

Chapter 801. LOCAL WORKFORCE DEVELOPMENT BOARDS

Subchapter B. ONE-STOP SERVICE DELIVERY NETWORK

40 TAC §§801.21-801.29

The Texas Workforce Commission (Commission) proposes new §§801.21-801.29, relating to the One-Stop Service Delivery Network.

The proposed rules in Chapters 801 and 841 set forth the One-Stop Service Delivery Network, developed by the Commission in partnership with the local workforce development boards (Boards), and emphasize the partnership between the Commission and the Boards in assuring compliance with Texas Government Code, Chapter 2308. Background and Purpose: The purpose of the rules in Chapters 801 and 841 is to facilitate the maintenance and continuous improvement of the One-Stop Service Delivery Network as established in Texas Government Code, Chapter 2308, and Texas Labor Code, Chapters 301 and 302. The proposed rules provide a framework that is reflective of the Workforce Investment Act (WIA) one-stop principles and the principles of Texas' vision as presented in the state plan. The WIA principles are: streamlining services, empowering individuals, universal access, increased accountability, a strong role for Boards and the private sector, and state and local flexibility. The four principles of Texas' vision are: limited and efficient state government, local control, personal responsibility, and support for strong families.

The system outlined herein emphasizes the partnership between the Boards and the Commission in providing a seamless network of information and services that is responsive to the individual needs of customers. The proposed rules identify Texas Workforce Center standards and required partners. The rules also provide support for innovation and excellence in performance and service delivery in coordination with the Commission's incentive rules.

New Chapter 801, Subchapter B, is added regarding the One-Stop Service Delivery Network.

The purpose of §801.21 is to set forth the scope and purpose of the rules contained in the subchapter.

The purpose of §801.22 is to set forth the requirement to maintain a One-Stop Service Delivery Network.

The purpose of §801.23 is to set forth the definitions applicable to the One-Stop Service Delivery Network.

The purpose of §801.24 is to set forth the different levels of certification for Texas Workforce Centers.

The purpose of §801.25 is to set forth the standards applicable to the certification of Texas Workforce Centers.

The purpose of §801.26 is to set forth the provisions relating to One-Stop Innovation Plans.

The purpose of §801.27 is to set forth the provisions relating to the Texas Workforce Center Partners.

The purpose of §801.28 is to set forth the services available through the One-Stop Service Delivery Network.

The purpose of §801.29 is to set forth the limitations on delivery of services.

Randy Townsend, Chief Financial Officer, has determined that for the first five years the rules are in effect, the following statements will apply:

there are no additional estimated costs to the state and to local governments expected as a result of enforcing or administering the rules;

there are no estimated reductions in costs to the state or to local governments expected as a result of enforcing or administering the rules;

there are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rules;

there are no foreseeable implications relating to costs or revenues to the state or to local governments as a result of enforcing or administering the rules; and

there are no anticipated costs to persons who are required to comply with the rules, as proposed.

Mr. Townsend has also determined that there is no anticipated adverse impact on small businesses as a result of enforcing or administering the rules because small and micro-businesses are not required to do anything as a result of the rules.

Jean Mitchell, Director of Workforce Development, has determined that the public benefit anticipated as a result of the rules as proposed will be to emphasize the partnership between the Boards and the Commission in providing a seamless network of information and services that is responsive to the individual needs of customers. The additional public benefit anticipated as a result of the rules is to provide support for innovation and excellence in performance and service delivery in coordination with the Texas Labor Code, Chapter 302, and Texas Government Code, Chapter 2308, relating to the delivery of workforce services by Boards, for the benefit of Texas' residents, employers, and workers.

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

Comments on the proposed rules may be submitted to Barbara Cigainero, Workforce Development Division, Texas Workforce Commission, 101 East 15th Street, Room 130BT, Austin, Texas 78778; Fax Number 512-463-3424; or E-mail to barbara.cigainero@twc.state.tx.us.

Comments must be received by the Commission no later than thirty (30) days from the date this proposal is published in the *Texas Register*.

The new rules are proposed under Texas Labor Code, §§301.061 and 302.002, which provide the Commission with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of Commission programs.

The proposal affects the Texas Labor Code, Title 4.

§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 Workforce Investment Act (WIA) § 121. It is the intent of the Commission, in partnership with local workforce development boards, to facilitate the development and maintenance of the One-Stop Service Delivery Network such that information and services responsive to their individual needs is available to all customers. The One-Stop Service Delivery Network shall be evaluated against the 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 B, relating to the One-Stop Delivery System, shall apply, except that to the extent of any conflict, the provisions of Texas Government Code, Chapter 2803 and §801.2 of this Chapter 801, relating to Local Workforce Development Boards, 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 Certified Full Service Texas Workforce Center providing the core services listed in § 801.28 of this subchapter.

