

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

2
3 **PROPOSED RULES TO BE PUBLISHED IN THE *TEXAS REGISTER*. THIS**
4 **DOCUMENT WILL HAVE NO SUBSTANTIVE CHANGES BUT IS SUBJECT TO**
5 **FORMATTING CHANGES AS REQUIRED BY THE OFFICE OF THE SECRETARY**
6 **OF STATE.**

7
8 **ON AUGUST 23, 2022, THE TEXAS WORKFORCE COMMISSION PROPOSED THE**
9 **RULES BELOW WITH PREAMBLE TO BE SUBMITTED TO THE *TEXAS REGISTER*.**

10
11 Publication Date of the Proposal in the *Texas Register*: **September 9, 2022**

12 End of Comment Period: **October 10, 2022**

13
14 The Texas Workforce Commission (TWC) proposes amendments to the following sections of
15 Chapter 801, relating to Local Workforce Development Boards:

16
17 Subchapter A. General Provisions, §801.1

18 Subchapter B. One-Stop Service Delivery Network, §§801.21 - 801.25, 801.28, and
19 801.29

20
21 TWC proposes the repeal of the following section of Chapter 801, relating to Local Workforce
22 Development Boards:

23
24 Subchapter B. One-Stop Service Delivery Network, §801.27

25
26 TWC proposes the following new sections to Chapter 801, relating to Local Workforce
27 Development Boards:

28
29 Subchapter B. One-Stop Service Delivery Network, §801.26 and §801.27

30
31 **PART I. PURPOSE, BACKGROUND, AND AUTHORITY**

32 The purpose of the proposed Chapter 801 rule change is to conform the chapter with language
33 and requirements implemented by Workforce Innovation and Opportunity Act (WIOA),
34 including statutorily required Local Workforce Development Board (Board) partners.

35
36 The General Appropriations Act - Senate Bill 1, Article VII, Texas Workforce Commission,
37 Rider 46 from the 87th Texas Legislature, Regular Session (2021) requires TWC to ensure that
38 digital skill building is a permitted activity in workforce development programs. House Bill 900
39 from the 79th Texas Legislature, Regular Session (2005) amended Texas Labor Code, Chapter
40 302 by adding §302.0027, which requires TWC and Boards to ensure financial literacy training
41 is an included activity in all workforce development programs. Chapter 801 is amended to
42 conform with these requirements.

43
44 Texas Government Code, §2001.039, requires that every four years each state agency review and
45 consider for readoption, revision, or repeal each rule adopted by that agency. TWC conducted a
46 rule review of Chapter 801, and any changes are described in Part II of this preamble.

1
2 **PART II. EXPLANATION OF INDIVIDUAL PROVISIONS**

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

5
6 **SUBCHAPTER A. GENERAL PROVISIONS**

7 TWC proposes the following amendments to Subchapter A:

8
9 **§801.1. Requirements for Formation of Local Workforce Development Boards**

10 Section 801.1 is amended to remove Workforce Investment Act (WIA) from the reference to
11 Texas Government Code, Chapter 2308, and update other references from WIA to WIOA.

12 Additionally, Section 801.1 is amended to update Texas State Data Center to Texas
13 Demographic Center and revise the section to clarify that veteran Board members must represent
14 veterans in the local area.

15
16 **SUBCHAPTER B. ONE-STOP SERVICE DELIVERY NETWORK**

17 TWC proposes the following amendments to Subchapter B:

18
19 The section titles and language throughout the subchapter, including the subchapter's title, are
20 amended to update references from WIA to WIOA and "Network" to "System" to align with
21 WIOA terminology.

22
23 **§801.22. Requirement to Maintain a One-Stop Service Delivery Network.**

24 Section 801.22 is amended to specify that Boards must maintain at least one Comprehensive
25 Center in each local workforce development area.

26
27 **§801.23. Definitions**

28 Section 801.23 is amended to add the definitions for "Access" and "Direct linkage;" update the
29 definitions for "Eligible Veteran" and "Workforce Solutions Office;" and remove the definition
30 for "National Emergency."

31
32 **§801.24. Workforce Solutions Office Certification**

33 Section 801.24 is amended to clarify local office certification requirements and processes for
34 Comprehensive Centers and Affiliate sites.

35
36 **§801.25. Minimum Standards for Certified Workforce Solutions Offices**

37 Section 801.25 is amended to update requirements for Comprehensive Centers (previously
38 identified as certified offices) and to clarify these requirements apply to Comprehensive Centers
39 only, not all local offices. Additional amendments require that access to digital skill building and
40 financial literacy assistance be provided to all participants. The section's title is updated to align
41 with these amendments.

42
43 **§801.26. Memorandum of Understanding**

44 New §801.26 is added to clarify memorandum of understanding (MOU) requirements with local
45 Board partners and that except where indicated, MOUs are not required for Board- or TWC-
46 administered programs.

1
2 **§801.27. Workforce Solutions Office Partners**

3 Section 801.27 is repealed and replaced with new §801.27, Workforce Solutions Office
4 Programs and Partners, to update required and optional programs and partners to align with
5 WIOA requirements. Prior consistent state law in place during implementation of WIA allowed
6 Boards to operate with fewer required partnerships. The updates in new §801.27 address
7 significant changes in workforce development systems that have occurred in past decades and
8 help align regional efforts to serve customers more effectively throughout the state. Additional
9 updates designate Board- and TWC-administered programs.

