

# **Chief Elected Official's Membership Guide**

**for  
Local Workforce  
Development Boards**



**Provided to Chief Elected Officials by the Texas  
Workforce Commission**

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## **PART A — BOARD MEMBERSHIP**

### **A-100: Overview of Membership**

Local Workforce Development Boards (Boards) play an extremely important role in building a quality workforce to meet the skills needed by employers and assist Texans in their pursuit of well paid, productive jobs. The appointment of Board members to Boards is a significant responsibility and should be undertaken with great care and thought.

A Board's success is closely tied to the quality of its leadership. In their initial decisions to form Boards in the mid-1990s, the chief elected officials (CEOs) accepted the transfer of authority to their local communities for workforce services under the following federal programs and funds:

- Temporary Assistance for Needy Families (TANF)
- Child Care and Development Fund (CCDF)
- Supplemental Nutrition Assistance Program (SNAP)
- Workforce Investment Act (WIA)—now the Workforce Innovation and Opportunity Act (WIOA)

Since that time, Boards have also assumed responsibility for many other programs. Boards collectively oversee millions of dollars in state and federal employment and training funds.

The broad responsibilities overseen by Boards emphasize the importance of CEO appointments. With each year, the workforce system grows in complexity and responsibility, relying on CEOs to appoint individuals with high standards of leadership and a depth of expertise in their respective Board categories.

To help prepare CEOs to work with Boards in the Texas workforce system, the Texas Workforce Commission (TWC) offers training (both on-site and online) and educational programs and forums. TWC staff is always available to work with CEOs and their staffs individually, in small group regional settings, in larger groups in Austin, and at TWC's annual statewide conference. TWC will provide any help or guidance you may need to develop your capacity as a CEO in the Texas workforce system.

Through appointments, the CEO creates a legacy of success for the Board and the Texas workforce system, ensuring that employers and job seekers in the Board's local workforce development area (workforce area) have full access to essential services in a convenient one-stop setting.

## **A-100.1: Meeting State and Federal Laws and Regulations**

Board members “shall be actively engaged in the organization, enterprise, or field that they are” nominated to represent. A Board member “shall have an existing relationship with the local workforce development area (workforce area) through residence or employment within the workforce area.” [40 TAC 801.1(g)(2)(C)(v)]

Members who represent organizations, agencies, or other entities must be individuals with optimum policy-making authority within the entities they represent. [20 C.F.R. §661.315(c)]

A representative with “optimum policy-making authority” is an individual who can reasonably be expected to speak affirmatively on behalf of the entity he or she represents and to commit that entity to a chosen course of action. [20 C.F.R. §661.203(a)]

Board members are the “trustees” or guardians of the state’s workforce development system. They are entrusted with significant fiduciary and policy responsibilities, including oversight of millions of state and federal tax dollars allocated to their workforce area for workforce training and services. The strength of a Board lies in the quality of its membership. Appointments should be made carefully and deliberately.

All CEOs in a workforce area must enter into an agreement that determines how the CEOs will select nominees for appointment as Board members. The process may be documented in one or both of the Board’s governing documents, the Interlocal Agreement and the Partnership Agreement. The CEOs in a workforce area initially entered into their Interlocal Agreement as a requirement to form the Board. By law, the Interlocal Agreement contains the following required elements:

- Purpose of the agreement
- Process to select the lead CEO
- Process to keep CEOs informed regarding Board activities
- Initial size of the Board
- Process for sharing workforce funding among the parties
- Process for selecting and appointing Board members
- Terms of office for Board members

The second governing document, the Partnership Agreement, is between the CEOs and the Board. Its purpose is to define their operating relationship. The Partnership Agreement may detail the Board’s composition and how Board members are selected and appointed, although that is not a required element of the Partnership Agreement. If that information is included, however, it must be consistent with the Interlocal Agreement. The requirement for consistency applies to any item that is addressed in both governing documents. Both agreements are dynamic documents that must be amended when a need arises and the respective signatories agree.

Board appointments do not require the signature of all the CEOs, only the signature of the designated lead CEO(s) as stated in the Interlocal Agreement or Partnership Agreement.

## **Part A-200: Membership Process**

### **A-200.1: Categories of Policies and Procedures**

The Chief Elected Official's Membership Guide presents the state's policy and procedures in the following areas:

- Appointing individuals to serve on Local Workforce Development Boards (Boards)
- Filling vacancies on the Boards
- Reviewing Board appointments and reappointments
- Certifying those appointments

The governor certifies that all Boards are composed according to state law and meet other requirements. The certification process is conducted every two years. The Texas Workforce Commission certifies all subsequent Board appointments and reappointments.

### **A-200.2: Grandfathering Provision**

With the enactment of the Workforce Investment Act (WIA) in 1998, federal law incorporated many of the great strides made in the development of Texas' workforce system as designed in the mid-1990s by the Texas legislature. In particular, WIA provided for exemptions that authorize the state to maintain many features of its reform efforts in state law. WIA included specific exemptions recognizing states that, prior to WIA's enactment, already had laws in place that were consistent with WIA's purpose. These specific exemptions have been maintained under the Workforce Innovation and Opportunity Act (WIOA).

