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19

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

2 **SUBCHAPTER A. GENERAL PROVISIONS**

3
4 **§801.1. Requirements for Formation of Local Workforce Development Boards.**

5
6 (a) Purpose of Rule.

7
8 (1) Upon application by the chief elected officials (CEOs) and approval of the
9 Commission, the Commission shall forward an application to form a Local
10 Workforce Development Board (Board) to the Governor.

11
12 (2) Before an application may be submitted to the Governor, all requirements of
13 this section shall be met.

14
15 (b) State Law. The formation of Boards is governed by Texas Government Code,
16 Chapter 2308.

17
18 (c) Chief Elected Official Agreement. Creation of a Board requires agreement by at least
19 three-fourths of the CEOs in the local workforce development area (workforce area)
20 who represent units of general local government, including all of the CEOs who
21 represent units of general local government having populations of at least 200,000.
22 The elected officials agreeing to the creation of the Board shall represent at least 75
23 percent of the population of the workforce area.

24
25 (d) Chief Elected Officials. The CEOs may, and are encouraged to, consult with local
26 officials other than the ones delineated below. The following officials are designated
27 as the CEOs for the purpose of establishing agreements to form Boards:

28
29 (1) Mayors.

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

31
32 (B) or, if there is no city with a population of greater than 100,000, the mayor
33 of each city with a population greater than 50,000;

34
35 (C) or, if there are no cities with a population of greater than 50,000, the
36 mayor of the largest city in the workforce area.

37
38 (D) For purposes of this section, municipal population will be determined by
39 the figure last reported by the Texas Demographic Center at the time of
40 submission of the application to the Commission.

41
42 (2) All county judges included in a workforce area as designated by the Governor.
43
44

- 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 Texas
3 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 purpose of the agreement;
29
- 30 (II) the process that will be used to select the CEO who will act on
31 behalf of the other CEOs and the name of such CEO if the
32 person has been selected;
33
- 34 (III) the procedure that will be followed to keep those CEOs
35 informed regarding Board activities;
36
- 37 (IV) the initial size of the Board;
38
- 39 (V) how resources allocated to the workforce area will be shared
40 among the parties to the agreement;
41
- 42 (VI) the process to be used to appoint the Board members, which
43 shall be consistent with applicable federal and state laws; and
44
- 45 (VII) 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; and
- (VII) The strategic plan shall be reviewed by both the Commission and the Texas Workforce Investment Council 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 followed the nomination process specified in applicable state and federal law, including Texas Government Code, §2308.255 and §2308.256.

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- (i) Private sector members shall be owners of business concerns, chief executives, chief operating officers of nongovernmental employers, or other private sector executives who have substantial management or policy responsibility. To be eligible to represent the private sector, at least 51 percent of an individual's annual income shall be from private sector sources.
- (ii) Private sector membership should represent the composition of the local pool of employers. The private sector membership should include representatives of the region's larger employers and emerging growth industries. Primary consideration should be given to private sector employers who do not directly provide employment and workforce training services to the general public. CEOs shall develop a profile of the workforce area's major industries using locally obtained information and state-published data. The Agency shall provide relevant labor market information, including data that identifies employment trends, emerging high-growth, high-demand industries, the size of local employers, and other data needed to assist CEOs in developing the employer profile. Documentation submitted with the application shall show how the regional employer profile is reflected in the Board membership.
- (iii) Board membership shall include representatives of local organized labor organizations, community-based organizations, educational agencies, vocational rehabilitation agencies, public assistance agencies, economic development agencies, the public employment service, local literacy councils, and adult basic and continuing education organizations as required by law.
- (iv) Representatives of local organized labor organizations shall be nominated by local labor federations unless no employees in the workforce area are represented by such organizations, in which case nominations may be made by other representatives of employees. A labor federation is defined as an alliance of two or more organized labor unions for the purpose of mutual support and action.
- (v) Board nominees shall be actively engaged in the organization, enterprise, or field that they are nominated to represent. Board nominees shall have an existing relationship with the workforce area through residence or employment within the workforce area.
- (vi) At least one of the members of a Board appointed under Texas Government Code, §2308.256(a) shall, in addition to the qualifications required for the members under that subsection, have expertise in child care or early childhood education.