10
11 **§801.28. Services Available Through the One-Stop Service Delivery Network**

12 Section 801.28 is amended to align available services with those required by WIOA.

13
14 **PART III. IMPACT STATEMENTS**

15 Chris Nelson, Chief Financial Officer, determined that for each year of the first five years the
16 rules will be in effect, the following statements will apply:

17
18 There are no additional estimated costs to the state and to local governments expected as a result
19 of enforcing or administering the rules.

20
21 There are no estimated cost reductions to the state and to local governments as a result of
22 enforcing or administering the rules.

23
24 There are no estimated losses or increases in revenue to the state or to local governments as a
25 result of enforcing or administering the rules.

26
27 There are no foreseeable implications relating to costs or revenue of the state or local
28 governments as a result of enforcing or administering the rules.

29
30 There are no anticipated economic costs to individuals required to comply with the rules.

31
32 There is no anticipated adverse economic impact on small businesses, microbusinesses, or rural
33 communities as a result of enforcing or administering the rules.

34
35 Based on the analyses required by Texas Government Code, §2001.024, TWC determined that
36 the requirement to repeal or amend a rule, as required by Texas Government Code, §2001.0045,
37 does not apply to this rulemaking.

38
39 **Takings Impact Assessment**

40 Under Texas Government Code, §2007.002(5), "taking" means a governmental action that
41 affects private real property, in whole or in part or temporarily or permanently, in a manner that
42 requires the governmental entity to compensate the private real property owner as provided by
43 the Fifth and Fourteenth Amendments to the United States Constitution or the Texas
44 Constitution, Article I, §17 or §19 or restricts or limits the owner's right to the property that
45 would otherwise exist in the absence of the governmental action, and is the producing cause of a
46 reduction of at least 25 percent in the market value of the affected private real property,

1 determined by comparing the market value of the property as if the governmental action is not in
2 effect and the market value of the property determined as if the governmental action is in effect.
3 TWC completed a Takings Impact Analysis for the proposed rulemaking action under Texas
4 Government Code, §2007.043. The primary purpose of this proposed rulemaking action, as
5 discussed elsewhere in this preamble, is to amend Chapter 801 to conform with language and
6 requirements implemented by WIOA, including statutorily required Board partners.

7
8 The proposed rulemaking action will not create any additional burden on private real property or
9 affect private real property in a manner that would require compensation to private real property
10 owners under the United States Constitution or the Texas Constitution. The proposal also will
11 not affect private real property in a manner that restricts or limits an owner's right to the property
12 that would otherwise exist in the absence of the governmental action. Therefore, the proposed
13 rulemaking will not cause a taking under Texas Government Code, Chapter 2007.

14 15 Government Growth Impact Statement

16 TWC determined that during the first five years the rules will be in effect, they:

- 17 --will not create or eliminate a government program;
- 18 --will not require the creation or elimination of employee positions;
- 19 --will not require an increase or decrease in future legislative appropriations to TWC;
- 20 --will not require an increase or decrease in fees paid to TWC;
- 21 --will not create a new regulation;
- 22 --will not expand, limit, or eliminate an existing regulation;
- 23 --will not change the number of individuals subject to the rules; and
- 24 --will not positively or adversely affect the state's economy.

25 26 Economic Impact Statement and Regulatory Flexibility Analysis

27 TWC determined that the rules will not have an adverse economic impact on small businesses or
28 rural communities, as the proposed rules place no requirements on small businesses or rural
29 communities.

30
31 Mariana Vega, Director, Labor Market Information, determined that there is not a significant
32 negative impact upon employment conditions in the state as a result of the rules.

33
34 Courtney Arbour, Director, Workforce Development Division, has determined that for each year
35 of the first five years the rules are in effect, the public benefit anticipated as a result of enforcing
36 the proposed rules will be to clarify and enhance services that may be accessed through local
37 workforce offices, including access to programs aligned with TWC and Board goals, through
38 expanded local partnerships.

39
40 TWC hereby certifies that the proposal has been reviewed by legal counsel and found to be
41 within TWC's legal authority to adopt.

42 43 **PART IV. COORDINATION ACTIVITIES**

44 In the development of these rules for publication and public comment, TWC sought the
45 involvement of Texas' 28 Boards. TWC provided the policy concept regarding these rule
46 amendments to the Boards for consideration and review on May 24, 2022. TWC also conducted

1 a conference call with Board executive directors and Board staff on June 3, 2022, to discuss the
2 policy concept. During the rulemaking process, TWC considered all information gathered in
3 order to develop rules that provide clear and concise direction to all parties involved.

4
5 **PART V. PUBLIC COMMENT**

6 Comments on the proposed rules may be submitted to TWCPolicyComments@twc.texas.gov
7 and must be received no later than October 10, 2022.

8
9 **PART VI. STATUTORY AUTHORITY**

10 The rules are proposed under Texas Labor Code, §301.0015 and §302.002(d), which provide
11 TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the
12 effective administration of TWC services and activities.

13
14 The proposed rules implement changes made to the Texas Labor Code, particularly Texas Labor
15 Code, Chapters 301 and 302, as well as bringing the rules into conformity with the Workforce
16 Innovation and Opportunity Act.

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

2
3 **SUBCHAPTER A. GENERAL PROVISIONS**

4
5 **§801.1. Requirements for Formation of Local Workforce Development Boards.**

6
7 (a) Purpose of Rule.

8
9 (1) Upon application by the chief elected officials (CEOs) and approval of the
10 Commission, the Commission shall forward an application to form a Local
11 Workforce Development Board (Board) to the Governor.

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

15
16 (b) State Law. The formation of Boards is governed by ~~the Workforce Investment Act,~~
17 Texas Government Code, Chapter 2308.