The provisions that list the specific exemptions are commonly referred to as "grandfather provisions." For purposes of understanding how Texas applies the grandfather provisions, the phrase "prior consistent state law" generally refers to the provisions found in Texas Government Code §2308 and to state rules and procedures that implemented Texas' workforce reform.

### **A-200.3: Diversity**

The chief elected officials (CEOs) of a local workforce development area (workforce area) have the power to select and appoint Board members. CEOs must make these appointments in accordance with applicable laws. Under Texas' workforce reform law, Board membership must reflect the ethnic and geographic diversity of the workforce area [Texas Government Code §2308.255(b)(2)]. CEOs must ensure that the overall composition of the Board fulfills this diversity requirement.

TWC believes that a strong and effective Board will be representative of the gender and ethnic diversity found in the local community, and the Commission encourages CEOs to consider these issues before making appointments.

#### **A-200.4: Board Development**

TWC cannot overemphasize the importance of the Board appointment process. The effectiveness of a Board correlates to the quality of its leadership and members. The appointment of Board members is a significant responsibility and must be undertaken with great care and thought. It must never be interpreted or used as an arbitrary political process.

Every workforce area must have a Board. The minimum size of a Board is 25 members. (See G-200: Board Membership Breakdown by Category)

#### **A-200.5: Required Categories**

No individual Board member may be a representative of more than one sector or category described in this section. (See Section 200.5.1 for special Board requirements.) Each Board must have member representatives from:

- the private sector;
- organized labor and community-based organizations (CBOs);
- education;
- public employment service (TWC);
- vocational rehabilitation;
- public assistance;
- economic development;
- local literacy councils; and
- adult basic and continuing education.

#### **A-200.5.1: Special Board Requirements**

At least one of the Board members from the representative categories must also meet the requirements in the following list:

- **Child Care Requirement** — At least one of the members of a Board appointed under Texas Government Code §2308.256(a) must, in addition to the qualifications required for the members under that subsection, have expertise in child care or early childhood education [40 TAC §801.1(g)(2)(C)(vi)]. To meet this requirement, the nominee's expertise must be below the pre-kindergarten level.
- **Veteran Requirement** — At least one of the members of a Board appointed under Texas Government Code §2308.256(h) must, in addition to the qualifications required for the members under that subsection, be a veteran.

A veteran is defined as an individual who served in the army, navy, air force, coast guard, or marine corps of the United States or the U.S. Public Health Service under 42 U.S.C. §201 et seq., as amended; the state military forces as defined by Texas Government Code §431.001; or an auxiliary service of one of those branches of the armed forces; and was honorably discharged from the branch of the service in which the individual served.

CEOs are responsible for ensuring that Boards have a member who is a veteran. If the Board does not currently include a member who is a veteran, CEOs must appoint a new member who reflects these requirements as vacancies occur or as terms end.

A veteran who otherwise meets the requirements of a member category in Texas Government Code §2308.256(a) must also meet the statutory definition of a veteran [Texas Government Code §2308.251(2)] and must be actively engaged in the field of veterans affairs or services. This includes, but is not limited to, veterans who are members or employees of organizations such as Veterans of Foreign Wars of the United States, the American Legion, the Military Service Coalition, and Disabled American Veterans.

### **A-200.5.2: Private Sector Representatives**

Private sector representatives must represent the workforce needs and interests of the workforce area's business community:

- The Chairman of the Board must be a private sector representative [Texas Government Code §2308.258].
- Private sector members must be owners of business, chief executives, chief operating officers of nongovernmental employers, or other private sector executives who have substantial management or policy responsibility.
- If an individual is being nominated by an appropriate organization as a private sector representative and is not the business owner, chief executive, or chief operating officer, the nomination must also include detailed documentation supporting the nominee's qualifications as an "executive with substantial management or policy responsibility."

Factors the Commission may consider when reviewing nominations include, but are not limited to, the number of employees the nominee supervises; whether the nominee has authority to hire, fire, and promote; and whether the nominee has substantial authority in relation to the management or general business operations of the organization as a whole.

- To be eligible to represent the private sector, at least 51 percent of an individual's annual income must be from private sector sources. [40 TAC §801.1(g)(2)(C)(i)].

This provision was originally adopted to prevent situations in which individuals working full-time for a governmental entity were appointed as private sector representatives because these individuals also worked part-time for a private business, or were self-employed part of the time.

Documentation of an individual's annual income is required only in situations such as these. An affidavit, which must be notarized, or Internal Revenue Service tax return is an example of documentation that could be provided.

- Private sector membership should represent the composition of the workforce area's pool of employers and include representatives of the region's larger employers and emerging growth industries. Primary consideration should be given to private sector employers that do not directly provide employment and workforce training services to the general public.
- CEOs may refer to any relevant labor market information, locally obtained information, state-published data, analysis that identifies employment trends, emerging and growth industries, the size of local employers, or other data that TWC provides through its web site and resources. This will assist when considering Board appointments for vacancies that may occur throughout the year.
- Private sector representatives must constitute a majority of the membership of the Board. Texas Government Code §2308.256(a)(1)(A) outlines the number of private sector seats compared to the total number of Board seats for any workforce area. (See G-100: Board Membership Breakdown by Number of Members)
- Private sector representatives on the Board are selected from individuals nominated by general-purpose business organizations that consulted with and received recommendations from other business organizations in the workforce area. The nominations and the individuals selected for Board appointment must reasonably represent the industrial and demographic composition of the workforce area business community.
- Not less than one-half of the business and industry representatives must, if possible, be representatives of small business, including minority businesses [Texas Government Code §2308.256(b)].