1
2 (vii) At least one of the members of a Board appointed under Texas
3 Government Code, §2308.256(a) shall, in addition to the
4 qualifications required for the members under that subsection:
5

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

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

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

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

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

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

27 *The provisions of this §801.1 adopted to be effective January 31, 1996, 21 TexReg 520;*
28 *amended to be effective November 2, 2000, 25 TexReg 10756; amended to be effective*
29 *November 21, 2001, 26 TexReg 9414; amended to be effective October 18, 2006, 31 TexReg*
30 *8563; amended to be effective February 7, 2011, 36 TexReg 599; amended to be effective*
31 *November 28, 2022, 47 TexReg 7912*
32

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34

35 **§801.11. Board Member Nomination and Appointment.**
36

37 (a) For each Board member nomination, the nominating organization shall submit to the
38 CEOs of the workforce area a completed Board Nomination Slate in a form
39 established by the Commission.
40

41 (b) Documentation in the form of a curriculum vitae, resume, or work history supporting
42 the qualifications of the nomination shall accompany the Board Nomination Slate.
43

44 (c) Once nominations are submitted to and appointments are made by the CEOs, the
45 Board Appointments form, in a format established by the Commission, and
46 documentation shall be submitted to the Agency's Workforce Development Division.

1 Only nominations submitted by the CEOs may be accepted by the Commission. The
2 documentation submitted by the CEOs shall include the following:

- 3
- 4 (1) Board Nomination Slate for each appointment; and
 - 5
 - 6 (2) Board Appointments form, indicating the official beginning and expiration
7 dates of all appointments.
 - 8
 - 9 (d) Individuals shall be recommended for Board membership in accordance with
10 §801.1(g)(2)(C) of this subchapter.
 - 11
 - 12 (e) Board reappointments shall be processed under the provisions of this chapter.
 - 13

14 *The provisions of this §801.11 adopted to be effective November 2, 2000, 25 TexReg 10756;*
15 *amended to be effective October 18, 2006, 31 TexReg 8563*

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18
19 **§801.12. Board Member Vacancies.**

- 20
- 21 (a) If a Board member vacancy occurs due to resignation, termination, or any other
22 reason, the Board Chair shall provide notice to the CEOs of the workforce area and
23 to the Commission within 20 calendar days of such event. Such notice shall include:
24
 - 25 (1) the name of the Board member;
 - 26
 - 27 (2) the category represented; and
 - 28
 - 29 (3) the effective date of resignation, termination or other event causing the
30 vacancy.
 - 31
 - 32 (b) The original resignation letter or documentation of other official action must be
33 maintained at the local Board level.
 - 34
 - 35 (c) The CEOs shall fill a vacancy in a required category, in the same manner as the
36 original appointment, within 90 calendar days from the effective date of the
37 resignation, termination, or other event causing a vacancy. During the 90-day period,
38 the Board will be able to act as a body and conduct business. Any action taken by the
39 Board, with a vacancy in a required category, beyond such 90-day period shall be
40 void.
 - 41
 - 42 (d) If the CEOs fail to fill a vacancy in a required category within 90 calendar days of
43 the effective date of the vacancy, and remain in noncompliance with this section
44 beyond that time, the Commission may impose sanctions under Chapter 800,
45 including the withholding of administrative funds from the Board until compliance is
46 achieved. The Commission may recommend that the Governor decertify the Board.

1
2 *The provisions of this §801.12 adopted to be effective November 2, 2000, 25 TexReg*
3 *10756*

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6
7 **§801.16. Partnership Agreement.**