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

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

29
30 (1) Mayors.

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

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

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

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

43
44 (2) All county judges included in a workforce area as designated by the Governor.
45

- 1 (e) Time of Application. CEOs in a workforce area may not establish a Board until the
2 Governor has designated that area as a workforce area as provided in ~~the Workforce~~
3 ~~Investment Act~~, Texas Government Code, Chapter 2308.
4
- 5 (f) Applications shall meet all Governor-approved criteria for the establishment of
6 Boards.
7
- 8 (g) Procedures for Formation of a Board. The CEOs shall comply with the following
9 procedures to form a Board.
10
- 11 (1) Public process procedure. If three-fourths of the CEOs, as defined in
12 subsection (d) of this section, agree to initiate procedures to establish a Board,
13 they shall conduct a public process, including at least one public meeting, to
14 consider the views of all affected organizations before making a final decision
15 to form a Board. This public process may include, but is not limited to, notices
16 published in various media and surveys for public comment.
17
- 18 (2) Application procedure.
19
- 20 (A) The CEOs shall submit an application to the Commission. This
21 application shall include evidence of the actions required by paragraph
22 (1) of this subsection. As a part of the application, each CEO who is in
23 agreement regarding the formation of a Board, shall execute the
24 following documents:
25
- 26 (i) An interlocal agreement delineating:
27
- 28 (I) ~~the~~The purpose of the agreement;
29
- 30 (II) ~~the~~The process that will be used to select the CEO who will
31 act on behalf of the other CEOs and the name of such CEO if
32 the person has been selected;
33
- 34 (III) ~~the~~The procedure that will be followed to keep those CEOs
35 informed regarding Board 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 be consistent with applicable federal and state
44 laws; and
45
- 46 (VII) ~~the~~The terms of office of the members of the Board.

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(ii) An acknowledgment in the following form: We, the chief elected officials of the Workforce Development Area, acknowledge that the following are responsibilities and requirements pursuant to the formation of the Board:

- (I) The Board will assume the responsibilities for the following committees and councils that will be replaced by the Board unless otherwise provided in Texas Government Code, Chapter 2308: private industry council, quality workforce planning committee, job service employer committee, and local general vocational program advisory committee;
- (II) At least one Workforce Solutions Office shall be established within 180 days of Board certification;
- (III) The Board shall have its own independent staff and not be a provider of workforce services, unless the Board secures a waiver of these provisions;
- (IV) The CEOs shall enter into a partnership agreement with the Board to designate a grant recipient to receive, be accountable for, and be liable for any misuse of block grant funds;
- (V) The partnership agreement shall also specify the entity that will administer the programs, which may be separate from the entity that receives the funds from the state;
- (VI) The partnership agreement shall define the process through which the Boards and CEOs will develop the strategic and operational plans, including the training plan required under the Workforce [Innovation and Opportunity Act](#) ~~Investment Act (WIA)~~; and
- (VII) The strategic plan shall be reviewed by both the Commission and the Texas Workforce Investment Council ~~(TWIC)~~, and approved by the Governor before block grants will be available to the workforce area.

- (B) The application shall include evidence that any affected existing Board has been notified and agrees that its functions and responsibilities will be assumed by the proposed Board upon the proposed Board's final certification by the Governor.
- (C) The application shall include the names and affiliations of individuals recommended for Board membership, with documentation that CEOs

1 followed the nomination process specified in applicable state and federal
2 law, including Texas Government Code, §2308.255 and §2308.256.
3

4 (i) Private sector members shall be owners of business concerns, chief
5 executives, chief operating officers of nongovernmental employers,
6 or other private sector executives who have substantial management
7 or policy responsibility. To be eligible to represent the private
8 sector, at least 51 percent of an individual's annual income shall be
9 from private sector sources.

10
11 (ii) Private sector membership should represent the composition of the
12 local pool of employers. The private sector membership should
13 include representatives of the region's larger employers and
14 emerging growth industries. Primary consideration should be given
15 to private sector employers who do not directly provide employment
16 and workforce training services to the general public. CEOs shall
17 develop a profile of the workforce area's major industries using
18 locally obtained information and state-published data. The Agency
19 shall provide relevant labor market information, including data that
20 identifies employment trends, emerging high-growth, high-demand
21 industries, the size of local employers, and other data needed to
22 assist CEOs in developing the employer profile. Documentation
23 submitted with the application shall show how the regional
24 employer profile is reflected in the Board membership.
25

26 (iii) Board membership shall include representatives of local organized
27 labor organizations, community-based organizations, educational
28 agencies, vocational rehabilitation agencies, public assistance
29 agencies, economic development agencies, the public employment
30 service, local literacy councils, and adult basic and continuing
31 education organizations as required by law.
32

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

40 (v) Board nominees shall be actively engaged in the organization,
41 enterprise, or field that they are nominated to represent. Board
42 nominees shall have an existing relationship with the workforce area
43 through residence or employment within the workforce area.
44

45 (vi) At least one of the members of a Board appointed under Texas
46 Government Code, §2308.256(a) shall, in addition to the

1 qualifications required for the members under that subsection, have
2 expertise in child care or early childhood education.

3
4 (vii) At least one of the members of a Board appointed under Texas
5 Government Code, §2308.256(a) shall, in addition to the
6 qualifications required for the members under that subsection:

7
8 (I) be a veteran as defined in Texas Government Code,
9 §2308.251(2); and

10
11 (II) have an understanding of the needs of the local veterans'
12 population and willingness to represent the interests and
13 concerns of veterans in the workforce area.