The term "general purpose business organizations" means organizations that admit for membership any for-profit business operating within the workforce area [Texas Government Code §2308.256(f)(1)].

The term "small business" means a private, for-profit enterprise that employs not more than 500 employees [Texas Government Code §2308.256(f)(2)].

### **A-200.5.3: Community-Based Organization and Organized Labor Representatives**

Community-based organizations (CBOs) and labor representatives together must constitute not less than 15 percent of the membership of the Board. (See Board Membership Breakdown by Category)

#### **CBO Representatives**

- The term “CBO” refers to a private nonprofit organization that is representative of a community, or a significant segment of a community, and that has demonstrated expertise and effectiveness in the field of workforce investment.
- CBOs include organizations representing veterans and individuals with disabilities, as well as faith-based organizations (FBOs).
- CBO representatives must be actively engaged with the CBO as a board member, employee, or active member.

#### **Organized Labor Representatives**

- Representatives of local organized labor organizations must 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 [40 TAC §801.1(g)(2)(C)(iv)].
- Labor representatives on the Board are selected from individuals recommended by recognized state and local labor federations. If a state or local labor federation does not nominate a number of individuals sufficient to meet the labor representation requirements of Subsection (a)(2), individual workers may be included on the council to complete the labor representation [Texas Government Code §2308.256(d)].
- Labor representatives must be affiliated with organized labor by being a union member, labor union staff, or other individual participating in labor union activities.

### **A-200.5.4: Education Representatives**

A Board must have at least two education representatives, one at the secondary level and one at the postsecondary level.

Education representatives on the Board are selected from individuals nominated by regional or local educational agencies, vocational education institutions, institutions of higher education, including entities offering adult education, and general organizations of the institutions within the workforce area [Texas Government Code §2308.256(c)].

Educational agencies include community colleges and secondary and postsecondary practitioners representing vocational education that are representative of all educational agencies in the workforce area. [Texas Government Code §2308.256(a)(3)(A)].

- Secondary Education—Education representatives must represent elementary and secondary schools within the workforce area.
- Post-Secondary Education—Education representatives must represent community colleges and postsecondary practitioners representing vocational education that are representatives of all educational agencies in the workforce area.

Education representatives must be selected from school board members, teachers, administrators, counselors, or others actively engaged in the education field.

#### **A-200.5.5: Public Employment Service Representatives (Texas Workforce Commission)**

A Board must have at least one public employment service representative.

- Texas' workforce reform law placed a representative of the public employment service on each Board [Texas Government Code §2308.256]. TWC will recommend a current employee to serve as the public employment service representative on the Board.
- When notified of a public employment vacancy on a Board, TWC's Workforce Development Division will identify a nominee to serve on the Board as the public employment service representative.

#### **A-200.5.6: Vocational Rehabilitation Representatives**

Each Board must have at least one vocational rehabilitation representative.

- Vocational rehabilitation organizations are those that provide services to individuals with disabilities to help them prepare for, secure, retain, or regain employment.
- Representatives must be active board members or employees of a vocational rehabilitation organization. Examples of vocational rehabilitation organizations are the Texas Workforce Commission's Vocational Rehabilitation Services Division, Goodwill Industries, and other vocational rehabilitation organizations.

### **A-200.5.7: Public Assistance Representatives**

Each Board must have at least one public assistance representative.

- Public assistance means federal, state, or local government cash payments for which eligibility is determined by a measure of need or income. Examples of public assistance organizations include the Texas Health and Human Services Commission, local housing authorities, the Social Security Administration, and community action agencies.
- Representatives must be active board members or employees of the public assistance organization.

### **A-200.5.8: Economic Development Representatives**

Each Board must have at least one economic development representative.

- Economic development organizations may include local planning and zoning commissions or boards, community development agencies, and other local organizations and institutions responsible for regulating, promoting, or assisting in local economic growth, including private sector economic development entities.
- Representatives must be board members or employees of an economic development organization.

### **A-200.5.9: Local Literacy Council Representatives**

Each Board must have at least one local literacy council representative.

- This member must be selected from individuals recommended by the local literacy council [Texas Government Code §2308.256(1)(f)].
- Representatives must be board members, employees, or active volunteers of a local literacy council or of a literacy provider funded by a local literacy council.

### **A-200.5.10: Adult Basic and Continuing Education Representatives**

Each Board must have at least one adult basic and continuing education representative.

- Adult basic and continuing education organizations may be local public education or private nonprofit organizations that provide educational instruction—for example, Adult Basic Education, English as a Second Language, GED preparation—or other education services to adults who have not obtained a high school diploma or its equivalent. Public education organizations include community colleges.
- Representatives must be board members, employees, or volunteers and must be actively engaged in the provision of adult basic and continuing education.