§801.23.Definitions.

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

(1) Certified Full Service Texas Workforce Center -- A local full service workforce center that has integrated service functions to aid service seekers in all aspects of employment and training in a seamless, nonprogram-specific manner, and has been found to meet the requirements of a Full Service Texas Workforce Center set out in §801.25(b).

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

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

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

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

§801.24.Texas Workforce Center Certification Levels.

(a) All Texas Workforce Centers must meet the basic workforce center standards set out in §801.25(a).

(b) In order to obtain certification as a Certified Full Service Texas Workforce Center, a Texas Workforce Center must meet full service standards set out in §801.25(a) and (b).

(c) The Commission may establish additional levels of certification to ensure continuous development of the One-Stop Service Delivery Network.

§801.25.Texas Workforce Center Standards.

(a) Basic Workforce Centers Standards. The Commission has established basic standards that must be met by all Texas Workforce Centers. Certified Texas Workforce Centers shall:

- (1) be available to employers, students and workers throughout the local workforce development area;
- (2) provide access to information and services, including employment services;
- (3) address individual needs of customers by providing processes for the following three methods of accessing services: self-service, basic access, and full access;
- (4) provide services that are tailored to meet individual needs and include: labor market information, a common intake and eligibility determination process, an independent assessment and service strategy, centralized and continuous case management and counseling, access to Individual Training Account (ITA) services for education and training needs, supportive services (including access to subsidized child care), student loans, and other forms of financial assistance required to participate in and complete training;
- (5) not provide developmental services, such as General Educational Development (GED), English as a Second Language (ESL), or Adult Basic Education (ABE);
- (6) provide each person with written information on local demand occupations, projected wage level upon completion of training programs, and performance of training providers when requested;
- (7) implement a process for initial contact that is customer-driven and flexible;
- (8) ensure access throughout the workforce development area by developing electronic methods for service delivery, such as kiosk, Internet, and wide area network (WAN);
- (9) ensure staff are experienced and knowledgeable in all required programs and services for job seekers and for employers;
- (10) implement a tiered customer-driven service delivery strategy that includes: information through individual self-service, job search assistance in group settings, access to information on filing a claim for unemployment insurance benefits, and specialized, intensive staff-assisted services;
- (11) prepare understandable information packages for customers that describe services, locations, self-service options, job openings, career exploration methods, labor market information, training opportunities, educational opportunities, and consumer information, and that also provide a mechanism for customer feedback on services provided;
- (12) implement a timely and efficient referral and follow up process for employment-related services;
- (13) provide independent assessment of individual needs that includes assessment of literacy levels for Choices clients who have not recently received a literacy level assessment;
- (14) maintain a user-friendly resource center that makes available computerized information systems with access to labor market information, demographics, occupations, and educational opportunities;
- (15) make available core services, as defined in §801.28, of the following programs: Title I of WIA serving adults, dislocated workers and youth; Food Stamp Employment and Training; TANF Choices activities; access to subsidized Child Care Services; Wagner-Peyser Employment Services; Trade Adjustment Assistance; veterans' employment and training programs; adult education; National Literacy Act services; non-certificate postsecondary career and technology training; Senior Texans Employment Program; Apprenticeship Program; National Community Services Act Program; Project RIO for ex-offenders; and access to unemployment insurance benefits. Boards shall ensure that staff be available to provide the core services of these programs during all Texas Workforce Center operating hours;
- (16) ensure availability through the Texas Workforce Centers of other services for the programs listed in paragraph (15) of this section;
- (17) provide reasonable accommodation and accessibility in accordance with the Americans with Disabilities Act (ADA); and
- (18) meet each of the requirements for Certified Full Service Texas Workforce Centers within twelve months of certification as a Texas Workforce Center.

