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CHAPTER 801. LOCAL WORKFORCE DEVELOPMENT BOARDS

SUBCHAPTER A. GENERAL PROVISIONS

§801.1. Requirements for Formation of Local Workforce Development Boards.

- (a) Purpose of Rule.
 - (1) Upon application by the chief elected officials (CEOs) and approval of the Commission, the Commission shall forward an application to form a Local Workforce Development Board (Board) to the Governor.
 - (2) Before an application may be submitted to the Governor, all requirements of this section shall be met.
- (b) State Law. The formation of Boards is governed by Texas Government Code Chapter 2308.
- (c) Chief Elected Official Agreement. Creation of a Board requires agreement by at least three-fourths of the CEOs in the local workforce development area (workforce area) who represent units of general local government, including all of the CEOs who represent units of general local government having populations of at least 200,000. The elected officials agreeing to the creation of the Board shall represent at least 75 percent of the population of the workforce area.
- (d) Chief Elected Officials. The CEOs may, and are encouraged to, consult with local officials other than the ones delineated below. The following officials are designated as the CEOs for the purpose of establishing agreements to form Boards:
 - (1) Mayors.
 - (A) The mayor of each city with a population of at least 100,000;
 - (B) or, if there is no city with a population of greater than 100,000, the mayor of each city with a population greater than 50,000;
 - (C) or, if there are no cities with a population of greater than 50,000, the mayor of the largest city in the workforce area.
 - (D) For purposes of this section, municipal population will be determined by the figure last reported by the Texas Demographic Center at the time of submission of the application to the Commission.
 - (2) All county judges included in a workforce area as designated by the Governor.

- (e) Time of Application. CEOs in a workforce area may not establish a Board until the Governor has designated that area as a workforce area as provided in Texas Government Code Chapter 2308.
- (f) Applications shall meet all Governor-approved criteria for the establishment of Boards.
- (g) Procedures for Formation of a Board. The CEOs shall comply with the following procedures to form a Board.
 - (1) Public process procedure. If three-fourths of the CEOs, as defined in subsection (d) of this section, agree to initiate procedures to establish a Board, they shall conduct a public process, including at least one public meeting, to consider the views of all affected organizations before making a final decision to form a Board. This public process may include, but is not limited to, notices published in various media and surveys for public comment.
 - (2) Application procedure.
 - (A) The CEOs shall submit an application to the Commission. This application shall include evidence of the actions required by paragraph (1) of this subsection. As a part of the application, each CEO who is in agreement regarding the formation of a Board, shall execute the following documents:
 - (i) An interlocal agreement delineating:
 - (I) the purpose of the agreement;
 - (II) the process that will be used to select the CEO who will act on behalf of the other CEOs and the name of such CEO if the person has been selected;
 - (III) the procedure that will be followed to keep those CEOs informed regarding Board activities;
 - (IV) the initial size of the Board;
 - (V) how resources allocated to the workforce area will be shared among the parties to the agreement;
 - (VI) the process to be used to appoint the Board members, which shall be consistent with applicable federal and state laws; and
 - (VII) the terms of office of the members of the Board.

- (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.

- (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, adult basic and continuing education organizations, and the child care workforce 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:

- (I) be a veteran as defined in Texas Government Code §2308.251(2); and
 - (II) have an understanding of the needs of the local veterans' population and willingness to represent the interests and concerns of veterans in the workforce area.
- (D) No individual member shall be a representative of more than one sector or category described in this section, except as statutorily permitted for one or more members having the qualifications set forth in subparagraph (C)(vi) of this paragraph.
- (E) The application shall include documentary evidence substantiating compliance with the application procedure, including but not limited to, written agreements, minutes of public meetings, copies of correspondence, and such other documentation as may be appropriate.

The provisions of this §801.1 adopted to be effective January 31, 1996, 21 TexReg 520; amended to be effective November 2, 2000, 25 TexReg 10756; amended to be effective November 21, 2001, 26 TexReg 9414; amended to be effective October 18, 2006, 31 TexReg 8563; amended to be effective February 7, 2011, 36 TexReg 599; amended to be effective November 28, 2022, 47 TexReg 7912; amended to be effective April 21, 2024, 49 TexReg 2549

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§801.11. Board Member Nomination and Appointment.

