~must~~ be employed separately and  
16       independently of any person that provides workforce training and services, as  
17       described in subsection (b) of this section, unless the Board ~~board~~ arranges for  
18       independent evaluation of any other workforce services provided by the staffing  
19       organization and obtains a waiver.  
20
- 21       (d) Developmental Services. A person who provides one-stop ~~“one-stop”~~ services at a  
22       Career Development Texas Workforce Center shall ~~may~~ not also provide  
23       developmental services unless a waiver is obtained.  
24
- 25       (e) Requesting a Waiver.  
26
- 27       (1) Waiver requests shall ~~should~~ be submitted to the Commission and contain  
28       detailed justification as specified in the respective statutes. The Commission  
29       shall review and will forward a recommendation to TWIC ~~the Texas Council on~~  
30       ~~Workforce and Economic Competitiveness~~ for consideration. TWIC will  
31       forward its recommendation to the Governor for approval ~~a determination~~.  
32
- 33       (2) In recommending action on such requests, the Commission shall ~~will~~ apply  
34       only the criteria specified in the respective statutes.  
35
- 36       (3) The Commission may require a Board ~~board~~ to submit documentation as set  
37       forth ~~outlined in the Texas Workforce Planning Guidelines and/or~~ Workforce  
38       Development Letters to support its waiver request.  
39
- 40       (f) Duration of Waiver.  
41
- 42       (1) A waiver may be granted for a period less than, but not to exceed, the effective  
43       term of an approved plan and budget.  
44
- 45       (2) A waiver may be conditioned upon the Board's ~~board~~ completion of steps  
46       ~~measures~~ taken to eliminate the need for a waiver.



1  
2 **§801.11. Board Member Nomination and Appointment.**  
3

- 4 (a) For each Board member nomination, the nominating organization shall submit to the  
5 CEOs of the workforce area a completed Board Nomination Slate in a form  
6 established by the Commission.  
7
- 8 (b) Documentation in the form of a curriculum vitae, resume, or work history supporting  
9 the qualifications of the nomination shall ~~must~~ accompany the Board Nomination  
10 Slate.  
11
- 12 (c) Once nominations are submitted to and appointments are made by the CEOs, the  
13 Board Appointments form, in a format established by the Commission, and  
14 documentation shall be submitted ~~forwarded~~ to the Agency's Director of the  
15 Workforce Development Division, Texas Workforce Commission. Only  
16 nominations submitted ~~forwarded~~ by the CEOs may be accepted by the Commission.  
17 The documentation submitted by the CEOs shall ~~must~~ include the following:  
18
- 19 (1) ~~a~~ Board Nomination Slate for each appointment; and  
20
- 21 (2) ~~a~~ Board Appointments form, ~~in a format determined by the Commission,~~  
22 indicating the official beginning and expiration dates of all appointments.  
23
- 24 (d) Individuals shall be recommended for Board membership in accordance with  
25 §801.1(g)(2)(C) of this subchapter.  
26
- 27 (e) ~~(d)~~ Board reappointments shall be processed under the provisions of this chapter.  
28  
29

30 **§801.16. Agreement for Local Procedures.**  
31

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

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

16 **§801.17. Board Training and Services Plans, Modifications, and Amendments.**  
17

- 18 (a) Purpose of Rule.  
19  
20 (1) All workforce training and services plans and budgets developed by a Board  
21 pursuant to state and federal law ~~by a Board~~ shall be submitted to the Agency's  
22 Workforce Development Division ~~of the Texas Workforce Commission~~ for  
23 review.  
24  
25 (2) Before a plan and budget ~~is will be~~ forwarded by the Commission to ~~the Texas~~  
26 ~~Council on Workforce and Economic Competitiveness (TCWEC)~~ TWIC for  
27 recommendation to the Governor for approval, all requirements of this section  
28 ~~shall must~~ be met.  
29  
30 (b) Standards for Submission. The Agency shall provide guidelines for strategic  
31 planning and budgeting to Boards. A local workforce training and services plan and  
32 budget ~~shall will~~ be reviewed according to criteria established by the Agency  
33 Commission. ~~The Texas Workforce Commission will provide guidelines for~~  
34 ~~strategic planning and budgeting to Boards.~~  
35  
36 (c) Plan Modification or Amendment. An approved plan and budget may be changed by  
37 either modification or amendment. Either method of change ~~shall must~~ be submitted  
38 to the Agency ~~Commission~~ for review before implementation.  
39  
40 (1) A modification is a substantial revision of a plan and budget. The Agency  
41 Commission shall will provide criteria to Boards that ~~will~~ define what  
42 constitutes a substantial revision. Each modification ~~shall must~~ provide  
43 evidence that a majority of the CEOs of a workforce area or their designee or  
44 designees with signatory authority have approved the modification.  
45