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

- (1) design a customer-friendly waiting area and implement written procedures that define the measures taken to minimize customer wait time in the reception area and in other areas of the Texas Workforce Center;
- (2) develop written procedures for following up on referrals to determine customer receipt of services, appropriateness of the referral to address the customer's needs and the extent of customer satisfaction with the referral process and service received;
- (3)

- provide customer access to the statewide job matching system, resume preparation stations, and the Internet;
- (4) provide consumer information on the quality of education and training providers and include a mechanism for customer feedback on personal experience with such providers;
- (5) develop and display a menu of services with a corresponding fee schedule for services available at the Certified Full Service Texas Workforce Center;
- (6) demonstrate: direct supervision of all personnel, a plan for cross-training staff in all services, minimal programmatic specialization of staff, non-duplication of efforts, removal of redundancies within program activities, and maximum flexibility to optimize utilization of resources;
- (7) provide basic labor exchange services, including access to job orders for applicants, access to applicants for employers, and screening and referral methods for matching appropriate applicants and job orders; and
- (8) provide centralized case management activities for specialized populations, such as the welfare, veterans, dislocated workers and disabled populations.

§801.26. One-Stop Innovation Plan.

(a) Each Board may submit a One-Stop Innovation Plan at a time and in a format to be determined by the Commission.

(b) The executive director of the Commission or the executive director's designee shall evaluate the submitted One-Stop Innovation Plans.

§801.27. Texas Workforce Center Partners.

(a) Each Board, with the agreement of the chief elected official(s), shall enter into a memorandum of understanding on their obligations to the operation of the One-Stop Service Delivery Network with each required Texas Workforce Center Partner in the local workforce development area.

(b) Subject to the limitations as referenced in §801.29 of this Chapter, relating to Limitations on Delivery of Services, the required Texas Workforce Center Partners are the entities that administer the following in the local workforce development area:

- (1) services authorized under Title I of WIA for adults, dislocated workers and youths;
- (2) Food Stamp Employment and Training services;
- (3) Temporary Assistance for Needy Families - Choices services;
- (4) subsidized child care services;
- (5) Welfare-to-Work block grant services;
- (6) Wagner-Peyser employment services;
- (7) Trade Adjustment Assistance and NAFTA/TAA services;
- (8) veterans' employment services;
- (9) adult education activities;
- (10) National Literacy Act services;
- (11) non-certificate postsecondary career and technology training;
- (12) Senior Texans Employment Program (STEP) services;
- (13) apprenticeship training;
- (14) National and Community Services Act;
- (15) Project RIO services for ex-offenders; and
- (16) Unemployment Insurance.

(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 chief elected official(s) agree on the entity's participation. These entities include, but are not limited to, those that provide:

- (1) vocational rehabilitation program services (for example, Texas Rehabilitation Commission, Texas Commission for the Blind);
- (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 Certified Texas Workforce Centers shall provide core services, as defined in WIA § 134(c) and Texas Government Code, Chapter 2308, including:

- (1) outreach;
 - (2) intake, which may include worker profiling, and orientation to the information and services available through the One-Stop Service Delivery Network;
 - (3) determinations of whether the individuals are eligible to receive assistance and services through the One-Stop Service Delivery Network;
 - (4) initial assessment of skill levels, aptitudes, abilities, and supportive 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 chapter (relating to Training Provider Certification), provided by program, and eligible providers of youth activities described in WIA §123, 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 local area is performing on the local performance measures and any additional performance information with respect to the One-Stop Service Delivery Network in the local area;
 - (8) provision of information regarding filing claims for unemployment compensation;
 - (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 occupations in demand and the earnings and skill requirements for such occupations;
 - (10) provision of accurate information relating to the availability of supportive services, including child care and transportation, available in the local workforce development area, and referral to such services, as appropriate;
 - (11) assistance in establishing eligibility for Welfare-to-Work activities, Choices, Food Stamp Employment and Training, and programs of financial aid assistance for training and education that are available in the local area; and
 - (12) follow up services, including counseling regarding the work place, for participants in workforce investment activities authorized under Chapter 841 of this Title, relating to Workforce Investment Act, 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 the WIA §134(c), which may include the following:
- (1) comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, 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 individual 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 prevocational 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(c) and the Texas Government Code, Chapter 2308. Training services may include the following:
- (1) occupational skills training, including training for nontraditional employment;
 - (2) on-the-job training;
 - (3) programs that combine work place 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) adult education and literacy activities in combination with services with activities described in (1)-(7) of this section; 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:

(1) all other permissible local employment and training activities included in the local workforce development plan, which may include discretionary one-stop activities, supportive services, and needs-related payments as outlined in WIA §134(e);

(2) all programs and activities administered by the Texas Workforce Center Partners; and

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

§801.29.Limitations on Delivery of Services.

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

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State on January 10, 2000.

