

**TEXAS WORKFORCE COMMISSION**  
**Workforce Development Letter**

<b>ID/No:</b>	WD 03-19
<b>Date:</b>	April 5, 2019
<b>Keyword:</b>	Administration; AEL; Performance
<b>Effective:</b>	Immediately

**To:** Adult Education and Literacy Grantees  
Local Workforce Development Board Executive Directors  
Commission Executive Offices  
Integrated Service Area Managers

*Courtney Arbour*

**From:** Courtney Arbour, Director, Workforce Development Division

**Subject:** Texas Workforce Awards

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**PURPOSE:**

The purpose of this WD Letter is to provide Local Workforce Development Boards (Boards) and Adult Education and Literacy (AEL) grantees<sup>1</sup> with information on the Texas Workforce Awards.

**RESCISSION:**

WD 13-17

**BACKGROUND:**

The Texas Workforce Commission's (TWC) Chapter 802 Integrity of the Texas Workforce System rules §§802.161–802.169 provide a flexible framework for recognizing and rewarding Boards and AEL grantees that meet or exceed performance in key areas, as determined by TWC.

On January 29, 2019, TWC's three-member Commission (Commission) approved the details of the Texas Workforce Awards, including the award categories, category names, eligibility requirements, criteria for determining winners, and monetary award amounts.

On March 12, 2019, the Commission approved the Registered Apprenticeship Expansion Award and the weights to be applied to two new data-driven performance awards (WIOA Career Pathways and AEL Best in Class).

The award categories are:

- Board Awards;
- Board Performance Incentive Awards;
- Partnership Awards;
- AEL Performance Quality Improvement Awards; and

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<sup>1</sup> For purposes of this WD Letter, AEL grantees are TWC grantees that receive AEL funds.

- Employer Awards.

The categories reflect the purpose of the Workforce Innovation and Opportunity Act (WIOA) and align with TWC’s mission to promote and support a workforce system that offers employers, individuals, and communities the opportunity to achieve economic prosperity. The awards recognize the efforts made by employers, Boards, AEL grantees, and Vocational Rehabilitation (VR) Services that support the state in achieving workforce development goals. They emphasize successful local efforts that benefit specific customer populations, such as veterans, individuals with barriers to employment, at-risk populations, and individuals with disabilities.

**PROCEDURES:**

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

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

**NLF:** Boards must be aware that the Commission has approved the following award categories and methods for determining which Boards and partners to recognize for exemplary service to Texas workforce system customers:

- Board Awards (nomination-based)
  - Service to Business
  - Service to Workers
  - Service to Community
  - Industry Sector Outreach
  - Youth Inspiration & Career Awareness
  - Texas HireAbility
  - Texas Rising Star Child Care
  - Registered Apprenticeship Expansion
- Board Performance Incentive Awards (data-driven)
  - Claimant Reemployment
  - WIOA Career Pathways
  - Foster Youth
- Partnership Awards
  - Community College Engagement (TWC-nominated)
  - Board/AEL/VR Collaboration (nomination-based)
- AEL Performance Quality Improvement (PQI) Awards
  - Employer Partnership (AEL grantee nomination)
  - Best in Class (data-driven)
- Employer Awards (nomination-based)
  - Large Employer of the Year
  - Small Employer of the Year

- Veteran-Friendly Employer of the Year
- Local Employer of Excellence

**NLF:** Boards must be aware that, for awards-related purposes, TWC may group Boards by quartile based on allocations of funds, as authorized under the rules relating to Board Classification at §802.165, and as shown for the current awards cycle in Attachment 2, Board Awards—Classification Quartiles.

**NLF:** Boards and AEL grantees must be aware that Attachment 1, Texas Workforce Awards—Overview, provides:

- additional detail on each of the workforce awards, including which awards are issued to Boards by quartile;
- the criteria and weighting for the Board Performance Incentive Awards; and
- the criteria and weighting for the Best in Class AEL PQI Award.

**NLF:** Boards and AEL grantees must be aware that TWC publishes the criteria and nomination forms for all nomination-based awards on TWC’s website in advance of each year’s call for nominations.

**NLF:** Boards and AEL grantees must be aware that TWC considers the following to be extraordinary circumstances, in addition to the extraordinary circumstances defined in §802.162(3), when determining an entity’s eligibility to receive workforce awards:

- Corrective actions taken by TWC, related to:
  - failure to meet relevant performance targets;
  - repeat monitoring findings;
  - failure to provide cost-effective services, as evidenced by unusually high average costs; or
  - failure to oversee the delivery of services.
- A Board’s or AEL grantee’s voluntary deobligation of funds related to an award or program
- A Board’s or AEL grantee’s poor programmatic, fiscal, and/or administrative oversight not currently addressed through corrective action

Additionally, under extraordinary circumstances, TWC may decide not to issue an award based on the quality of performance, the quality of the nominations submitted, and/or the number of nominations received.

**NLF:** Boards must be aware of the parameters related to corrective actions (Technical Assistance Plans, Intents to Sanction, and Sanctions) that TWC may consider when recommending whether a Board is eligible to receive awards, as shown in Attachment 3, Texas Workforce Awards—Corrective Actions as Extraordinary Circumstances for Boards. A program-specific corrective action disqualifies a Board from receiving an award that is specific to that program. For example, a Child Care–related corrective action would disqualify a Board from receiving a Child Care award, but the Board may still be eligible for other awards.

Additionally, Boards must be aware that the parameters for corrective action apply if the following two conditions are met:

- The corrective action relates to the performance period for which the awards are being calculated or evaluated—that is, the most recent complete Board Contract Year (BCY) before the annual Texas Workforce Conference.
- The corrective action is taken either:
  - during the most recent complete BCY before the annual TWC statewide conference; or
  - after the end of the BCY but before the award winners are determined.

**NLF:** AEL grantees—including any Board that is an AEL grantee—must be aware that if a grantee is under any corrective action imposed by the AEL program at the time that the awards are being evaluated, the grantee is not eligible to receive any AEL PQI award for its AEL program, unless the corrective action is lifted before the AEL PQI award winners are chosen. A Board that is deemed ineligible to receive an AEL PQI award may still be eligible to receive other workforce awards in accordance with the corrective action parameters explained in this WD Letter.

**NLF:** AEL grantees must be aware that performance data for AEL grantees that have grants in more than one workforce area will be combined for determining performance. TWC will take into consideration a grantee's performance due to changes in the grantee's service delivery area or due to other factors, as determined by TWC.

**NLF:** Boards must be aware that nominees for workforce awards, including employers, may be required to undergo a background review by TWC's Regulatory Integrity Division and/or other TWC departments.

**NLF:** Boards must advise nominees for an employer award that TWC will conduct a background review of the nominee, including, but not limited to, reviewing the employer's:

- unemployment insurance tax status and delinquency history;
- standing with the Texas Secretary of State and the Texas Office of the Comptroller;
- Texas Payday Law violations and penalty;
- OSHA violations;
- eligibility to receive federal contracts according to the federal System for Award Management database; and
- lawsuits in the Public Access to Court Electronic Records (PACER) system.

**INQUIRIES:**

Send inquiries regarding this WD Letter to [awards@twc.state.tx.us](mailto:awards@twc.state.tx.us).

**ATTACHMENTS:**

- Attachment 1: Texas Workforce Awards—Overview
- Attachment 2: Board Awards—Classification Quartiles
- Attachment 3: Texas Workforce Awards—Corrective Actions as Extraordinary Circumstances for Boards

**REFERENCE:**

- Texas Workforce Commission Chapter 802 Integrity of the Texas Workforce System  
Rule [§§802.161–802.169](#)