- 1 (2) An amendment is a minor adjustment to a plan and budget. The Agency  
2 ~~Commission shall~~will provide criteria to Boards that ~~will~~ define what  
3 constitutes a minor adjustment. An amendment does not require approval by a  
4 majority of the CEOs of a workforce area.  
5  
6  
7

## 8 **Subchapter B. One-Stop Service Delivery Network**

### 9 **§801.21. Scope and Purpose.**

- 10  
11  
12 (a) The purpose of this subchapter is to set forth the rules relating to the One-Stop  
13 Service Delivery Network as set forth in Texas Government Code, Chapter 2308;  
14 Texas Labor Code, Chapters 301 and 302; and ~~Workforce Investment Act (WIA)~~  
15 §121 (29 U.S.C.A. §2841). It is the intent of the Commission, in partnership with  
16 Boards, to facilitate the development and maintenance of the One-Stop Service  
17 Delivery Network such that information and services responsive to ~~their~~ individual  
18 needs are available to all customers. The One-Stop Service Delivery Network shall  
19 be evaluated against ~~the~~ established levels of certification as well as any additional  
20 standards developed by the Commission to ensure the continuous improvement of  
21 the system.  
22  
23 (b) The rules contained in this subchapter ~~Subchapter B, relating to the One-Stop~~  
24 ~~Delivery System,~~ shall apply, except that to the extent of any conflict, the provisions  
25 of Texas Government Code, Chapter 2803 and ~~Section~~ §801.2 and §801.54 of this  
26 chapter ~~Chapter 801, relating to Local Workforce Development Boards,~~ shall govern.  
27

### 28 **§801.22. Requirement to Maintain a One-Stop Service Delivery Network.**

29  
30 Each Board shall maintain a One-Stop Service Delivery Network, consistent with WIA,  
31 state law, and this subchapter. The One-Stop Service Delivery Network shall include at  
32 least one Certified Full-Service ~~Full-Service~~ Texas Workforce Center providing the core  
33 services set forth ~~listed~~ in §801.28(a) of this subchapter.  
34

### 35 **§801.23. Definitions.**

36  
37 In addition to the definitions contained in §800.2 of this title, ~~Title, relating to~~  
38 ~~Definitions,~~ the following words or terms, ~~when used in Part XX of this Title, relating to~~  
39 ~~the Texas Workforce Commission,~~ shall have the following meanings, unless the context  
40 clearly indicates otherwise.  
41

- 42 (1) **Certified Full-Service ~~Full-Service~~ Texas Workforce Center** -- A local full-  
43 service ~~full-service~~ workforce center that has integrated service functions to aid  
44 employers and service-job seekers in all aspects of employment and training in  
45 a seamless, nonprogram-specific manner, and has been found to meet the

1 requirements of a Full-Service ~~Full Service~~ Texas Workforce Center set out in  
2 §801.25(b) of this subchapter.

- 3  
4 (2) **Certified Texas Workforce Center** -- A local workforce center that provides  
5 integrated services to aid employers and service-job seekers in all aspects of  
6 employment and training in a seamless nonprogram-specific manner, and has  
7 been found to meet the requirements of a Certified Texas Workforce Center set  
8 out in §801.25(a) of this subchapter.

9  
10 (3) **Competent** -- A federal or state qualified veteran who meets the eligibility  
11 requirements of the program from which he or she is seeking services, and is  
12 determined eligible for a specific employment and training service funded by  
13 that program.