- 8
9 (a) The CEOs in a workforce area shall enter into a Partnership Agreement with the
10 Board as required by Texas Government Code §2308.253(g) and by
11 §801.1(g)(2)(A)(i)(I) - (VII) of this subchapter.
12
13 (b) The Partnership Agreement shall be signed by the current CEOs and the Board Chair.
14
15 (c) Any amendment to a Partnership Agreement, change to a Board's organizational plan
16 or bylaws, or notice of an election of a new CEO or Board Chair shall be submitted
17 to the Agency within 15 calendar days of the adoption of such amendment, change,
18 or election.
19
20 (d) If a CEO or Board Chair is newly elected during the then-current, two-year program
21 planning cycle, such newly elected individual shall submit to the Agency a written
22 statement acknowledging that he or she:
23
24 (1) has read, understands, and will comply with the current Partnership
25 Agreement; and
26
27 (2) reserves the option to request negotiations to amend the Partnership Agreement
28 at any time during the official's tenure as CEO or Board Chair.
29
30 (e) All Partnership Agreements and Board organizational plans or bylaws shall state that
31 Board members will not be permitted to delegate any Board duties to proxies or
32 alternates.
33

34 *The provisions of this §801.16 adopted to be effective November 2, 2000, 25 TexReg 10756;*
35 *amended to be effective October 18, 2006, 31 TexReg 8563; amended to be effective February*
36 *7, 2011, 36 TexReg 599*

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39
40 **§801.17. Board Training and Services Plans, Modifications and Amendments.**

- 41 (a) Purpose of Rule.
42
43 (1) All workforce training and services plans and budgets developed by a Board
44 pursuant to state and federal law shall be submitted to the Agency's Workforce
45 Development Division for review.
46

1
2 (2) Before a plan and budget is forwarded by the Commission to TWIC for
3 recommendation to the Governor for approval, all requirements of this section
4 shall be met.

5
6 (b) Standards for Submission. The Agency shall provide guidelines for strategic
7 planning and budgeting to Boards. A local workforce training and services plan and
8 budget shall be reviewed according to criteria established by the Agency.

9
10 (c) Plan Modification or Amendment. An approved plan and budget may be changed by
11 either modification or amendment. Either method of change shall be submitted to the
12 Agency for review before implementation.

13
14 (1) A modification is a substantial revision of a plan and budget. The Agency shall
15 provide criteria to Boards that define what constitutes a substantial revision.
16 Each modification shall provide evidence that a majority of the CEOs of a
17 workforce area or their designee or designees with signatory authority have
18 approved the modification.

19
20 (2) An amendment is a minor adjustment to a plan and budget. The Agency shall
21 provide criteria to Boards that define what constitutes a minor adjustment. An
22 amendment does not require approval by a majority of the CEOs of a
23 workforce area.

24
25 *The provisions of this §801.17 adopted to be effective November 2, 2000, 25 TexReg 10756;*
26 *amended to be effective October 18, 2006, 31 TexReg 8563*

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29
30 **SUBCHAPTER B. ONE-STOP SERVICE DELIVERY SYSTEM**

31
32 **§801.21. Scope and Purpose.**

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

44
45 (b) This subchapter shall apply, except that to the extent of any conflict, the provisions of
46 Texas Government Code, Chapter 2308, and §802.21 of this title (relating to Board

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

4 *The provisions of this §801.21 adopted to be effective May 25, 2000, 25 TexReg 4591;*
5 *amended to be effective October 18, 2006, 31 TexReg 8563; amended to be effective*
6 *February 7, 2011, 36 TexReg 599; amended to be effective November 28, 2022, 47 TexReg*
7 *7912*
8

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10
11 **§801.22. Requirement to Maintain a One-Stop Service Delivery System.**
12

13 Each Board shall maintain a One-Stop Service Delivery System, consistent with the
14 Workforce Innovation and Opportunity Act, state law, and this subchapter. The One-Stop
15 Service Delivery System shall include at least one Comprehensive Center in each local
16 workforce development area as set out in §801.24(b) of this subchapter.
17

18 *The provisions of this §801.22 adopted to be effective May 25, 2000, 25 TexReg 4591;*
19 *amended to be effective October 18, 2006, 31 TexReg 8563; amended to be effective*
20 *February 7, 2011, 36 TexReg 599; amended to be effective November 28, 2022, 47 TexReg*
21 *7912*
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24
25 **§801.23. Definitions.**
26

27 In addition to the definitions contained in §800.2 of this title (relating to Definitions), the
28 following words or terms shall have the following meanings, unless the context clearly
29 indicates otherwise.
30

31 (1) Access--Access to services shall mean one or more of the following:
32

33 (A) Having a program staff member physically present at the Workforce
34 Solutions Office;
35