- (a) For each Board member nomination, the nominating organization shall submit to the CEOs of the workforce area a completed Board Nomination Slate in a form established by the Commission.
- (b) Documentation in the form of a curriculum vitae, resume, or work history supporting the qualifications of the nomination shall accompany the Board Nomination Slate.
- (c) Once nominations are submitted to and appointments are made by the CEOs, the Board Appointments form, in a format established by the Commission, and documentation shall be submitted to the Agency's Workforce Development Division. Only nominations submitted by the CEOs may be accepted by the Commission. The documentation submitted by the CEOs shall include the following:
 - (1) Board Nomination Slate for each appointment; and
 - (2) Board Appointments form, indicating the official beginning and expiration dates of all appointments.

- (d) Individuals shall be recommended for Board membership in accordance with §801.1(g)(2)(C) of this subchapter.
- (e) Board reappointments shall be processed under the provisions of this chapter.

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

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§801.12. Board Member Vacancies.

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

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

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§801.16. Partnership Agreement.

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

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

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§801.17. Board Training and Services Plans, Modifications and Amendments.

- (a) Purpose of Rule.
 - (1) All workforce training and services plans and budgets developed by a Board pursuant to state and federal law shall be submitted to the Agency's Workforce Development Division for review.
 - (2) Before a plan and budget is forwarded by the Commission to TWIC for recommendation to the Governor for approval, all requirements of this section shall be met.
- (b) Standards for Submission. The Agency shall provide guidelines for strategic planning and budgeting to Boards. A local workforce training and services plan and budget shall be reviewed according to criteria established by the Agency.

- (c) Plan Modification or Amendment. An approved plan and budget may be changed by either modification or amendment. Either method of change shall be submitted to the Agency for review before implementation.
 - (1) A modification is a substantial revision of a plan and budget. The Agency shall provide criteria to Boards that define what constitutes a substantial revision. Each modification shall provide evidence that a majority of the CEOs of a workforce area or their designee or designees with signatory authority have approved the modification.
 - (2) An amendment is a minor adjustment to a plan and budget. The Agency shall provide criteria to Boards that define what constitutes a minor adjustment. An amendment does not require approval by a majority of the CEOs of a workforce area.

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

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SUBCHAPTER B. ONE-STOP SERVICE DELIVERY SYSTEM

§801.21. Scope and Purpose.

- (a) The purpose of this subchapter is to set forth the rules relating to the One-Stop Service Delivery System as set forth in Texas Government Code, Chapter 2308; Texas Labor Code, Chapters 301 and 302; and Workforce Innovation and Opportunity Act §121 (29 United States Code Annotated §3101). It is the intent of the Commission, in partnership with Local Workforce Development Boards, to facilitate the development and maintenance of the One-Stop Service Delivery System such that information and services responsive to individual needs are available to all customers. The One-Stop Service Delivery System shall be evaluated against established levels of certification as well as any additional standards developed by the Commission to ensure the continuous improvement of the system.
- (b) This subchapter shall apply, except that to the extent of any conflict, the provisions of Texas Government Code, Chapter 2308, and §802.21 of this title (relating to Board Contracting Guidelines) and §802.44 of this title (relating to Service Delivery Waiver Requests) shall govern.

The provisions of this §801.21 adopted to be effective May 25, 2000, 25 TexReg 4591; amended to be effective October 18, 2006, 31 TexReg 8563; amended to be effective

February 7, 2011, 36 TexReg 599; amended to be effective November 28, 2022, 47 TexReg 7912

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§801.22. Requirement to Maintain a One-Stop Service Delivery System.

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

The provisions of this §801.22 adopted to be effective May 25, 2000, 25 TexReg 4591; amended to be effective October 18, 2006, 31 TexReg 8563; amended to be effective February 7, 2011, 36 TexReg 599; amended to be effective November 28, 2022, 47 TexReg 7912

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§801.23. Definitions.