- 14  
15 (4) **Federal Qualified Veteran or Qualified Spouse** -- For purposes of  
16 implementing priority of service for DOL-funded employment and training  
17 programs, the term "federal qualified veteran or qualified spouse" is defined  
18 as:

19  
20 (A) A veteran as defined:

21  
22 (i) under the Workforce Investment Act (29 U.S.C. §2801), or by any  
23 relevant waivers, as an individual who served in the active military,  
24 naval, or air service, and who was discharged or released from such  
25 service under conditions other than dishonorable; or

26  
27 (ii) in 38 U.S.C. §4211 as a person who:

28  
29 (I) served on active duty for a period of more than 180 days and  
30 was discharged or released therefrom with other than a  
31 dishonorable discharge;

32  
33 (II) was discharged or released from active duty because of a  
34 service-connected disability; or

35  
36 (III) as a member of a reserve component under an order to active  
37 duty pursuant to 10 U.S.C. §12301(a), (d), or (g), §12302, or  
38 §12304, served on active duty during a period of war or in a  
39 campaign or expedition for which a campaign badge is  
40 authorized and was discharged or released from such duty  
41 with other than a dishonorable discharge.

42  
43 (B) The spouse of any of the following individuals:

44  
45 (i) Any veteran who died of a service-connected disability.  
46

1                   (ii) Any member of the Armed Forces serving on active duty who, at the  
2 time of application for assistance under this section, is listed,  
3 pursuant to 37 U.S.C. §556 and regulations issued thereunder, by the  
4 Secretary concerned in one or more of the following categories and  
5 has been so listed for a total of more than 90 days:

6  
7                   (I) Missing in action;

8  
9                   (II) Captured in line of duty by a hostile force; or

10  
11                   (III) Forcibly detained or interned in line of duty by a foreign  
12 government or power.

13  
14                   (iii) Any veteran who has a total disability resulting from a service-  
15 connected disability.

16  
17                   (iv) Any veteran who died while a disability so evaluated was in  
18 existence.

19  
20 (5) **Eligible Foster Youth** -- An eligible foster youth is a:

21  
22                   (A) **Current Foster Youth** -- A youth, age 14 or older, who is receiving  
23 substitute care services under the managing conservatorship of the Texas  
24 Department of Family and Protective Services (DFPS). This includes  
25 youth residing in private foster homes, group homes, residential treatment  
26 centers, juvenile correctional institutions, and relative care; or

27  
28                   (B) **Former Foster Youth** -- A youth up to 23 years of age, who formerly was  
29 under the managing conservatorship of DFPS, until:

30  
31                   (i) the conservatorship was transferred by a court;

32  
33                   (ii) the youth was legally emancipated (i.e., the youth's minority status  
34 was removed by a court); or

35  
36                   (iii) the youth attained 18 years of age.

37  
38 (6) **National Emergency** -- A condition declared by the President by virtue of  
39 powers previously vested in that office to authorize certain emergency actions  
40 to be undertaken in the national interest pursuant to 50 U.S.C. §1621.

41  
42 (7) **State Qualified Veteran** -- An individual who meets the criteria of Texas  
43 Government Code §657.002(c) is entitled to a preference (i.e., priority) for  
44 training or assistance under a job training or employment assistance program  
45 or service funded in whole or in part by state funds if the individual:  
46

1 (A) served in the military for not less than 90 consecutive days during a  
2 national emergency declared in accordance with federal law or was  
3 discharged from military service for an established service-connected  
4 disability;

5  
6 (B) was honorably discharged from military service; and

7  
8 (C) is competent as defined in paragraph (1) of this section.