36 (B) Having a staff member from a different program physically present at
37 the Workforce Solutions Office, and who is appropriately trained to
38 provide information to customers about the services available through
39 partner program(s); or
40

41 (C) Making available a direct linkage through technology to program staff
42 who can provide meaningful information or services.
43

44 (2) Direct linkage--A direct connection at a Workforce Solutions Office, within a
45 reasonable time, by phone or through a real-time web-based communication,
46 to a program staff member who can provide program information or services

1 to customers. Providing a phone number or computer website or providing
2 information, pamphlets, or materials without connection to a staff member
3 shall not be considered a direct linkage.
4

5 (3) Eligible Foster Youth--An eligible foster youth is a:
6

7 (A) Current Foster Youth--A youth, age 14 or older, who is receiving
8 substitute care services under the managing conservatorship of the Texas
9 Department of Family and Protective Services (DFPS). This includes
10 youth residing in private foster homes, group homes, residential
11 treatment centers, juvenile correctional institutions, and relative care; or
12

13 (B) Former Foster Youth--A youth up to 23 years of age, who formerly was
14 under the managing conservatorship of DFPS, until:
15

16 (i) a court transferred the conservatorship;
17

18 (ii) the youth was legally emancipated (i.e., the youth's minority status
19 was removed by a court); or
20

21 (iii) the youth attained 18 years of age.
22

23 (4) Eligible Veteran--An eligible veteran is one of the following:
24

25 (A) Federal/state qualified veteran--An individual who served in the active
26 military, naval, air, or space service, and who was discharged or released
27 from such service under conditions other than dishonorable as specified
28 at 38 United States Code (USC) §101(2). Active service includes full-
29 time duty in the National Guard or a Reserve component, other than full
30 time for training purposes.
31

32 (B) Federal qualified spouse--The spouse of one of the following:
33

34 (i) Any veteran who died of a service-connected disability.
35

36 (ii) Any member of the Armed Forces serving on active duty who, at the
37 time of application for assistance under this section, is listed,
38 pursuant to 37 USC §556 and regulations issued thereunder, by the
39 Secretary concerned in one or more of the following categories and
40 has been so listed for a total of more than 90 days:
41

42 (I) Missing in action;
43

44 (II) Captured in line of duty by a hostile force; or
45

1 (III) Forcibly detained or interned in line of duty by a foreign
2 government or power.

3
4 (iii) Any veteran who has a total disability resulting from a service-
5 connected disability as evaluated by the United States Department
6 of Veterans Affairs.

7
8 (iv) Any veteran who died while a disability, as defined in clause (iii) of
9 this subparagraph, was in existence.

10
11 (C) State qualified spouse:

12
13 (i) A spouse who meets the definition of federal qualified spouse; or

14
15 (ii) A spouse of any member of the armed forces who died while
16 serving on active military, naval, or air service.

17
18 (5) Workforce Solutions Office--A physical location that provides one or more
19 services, as set out in §801.25 of this subchapter, to aid employers and job
20 seekers. The two types of local Workforce Solutions Offices are:

21
22 (A) Comprehensive Center--A Workforce Solutions Office that provides
23 access to all programs and services as set out in §801.26 and §801.28 of
24 this subchapter, access to required partners as set out in §801.27(b) of this
25 subchapter, and access to any local optional partners as set out in
26 §801.27(c) of this subchapter. Also referred to as a Career Development
27 Center in Texas Government Code, §2308.312.

28
29 (B) Affiliate Site--A Workforce Solutions Office that provides access to one or
30 more services, as set out in §801.28 of this subchapter, or access to one or
31 more local partners, as set out in §801.27 of this subchapter, where the
32 Board is responsible for oversight and management of the office, or
33 operation of these offices adds a cost to the Board's operational budget.

34
35 *The provisions of this §801.23 adopted to be effective May 25, 2000, 25 TexReg 4591;*
36 *amended to be effective October 18, 2006, 31 TexReg 8563; amended to be effective*
37 *December 28, 2009, 34 TexReg 9486; amended to be effective February 7, 2011, 36 TexReg*
38 *599; amended to be effective November 28, 2022, 47 TexReg 7912*

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41
42 **§801.24. Workforce Solutions Office Certification.**

43
44 (a) All offices providing workforce services shall be classified as Workforce Solutions
45 Offices.