14
15 (D) No individual member shall be a representative of more than one sector
16 or category described in this section, except as statutorily permitted for
17 one or more members having:

18
19 (i) expertise in child care or early childhood education; or

20
21 (ii) the qualifications set forth in subparagraph (C)(vii) of this
22 paragraph.

23
24 (E) The application shall include documentary evidence substantiating
25 compliance with the application procedure, including but not limited to,
26 written agreements, minutes of public meetings, copies of
27 correspondence, and such other documentation as may be appropriate.
28

29 **SUBCHAPTER B. ONE-STOP SERVICE DELIVERY ~~SYSTEM~~NETWORK**

30
31 **§801.21. Scope and Purpose.**

32
33 (a) The purpose of this subchapter is to set forth the rules relating to the One-Stop
34 Service Delivery ~~System~~Network as set forth in Texas Government Code, Chapter
35 2308; Texas Labor Code, Chapters 301 and 302; and Workforce Innovation and
36 Opportunity Act~~WIA~~ § 121 (29 United States Code Annotated §3101~~U.S.C.A.~~
37 ~~§2841~~). It is the intent of the Commission, in partnership with Local Workforce
38 Development Boards, to facilitate the development and maintenance of the One-Stop
39 Service Delivery ~~System~~Network such that information and services responsive to
40 individual needs are available to all customers. The One-Stop Service Delivery
41 ~~System~~Network shall be evaluated against established levels of certification as well
42 as any additional standards developed by the Commission to ensure the continuous
43 improvement of the system.

44
45 (b) ~~This~~The rules contained in this subchapter shall apply, except that to the extent of
46 any conflict, the provisions of Texas Government Code, Chapter 2308, and §802.21

1 of this title (relating to Board Contracting Guidelines) and §802.44 of this title
2 (relating to Service Delivery Waiver Requests) shall govern.
3

4 **§801.22. Requirement to Maintain a One-Stop Service Delivery ~~System~~Network.**
5

6 Each Board shall maintain a One-Stop Service Delivery ~~System~~Network, consistent with
7 ~~the Workforce Innovation and Opportunity Act~~WIA, state law, and this subchapter. The
8 One-Stop Service Delivery ~~System~~Network shall include at least one ~~Comprehensive~~
9 ~~Center in each local workforce development area as~~Workforce Solutions Office
10 ~~providing the core services~~ set ~~out in §801.24(b)~~forth in §801.28(a) of this subchapter.
11

12 **§801.23. Definitions.**
13

14 In addition to the definitions contained in §800.2 of this title (relating to Definitions), the
15 following words or terms shall have the following meanings, unless the context clearly
16 indicates otherwise.
17

18 (1) Access--Access to services shall mean one or more of the following:
19

20 (A) Having a program staff member physically present at the Workforce
21 Solutions Office;
22

23 (B) Having a staff member from a different program physically present at
24 the Workforce Solutions Office, and who is appropriately trained to
25 provide information to customers about the services available through
26 partner program(s); or
27

28 (C) Making available a direct linkage through technology to program staff
29 who can provide meaningful information or services.
30

31 (2) Direct linkage--A direct connection at a Workforce Solutions Office, within a
32 reasonable time, by phone or through a real-time web-based communication,
33 to a program staff member who can provide program information or services
34 to customers. Providing a phone number or computer website or providing
35 information, pamphlets, or materials without connection to a staff member
36 shall not be considered a direct linkage.
37

38 (3)(+) Eligible Foster Youth--An eligible foster youth is a:
39

40 (A) Current Foster Youth--A youth, age 14 or older, who is receiving
41 substitute care services under the managing conservatorship of the Texas
42 Department of Family and Protective Services (DFPS). This includes
43 youth residing in private foster homes, group homes, residential
44 treatment centers, juvenile correctional institutions, and relative care; or
45

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

3
4 (i) ~~the conservatorship was transferred by~~ a court transferred the
5 conservatorship;

6
7 (ii) the youth was legally emancipated (i.e., the youth's minority status
8 was removed by a court); or

9
10 (iii) the youth attained 18 years of age.

11
12 ~~(4)(2)~~ Eligible Veteran--An eligible veteran is one of the following:

13
14 (A) Federal/state qualified veteran--~~An~~ individual who served in the active
15 military, naval, ~~or~~ air, or space service, and who was discharged or
16 released from such service under conditions other than dishonorable as
17 specified at 38 United States Code (USC) U.S.C. §101(2). Active service
18 includes full-time duty in the National Guard or a Reserve component,
19 other than full time for training purposes.

20
21 (B) Federal qualified spouse--~~The~~ spouse of one of the following:

22
23 (i) Any veteran who died of a service-connected disability.

24
25 (ii) Any member of the Armed Forces serving on active duty who, at the
26 time of application for assistance under this section, is listed,
27 pursuant to 37 USC U.S.C. §556 and regulations issued thereunder,
28 by the Secretary concerned in one or more of the following
29 categories and has been so listed for a total of more than 90 days:

30
31 (I) Missing in action;

32
33 (II) Captured in line of duty by a hostile force; or

34
35 (III) Forcibly detained or interned in line of duty by a foreign
36 government or power.

37
38 (iii) Any veteran who has a total disability resulting from a service-
39 connected disability as evaluated by the United States Department
40 of Veterans Affairs.

41
42 (iv) Any veteran who died while a disability, as defined in clause (iii) of
43 this subparagraph, was in existence.