9  
10 ~~(3) **One-Stop Innovation Plan**—A voluntary action plan describing improvements~~  
11 ~~to the One-Stop Service Delivery Network in a Board area that may include:~~  
12 ~~improvements in customer satisfaction, increased regional cooperation among~~  
13 ~~Boards, enhanced performance on established local performance measures,~~  
14 ~~and enhanced coordination of delivery of services with workforce center~~  
15 ~~partners prepared in a format determined by the Commission, in cooperation~~  
16 ~~with Boards, and in coordination with incentive rules contained in Chapter~~  
17 ~~800, Subchapter D (relating to Incentive Awards).~~

18  
19 ~~(4) **One-Stop Service Delivery Network**—A one-stop based network under which~~  
20 ~~entities responsible for administering separate workforce investment,~~  
21 ~~educational and other human resources programs and funding streams~~  
22 ~~collaborate to create a seamless network of service delivery that will enhance~~  
23 ~~availability of services through the use of all available access and coordination~~  
24 ~~methods, including telephonic and electronic methods.~~

25  
26 ~~(5) **Texas Workforce Center Partner**—an entity which carries out a workforce~~  
27 ~~investment, educational or other human resources program or activity, and~~  
28 ~~which participates in the operation of the One-Stop Service Delivery Network~~  
29 ~~in a local workforce development area consistent with the terms of a~~  
30 ~~memorandum of understanding entered into between the entity and the Board.~~

31  
32 **§801.24. Texas Workforce Center Certification Levels.**

- 33  
34 (a) All Texas Workforce Centers ~~shall must~~ meet the basic workforce center standards  
35 set out in §801.25(a) of this subchapter.
- 36  
37 (b) In order to obtain certification as a Certified Full-Service ~~Full-Service~~-Texas  
38 Workforce Center, a Texas Workforce Center ~~shall must~~ meet full-service ~~full~~  
39 ~~service~~ standards set out in §801.25(a) and §801.25(b) of this subchapter ~~(b)~~.
- 40  
41 (c) The Commission may establish additional levels of certification to ensure continuous  
42 development of the One-Stop Service Delivery Network.

43  
44 **§801.25. Texas Workforce Center Standards.**

- 1 (a) Basic Workforce Center Standards. The Commission has established basic standards  
2 that ~~shall~~ ~~must~~ be met by all Texas Workforce Centers. Certified Texas Workforce  
3 Centers shall:
- 4
- 5 (1) be available to employers, job seekers, and students ~~and workers~~ throughout  
6 the ~~local~~ workforce ~~development~~ area;
- 7
- 8 (2) provide access to information and services, including employment services, such as referring qualified job seekers to employer job postings;
- 9
- 10
- 11 (3) address individual needs of customers by providing processes for basic or  
12 enhanced ~~the following three~~ methods of accessing services: ~~self-service, basic~~  
13 ~~access, and full access~~;
- 14
- 15 (4) provide services ~~that are~~ tailored to meet the individual needs of employers and  
16 job seekers and include: job screening and referral, labor market information,  
17 a common intake and eligibility determination process, an independent  
18 assessment and service strategy, centralized and continuous case management  
19 and counseling, access to Individual Training Account (ITA) services for  
20 education and training needs, support ~~supportive~~ services (including access to  
21 subsidized child care), student loans, and other forms of financial assistance  
22 required to participate in and complete training;
- 23
- 24 (5) not provide developmental services, such as General Educational Development  
25 (~~GED~~), English as a Second Language (~~ESL~~), or ~~Adult~~ Basic Education Skills  
26 (~~ABE~~);
- 27
- 28 (6) provide each customer ~~person~~ with ~~written~~ information on local high-growth,  
29 high-demand ~~demand~~ occupations and industries, projected wage level upon  
30 completion of training programs, and performance of training providers when  
31 requested;
- 32
- 33 (7) implement a flexible and market-driven process for services ~~initial contact that~~  
34 ~~is customer driven and flexible~~;
- 35
- 36 (8) ensure access throughout the workforce ~~development~~ area by developing  
37 electronic methods for service delivery, such as ~~kiosk, the~~ Internet, ~~and wide~~  
38 ~~area network (WAN)~~;
- 39
- 40 (9) ensure that staff ~~are is~~ experienced and knowledgeable in all required ~~programs~~  
41 ~~and~~ services for employers and job seekers ~~and for employers~~;
- 42
- 43 (10) implement a tiered ~~customer driven~~ service delivery strategy that includes:  
44 ~~information through individual self~~ self-directed service, job search assistance  
45 in group settings, access to information on filing a claim for Unemployment