- 1 (b) Local Workforce Development Boards (Boards) shall ensure that at least one
2 Workforce Solutions Office in the local workforce development area is a
3 Comprehensive Center.
4
- 5 (c) As directed by the Commission, Boards shall provide certification to the Agency for
6 every Comprehensive Center and Affiliate Site.
7
8
- 9 (d) Boards shall notify the Agency when a change occurs of the requirements set forth
10 in subsections (b) and (c) of this section.
11
- 12 (e) The Agency shall verify compliance with the requirements set forth in subsections
13 (b) and (c) of this section through:
14
- 15 (1) issuance of Agency guidance;
 - 16 (2) assurances set forth in Agency-Board agreements;
 - 17 (3) annual monitoring reviews; and
 - 18 (4) other means as identified by the Agency.
19
20
21
22

23 *The provisions of this §801.24 adopted to be effective May 25, 2000, 25 TexReg 4591;*
24 *amended to be effective October 18, 2006, 31 TexReg 8563; amended to be effective*
25 *February 7, 2011, 36 TexReg 599; amended to be effective November 28, 2022, 47 TexReg*
26 *7912*
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30 **§801.25. Minimum Standards for Comprehensive Workforce Solutions Offices.**
31

- 32 (a) Boards shall ensure that each Comprehensive Center:
33
- 34 (1) provides basic labor exchange services, including access to job orders for
35 applicants, access to applicants for employers, and screening and referral
36 methods for matching qualified applicants and job orders;
37
 - 38 (2) provides services, as set forth in §801.28(a) of this subchapter, of each
39 program specified by §801.27(a) and (b) of this subchapter, and access to
40 programs specified by §801.27(c) of this subchapter, as applicable, during
41 Workforce Solutions Offices' operating hours;
42
 - 43 (3) provides access to information and services available in the local workforce
44 development area;
45

- 1 (4) provides access to digital skill building, device access, and digital support for
2 individuals through workforce development programs;
3
- 4 (5) provides access to financial literacy assistance to individuals enrolled in a
5 workforce development program; and
6
- 7 (6) addresses the individual needs of employers and job seekers.
8
- 9 (b) Boards shall ensure that each Comprehensive Center, as set forth in Texas
10 Government Code, Chapter 2308, includes access to:
11
- 12 (1) labor market information, including:
13
14 (A) available job openings; and
15
16 (B) education and training opportunities;
17
- 18 (2) uniform eligibility requirements and application procedures for all workforce
19 training and services;
20
- 21 (3) assistance to unemployment insurance claimants;
22
- 23 (4) independent assessment of individual needs and the development of an
24 employment plan;
25
- 26 (5) centralized and continuous case management and counseling;
27
- 28 (6) individual referral for services, including basic education, classroom skills
29 training, on-the-job training, and customized training;
30
- 31 (7) support services, including child care assistance, student loan assistance, and
32 other forms of financial assistance required to participate in and complete
33 training; and
34
- 35 (8) job training and employment assistance for persons formerly sentenced to the
36 Texas Department of Criminal Justice's institutional division or state jail
37 division.
38
- 39 (c) Boards shall ensure that each Comprehensive Center complies with the following
40 Commission-established standards:
41
- 42 (1) Provides customer access to WorkInTexas.com; résumé preparation tools,
43 including software; and Internet access;
44