TRD-2000000119

J. Ferris Duhon

Assistant General Counsel

Texas Workforce Commission

Earliest possible date of adoption: February 20, 2000

For further information, please call: (512) 463-8812

Chapter 841. WORKFORCE INVESTMENT ACT

Subchapter B. ONE-STOP SERVICE DELIVERY SYSTEM NETWORK

The Texas Workforce Commission proposes the repeal of §§841.11-841.13 and new §841.11, relating to the One-Stop Service Delivery Network.

New Chapter 841, Subchapter B, is added regarding the One-Stop Service Delivery Network.

The purpose of the repeal and new §841.11 is to set forth the requirements to maintain a One-Stop Service Delivery Network.

The proposed rules in Chapters 801 and 841 set forth the One-Stop Service Delivery Network, developed by the Commission in partnership with the local workforce development boards (Boards), and emphasize the partnership between the Commission and the Boards in assuring compliance with Texas Government Code, Chapter 2308.

Background and Purpose: The purpose of the rules in Chapters 801 and 841 is to facilitate the maintenance and continuous improvement of the One-Stop Service Delivery Network as established in Texas Government Code, Chapter 2308, and Texas Labor Code, Chapters 301 and 302. The proposed rules provide a framework that is reflective of the Workforce Investment Act (WIA) one-stop principles and the principles of Texas' vision as presented in the state plan. The WIA principles are: streamlining services, empowering individuals, universal access, increased accountability, a strong role for Boards and the private sector, and state and local flexibility. The four principles of Texas' vision are: limited and efficient state government, local control, personal responsibility, and support for strong families.

The system outlined herein emphasizes the partnership between the Boards and the Commission in providing a seamless network of information and services that is responsive to the individual needs of customers. The proposed rules identify Texas Workforce Center standards and required partners. The rules also provide support for innovation and excellence in performance and service delivery in coordination with the Commission's incentive rules.

Randy Townsend, Chief Financial Officer, has determined that for the first five years the rules are in effect, the following statements will apply:

there are no additional estimated costs to the state and to local governments expected as a result of enforcing or administering the rules;

there are no estimated reductions in costs to the state or to local governments expected as a result of enforcing or administering the rules;

there are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rules;

there are no foreseeable implications relating to costs or revenues to the state or to local governments as a result of enforcing or administering the rules; and

there are no anticipated costs to persons who are required to comply with the rules, as proposed.

Mr. Townsend has also determined that there is no anticipated adverse impact on small businesses as a result of enforcing or administering the rules because small and micro-businesses are not required to do anything as a result of the rules.

Jean Mitchell, Director of Workforce Development, has determined that the public benefit anticipated as a result of the rules as proposed will be to emphasize the partnership between the Boards and the Commission in providing a seamless network of information and services that is responsive to the individual needs of customers. The additional public benefit anticipated as a result of the rules is to provide support for innovation and excellence in performance and service delivery in coordination with the Texas Labor Code, Chapter 302, and Texas Government Code, Chapter 2308, relating to the delivery of workforce services by Boards, for the benefit of Texas' residents, employers, and workers.

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

Comments on the proposed rules may be submitted to Barbara Cigainero, Workforce Development Division, Texas Workforce Commission, 101 East 15th Street, Room 130BT, Austin, Texas 78778; Fax Number 512-463-3424; or E-mail to barbara.cigainero@twc.state.tx.us.

Comments must be received by the Commission no later than thirty (30) days from the date this proposal is published in the *Texas Register*.

40 TAC §§841.11-841.13

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Workforce Commission or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The repeals are proposed under Texas Labor Code, §§301.061 and 302.002, which provide the Commission with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of Commission programs.

The proposal affects the Texas Labor Code, Title 4.

§841.11. Requirement to Maintain a One-Stop Delivery System.

§841.12. Requirements of a One-Stop Delivery System.

§841.13. Limitations on Delivery of Services.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State on January 10, 2000.

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J. Ferris Duhon

Assistant General Counsel

Texas Workforce Commission

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For further information, please call: (512) 463-8812

40 TAC §841.11

The new rule is proposed under Texas Labor Code, §§301.061 and 302.002, which provide the Commission with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of Commission programs.

The proposal affects the Texas Labor Code, Title 4.

§841.11. 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 Chapter 801 of this Title, relating to Local Workforce Development Boards. The One-Stop Service Delivery Network shall include at least one Certified Full Service Workforce Center as defined in §801.23 of this Title, relating to Definitions, providing the core services listed in §801.28 of this Title, relating to Services Available Through the One-Stop Service Delivery Network.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State on January 10, 2000.

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J. Ferris Duhon

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