1 ~~Insurance~~ ~~unemployment insurance~~ benefits, and specialized, enhanced  
2 ~~intensive~~ staff-assisted services;

3  
4 (11) prepare and make available to customers understandable information packages  
5 ~~for customers~~ that briefly describe services; locations; self-directed self-  
6 ~~service~~ options; job openings; career exploration methods; labor market  
7 information; high-growth, high-demand job information; training and  
8 educational opportunities, and associated institutional performance educational  
9 ~~opportunities, and consumer~~ information; and that also provide a mechanism  
10 for ~~customer~~ feedback on services provided;

11  
12 (12) implement a timely and efficient referral and follow-up ~~follow-up~~ process for  
13 employment-related services;

14  
15 (13) provide independent assessments ~~assessment~~ of individual needs that include  
16 assessment of literacy levels for Choices customers ~~clients who have not~~  
17 ~~recently received a literacy level assessment~~;

18  
19 (14) maintain a user-friendly resource center that makes available computerized  
20 information systems with access to labor market information, demographics,  
21 occupations, ~~and~~ educational opportunities, and WorkInTexas.com, the  
22 statewide job matching system;

23  
24 (15) administer ~~make available core~~ services, as set forth defined in §801.28(a)  
25 ~~§801.28~~, of the following programs: WIA Adults, Dislocated Workers, and  
26 Youth ~~Title I of WIA serving adults, dislocated workers and youth~~; Food Stamp  
27 Employment and Training (FSE&T); Temporary Assistance for Needy  
28 Families (TANF) ~~TANF~~ Choices ~~activities~~; access to subsidized child care  
29 ~~services~~ ~~Child Care Services~~; Wagner-Peyser Employment Service (ES)  
30 ~~Services~~; Trade Adjustment Assistance (TAA); ~~veterans' employment and~~  
31 ~~training programs~~; adult education; National Literacy Act services; non-  
32 certificate postsecondary career and technology training; Senior Texans  
33 Employment Program; Apprenticeship Program; National Community  
34 ~~Services Act Program~~; and Project Reintegration of Offenders (Project RIO)  
35 ~~for ex-offenders~~; and ~~access to unemployment insurance benefits~~. Boards shall  
36 ensure that staff ~~is~~ be available to provide these ~~the core~~ services ~~of these~~  
37 ~~programs~~ during all Texas Workforce Center operating hours;

38  
39 (16) provide access to services, as set forth in §801.28(a), of the following  
40 programs: veterans' employment and training; Adult Basic Education;  
41 National Literacy Act; noncertificate, postsecondary career and technology  
42 training; Senior Community Service Employment Program; Apprenticeship  
43 Training Program; National and Community Service Act; and Unemployment  
44 Insurance;



1 (17)(16) ensure availability through the Texas Workforce Centers of other services  
2 for the programs listed in paragraph subparagraph(15) of this section;

3  
4 (18)(17) provide reasonable accommodation and accessibility in accordance with  
5 the Americans with Disabilities Act(~~ADA~~); ~~and~~

6  
7 (19) ensure that federal qualified veterans and qualified spouses, and state qualified  
8 veterans receive priority as set forth in §801.31 of this subchapter;

9  
10 (20) ensure that eligible foster youth receive priority as set forth in §801.31 of this  
11 subchapter;

12  
13 (21) comply with the provisions of the memorandum of understanding between the  
14 Board and DFPS to further the objectives of the Preparation for Adult Living  
15 program, as required by Texas Family Code §264.121; and

16  
17 (22)(18) meet each of the requirements for Certified Full-Service ~~Full-Service~~-Texas  
18 Workforce Centers within twelve months of certification as a Texas Workforce  
19 Center.