## **Part A-300: Nominations**

### **A-300.1: Submitting Nominations for Appointment**

When nominating an individual to serve on the Local Workforce Development Board (Board), all nominating organizations must complete and submit the Nomination Slate provided by the Texas Workforce Commission (TWC) to the chief elected officials (CEO) for Board member selection and appointment. CEOs will review the Nomination Slate and accompanying documentation to select and appoint Board members. TWC will accept only Board appointments made using TWC's Nomination Slate, included in this guide. The Nomination Slate is also available on TWC's website

(<http://www.twc.state.tx.us/partners/workforce-development-boards>).

### **A-300.2: Required Documentation**

Documentation supporting the qualifications of nominees must accompany Nomination Slates. Documentation may be in the form of curriculum vitae, résumés, or work histories. Documentation must contain detailed information that clearly explains how a nominee is qualified to represent the respective category on the Board.

Nominations for all Board categories must include:

- name, address, and TWC tax number(s) of the organization or business the nominee represents;
- nominee's position in the organization or business; and
- size of the organization or business by total number of employees.

Additionally, a Conflict of Interest Statement for Local Workforce Development Board Members form must be submitted for each nominee appointed by the CEO. The form requires the signature of the Board's executive director.

The Conflict of Interest Statement for Local Workforce Development Board Members form is also available on TWC's website

(<http://www.twc.state.tx.us/partners/workforce-development-boards>).

### **A-300.3: Submitting Board Appointments**

After nominating organizations submit their nominations and CEOs makes Board appointments, CEOs must forward the following documents to TWC's Workforce Development Division:

- Board Appointments form
- Nomination Slate for each appointment
- Supporting documentation for each appointment (resume/bio)
- Conflict of Interest Statement for Local Workforce Development Board Members form, completed by the Board's executive director

The Workforce Development Division is responsible for administrative oversight of Board appointments.

Submit all documentation required for Board appointments to:

Texas Workforce Commission  
Workforce Development Division  
Workforce and Board Support  
101 E. 15th Street, Rm. 252-T  
Austin, Texas 78778

## **Part A-400: Appointments**

### **A-400.1: Texas Government Code Requirements**

The Texas Government Code requires that Local Workforce Development Board (Board) members be selected and appointed by the chief elected officials (CEOs) in a local workforce development area (workforce area):

- Workforce area CEOs must submit Board appointments and supporting documentation to TWC for review to ensure compliance with statutory requirements.
- The Texas Workforce Commission (TWC) will only accept appointments that include a Board Appointments form signed by the CEO. The CEO must indicate the official beginning date of the new appointment and the official expiration date on the Board Appointments form.

Board members serve fixed and staggered terms as provided by the Partnership Agreement or applicable federal or state law, and members may continue to serve until their successors are appointed [Texas Government Code §2308.255(d)]. The Board has 90 days to have a successor or reappointment certified by the Commission.

CEOs must identify each Board member's category at the time of the appointment, and the member may represent only that one category during the term of the appointment.

To change a Board member's representation category, the member must be nominated in the new category by an appropriate entity or organization, appointed to that new category by the CEO, and resubmitted through the appointment process.

A Vacancy Form is not required when a CEO nominates a Board member for a new categorical position on the Board. The appointment must comply fully with the requirements of the law and this guide.

### **A-400.2: Prohibition of Dual Office Holding**

Workforce area CEOs, as elected officials, are public officers. Boards are statutorily created public entities, often recognized by state statute as governmental entities. As such, a Board member is also considered a public officer. Therefore, under the state prohibition against dual office holding, CEOs may not serve as Board members.

Similarly, Board staff and employees of the fiscal agent and administrative entity are prohibited from serving as Board members. This determination is based on the common law doctrine of incompatibility.

Texas courts hold that the common law doctrine of incompatibility prohibits one individual from occupying two offices when one office may impose its policies on the other or subject it to control in some other way. The common law doctrine of incompatibility has been recognized to prohibit self-appointment and conflicting loyalties.

### **A-400.3: Prohibition of Conflicting Loyalties**

The common law doctrine of incompatibility also prevents one individual from holding two positions if the duties are inconsistent or in conflict. It is the relationship between the two positions that creates the potential for conflict. Incompatibility arises when one governmental body has authority to impose its will on the other in any manner whatsoever.

Because CEOs appoint Board members, enter into a partnership agreement with the Board, oversee the formation of the Board, and may contract with the Board, the two positions are “potentially in conflict, and therefore, incompatible,” given their conflicting duties. Consequently, CEOs may not serve on Boards in their workforce areas.

Note: Workforce area CEOs may serve as ex-officio, nonvoting members of a Board.

Public officeholders who are not designated workforce area CEOs would probably not be prohibited from serving on the Board under the doctrine of incompatibility. However, another prohibition against serving in dual offices could be based on either a constitutional prohibition or another common law doctrine. As with all appointments, a review of individual circumstances is necessary before the Commission certifies the appointment.

## **Part A-500: Reappointments**

### **A-500.1: Responsibility for Reappointment**

Chief elected officials (CEOs) are responsible for all reappointments. New nomination slates are required for all reappointments from appropriate nominating organizations, along with the current curriculum vitae, résumé, or work history, and the Conflict of Interest Statement for Local Workforce Development Board Members.

