


TEXAS WORKFORCE COMMISSION LETTER

ID/No: WD 28-01, Change 5

Date: February 1, 2006

Keyword: Administration

To: Chief Elected Officials
Local Workforce Development Board Chairs
Local Workforce Development Board Executive Directors
Commission Executive Staff
Integrated Service Area Managers


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

Subject: Updated “Chief Elected Official’s Membership Guide for Local Workforce Development Boards”

PURPOSE:

To provide Chief Elected Officials (CEOs) and Local Workforce Development Boards (Boards) with the updated “Chief Elected Official’s Membership Guide for Local Workforce Development Boards” (Guide).

REFERENCE:

Texas Government Code, Chapter 2308
Texas Government Code §551.005 and §552.012
Texas Workforce Commission Local Workforce Development Boards Rules:
40 TAC Chapter 801, Subchapter A
WD Letter 80-05, issued December 29, 2005, and entitled “Senate Bill 286: Open Meetings and Public Information Training Requirements for Elected and Appointed Public Officials”

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.

BACKGROUND:

The Guide has been updated to include the following:

- The revised Nomination Slate, which is required for CEO appointment or reappointment of Board members and must be submitted to the Texas Workforce Commission (Commission) for certification of the appointment or reappointment.
- New open meetings and public information training requirements for public officials and public information officers, as directed by Senate Bill (SB) 286, 79th Legislature, Regular Session (2005) and announced to Boards in WD letter 80-05. SB 286 amends Texas Government Code §551.005 and §552.012 to include mandatory Open Meetings Act and Public Information Act training requirements for elected and appointed officials.
- A revised Checklist for Submitting Board Appointments, which is provided for use at the local level and not for submission to the Commission.

The updated Guide, including required forms for Board appointments, is available online at <http://www.twc.state.tx.us/boards/guides/ceoguide.pdf>.

This WD Letter supersedes and rescinds WD Letter 28-01, Change 4, issued July 15, 2005.

PROCEDURES:

Effective immediately, CEOs and Boards must use the updated Guide, which includes required Texas Workforce Commission forms that cannot be adapted or changed. The following changes are made to the Guide:

- A revised Nomination Slate (Part G-300.1 of the Guide) is required for CEO appointment or reappointment of Board members. When submitted to the Commission for certification, the Nomination Slate must include Employer TWC Tax Account Number(s) and the total number of employees in the organization the appointee or reappointee represents. This requirement applies to all Board categories.
- Inclusion and explanation of new requirements for public officials to complete Open Meetings Act and Public Information Act training courses, and for public information officers to complete Public Information Act training, as directed by SB 286. The intent of the training is to prevent unintentional violations of open government laws and to strengthen the public’s confidence in governing bodies.

NLF

- The Checklist for Submitting Board Appointments (Part F-100.2 of the Guide) is revised to include an organization's required nine-digit Employer TWC Tax Account number(s) and total number of employees. This form is an optional tool, provided for local use only, to assist with Board appointments and reappointments for all categories.

ACTIONS REQUIRED:

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

INQUIRIES:

Direct inquiries to John Fuller, Director of Workforce Network Support, at (512) 463-7459 or john.fuller@twc.state.tx.us.

Rescissions: WD Letter 28-01, Change 4	Expiration: Continuing
--	------------------------