44
45 (C) State qualified spouse:
46

- 1 (i) A spouse who meets the definition of federal qualified spouse; or
2
3 (ii) A spouse of any member of the armed forces who died while
4 serving on active military, naval, or air service.
5

6 ~~(3) National Emergency—A condition declared by the President by virtue of
7 powers previously vested in that office to authorize certain emergency actions
8 to be undertaken in the national interest pursuant to 50 U.S.C. §1621.~~

9
10 (5)(4) Workforce Solutions Office--A physical location~~local Workforce Solutions~~
11 ~~Office~~ that provides one or more services, as set out in §801.25 of this
12 subchapter, to aid employers and job seekers. The two types of local
13 Workforce Solutions Offices are:

14
15 (A) Comprehensive Center--A Workforce Solutions Office that provides
16 access to all programs and services as set out in §801.26 and §801.28 of
17 this subchapter, access to required partners as set out in §801.27(b) of this
18 subchapter, and access to any local optional partners as set out in
19 §801.27(c) of this subchapter. Also referred to as a Career Development
20 Center in Texas Government Code, §2308.312.

21
22 (B) Affiliate Site--A Workforce Solutions Office that provides access to one or
23 more services, as set out in §801.28 of this subchapter, or access to one or
24 more local partners, as set out in §801.27 of this subchapter, where the
25 Board is responsible for oversight and management of the office, or
26 operation of these offices adds a cost to the Board's operational budget.

27
28 **§801.24. Workforce Solutions Office Certification.**

- 29
30 (a) All offices providing workforce services ~~shall~~will be classified as Workforce
31 Solutions Offices.
32
33 (b) Local Workforce Development Boards (Boards) shall ensure that at least one
34 Workforce Solutions Office in the local workforce development area is a
35 Comprehensive Center~~provides on-site access to all services set forth in §801.25 of~~
36 ~~this subchapter.~~
37
38 (c) ~~Certified Workforce Solutions Offices.~~ As directed by the Commission, Boards shall
39 provide certification to the Agency~~Commission~~ for every Comprehensive Center and
40 Affiliate Site~~Workforce Solutions Office that provides on-site access to all services~~
41 ~~set forth in §801.25 of this subchapter.~~
42
43 (d) ~~Other Workforce Solutions Offices.~~ As directed by the Commission, Boards shall
44 ~~notify the Commission of all on-site services available at any Workforce Solutions~~
45 ~~Office that does not provide on-site access to all services set forth in §801.25 of this~~
46 ~~subchapter.~~

1 ~~(d)(e)~~ Boards shall notify the Agency Commission, when a change occurs, of the
2 requirements set forth in subsections (b) and (c)~~(e) and (d)~~ of this section.
3

4 ~~(e)(f)~~ The Agency Commission shall verify compliance with the requirements set forth
5 in subsections (b) and (c)~~(b) — (d)~~ of this section through:
6

- 7 (1) issuance of Agency guidance;
- 8
- 9 (2) assurances set forth in Agency-Board agreements;
- 10
- 11 (3) annual monitoring reviews; and
- 12
- 13 (4) other means as identified by the Agency.
- 14

15 **§801.25. Minimum Standards for Comprehensive Certified Workforce Solutions**
16 **Offices.**
17

18 (a) Boards shall ensure that each Comprehensive Center~~Workforce Solutions Office~~:

- 19
- 20 (1) provides basic labor exchange services, including access to job orders for
21 applicants, access to applicants for employers, and screening and referral
22 methods for matching qualified applicants and job orders;
23
- 24 (2) provides services, as set forth in §801.28(a) of this subchapter, of each
25 program specified by §801.27(a) and (b) of this subchapter, and access to
26 programs specified by §801.27(c) of this subchapter, as applicable,~~the~~
27 ~~following programs: WIA adults, dislocated workers, and youth;~~
28 ~~Supplemental Nutrition Assistance Program Employment and Training (SNAP~~
29 ~~E&T); Temporary Assistance for Needy Families (TANF) Choices; access to~~
30 ~~subsidized child care services; Wagner Peyser Employment Service (ES); and~~
31 ~~Trade Adjustment Assistance (TAA); and Project Reintegration of Offenders~~
32 ~~(Project RIO). Boards shall ensure that Workforce Solutions Offices' staff is~~
33 ~~available to provide these services during all~~ Workforce Solutions Offices'
34 operating hours;
35
- 36 (3) provides access to information and services available in the local workforce
37 development area; ~~and~~
38
- 39 (4) provides access to digital skill building, device access, and digital support for
40 individuals through workforce development programs;
41
- 42 (5) provides access to financial literacy assistance to individuals enrolled in a
43 workforce development program; and
44
- 45 ~~(6)(4)~~ addresses the individual needs of employers and job seekers.
46

1 (b) Boards shall ensure that ~~the services provided by~~ each Comprehensive
2 Center~~Workforce Solutions Office~~, as set forth in Texas Government Code, Chapter
3 2308, includes access to~~include~~:

4
5 (1) labor market information, including:

6
7 (A) available job openings; and

8
9 (B) education and training opportunities;

10
11 (2) uniform eligibility requirements and application procedures for all workforce
12 training and services;

13
14 (3) assistance to unemployment insurance ~~(UI)~~ claimants;

15
16 (4) independent assessment of individual needs and the development of an
17 employment plan;

18
19 (5) centralized and continuous case management and counseling;

20
21 (6) individual referral for services, including basic education, classroom skills
22 training, on-the-job training, and customized training;

23
24 (7) support services, including child care assistance, student loan assistance~~loans~~,
25 and other forms of financial assistance required to participate in and complete
26 training; and

27
28 (8) job training and employment assistance for persons formerly sentenced to the
29 Texas Department of Criminal Justice's institutional division or state jail
30 division, ~~provided in cooperation with Project RIO~~.