20  
21 (b) Full-Service ~~Full-Service~~-Standards. The Commission has established specific  
22 standards for a Texas Workforce Center to receive full-service ~~full-service~~  
23 certification. A Certified Full-Service ~~Full-Service~~-Texas Workforce Center shall  
24 meet each of the following requirements within twelve months of certification as a  
25 Texas Workforce Center. Certified Full-Service ~~Full-Service~~-Texas Workforce  
26 Centers shall:

27  
28 (1) design a customer-friendly waiting area and implement written procedures that  
29 define the steps ~~measures~~-taken to minimize customer wait time in the  
30 reception area and in other areas of the Texas Workforce Center;

31  
32 (2) develop written procedures for following up on referrals to determine customer  
33 receipt of services, appropriateness of the referral to address the customer's  
34 needs, and the extent of customer satisfaction with the referral process and  
35 service received;

36  
37 (3) provide customer access to WorkInTexas.com; ~~the statewide job matching~~  
38 ~~system~~; resume preparation tools, including software; and the Internet;

39  
40 (4) provide consumer information on the quality of education and training  
41 providers and include a mechanism for customer feedback on personal  
42 experience with such providers;

43  
44 (5) develop and display a menu of services with a corresponding fee schedule for  
45 services available at the Certified Full-Service ~~Full-Service~~-Texas Workforce  
46 Center;

- 1  
2 (6) demonstrate on-site management of all personnel, a plan for cross-training  
3 staff in all services, minimal programmatic specialization of staff, non-  
4 duplication of efforts, removal of redundancies within program activities, and  
5 maximum flexibility to optimize utilization of resources;  
6  
7 (7) provide basic labor exchange services, including access to job orders for  
8 applicants, access to applicants for employers, and screening and referral  
9 methods for matching appropriate applicants and job orders; and  
10  
11 (8) provide centralized case management activities for specialized populations,  
12 such as the welfare, veterans, dislocated workers, and disabled populations.  
13

14 ~~§801.26. One-Stop Innovation Plan.~~

- 15  
16 ~~(a) Each Board may submit a One-Stop Innovation Plan at a time and in a format to be~~  
17 ~~determined by the Commission.~~  
18  
19 ~~(b) The executive director of the Commission or the executive director's designee shall~~  
20 ~~evaluate the submitted One-Stop Innovation Plans.~~  
21

22 **§801.27. Texas Workforce Center Partners.**

- 23  
24 (a) Each Board shall maintain one or more memorandum ~~memoranda~~ of understanding  
25 that sets ~~set~~ out the obligations of the Board and each partner in the operation of the  
26 One-Stop Service Delivery Network in the ~~local~~ workforce ~~development~~ area. Each  
27 Board shall obtain a general authorization from the CEOs for actions taken under this  
28 subsection.  
29  
30 (b) Subject to the limitations ~~as~~ referenced in §801.29 of this subchapter ~~Chapter~~,  
31 relating to Limitations on Delivery of Services, the required Texas Workforce Center  
32 Partners are the entities that administer the following services in the ~~local~~ workforce  
33 areas ~~development area~~:  
34  
35 (1) ~~services authorized under Title I of WIA~~ Adults, Dislocated Workers, and  
36 Youth ~~for adults, dislocated workers and youths~~;  
37  
38 (2) FSE&T ~~Food Stamp Employment and Training services~~;  
39  
40 (3) TANF ~~Temporary Assistance for Needy Families~~ ~~Choices services~~;  
41  
42 (4) subsidized child care ~~services~~;  
43  
44 ~~(5) Welfare to Work block grant services~~;  
45  
46 ~~(5)(6)~~ Wagner-Peyser ES ~~employment services~~;

1  
2 ~~(6)(7)~~ TAA ~~Trade Adjustment Assistance and NAFTA/TAA services;~~

3  
4 ~~(7)(8)~~ veterans' employment and training ~~services;~~

5  
6 ~~(8)(9)~~ Adult Basic Education ~~adult education activities;~~

7  
8 ~~(9)(10)~~ National Literacy Act ~~services;~~

9  
10 ~~(10)(11)~~ noncertificate, non-certificate postsecondary career and technology  
11 training;

12  
13 ~~(11)(12)~~ Senior Community Service Employment Program ~~Senior Texans~~  
14 ~~Employment Program (STEP);~~

15  
16 ~~(12)(13)~~ Apprenticeship Training Program ~~training;~~

17  
18 ~~(13)(14)~~ National and Community Service ~~Services~~ Act;

19  
20 ~~(14)(15)~~ Project RIO ~~for ex-offenders;~~ and

21  
22 ~~(15)(16)~~ Unemployment Insurance.