## **A-500.2: Reappointment Process**

CEOs must process reappointments within 90 calendar days after the effective date of the term expiration. During the 90 calendar-day period, the Board will be able to legally act as a Board and conduct business. If a CEO(s) fails to reappoint a Board member in a required category within 90 calendar days, the Board will be out of compliance with its membership composition, and any business conducted may not be considered legal. (See Part A-600.2 and A-600.3 for an explanation of the negative impact on conduct of the Board's business if the process is not completed timely.)

CEOs must indicate both the official beginning date of the reappointment and the official term expiration date on the Board Appointments form.

After the CEO(s) submits all necessary documentation, and TWC deems it in accordance with the required process and consistent with state law, Board organizational plans and bylaws, and other applicable policies, TWC notifies the CEO(s) of appointment certifications.

## **Part A-600: Vacancies**

### **A-600.1: Required Notice**

If a Local Workforce Development Board (Board) member vacancy occurs because of resignation, termination, or for any other reason, the Board Chair shall provide notice to the CEO(s) of the local workforce development area (workforce area) and to the Texas Workforce Commission (TWC) within 20 calendar days of such event [40 TAC §801.12(a)].

Such notice shall include:

- the name of the Board member;
- the category represented; and
- the effective date of the resignation, termination, or other event causing the vacancy.

The original resignation letter or documentation of other official action must be maintained at the Board level [40 TAC §801.12(b)].

### **A-600.2: Filling a Vacancy**

The CEOs shall fill a vacancy in a required category in the same manner as the original appointment, within 90 calendar days after 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 [40 TAC §801.12(c)].

### **A-600.3: Failure to Fill Vacancies within the 90-Day Requirement**

If 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 beyond that time, the Commission may impose sanctions under Chapter 802, including withholding of administrative funds from the Board until the Board achieves compliance. The Commission may recommend that the governor decertify the Board [40 TAC §801.12(d)].

If a vacancy or term expiration exceeds the 90-day requirement, TWC will pursue the following actions:

1. The CEO(s), Board Chair, and Board Executive Director will receive a notice of noncompliance and will be informed that corrective action must be taken by the CEO(s) within 30 calendar days from receipt of the notice.
2. If corrective action is not taken, the CEO(s), Board Chair, and Board Executive Director will receive a second notice of noncompliance requiring them to take corrective action within 30 calendar days from receipt of the notice. They will be informed that failure to take the required action stipulated in the second notice could result in a referral for possible sanctions.
3. If corrective action still is not taken, the CEO(s), Board Chair, and Board Executive Director will receive a third notice informing them that the matter has been referred to the Workforce Development Division Director with a recommendation to withhold the Board's administrative funds.
4. If sanctions are imposed on the Board, TWC will notify the CEO(s), Board Chair, and Board Executive Director of such action(s).

## **Part A-700: Training for Board Members**

### **A-700.1: Importance of Training**

The Texas Workforce Commission (TWC) must provide management and Local Workforce Development Board (Board) development training for all Board members. The training must include:

- information on the importance of a high-quality workforce to the economic prosperity of their communities; and
- encouraging Board members to be community advocates for effective and efficient workforce development programs.

### **A-700.2: Time Requirements for Training**

If a Board member does not receive training before the 91st day after the date on which the member begins service on the Board, the individual is ineligible to continue serving on the Board unless the training required was requested by the member but not provided by TWC. Board members may receive training directly from TWC or from a third party that has demonstrated experience in providing training to local workforce development or similar Boards [Texas Labor Code §302.043].

### **A-700.3: Training Options**

On certification, TWC sends a new member letter to the Board member, with copies to the Board Chair and Board Executive Director, notifying them of the training requirements and the two options for completing the training.

Board members may select one of the following training options:

- Self-paced, using a TWC handbook
- Classroom, provided by TWC upon request

TWC sends a notice to Board Chairs and Board Executive Directors to inform them of new Board members nearing the 91st day training requirement.

If a Board member does not receive the training before the 91st day, TWC sends a letter to the CEO(s), Board Chair, and Board Executive Director informing them that the member has exceeded the 91st day requirement and is ineligible to continue serving on the Board.

### **A-700.4: Proxies or Alternates**

The use of proxies or alternates by Boards is prohibited [40 TAC §801.16(e)].

### **A-700.5: Additional Training Requirement**

Since January 1, 2006, all elected and appointed public officials have been required to receive training on the Open Meetings Act and the Public Information Act. [Texas Government Code §551.005 and §552.012].

Board members are subject to the open government training requirement, which consists of one course on the Texas Open Meetings Act and one course on the Public Information Act.

TWC includes the Office of the Attorney General's (OAG) open government training when delivering classroom training for Board members (see Part A-700.3) to assist members appointed after January 2006 in complying with the open government training requirement.

Part D-100.4 of this guide contains detailed information on the open government training requirement and how Board members can obtain the training online or through a free DVD from OAG.

## **PART B — PARTNERSHIP AGREEMENT**

### **Part B-100: 40 TEXAS ADMINISTRATIVE CODE §801.16**

#### **B-100.1: 40 Texas Administrative Code (TAC) §801.16**

- (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 CEO(s) 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.

NOTE: The Board must use the Statement of Understanding form to notify TWC of the election of a new lead CEO or Board Chair. The form must be submitted to TWC within 15 calendar days after election of new lead CEO or Board Chair.