- 1 (2) Ensures eligible foster youth are given access to workforce services to help
2 meet their employment, education, and training needs to transition to
3 independent living, as set forth in Texas Family Code, §264.121(2) and (3);
4
5 (3) Provides each customer with information on local in-demand industries and
6 occupations, including projected wage level upon completion of training
7 programs, and performance of training providers when requested;
8
9 (4) Ensures that Workforce Solutions Offices' staff is trained and knowledgeable
10 in order to provide services to employers and job seekers;
11
12 (5) Demonstrates on-site management of all personnel, a plan for cross-training
13 staff in all services, minimal programmatic specialization of staff, removal of
14 redundancies within program activities, and maximum flexibility to optimize
15 use of resources;
16
17 (6) Designs a customer-friendly waiting area and implements written procedures
18 that define the steps taken to minimize customer wait time in the reception area
19 and in other areas of Workforce Solutions Offices; and
20
21 (7) Provides consumer information on the quality of education and training
22 providers and includes a mechanism for customer feedback on personal
23 experience with such providers.
24
25 (d) Boards must ensure that, if a Comprehensive Center does not provide all services
26 and programs on-site as specified in subsections (a) and (b) of this section, access to
27 such services is provided by direct linkage.
28
29 (e) Boards must ensure that only Workforce Solutions Office partners, such as Adult
30 Education and Literacy programs, provide developmental services, such as General
31 Educational Development, English as a Second Language, or basic education skills.
32

33 *The provisions of this §801.25 adopted to be effective May 25, 2000, 25 TexReg 4591;*
34 *amended to be effective October 18, 2006, 31 TexReg 8563; amended to be effective*
35 *February 7, 2011, 36 TexReg 599; amended to be effective November 28, 2022, 47 TexReg*
36 *7912*
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40 **§801.26. Memorandum of Understanding.** 41

- 42 (a) In accordance with Workforce Innovation and Opportunity Act, §121, each Board
43 shall develop and maintain a memorandum of understanding (MOU) with statutorily
44 required Workforce Solutions Office partners, as specified in §801.27(b) of this
45 subchapter, and any locally approved Workforce Solutions Office partners, as

1 specified in §801.27(c) of this subchapter, related to the operation of the One-Stop
2 Service Delivery System in the local workforce development area.

- 3
- 4 (b) A Board may develop a single MOU with all workforce partners or a separate MOU
5 with each workforce partner or group of partners. Each Board shall obtain a general
6 authorization from the chief elected officials for actions taken under this subsection.
7
- 8 (c) The Agency shall provide Boards with guidance on the minimum provisions required
9 by each MOU.
- 10
- 11 (d) Except where indicated otherwise, a Board shall not be required to develop an MOU
12 for any Board- or Agency-administered programs specified in §801.27(a) of this
13 subchapter.
14

15 *The provisions of this §801.26 adopted to be effective November 28, 2022, 47 TexReg 7912*

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19 **§801.27. Workforce Solutions Office Programs and Partners.**

- 20
- 21 (a) The following Workforce Solutions Office Programs are Board-administered or
22 under Agency purview:
- 23
- 24 (1) Adult program, authorized under Workforce Innovation and Opportunity Act
25 (WIOA), Title I;
- 26
- 27 (2) Dislocated Worker program, authorized under WIOA, Title I;
- 28
- 29 (3) Youth programs, authorized under WIOA, Title I;
- 30
- 31 (4) Supplemental Nutrition Assistance Program Employment and Training,
32 authorized under the Food and Nutrition Act of 2008 (7 United States Code
33 (USC) §2015(d)(4) et seq.);
- 34
- 35 (5) Choices, the Temporary Assistance for Needy Families Employment and
36 Training program, authorized under the Social Security Act, Title IV, Part A
37 (42 USC §601 et seq.);
- 38
- 39 (6) Subsidized Child Care programs, identified by Chapter 809 of this title
40 (relating to Child Care Services);
- 41
- 42 (7) Employment Service program, authorized under the Wagner-Peyser Act (29
43 USC §49 et seq.), as amended by WIOA, Title III;
- 44
- 45 (8) Trade Adjustment Assistance, authorized under Title II, Chapter 2 of the Trade
46 Act of 1974 (19 USC §2271, et seq.);