31
32 (c) Boards shall ensure that each Comprehensive Center~~Workforce Solutions Office~~
33 complies with the following Commission-established standards:

34
35 (1) Provides customer access to WorkInTexas.com; résumé preparation tools,
36 including software; and Internet access;

37
38 (2) Ensures eligible foster youth are given access to workforce services to help
39 meet their employment, education, and training needs to transition to
40 independent living, as set forth in Texas Family Code, §264.121(2) and
41 (3)§264.121;

42
43 (3) Provides each customer with information on local in-demand~~high-growth,~~
44 ~~high-demand occupations and~~ industries and occupations, including projected
45 wage level upon completion of training programs, and performance of training
46 providers when requested;

- 1
2 (4) Ensures that Workforce Solutions Offices' staff is trained and knowledgeable
3 in order to provide services to employers and job seekers;
4
5 (5) Demonstrates on-site management of all personnel, a plan for cross-training
6 staff in all services, minimal programmatic specialization of staff, removal of
7 redundancies within program activities, and maximum flexibility to optimize
8 use of resources;
9
10 (6) Designs a customer-friendly waiting area and implements written procedures
11 that define the steps taken to minimize customer wait time in the reception area
12 and in other areas of Workforce Solutions Offices; and
13
14 (7) Provides consumer information on the quality of education and training
15 providers and includes a mechanism for customer feedback on personal
16 experience with such providers.
17
18 (d) Boards must ensure that, if a Comprehensive Center~~Workforce Solutions Office~~
19 does not provide all services and programs on-site as specified in subsections (a) and
20 (b)~~(b) and (c)~~ of this section, ~~electronic~~ access to such services is provided by direct
21 linkage, ~~for example, by making access available through computer applications or~~
22 ~~by telephone conferencing~~.
23
24 (e) Boards must ensure that only Workforce Solutions Office partners, such as Adult
25 Education and Literacy programs, provide developmental services, such as General
26 Educational Development, English as a Second Language, or basic education skills.
27

28 §801.26. Memorandum of Understanding.

- 29
30 (a) In accordance with Workforce Innovation and Opportunity Act, §121, each Board
31 shall develop and maintain a memorandum of understanding (MOU) with statutorily
32 required Workforce Solutions Office partners, as specified in §801.27(b) of this
33 subchapter, and any locally approved Workforce Solutions Office partners, as
34 specified in §801.27(c) of this subchapter, related to the operation of the One-Stop
35 Service Delivery System in the local workforce development area.
36
37 (b) A Board may develop a single MOU with all workforce partners or a separate MOU
38 with each workforce partner or group of partners. Each Board shall obtain a general
39 authorization from the chief elected officials for actions taken under this subsection.
40
41 (c) The Agency shall provide Boards with guidance on the minimum provisions required
42 by each MOU.
43
44 (d) Except where indicated otherwise, a Board shall not be required to develop an MOU
45 for any Board- or Agency-administered programs specified in §801.27(a) of this
46 subchapter.

1
2 **§801.27. Workforce Solutions Office Programs and Partners.**
3

4 (a) The following Workforce Solutions Office Programs are Board-administered or
5 under Agency purview:
6

7 (1) Adult program, authorized under Workforce Innovation and Opportunity Act
8 (WIOA), Title I;
9

10 (2) Dislocated Worker program, authorized under WIOA, Title I;
11

12 (3) Youth programs, authorized under WIOA, Title I;
13

14 (4) Supplemental Nutrition Assistance Program Employment and Training,
15 authorized under the Food and Nutrition Act of 2008 (7 United States Code
16 (USC) §2015(d)(4) et seq.);
17

18 (5) Choices, the Temporary Assistance for Needy Families Employment and
19 Training program, authorized under the Social Security Act, Title IV, Part A
20 (42 USC §601 et seq.);
21

22 (6) Subsidized Child Care programs, identified by Chapter 809 of this title
23 (relating to Child Care Services);
24

25 (7) Employment Service program, authorized under the Wagner-Peyser Act (29
26 USC §49 et seq.), as amended by WIOA, Title III;
27

28 (8) Trade Adjustment Assistance, authorized under Title II, Chapter 2 of the Trade
29 Act of 1974 (19 USC §2271, et seq.);
30

31 (9) Adult Education and Family Literacy Act program, authorized under WIOA,
32 Title II, when the Board is the grantee;
33

34 (10) Vocational Rehabilitation (VR) services, authorized under Title I of the
35 Rehabilitation Act of 1973 (29 USC §720 et seq.), as amended by WIOA, Title
36 IV. Boards are required to enter a memorandum of understanding for VR
37 services in accordance with §801.26 of this subchapter;
38

39 (11) Unemployment Insurance Benefits programs, authorized under state
40 unemployment compensation law, including the Reemployment Services and
41 Eligibility Assessment program, authorized under Title III of the Social
42 Security Act (42 USC §506 et seq.);
43

44 (12) Migrant and Seasonal Farmworker employment services, under the National
45 Farmworker Jobs Program, authorized under WIOA, Title I; and
46

1 (13) National Dislocated Worker Grant program, authorized under WIOA, Title I.