23  
24 (c) Other entities that provide services of benefit to workforce development, including  
25 federal, state, and local programs as well as programs in the private sector, may be  
26 voluntary partners in the One-Stop Service Delivery Network if the Board and CEOs  
27 ~~chief elected official(s)~~ agree on each ~~the~~ entity's participation. The ~~These~~ entities  
28 include, but are not limited to, those that provide:

29  
30 (1) vocational rehabilitation ~~program~~ services (for example, the Texas Department  
31 of Assistive and Rehabilitative Services ~~Texas Rehabilitation Commission,~~  
32 ~~Texas Commission for the Blind);~~

33  
34 (2) Migrant and Seasonal Farmworker ~~migrant and seasonal farmworker~~  
35 employment services;

36  
37 (3) secondary and postsecondary vocational education and training activities;

38  
39 (4) community services block grant programs;

40  
41 (5) employment and training services provided through grantees of the U. S.  
42 Department of Housing and Urban Development;

43  
44 (6) Job Corps services for youth; and

45  
46 (7) Native American programs.

1  
2 **§801.28. Services Available Through the One-Stop Service Delivery Network.**  
3

4 (a) Core Services. All Certified Texas Workforce Centers shall provide access to core  
5 services, as defined in WIA §134(d)(2) [~~29 U.S.C.A. §2864 (d)(2)~~] and Texas  
6 Government Code, Chapter 2308, including:  
7

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

1 high-growth, high-demand jobs ~~occupations in demand~~ and the earnings and  
2 skill requirements for such jobs ~~occupations~~;

3  
4 (10) provision of accurate information relating to the availability of support  
5 ~~supportive~~ services, including child care and transportation, available in the  
6 ~~local~~ workforce ~~development~~ area, and referral to such services, as appropriate;

7  
8 (11) assistance in establishing eligibility for ~~Welfare to Work activities~~, Choices,  
9 FSE&T ~~Food Stamp Employment and Training~~, and programs of financial aid  
10 assistance for training and education that are available in the workforce ~~local~~  
11 area; and

12  
13 (12) follow-up ~~follow up~~ services, including counseling regarding the workplace  
14 ~~work place~~, for youth participants in WIA ~~workforce investment~~ activities  
15 authorized under Chapter 841 of this title ~~Title~~, relating to WIA ~~Workforce~~  
16 ~~Investment Act~~, 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 ~~the~~ WIA -§134(d)(3) [~~29 U.S.C.A. §2864(d)(3)~~], which  
22 may include the following:

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

28  
29 (2) development of an Individual Employment Plan ~~individual employment plan~~  
30 and service strategy to identify the employment goals, appropriate achievement  
31 objectives, and appropriate combination of services for the participant to  
32 achieve employment goals and 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 prevocational 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 ~~the~~ Texas Government Code, Chapter 2308. Training services may include the  
2 following:  
3

- 4 (1) high-growth, high-demand industry ~~occupational~~ skills training, including  
5 training for nontraditional employment;  
6  
7 (2) on-the-job training;  
8  
9 (3) programs that combine workplace ~~work place~~ 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 ~~adult education~~ and literacy activities in  
20 combination with services with activities described in paragraphs (1)–(7) ~~(1)–~~  
21 ~~(7)~~ of this subsection ~~section~~; and  
22  
23 (9) customized training conducted with a commitment by an employer or group of  
24 employers to employ an individual upon successful completion of training.  
25

26 (d) Other Services and Activities. A One-Stop Service Delivery Network shall offer  
27 access to all other permissible local employment and training activities included in  
28 the local workforce development plan, which may include discretionary one-stop  
29 activities, support services, and needs-related payments as set forth in WIA §134(e)  
30 [29 U.S.C.A. §2864(e)].‡  
31