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- (9) Adult Education and Family Literacy Act program, authorized under WIOA, Title II, when the Board is the grantee;
 - (10) Vocational Rehabilitation (VR) services, authorized under Title I of the Rehabilitation Act of 1973 (29 USC §720 et seq.), as amended by WIOA, Title IV. Boards are required to enter a memorandum of understanding for VR services in accordance with §801.26 of this subchapter;
 - (11) Unemployment Insurance Benefits programs, authorized under state unemployment compensation law, including the Reemployment Services and Eligibility Assessment program, authorized under Title III of the Social Security Act (42 USC §506 et seq.);
 - (12) Migrant and Seasonal Farmworker employment services, under the National Farmworker Jobs Program, authorized under WIOA, Title I; and
 - (13) National Dislocated Worker Grant program, authorized under WIOA, Title I.
- (b) Required Workforce Solutions Office partners are the entities that administer the following programs in the local workforce development areas:
- (1) Jobs for Veterans State Grant program, as authorized under the Job Counseling, Training, and Placement Services for Veterans (38 USC §41 et seq.), and administered by the Texas Veterans Commission;
 - (2) Adult Education and Family Literacy Act program, authorized under WIOA, Title II;
 - (3) Senior Community Service Employment Program, authorized under Title V of the Older Americans Act of 1965 (42 USC §3056 et seq.);
 - (4) Apprenticeship Training Program certified by the United States Department of Labor's Office of Apprenticeship Training, and which meets state criteria established under Texas Education Code, Chapter 133;
 - (5) career and technical education programs, authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 USC §2301 et seq.);
 - (6) employment and training activities carried out under Community Services Block Grant programs (42 USC §9901 et seq.);
 - (7) employment and training activities provided through grantees of the United States Department of Housing and Urban Development;

1 (8) education and vocational training programs through Job Corps, authorized
2 under WIOA, Title I, and administered by the United States Department of
3 Labor;

4
5 (9) Native American programs, authorized under WIOA, Title I;

6
7 (10) YouthBuild programs, authorized under WIOA, Title I; and

8
9 (11) programs authorized under §212 of the Second Chance Act of 2007 (42 USC
10 §17532 et seq.).

11
12 (c) Other entities that provide services of benefit to workforce development may be
13 optional partners in the One-Stop Service Delivery System if the Board and chief
14 elected officials agree on each entity's participation. The entities include, but are not
15 limited to, those that provide:

16
17 (1) employment and training programs administered by the Social Security
18 Administration, including the Ticket-to-Work and the Self-Sufficiency
19 Program established under §1148 of the Social Security Act (42 USC §1320b-
20 19 et seq.);

21
22 (2) employment and training programs carried out by the Small Business
23 Administration;

24
25 (3) programs administered by OneStar Foundation, authorized under the National
26 and Community Service Act of 1990 (42 USC §12401 et seq.); and

27
28 (4) other appropriate federal, state, or local programs that may include
29 employment, education, and training programs provided by public libraries or
30 in the private sector.

31
32 *The provisions of this §801.27 adopted to be effective November 28, 2022, 47 TexReg 7912*

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36 **§801.28. Services Available through the One-Stop Service Delivery System.**

37
38 (a) Basic Career Services. All Workforce Solutions Offices shall provide access to basic
39 career services, as defined in Workforce Innovation and Opportunity Act (WIOA),
40 §134(c)(2) (29 United States Code, Annotated (USCA) §2864(c)(2)), including:

41
42 (1) outreach;

43
44 (2) intake, which may include reemployment services, and orientation to the
45 information and services available through the One-Stop Service Delivery
46 System;

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- (3) determinations of individuals' eligibility for programs funded through the Commission that are available through the One-Stop Service Delivery System;
 - (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 services as described in §840.40 and §840.41 of this title (relating to Statewide ETPL and Distribution of the Statewide ETPL) provided by program, and eligible providers of youth activities described in WIOA, §123 (29 USCA §3153), providers of adult education described in WIOA, Title II, providers of postsecondary vocational education activities and vocational education activities available to school dropouts under the Strengthening Career and Technical Education for the 21st Century Act (20 USCA §2301 et seq.), and providers of vocational rehabilitation program activities described in Title I of the Rehabilitation Act of 1973 (29 USCA §701 et seq.);
 - (7) provision of information regarding how the local workforce development area (workforce area) is performing on the local performance measures and any additional performance information with respect to the One-Stop Service Delivery System in the workforce area;
 - (8) provision of information regarding filing unemployment insurance claims;
 - (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 in-demand jobs and the earnings and skill requirements for such jobs;
 - (10) provision of accurate information relating to the availability of support services, including child care and transportation, available in the workforce area, and referral to such services, as appropriate; and
 - (11) assistance in establishing eligibility for Choices, SNAP E&T, and financial aid assistance programs for training and education that are available in the workforce area.
- (b) Individualized Career Services. A One-Stop Service Delivery System shall provide access to individualized career services as described in WIOA, §134(d)(1) (29 USCA §3174(d)(1)), as appropriate, which may include the following:

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- (1) comprehensive and specialized assessments of the skill levels and service needs of job seekers, 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 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 shall provide access to training services as described in WIOA, §134(c)(3) (29 USCA §3174(c)(3)). Training services may include the following:

- (1) occupational skills training, including training for nontraditional employment;
- (2) on-the-job training;
- (3) incumbent worker training;
- (4) programs that combine workplace training with related instruction;
- (5) training programs operated by the private sector;
- (6) skills upgrading and retraining;
- (7) entrepreneurial training;
- (8) job readiness training provided in combination with services and activities described in paragraphs (1) - (7) of this subsection;
- (9) adult education and literacy activities provided concurrently or in combination with services and activities described in paragraphs (1) - (8) of this subsection; and

1
2 (10) customized training conducted with a commitment by an employer or group of
3 employers to employ an individual upon successful completion of training.
4

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

13 (e) Other Services and Activities. A One-Stop Service Delivery System shall offer
14 access to all other permissible local employment and training activities included in
15 the local workforce development plan, which may include discretionary one-stop
16 activities, support services, needs-related payments, incumbent worker training, and
17 transitional jobs, as set forth in WIOA, § 134(d)(2) - (5) (29 USCA § 3174(d)(2) -
18 (5)).
19

20 *The provisions of this §801.28 adopted to be effective May 25, 2000, 25 TexReg 4591;*
21 *amended to be effective October 18, 2006, 31 TexReg 8563; amended to be effective*
22 *February 7, 2011, 36 TexReg 599; amended to be effective November 28, 2022, 47 TexReg*
23 *7912*
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27 **§801.29. Limitations on Delivery of Services.**

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29 Delivery of services under §801.28 of this subchapter, is subject to state law requirements
30 on Board organization and service delivery structure as found in Texas Government
31 Code, Chapter 2308, and this chapter, as well as eligibility requirements and limitations
32 of individual programs.
33

34 *The provisions of this §801.29 adopted to be effective May 25, 2000, 25 TexReg 4591;*
35 *amended to be effective October 18, 2006, 31 TexReg 8563; amended to be effective*
36 *November 28, 2022, 47 TexReg 7913*
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40 **§801.31. Priority for Workforce Services.**

41

42 (a) Boards shall ensure that eligible veterans, as defined in §801.23(2) of this
43 subchapter, are identified at the initial point of entry into the workforce system and
44 informed of the following:
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46 (1) Their right to priority of service;

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- (2) The full array of employment, training, and placement services available under priority of service; and
 - (3) Any applicable eligibility requirements for those programs and services.
- (b) Boards shall ensure that eligible foster youth, as defined in §801.23(1) of this subchapter, are informed of the following:
- (1) Their right to priority of service;
 - (2) The full array of employment, training, and placement services available under priority of service; and
 - (3) Any applicable eligibility requirements for those programs and services.
- (c) Boards shall ensure the following order of priority for workforce services is applied:
- (1) Eligible veterans receive priority over all other equally qualified individuals in the receipt of services funded in whole or in part by the U.S. Department of Labor, in accordance with 38 U.S.C. §4215--except state qualified spouses, who meet the criterion in §801.23(2)(C)(ii) of this subchapter.
 - (2) Eligible veterans receive priority over all other equally qualified individuals in the receipt of services funded in whole or in part by state funds in accordance with Texas Labor Code §302.152.
 - (3) Eligible foster youth receive priority over all other equally qualified individuals--except eligible veterans as defined in this subchapter--in the receipt of federal or state-funded services in accordance with Texas Family Code §264.121(3).

The provisions of this §801.31 adopted to be effective October 18, 2006, 31 TexReg 8563; amended to be effective February 7, 2011, 36 TexReg 599

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