

## TEXAS WORKFORCE COMMISSION LETTER

<b>ID/No:</b>	WD 55-09
<b>Date:</b>	November 6, 2009
<b>Keyword:</b>	TWIST; UI; WIA; WorkInTexas.com
<b>Effective:</b>	Immediately

**To:** Local Workforce Development Board Executive Directors  
Commission Executive Offices  
Integrated Service Area Managers



**From:** Laurence M. Jones, Director, Workforce Development Division

**Subject:** **Commission-Approved Training for Unemployment Insurance Claimants**

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### **PURPOSE:**

To provide Local Workforce Development Boards (Boards) with information and guidance on approving training for unemployment insurance (UI) claimants.

### **BACKGROUND:**

In accordance with the Texas Unemployment Compensation Act (TUCA) §207.022 and Texas Workforce Commission (Commission) Unemployment Insurance rule §815.25, enrollment in Commission-approved training exempts the claimant from being denied UI benefits based upon availability for work, work search, and suitable work refusal.

On August 26, 2009, the U.S. Department of Labor (DOL) issued Training and Employment Guidance Letter (TEGL) No. 2-09 encouraging states to review their policies and procedures on approved training for UI claimants. On October 15, 2009, DOL issued Training and Employment Notice No. 11-09 with information and resources on how the workforce system can support the reemployment and training needs of claimants.

On October 13, 2009, the Commission provided additional guidance on Commission-approved training.

### **PROCEDURES:**

Boards must be aware of the following:

**NLF**

Claimants can participate in any type of training; however, only certain training is recognized as Commission-approved training, which exempts claimants from work search, denial of UI benefits based upon availability for work, and suitable work refusal.

Currently, all training funded by the Workforce Investment Act (WIA) and the Trade Adjustment Act (TAA) is recognized as Commission-approved training. Therefore, when Boards enroll claimants in WIA- or TAA-funded training, they effectively make the determination that the claimants' training is Commission-approved training.

The Commission has expanded what is recognized as Commission-approved training to include all of the following:

- WIA-funded training
- TAA-funded training
- Other training in target occupations, such as training funded by Pell grants
- Any training funded by one of the following entities:
  - Texas Department of Assistive and Rehabilitative Services (DARS)
  - Texas Department of Aging and Disability Services (DADS)
  - a federal or state veterans agency (e.g., the U.S. Department of Veterans Affairs)

TEGL 2-09 encourages states to notify claimants of the possibility of training and potential funding sources such as Pell grants. Boards must be aware that the Commission will be sending letters to claimants notifying them of this information. A copy of the letter is included as Attachment 1.

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Boards must ensure that evaluations on Commission-approved training are made in the following situations:

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- Upon receiving the Commission's letter about Pell grants, a claimant requests assistance from a Texas Workforce Center regarding training.
- During the biweekly continued claims certification process, a claimant declares that he or she is attending school or is in training and UI Tele-Center staff advises the claimant to contact a Texas Workforce Center.
- While working with a claimant, Texas Workforce Center staff becomes aware that a claimant is already enrolled in training or needs training.

In these situations, Boards must ensure that Texas Workforce Center staff follows these steps:

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1. If the training is funded by DARS, DADS, or a federal or state veterans agency, it is considered Commission-approved training and must be entered into The Workforce Information System of Texas (TWIST) within two business days (see Attachment 2).
2. If the claimant's current occupation is included on the Statewide Target Occupations List or the Board's Target Occupations List, although the claimant might be enrolled in training, it is not considered Commission-

approved training and must be entered into TWIST (see Attachment 2) within two business days.

3. If steps 1 or 2 do not apply, determine whether the claimant is appropriate for participation in training by assessing:
  - the claimant’s current skills and occupation to determine the likelihood of reemployment within a reasonable time;
  - the quality of the claimant’s WorkInTexas.com registration to ensure that it is sufficient to result in quality matches; and
  - the number and types of WorkInTexas.com matches the claimant is receiving.

*Note:* The jobs on which the claimant matches must meet the minimum suitable work requirements in TUCA §207.008. If the claimant has no suitable job matches in WorkInTexas.com, he or she may be appropriate for participation in training.

4. If an evaluation determines that a claimant is appropriate for participation in training, Texas Workforce Center staff assists the claimant in determining the appropriate type of occupational training. Training in occupations on the State Target Occupations List or Board’s Target Occupations List meets the criteria for Commission-approved training.

Boards must ensure that training provided entirely through distance learning results in a nationally recognized degree or credential as set forth in WD Letter 37-07, Change 1, issued January 2, 2008, and entitled “Workforce Investment Act: Application of Definitions of Credential, Degree/Diploma, and Certificate: *Clarification.*”

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Boards also must be aware of the following:

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- The source of funding is not relevant to whether the training is recognized as Commission-approved training.
- Boards are not required to fund all claimant requests for training.
- Evaluations can be conducted by phone or in person.
- Evaluation information must be entered into TWIST (see Attachment 2) within two business days.
- Entry of evaluation information must not preclude other routine data entry required to track services or training in TWIST.
- With the exception of WIA and TAA, UI Tele-Center staff makes the final determination—based on the evaluation by Texas Workforce Center staff—on whether training is recognized as Commission approved.

**INQUIRIES:**

Direct inquiries regarding this WD Letter to [wfpolicy.clarifications@twc.state.tx.us](mailto:wfpolicy.clarifications@twc.state.tx.us).

**ATTACHMENT:**

- Attachment 1: Claimant Training Notification Letter
- Attachment 2: TWIST Screenshot

**RESCISSIONS:**

None

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**REFERENCE:**

- Wagner-Peyser Act of 1933, as amended  
20 C.F.R., Chapter V, Parts 651–652, Employment Service Operations  
Rider 31(c), Article VII, General Appropriations Act, 81st Texas Legislature, Regular Session  
(2009)
- U.S. Department of Labor Training and Employment Guidance Letter 2-09, issued August 26,  
2009, and entitled “Approved Training for the Unemployment Insurance Program  
Recommended Policies”  
<http://wdr.doleta.gov/directives/attach/TEGL/TEGL02-09.pdf>
- U.S. Department of Labor Training and Employment Notice 11-09, issued October 15, 2009, and  
entitled “Supporting UI Claimant Training Needs in the One-Stop Career Center System”  
<http://wdr.doleta.gov/directives/attach/TEN/ten2009/TEN11-09.pdf>
- WD Letter 37-07, Change 1, issued January 2, 2008, and entitled “Workforce Investment Act:  
Application of Definitions of Credential, Degree/Diploma, and Certificate: *Clarification*”  
<http://www.twc.state.tx.us/boards/wdletters/letters/37-07c1.pdf>

**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. All information with an NLF rating is indicated by “must” or “shall.”

**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 information with an LF rating is indicated by “may” or “recommend.”