

TEXAS WORKFORCE COMMISSION LETTER

ID/No: WD 25-02

Date: August 13, 2002

Key Word: Administration

To: Local Workforce Development Board Executive Directors
Commission Executive Staff
LWDA Coordinators
Commission Local Offices

From: Luis M. Macias, Director, Workforce Development Division

Subject: House Bill 935: Flexibility Rating System

PURPOSE:

To provide Local Workforce Development Boards (Boards) with information on the new flexibility rating system required by House Bill (H.B.) 935 for Texas Workforce Commission (Commission) directives (WD Letters).

REFERENCE:

Texas Labor Code, Section 302.044

BACKGROUND:

H.B. 935, as passed by the 77th Texas Legislature, amends the Texas Labor Code to require the Commission to, among other things, develop, implement, and explain to Boards a flexibility rating system that indicates the “degree of flexibility” Boards have in implementing WD Letters.

PROCEDURES:

The issues addressed in WD Letters either allow local flexibility or no local flexibility, depending on whether federal and State laws, rules, policies, and operational procedures include requirements that **must** be met or **may** be locally determined.

Beginning **September 1, 2002**, all WD Letters issued by the Commission will contain the following two ratings to indicate the level of flexibility in each WD Letter:

- “**LF**” to indicate local flexibility; and
- “**NLF**” for no local flexibility.

The ratings are indicated in the Procedures section of WD Letters by the use of **NLF** or **LF** (in boldface and underlined) in the margin to the right of the applicable paragraphs.

Shown below is the new section, entitled “FLEXIBILITY RATINGS,” that will appear immediately after the References section in each WD Letter and explain the two ratings.

FLEXIBILITY RATINGS:

No Local Flexibility (NLF): This rating indicates that Boards 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. Federal and State laws, rules, policies, and required procedures with a “No Local Flexibility” rating are indicated by the acronym, **NLF**, in the margin to the right of the applicable paragraph. Additionally, all information with a “No Local Flexibility” rating is indicated by “must” or “shall.”

Failure to comply with the federal and State laws, rules, policies, and required procedures with a “No Local Flexibility” rating may result in corrective action, up to and including sanction and penalty.

Local Flexibility (LF): This rating indicates that Boards have local flexibility in determining whether and/or how to implement guidance or recommended practices set forth in this WD Letter. All guidance or recommended practices with a “Local Flexibility” rating are indicated by the acronym, **LF**, located in the margin to the right of the applicable paragraph. Additionally, guidance or recommended practices with a “Local Flexibility” rating are indicated by “may” or “recommend.”

Boards are not subject to corrective action for failure to comply with guidance or recommended practices with a “Local Flexibility” rating.

ACTIONS REQUIRED:

Boards must ensure that appropriate staff are apprised of and comply with the requirements in this WD Letter.

INQUIRIES:

Direct inquiries to Ellen English at (512) 936-3328 or by e-mail at Ellen.English@twc.state.tx.us.

Rescissions: None	Expiration: Continuing
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