32 ~~(1) all other permissible local employment and training activities included in the local~~  
33 ~~workforce development plan, which may include discretionary one-stop activities,~~  
34 ~~supportive services, and needs related payments as outlined in WIA §134(e) (29~~  
35 ~~U.S.C.A. §2864(e));~~  
36

37 ~~(2) all programs and activities administered by the Texas Workforce Center Partners;~~  
38 ~~and~~  
39

40 ~~(3) the information described in Wagner Peyser Act, §15, and all job search, placement,~~  
41 ~~recruitment and other labor exchange services authorized under the Wagner Peyser~~  
42 ~~Act (29 U.S.C.A. §49 et seq.).~~  
43

#### 44 **§801.29. Limitations on Delivery of Services.** 45

1 Delivery of services under §801.28 of this ~~title~~ ~~Title~~, relating to Services Available  
2 Through the One-Stop Service Delivery Network, is subject to state law requirements on  
3 Board organization and service delivery structure as found in Texas Government Code,  
4 Chapter 2308, and ~~this chapter~~ ~~Chapter 801 of this Title, relating to Local Workforce~~  
5 ~~Development Boards~~, as well as eligibility requirements and limitations of individual  
6 programs.

7  
8 **§801.31. Priority for Workforce Services.**

- 9  
10 (a) Boards shall ensure that federal qualified veterans and qualified spouses, state  
11 qualified veterans, and eligible foster youth who are entitled to receive priority over  
12 all other equally qualified individuals in the receipt of workforce services are:  
13  
14 (1) determined eligible for priority at the initial point of contact; and  
15  
16 (2) notified of their entitlement to a priority.  
17  
18 (b) Boards shall ensure that state qualified veterans receive priority over all other  
19 equally qualified individuals in the receipt of training or assistance under  
20 employment assistance or job training services funded in whole or in part by state  
21 funds in accordance with Texas Government Code §657.002(a).  
22  
23 (c) Boards shall ensure that federal qualified veterans and qualified spouses, as defined  
24 in §801.23(4), continue to receive priority over all other equally qualified individuals  
25 in the receipt of services funded in whole or in part by the U.S. Department of Labor,  
26 in accordance with 38 U.S.C. §4215.  
27  
28 (d) Boards shall ensure that eligible foster youth receive priority over all other equally  
29 qualified individuals--except federal qualified veterans, qualified spouses, and state  
30 qualified veterans as defined in this chapter--in the receipt of federal and state funded  
31 services.  
32

33 **Subchapter C. The Integrity of the Texas Workforce System**

34  
35 **§801.51. Purpose and General Provisions.**

- 36  
37 (a) The purpose of the rules contained in this subchapter is to implement Texas  
38 Government Code, §2308.264 and §2308.267, including provisions relating to  
39 directly delivering services, Board contracting guidelines, and other conflict of  
40 interest provisions.  
41  
42 (b) It is the intent of the Commission that these rules strengthen the confidence of the  
43 public in the Texas workforce system.  
44  
45 (c) A Board may set local policies that are more restrictive than those set forth in this  
46 subchapter.

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- (d) A Board shall develop the policies and procedures required by this subchapter ~~no~~  
~~later than September 1, 2004.~~
  
- (e) A Board member with an existing contract for workforce services shall comply with  
this subchapter no later than the earliest of the following:
  - (1) the expiration of the contract;
  - (2) the contract renewal date; or
  - (3) the expiration of the Board member's term or the Board member's resignation. ~~;~~  
~~or~~
  - ~~(4) September 1, 2005.~~
  
- (f) A Board shall adhere to the requirements of Texas Government Code, Chapter 551  
(Texas Open Meetings Act). In particular, a Board shall:
  - (1) post appropriate notice in accordance with Texas Government Code, Chapter  
551, Subchapter C;
  - (2) ensure that all public business or public policy over which the Board has  
supervision or control is discussed, considered, or acted upon during a properly  
posted and convened open meeting; and
  - (3) prepare and retain minutes or tape recordings of each open meeting of the  
Board. The minutes shall:
    - (A) state the subject of each deliberation; and
    - (B) indicate each vote, order, decision, or other action taken.