## **PART C — BOARD CERTIFICATION REQUIREMENTS**

### **Part C-100: Role of the Governor**

#### **C-100.1: Texas Government Code §2308.261**

Texas Government Code §2308.261 prescribes the official role of the governor in the Local Workforce Development Board (Board) certification process. It states that the governor shall

certify a Board on determining that the Board's composition is consistent with applicable federal and state requirements and meets established state criteria. The governor's certification must be made or denied within 30 days after the date on which a list of members and necessary supporting documentation are submitted to the Office of the Governor. If the governor certifies a Board, it must be convened within 30 days by the official or officials who made the appointments to the Board.

The governor shall, once every two years, certify one Board for each local workforce development area (workforce area) in the state. Certification is to ensure that all Boards are composed according to state and federal law and are meeting all other requirements. TWC uses the following requirements to conduct Board review:

- Board composition must be consistent with Texas Government Code §2308.256 and 40 TAC §801.1(g)
- Diversity requirements
- Industry representation
- Bylaws
- Board–Chief Elected Official (CEO) Partnership Agreement
- Board must show whether it has ensured services that will be delivered in a manner allowing the Board to meet local measures
- Board must show whether it has developed fiscal policies and procedures to ensure that financial controls are in place

The Subsequent Certification form is used to ensure that all of the items listed above are reviewed, current, and in compliance with statutory requirements for a Board's subsequent certification.

## **PART D — TEXAS OPEN MEETINGS ACT**

### **D-100.1: Summary of Open Meetings Act**

Local Workforce Development Boards (Boards) are subject to the requirements of the Texas Open Meetings Act, Texas Government Code, Chapter 551. In general, a Board must give written notice to the public of the date, hour, place, and subject matter of all meetings. The Board must post notice of a meeting in a place that is readily accessible to the general public for at least 72 hours before the scheduled time of the meeting.

### **D-100.2: Number of Counties Board Serves**

Under Texas Government Code §551.053, a Board that extends into four or more counties shall:

1. post notice of each meeting in the Board's administrative office at a place convenient to the public;
2. provide notice of each meeting to the Texas Secretary of State; and
3. provide notice of each meeting to the county clerk of the county in which the Board's administrative office is located.

Under Texas Government Code §551.054, a Board that extends into fewer than four counties shall:

1. post notice of each meeting in the Board's administrative office at a place convenient to the public; and
2. provide notice of each meeting to the county clerk of each county located in the local workforce development area (workforce area).

### **D-100.3: Open Meetings Handbook and Resources**

Thomas Jefferson stated that “a public office is a public trust.” Actions taken by public officials must be open to scrutiny by the people they serve. In support of that philosophy, the Office of the Attorney General (OAG) for the State of Texas, which is responsible for ensuring the public's business is conducted openly, has prepared the Open Meetings Handbook (<https://texasattorneygeneral.gov/og/open-government-training>).

The Open Meetings Handbook serves as a reference tool for attorneys, government officials, and laypersons. It is not protected by copyright, and may be reproduced as needed.

Through its website, OAG also provides important information about open government through online training, conferences, legal opinions, frequently asked questions, and other open government resources.

### **D-100.4: Open Government Training Requirement for All Public Officials**

Since January 1, 2006, elected and appointed public officials have been required by state law to receive training on the Open Meetings Act and the Public Information Act [Texas Government Code §551.005 and §552.012].

The 79th Texas Legislature, Regular Session (2005), directed OAG to establish formal training to ensure that all elected and appointed government officials have a good command of both open records and open meetings laws. The intent of the training is to prevent unintentional violations of open government laws and to strengthen the public's confidence in governing bodies.

Board members are subject to the open government training requirement, which consists of a course on the Open Meetings Act and a course on the Public Information Act. Under provisions of the law, only OAG-approved training meets the requirement. It is a one-time only requirement with no refresher courses required. However, no grandfather provisions exist for public officials who may have attended open government training in the past.

Board members in office before January 1, 2006, were required to complete the training before January 1, 2007. Board members appointed after January 1, 2006, have 90 days from the date the Commission certifies their appointment to complete the training. Boards must keep the training

completion certificates on file in the local office and make them available for public inspection upon request.

To assist public officials in complying with the training requirement and Texas open government laws, OAG makes the training, completion certificates, open government handbooks, and ordering information for a free open government training DVD available through the OAG website (<https://texasattorneygeneral.gov/og/open-government-training>).