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

- (1) Access--Access to services shall mean one or more of the following:
 - (A) Having a program staff member physically present at the Workforce Solutions Office;
 - (B) Having a staff member from a different program physically present at the Workforce Solutions Office, and who is appropriately trained to provide information to customers about the services available through partner program(s); or
 - (C) Making available a direct linkage through technology to program staff who can provide meaningful information or services.
- (2) Direct linkage--A direct connection at a Workforce Solutions Office, within a reasonable time, by phone or through a real-time web-based communication, to a program staff member who can provide program information or services to customers. Providing a phone number or computer website or providing information, pamphlets, or materials without connection to a staff member shall not be considered a direct linkage.
- (3) Eligible Foster Youth--An eligible foster youth is a:

- (A) Current Foster Youth--A youth, age 14 or older, who is receiving substitute care services under the managing conservatorship of the Texas Department of Family and Protective Services (DFPS). This includes youth residing in private foster homes, group homes, residential treatment centers, juvenile correctional institutions, and relative care; or
 - (B) Former Foster Youth--A youth up to 23 years of age, who formerly was under the managing conservatorship of DFPS, until:
 - (i) a court transferred the conservatorship;
 - (ii) the youth was legally emancipated (i.e., the youth's minority status was removed by a court); or
 - (iii) the youth attained 18 years of age.
- (4) Eligible Veteran--An eligible veteran is one of the following:
- (A) Federal/state qualified veteran--An individual who served in the active military, naval, air, or space service, and who was discharged or released from such service under conditions other than dishonorable as specified at 38 United States Code (USC) §101(2). Active service includes full-time duty in the National Guard or a Reserve component, other than full time for training purposes.
 - (B) Federal qualified spouse--The spouse of one of the following:
 - (i) Any veteran who died of a service-connected disability.
 - (ii) Any member of the Armed Forces serving on active duty who, at the time of application for assistance under this section, is listed, pursuant to 37 USC §556 and regulations issued thereunder, by the Secretary concerned in one or more of the following categories and has been so listed for a total of more than 90 days:
 - (I) Missing in action;
 - (II) Captured in line of duty by a hostile force; or
 - (III) Forcibly detained or interned in line of duty by a foreign government or power.
 - (iii) Any veteran who has a total disability resulting from a service-connected disability as evaluated by the United States Department of Veterans Affairs.

- (iv) Any veteran who died while a disability, as defined in clause (iii) of this subparagraph, was in existence.
- (C) State qualified spouse:
 - (i) A spouse who meets the definition of federal qualified spouse; or
 - (ii) A spouse of any member of the armed forces who died while serving on active military, naval, or air service.
- (5) Workforce Solutions Office--A physical location that provides one or more services, as set out in §801.25 of this subchapter, to aid employers and job seekers. The two types of local Workforce Solutions Offices are:
 - (A) Comprehensive Center--A Workforce Solutions Office that provides access to all programs and services as set out in §801.26 and §801.28 of this subchapter, access to required partners as set out in §801.27(b) of this subchapter, and access to any local optional partners as set out in §801.27(c) of this subchapter. Also referred to as a Career Development Center in Texas Government Code, §2308.312.
 - (B) Affiliate Site--A Workforce Solutions Office that provides access to one or more services, as set out in §801.28 of this subchapter, or access to one or more local partners, as set out in §801.27 of this subchapter, where the Board is responsible for oversight and management of the office, or operation of these offices adds a cost to the Board's operational budget.

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

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§801.24. Workforce Solutions Office Certification.

- (a) All offices providing workforce services shall be classified as Workforce Solutions Offices.
- (b) Local Workforce Development Boards (Boards) shall ensure that at least one Workforce Solutions Office in the local workforce development area is a Comprehensive Center.
- (c) As directed by the Commission, Boards shall provide certification to the Agency for every Comprehensive Center and Affiliate Site.

- (d) Boards shall notify the Agency when a change occurs of the requirements set forth in subsections (b) and (c) of this section.
- (e) The Agency shall verify compliance with the requirements set forth in subsections (b) and (c) of this section through:
 - (1) issuance of Agency guidance;
 - (2) assurances set forth in Agency-Board agreements;
 - (3) annual monitoring reviews; and
 - (4) other means as identified by the Agency.