2
3 (b) Required Workforce Solutions Office partners are the entities that administer the
4 following programs in the local workforce development areas:

5
6 (1) Jobs for Veterans State Grant program, as authorized under the Job
7 Counseling, Training, and Placement Services for Veterans (38 USC §41 et
8 seq.), and administered by the Texas Veterans Commission;

9
10 (2) Adult Education and Family Literacy Act program, authorized under WIOA,
11 Title II;

12
13 (3) Senior Community Service Employment Program, authorized under Title V of
14 the Older Americans Act of 1965 (42 USC §3056 et seq.);

15
16 (4) Apprenticeship Training Program certified by the United States Department of
17 Labor's Office of Apprenticeship Training, and which meets state criteria
18 established under Texas Education Code, Chapter 133;

19
20 (5) career and technical education programs, authorized under the Carl D. Perkins
21 Career and Technical Education Act of 2006 (20 USC §2301 et seq.);

22
23 (6) employment and training activities carried out under Community Services
24 Block Grant programs (42 USC §9901 et seq.);

25
26 (7) employment and training activities provided through grantees of the United
27 States Department of Housing and Urban Development;

28
29 (8) education and vocational training programs through Job Corps, authorized
30 under WIOA, Title I, and administered by the United States Department of
31 Labor;

32
33 (9) Native American programs, authorized under WIOA, Title I;

34
35 (10) YouthBuild programs, authorized under WIOA, Title I; and

36
37 (11) programs authorized under §212 of the Second Chance Act of 2007 (42 USC
38 §17532 et seq.).

39
40 (c) Other entities that provide services of benefit to workforce development may be
41 optional partners in the One-Stop Service Delivery System if the Board and chief
42 elected officials agree on each entity's participation. The entities include, but are not
43 limited to, those that provide:

44
45 (1) employment and training programs administered by the Social Security
46 Administration, including the Ticket-to-Work and the Self-Sufficiency

1 Program established under § 1148 of the Social Security Act (42 USC § 1320b-
2 19 et seq.);

3
4 (2) employment and training programs carried out by the Small Business
5 Administration;

6
7 (3) programs administered by OneStar Foundation, authorized under the National
8 and Community Service Act of 1990 (42 USC § 12401 et seq.); and

9
10 (4) other appropriate federal, state, or local programs; that may include
11 employment, education, and training programs provided by public libraries or
12 in the private sector.

13
14 ~~§801.27. Workforce Solutions Office Partners.~~

15
16 ~~(a) Each Board shall maintain one or more memorandum of understanding that sets out~~
17 ~~the obligations of the Board and each partner in the operation of the One Stop~~
18 ~~Service Delivery Network in the workforce area. Each Board shall obtain a general~~
19 ~~authorization from the CEOs for actions taken under this subsection.~~

20
21 ~~(b) Subject to the limitations referenced in §801.29 of this subchapter, relating to~~
22 ~~Limitations on Delivery of Services, the required Workforce Solutions Office~~
23 ~~Partners are the entities that administer the following services in the workforce areas:~~

24
25 ~~(1) veterans' employment and training;~~

26
27 ~~(2) Adult Basic Education;~~

28
29 ~~(3) National Literacy Act;~~

30
31 ~~(4) noncertificate, postsecondary career and technology training;~~

32
33 ~~(5) Senior Community Service Employment Program;~~

34
35 ~~(6) Apprenticeship Training Program; and~~

36
37 ~~(7) National and Community Service Act.~~

38
39 ~~(c) Other entities that provide services of benefit to workforce development, including~~
40 ~~federal, state, and local programs as well as programs in the private sector, may be~~
41 ~~voluntary partners in the One Stop Service Delivery Network if the Board and CEOs~~
42 ~~agree on each entity's participation. The entities include, but are not limited to, those~~
43 ~~that provide:~~

44
45 ~~(1) vocational rehabilitation services (for example, the Texas Department of~~
46 ~~Assistive and Rehabilitative Services);~~

- ~~(2) Migrant and Seasonal Farmworker employment services;~~
- ~~(3) secondary and postsecondary vocational education and training activities;~~
- ~~(4) community services block grant programs;~~
- ~~(5) employment and training services provided through grantees of the U.S. Department of Housing and Urban Development;~~
- ~~(6) Job Corps services for youth; and~~
- ~~(7) Native American programs.~~

§801.28. Services Available Through the One-Stop Service Delivery ~~System~~Network.

- (a) ~~Basic Career~~**Core** Services. All Workforce Solutions Offices shall provide access to ~~basic career~~**core** services, as defined in Workforce Innovation and Opportunity Act (WIOA), § 134(c)(2) (29 United States Code, Annotated (USCA) §2864(c)(2))~~WIA §134(d)(2) (29 U.S.C.A. §2864 (d)(2)) and Texas Government Code, Chapter 2308,~~ including:
- (1) outreach;
 - (2) intake, which may include reemployment services, and orientation to the information and services available through the One-Stop Service Delivery ~~System~~Network;
 - (3) determinations of individuals' eligibility for programs funded through the Commission that are available through the One-Stop Service Delivery ~~System~~Network;
 - (4) initial assessment of skill levels including literacy, numeracy, and English language proficiency, as well as aptitudes, abilities (including skills gaps), and support service needs;
 - (5) job search and placement assistance and, where appropriate, career counseling;
 - (6) provision of performance information and program cost information on eligible ~~training provider~~**providers of training** services as described in §840.40 and §840.41 of this title (relating to Statewide ETPL and Distribution of the Statewide ETPL)~~§§841.31–841.47 of this title (relating to Training Provider Certification)~~, provided by program, and eligible providers of youth activities described in WIOA, WIA §123 (29 USCA §3153 U.S.C.A. §2843), providers of adult education described in WIOA, Title II~~of WIA~~, providers of postsecondary vocational education activities and vocational education