## **PART E — BOARD MEMBER CONFLICTS OF INTEREST**

### **E-100.1: Texas Administrative Code §802.41**

- ((a) WIOA §107(h) (128 Stat. 1466) sets forth the state's Board conflict of interest requirements for disclosure and declaration of a conflict of interest by a Board member.
- (b) A Board member may not vote on any matter that would provide direct financial benefit to the member or the member's immediate family, or on matters of the provision of services by the member or the entity the member represents. No Board member may participate in a decision in which the member has a direct or indirect interest, particularly a financial interest, which is in substantial conflict with the discharge of the duties of the Board.
- (c) A Board member shall avoid even the appearance of a conflict of interest. Prior to taking office, Board members must provide to the Board Chair a written declaration of all substantial business interests or relationships they, or their immediate families, have with all businesses or organizations that have received, currently receive, or are likely to receive contracts or funding from the Board. Such declarations shall be updated within 30 days to reflect any changes in such business interests or relationships. The Board shall appoint an individual to timely review the disclosure information and advise the Board Chair and appropriate members of potential conflicts.
- (d) Prior to a discussion, vote, or decision on any matter before a Board, if a member, or a person in the immediate family of such member, has a substantial interest in or relationship to a business entity, organization, or property that would be pecuniarily affected by any official Board action, that member shall disclose the nature and extent of the interest or relationship and shall abstain from voting on or in any other way participating in the decision on the matter. All such abstentions shall be recorded in the minutes of the Board meeting.
- (e) Each Board must include in its organizational plan or bylaws, or in a separate code of conduct, provisions for penalties, sanctions, or other disciplinary actions for any direct violations of the Board conflict of interest policy. The following definitions must be incorporated into those provisions.
- (1) Immediate family--Any person related within the first degree of affinity (marriage) or consanguinity (blood) to the person involved.
  - (2) Substantial interest--A person has a substantial interest:
    - (A) in a business entity if:
      - (i) the person owns 10 percent or more of the voting stock or shares of the business, owns 10 percent or more, or owns \$5,000 or more, of the fair market value of a business; or

- (ii) funds received by the person from the business exceed 10 percent of the person's gross income for the previous year;
- (B) in real property if the interest is an equitable or legal ownership with a fair market value of \$2,500 or more; or
- (C) if the Board member is related to a person in the first degree of affinity or consanguinity who has a substantial interest as defined in subparagraph (A) or (B) of this paragraph.

### **E-100.2: Code of Federal Regulations §667.200**

#### **(a)(4) 20 C.F.R. §667.200(a)(4)**

(4) In addition to the requirements at 29 CFR §95.42 or 29 CFR §97.36(b)(3), as appropriate, which address codes of conduct and conflict of interest issues related to employees:

- (i) A State Board member or a Local Board member or Youth Council member must neither cast a vote on, nor participate in, any decision-making capacity, on the provision of services by such member (or any organization which that member directly represents), nor on any matter which would provide any direct financial benefit to that member or a member of his immediate family.
- (ii) Neither membership on the State Board, the Local Board, or the Youth Council nor the receipt of WIA funds to provide training and related services, by itself, violates these conflicts of interest provisions.

### **E-100.3: Legislative Authority**

Under the requirements of Texas Government Code §2308.257, Board members shall avoid the appearance of conflict of interest by not voting in, or participating in, any Board decision regarding the provision of services by such member, or any organization that member directly represents, or any matter that would provide direct financial benefit to that member, the member's immediate family, or any organization that that member directly represents.

## **PART F — APPOINTMENT PROCESS**

### **F-100.1: Steps in the Appointing Process**

Steps to take when a Local Workforce Development Board (Board) member resigns:

- Notify the Texas Workforce Commission (TWC)—Submit a Vacancy form, signed by the Board Chair, to TWC within 20 calendar days of the date of resignation, termination, or other event causing a vacancy.
- Notify the chief elected official (CEO(s): Either Board staff or the Board Chair shall inform the CEO(s) that a vacancy exists on the Board and a replacement is required.
- Recruit nominee—The CEO(s) must recruit a nominee to fill the vacancy. A required category vacancy must be filled within 90 calendar days after the effective date of resignation, termination, or other event causing the vacancy.
- Ensure the current résumé, curriculum vita, or work history contains sufficient information to clearly explain the appointee's relationship to and qualifications for the category he or she is appointed to represent.
- Submit the Board Appointments form to TWC with the following documentation for each appointee or reappointee—do not alter or localize required TWC forms:
  - Nomination Slate
  - Conflict of Interest Statement
  - résumé, curriculum vita, or work history
- Ensure that the new appointee does not participate in any Board votes until the appointee has been notified by TWC that the Commission has certified the appointment.

The following are the suggested business practices when a Board member's term is expiring:

- Board staff informs the Board member and CEO(s) several months in advance that the member's term will be expiring. The CEO(s) decides whether to reappoint the current Board member or recruit a nominee for the designated position.
- Reappointments must be completed within 90 calendar days after the effective date of the term expiration.
- For all reappointments, submit the Board Appointments form; a new Nomination Slate; a current résumé, curriculum vitae, or work history; and a completed Conflict of Interest Statement for Local Workforce Development Board Members to TWC.

## F-100.2: Checklist

### Checklist for Submitting Board Appointments

*For local use only. Do not submit to the Texas Workforce Commission.*

#### **FOR ALL CATEGORIES**

- Yes  No Résumé/curriculum vitae is current and includes information that supports the category the appointee will be representing.
- Yes  No Appointee can represent only one of the required categories.
- Yes  No Conflict of Interest Statement signed by Board Executive Director is included.
- Yes  No TWC Tax Account number(s) for the organization being represented is included on the nomination slate. (TWC Tax Account numbers are nine digits long.)
- Yes  No Nomination Slate includes the **total** number of employees.