The provisions of this §801.24 adopted to be effective May 25, 2000, 25 TexReg 4591; amended to be effective October 18, 2006, 31 TexReg 8563; amended to be effective February 7, 2011, 36 TexReg 599; amended to be effective November 28, 2022, 47 TexReg 7912

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§801.25. Minimum Standards for Comprehensive Workforce Solutions Offices.

- (a) Boards shall ensure that each Comprehensive Center:
 - (1) provides basic labor exchange services, including access to job orders for applicants, access to applicants for employers, and screening and referral methods for matching qualified applicants and job orders;
 - (2) provides services, as set forth in §801.28(a) of this subchapter, of each program specified by §801.27(a) and (b) of this subchapter, and access to programs specified by §801.27(c) of this subchapter, as applicable, during Workforce Solutions Offices' operating hours;
 - (3) provides access to information and services available in the local workforce development area;
 - (4) provides access to digital skill building, device access, and digital support for individuals through workforce development programs;
 - (5) provides access to financial literacy assistance to individuals enrolled in a workforce development program; and
 - (6) addresses the individual needs of employers and job seekers.

- (b) Boards shall ensure that each Comprehensive Center, as set forth in Texas Government Code, Chapter 2308, includes access to:
 - (1) labor market information, including:
 - (A) available job openings; and
 - (B) education and training opportunities;
 - (2) uniform eligibility requirements and application procedures for all workforce training and services;
 - (3) assistance to unemployment insurance claimants;
 - (4) independent assessment of individual needs and the development of an employment plan;
 - (5) centralized and continuous case management and counseling;
 - (6) individual referral for services, including basic education, classroom skills training, on-the-job training, and customized training;
 - (7) support services, including child care assistance, student loan assistance, and other forms of financial assistance required to participate in and complete training; and
 - (8) job training and employment assistance for persons formerly sentenced to the Texas Department of Criminal Justice's institutional division or state jail division.
- (c) Boards shall ensure that each Comprehensive Center complies with the following Commission-established standards:
 - (1) Provides customer access to WorkInTexas.com; résumé preparation tools, including software; and Internet access;
 - (2) Ensures eligible foster youth are given access to workforce services to help meet their employment, education, and training needs to transition to independent living, as set forth in Texas Family Code, §264.121(2) and (3);
 - (3) Provides each customer with information on local in-demand industries and occupations, including projected wage level upon completion of training programs, and performance of training providers when requested;

- (4) Ensures that Workforce Solutions Offices' staff is trained and knowledgeable in order to provide services to employers and job seekers;
 - (5) Demonstrates on-site management of all personnel, a plan for cross-training staff in all services, minimal programmatic specialization of staff, removal of redundancies within program activities, and maximum flexibility to optimize use of resources;
 - (6) Designs a customer-friendly waiting area and implements written procedures that define the steps taken to minimize customer wait time in the reception area and in other areas of Workforce Solutions Offices; and
 - (7) Provides consumer information on the quality of education and training providers and includes a mechanism for customer feedback on personal experience with such providers.
- (d) Boards must ensure that, if a Comprehensive Center does not provide all services and programs on-site as specified in subsections (a) and (b) of this section, access to such services is provided by direct linkage.
- (e) Boards must ensure that only Workforce Solutions Office partners, such as Adult Education and Literacy programs, provide developmental services, such as General Educational Development, English as a Second Language, or basic education skills.

The provisions of this §801.25 adopted to be effective May 25, 2000, 25 TexReg 4591; amended to be effective October 18, 2006, 31 TexReg 8563; amended to be effective February 7, 2011, 36 TexReg 599; amended to be effective November 28, 2022, 47 TexReg 7912

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§801.26. Memorandum of Understanding.

- (a) In accordance with Workforce Innovation and Opportunity Act, §121, each Board shall develop and maintain a memorandum of understanding (MOU) with statutorily required Workforce Solutions Office partners, as specified in §801.27(b) of this subchapter, and any locally approved Workforce Solutions Office partners, as specified in §801.27(c) of this subchapter, related to the operation of the One-Stop Service Delivery System in the local workforce development area.
- (b) A Board may develop a single MOU with all workforce partners or a separate MOU with each workforce partner or group of partners. Each Board shall obtain a general authorization from the chief elected officials for actions taken under this subsection.
- (c) The Agency shall provide Boards with guidance on the minimum provisions required by each MOU.

