

Chapter 801. Local Workforce Development Board
§ 801.3 Requirements for Submission of Local Workforce Training and Service
Plans, Modifications and Amendments

40 TAC §801.3

The Texas Workforce Commission adopts new §801.3, concerning submission of plans, plan modification and amendments with changes to the proposed text as published in the January 26, 1996, issue of the Texas Register (21 TexReg 656).

The Workforce and Economic Competitiveness Act, as amended by Chapter 655, Acts of the 74th Legislature, 1995, requires the Commission to establish rules for the development and approval of a local plan submitted by a local workforce development board, in order that the board may plan and oversee the delivery of workforce training and services programs in the workforce development area. The Commission held a public hearing on the proposed rules on February 14, 1996. Oral comments received at that hearing were replicated in substance within the five written comments received.

This rule will establish the framework for submission and review of workforce training and services plans and budgets.

The following parties submitted written and/or oral comments following publication of the proposed rule: John Baker, The Texas Workforce Development Network; Rodney Bradshaw, the Houston-Galveston Area Council; Vernon Cook, County Judge, Roberts County, and Chairman, Board of Directors, Panhandle Regional Planning Commission; Horace Groff, County Judge, Grayson County, David N. Perdue, County Judge, Knox County and President of the Texas Association of Counties; and, Jack Steele, Houston Galveston Area Council.

Several commenters asked that the rule recognize that there may be a delegation of authority to act on behalf of the Chief Elected Officials and that the designee with authority to act on behalf of the whole body of CEOs should be allowed to approve the proposed plan modifications and amendments. These comments were well-taken by the Commission and the proposed rule was amended in 801.3(c)(1) to reflect the change.

One commenter commended the Commission on the rule's allowance for considerable flexibility with regard to the submission, modification and amendment of local plans.

No other substantive comments with regard to the plan rules were offered.

The new section is adopted under Texas Civil Statutes, Labor Code, §302.041 and §302.042, as amended by Chapter 655, Acts of the 74th Legislature, 1995, which direct the Texas Workforce Commission to design and implement a state-local planning process for workforce training and services, to review local plans and to make recommendations to the Texas Council on Workforce and Economic Competitiveness regarding plan implementation.

No other statute, article or code will be affected by this rule.

§801.3. Requirements for Submission of Local Workforce Training and
Services Plans, Modifications and Amendments.

(a) Purpose of Rule.

(1) All workforce training and services plans and budgets developed pursuant to state and federal law by a local workforce development board shall be submitted to the Workforce Division of the Texas Workforce Commission for review.

(2) Before a plan and budget will be forwarded by the Commission to the Texas Council on Workforce and Economic Competitiveness (TCWEC) for approval, all

requirements of this section must be met.

(b) Standards for Submission. A local workforce training and services plan and budget will be reviewed according to criteria established by the Commission. The Commission will provide guidelines for strategic planning and budgeting to local boards.

(c) Plan Modification or Amendment. An approved plan and budget may be changed by either modification or amendment. Either method of change must be submitted to the Commission for review before implementation.

(1) A modification is a substantial revision of a plan and budget. The Commission will provide criteria to local boards that will define what constitutes a substantial revision. Each modification must provide evidence that a majority of the Chief Elected Officials (CEOs) of a local workforce delivery area or their designee or designees with signatory authority have approved the modification.

(2) An amendment is a minor adjustment to a plan and budget. The Commission will provide criteria to local boards that will define what constitutes a minor adjustment. An amendment does not require approval by a majority of the CEOs of a local workforce delivery area.

This agency hereby certifies that the adoption have been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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