1 activities available to school dropouts under the [Strengthening Career and](#)
2 [Technical Education for the 21st Century Act](#)~~Carl D. Perkins Vocational and~~
3 ~~Applied Technology Education Act~~ (20 [USCA](#)~~U.S.C.A.~~ §2301 et seq.), and
4 providers of vocational rehabilitation program activities described in Title I of
5 the Rehabilitation Act of 1973 (29 [USCA §701](#)~~U.S.C.A. §720~~ et seq.);

- 6
- 7 (7) provision of information regarding how the [local](#) workforce [development](#) area
8 [\(workforce area\)](#) is performing on the local performance measures and any
9 additional performance information with respect to the One-Stop Service
10 Delivery ~~System~~~~Network~~ in the workforce area;
- 11
- 12 (8) provision of information regarding filing [unemployment insurance](#) claims ~~for~~
13 ~~UI~~;
- 14
- 15 (9) provision of employment statistics information, including the provision of
16 accurate information relating to local, regional, and national labor market
17 areas, including job vacancy listings in such labor market areas, information on
18 job skills necessary to obtain the jobs listed, and information related to local
19 [in-demand](#)~~high-growth, high-demand~~ jobs and the earnings and skill
20 requirements for such jobs;
- 21
- 22 (10) provision of accurate information relating to the availability of support
23 services, including child care and transportation, available in the workforce
24 area, and referral to such services, as appropriate; [and](#)
- 25
- 26 (11) assistance in establishing eligibility for Choices, SNAP E&T, and ~~programs of~~
27 financial aid assistance [programs](#) for training and education that are available
28 in the workforce area. ~~;~~~~and~~

29

30 ~~(12) follow-up services, including counseling regarding the workplace, for youth~~
31 ~~participants in WIA activities authorized under Chapter 841 of this title,~~
32 ~~relating to WIA, who are placed in unsubsidized employment, for not less than~~
33 ~~12 months after the first day of the employment, as appropriate.~~

- 34
- 35 (b) [Individualized Career](#)~~Intensive~~ Services. A One-Stop Service Delivery
36 ~~System~~~~Network~~ shall provide access to [individualized career](#) services as described in
37 ~~the Texas Government Code, Chapter 2308, and intensive services as described in~~
38 [WIOA, §134\(d\)\(1\)](#)~~WIA §134(d)(3)~~ (29 [USCA §3174\(d\)\(1\)](#)~~U.S.C.A. §2864(d)(3)~~), [as](#)
39 [appropriate](#), which may include the following:

- 40
- 41 (1) comprehensive and specialized assessments of the skill levels and service
42 needs of job seekers, such as diagnostic testing and use of other assessment
43 tools, in-depth interviewing, and evaluation to identify employment barriers
44 and employment goals;
- 45

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- (2) development of an employment plan and service strategy to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve employment goals and objectives;
- (3) group counseling;
- (4) individual counseling and career planning;
- (5) centralized and continuous case management; and
- (6) short-term, work readiness services, including learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct to prepare individuals for unsubsidized employment or training.

(c) Training Services. A One-Stop Service Delivery ~~System~~~~Network~~ shall provide access to training services as described in WIOA, §134(c)(3)~~WIA §134(d)(4)~~ (29 USCA §3174(c)(3)~~U.S.C.A. §2864(d)(4)~~) and ~~Texas Government Code, Chapter 2308~~. Training services may include the following:

- (1) occupational~~high growth, high demand industry~~ skills training, including training for nontraditional employment;
- (2) on-the-job training;
- (3) incumbent worker training;
- (4)~~(3)~~ programs that combine workplace training with related instruction;
- (5)~~(4)~~ training programs operated by the private sector;
- (6)~~(5)~~ skills upgrading and retraining;
- (7)~~(6)~~ entrepreneurial training;
- (8)~~(7)~~ job readiness training provided in combination with services and activities described in paragraphs (1) - (7) of this subsection;
- (9)~~(8)~~ adult education~~referrals to Adult Basic Education~~ and literacy activities provided concurrently or in combination with services and~~with~~ activities described in paragraphs (1) - (8)~~(7)~~ of this subsection; and
- (10)~~(9)~~ customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of training.

1
2 (d) Follow-up Services. A One-Stop Service Delivery System shall offer follow-up
3 services, including counseling regarding the workplace, for adult and dislocated
4 worker participants exiting programs into unsubsidized employment, for up to 12
5 months after the first day of the employment, as appropriate. All youth participants
6 must be offered follow-up services aligning with their individual service strategies,
7 that shall be provided for not less than 12 months, unless such follow-up services are
8 declined or the participant cannot be contacted.
9

10 (e)~~(d)~~ Other Services and Activities. A One-Stop Service Delivery ~~System~~~~Network~~ shall
11 offer access to all other permissible local employment and training activities
12 included in the local workforce development plan, which may include discretionary
13 one-stop activities, support services, ~~and~~ needs-related payments, incumbent worker
14 training, and transitional jobs, as set forth in WIOA, §134(d)(2) - (5)~~WIA §134(e)~~
15 ~~(29 USCA §3174(d)(2) - (5) U.S.C.A. §2864(e)).~~

16
17 **§801.29. Limitations on Delivery of Services.**
18

19 Delivery of services under §801.28 of this subchapter~~title, relating to Services Available~~
20 ~~Through the One-Stop Service Delivery~~, is subject to state law requirements on Board
21 organization and service delivery structure as found in Texas Government Code, Chapter
22 2308, and this chapter, as well as eligibility requirements and limitations of individual
23 programs.