- (d) Except where indicated otherwise, a Board shall not be required to develop an MOU for any Board- or Agency-administered programs specified in §801.27(a) of this subchapter.

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

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§801.27. Workforce Solutions Office Programs and Partners.

- (a) The following Workforce Solutions Office Programs are Board-administered or under Agency purview:
- (1) Adult program, authorized under Workforce Innovation and Opportunity Act (WIOA), Title I;
 - (2) Dislocated Worker program, authorized under WIOA, Title I;
 - (3) Youth programs, authorized under WIOA, Title I;
 - (4) Supplemental Nutrition Assistance Program Employment and Training, authorized under the Food and Nutrition Act of 2008 (7 United States Code (USC) §2015(d)(4) et seq.);
 - (5) Choices, the Temporary Assistance for Needy Families Employment and Training program, authorized under the Social Security Act, Title IV, Part A (42 USC §601 et seq.);
 - (6) Subsidized Child Care programs, identified by Chapter 809 of this title (relating to Child Care Services);
 - (7) Employment Service program, authorized under the Wagner-Peyser Act (29 USC §49 et seq.), as amended by WIOA, Title III;
 - (8) Trade Adjustment Assistance, authorized under Title II, Chapter 2 of the Trade Act of 1974 (19 USC §2271, et seq.);
 - (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;
 - (8) education and vocational training programs through Job Corps, authorized under WIOA, Title I, and administered by the United States Department of Labor;
 - (9) Native American programs, authorized under WIOA, Title I;
 - (10) YouthBuild programs, authorized under WIOA, Title I; and
 - (11) programs authorized under §212 of the Second Chance Act of 2007 (42 USC §17532 et seq.).

- (c) Other entities that provide services of benefit to workforce development may be optional partners in the One-Stop Service Delivery System if the Board and chief elected officials agree on each entity's participation. The entities include, but are not limited to, those that provide:
 - (1) employment and training programs administered by the Social Security Administration, including the Ticket-to-Work and the Self-Sufficiency Program established under §1148 of the Social Security Act (42 USC §1320b-19 et seq.);
 - (2) employment and training programs carried out by the Small Business Administration;
 - (3) programs administered by OneStar Foundation, authorized under the National and Community Service Act of 1990 (42 USC §12401 et seq.); and
 - (4) other appropriate federal, state, or local programs that may include employment, education, and training programs provided by public libraries or in the private sector.

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

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

- (a) Basic Career Services. All Workforce Solutions Offices shall provide access to basic career services, as defined in Workforce Innovation and Opportunity Act (WIOA), §134(c)(2) (29 United States Code, Annotated (USCA) §2864(c)(2)), 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;
 - (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:
- (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
 - (10) customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of training.
- (d) **Follow-up Services.** A One-Stop Service Delivery System shall offer follow-up services, including counseling regarding the workplace, for adult and dislocated worker participants exiting programs into unsubsidized employment, for up to 12 months after the first day of the employment, as appropriate. All youth participants must be offered follow-up services aligning with their individual service strategies,

that shall be provided for not less than 12 months, unless such follow-up services are declined or the participant cannot be contacted.

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

The provisions of this §801.28 adopted to be effective May 25, 2000, 25 TexReg 4591; amended to be effective October 18, 2006, 31 TexReg 8563; amended to be effective February 7, 2011, 36 TexReg 599; amended to be effective November 28, 2022, 47 TexReg 7912

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§801.29. Limitations on Delivery of Services.

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

The provisions of this §801.29 adopted to be effective May 25, 2000, 25 TexReg 4591; amended to be effective October 18, 2006, 31 TexReg 8563; amended to be effective November 28, 2022, 47 TexReg 7913

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§801.31. Priority for Workforce Services.

- (a) Boards shall ensure that eligible veterans, as defined in §801.23(2) of this subchapter, are identified at the initial point of entry into the workforce system and 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.
- (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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