#### **Private Sector Representative**

- Yes  No Appointee is a business owner, chief executive, or chief operating officer of a nongovernmental employer, or nominee has substantial management or policy responsibility. This information must be included in the résumé/curriculum vitae.
- Yes  No At least 51 percent of appointee's annual income is from private sector sources.
- Yes  No Appointee's title on Nomination Slate and on résumé/curriculum vitae are the same.
- Yes  No Appointee was nominated by a general-purpose business organization (that is, an organization that admits for membership any for-profit business operating within the workforce area [Chamber of Commerce or Economic Development Organization]).

#### **Community-Based Organization Representative**

- Yes  No Community-based organization (CBO) making the nomination is private and nonprofit.
- Yes  No Appointee is affiliated with the CBO as a Board member, employee, or active member.
- Yes  No Appointee's title and organization listed on Nomination Slate corresponds to the CBO making the nomination.
- Yes  No Résumé/curriculum vitae includes appointee's relation to the CBO, and demonstrates experience in the field of workforce investment.
- Yes  No Résumé/curriculum vitae contains statement of how CBO demonstrates expertise and effectiveness in the field of workforce investment.

## Chief Elected Official's Membership Guide for Local Workforce Development Boards

### **Organized-Labor Representative**

- Yes  No Nomination was submitted by local labor federation (for example, AFL-CIO and local central labor councils).
- Yes  No If a local labor federation does not exist in the workforce area, nomination was made by local union.
- Yes  No Appointee's title and organization listed on Nomination Slate corresponds to the labor federation/local union making the nomination.
- Yes  No Résumé/curriculum vitae includes appointee's relation to the labor federation.

### **Education Representative**

- Yes  No Appointee is a school board member, teacher, administrator, counselor, or an individual actively engaged in the education field.
- Yes  No Board has at least two education representatives, one representing secondary education and one representing postsecondary education.
- Yes  No Appointee's title and organization listed on Nomination Slate corresponds to the education agency making the nomination.
- Yes  No Résumé/curriculum vitae includes appointee's relation to the education agency.

### **Public Employment Representative**

- Yes  No Appointee is a TWC employee.
- Yes  No Workforce Development Division staff prepared nominee's Nomination Slate.
- Yes  No Appointee is nominated by the Director of TWC's Workforce Development Division.

### **Vocational Rehabilitation Representative**

- Yes  No Appointee is nominated by an agency that provides services to individuals with disabilities to assist them in preparing for, securing, retaining, or regaining employment.
- Yes  No Appointee is active board member or employee of the vocational rehabilitation organization.
- Yes  No Résumé/curriculum vitae includes appointee's relation to the vocational rehabilitation organization.

### **Public Assistance Representative**

- Yes  No Appointee is nominated by a public assistance agency. Public assistance means federal, state, or local government cash payments for which eligibility is determined by a needs or income test.
- Yes  No Appointee is an active board member or employee of the public assistance organization.

## Chief Elected Official's Membership Guide for Local Workforce Development Boards

### **Economic Development Representative**

- Yes  No Appointee is a board member or employee of the economic development agency making the nomination.
- Yes  No Appointee is nominated by a local planning and zoning commission or board, community development organization, local organization or institution responsible for regulating, promoting, or assisting in local economic growth, or a private sector economic development entity.

### **Literacy Council Representative**

- Yes  No Appointee was nominated by the local literacy council. If a local literacy council does not exist in the workforce area, appointee was nominated by a literacy provider funded by a local literacy council.
- Yes  No Appointee is a board member, employee, or active volunteer of the literacy organization.
- Yes  No Résumé/curriculum vitae includes appointee's relation to the literacy organization.

### **Adult Basic and Continuing Education Representative**

- Yes  No Appointee was nominated by a local public education agency or a private nonprofit organization that provides educational instruction or other education services to adults who have not obtained a high school diploma or its equivalent.
- Yes  No Appointee is a board member, employee, or volunteer and is actively engaged in the provision of or field of adult basic and continuing education.
- Yes  No Résumé/curriculum vitae includes appointee's relation to the adult basic and continuing education organization.

## **SPECIAL BOARD REQUIREMENTS**

### **Child Care Representative**

- Yes  No One of the Board members has expertise in child care or early childhood education (*below pre-kindergarten*).
- Yes  No Expertise and/or education is included in the résumé/curriculum vitae.

### **Veteran Representative**

- Yes  No One of the Board members is a veteran actively engaged in the field of veterans affairs or services. Involvement must be included in the résumé/curriculum vitae.

**FOR LOCAL USE ONLY**

**DO NOT SUBMIT TO TEXAS WORKFORCE COMMISSION**

## **PART G — APPENDIX**

### **G-100: Board Membership Breakdown by Number of Members**

<b>Number of Members</b>	<b>Private Sector (51%)</b>	<b>CBO and Labor (15%)</b>	<b>Other</b>
25	13	4	8
26	14	4	8
27	14	5	8
28-29	15	5	8
30-31	16	5	8
32-33	17	5	8
34-35	18	6	8
36-37	19	6	8
38-39	20	6	8
40-41	21	7	8
42-43	22	7	8
44-45	23	7	8
46	24	7	8
47	24	8	8
48-49	25	8	8
50-51	26	8	8
52-53	27	8	8
54-55	28	9	8

**G-200: Board Membership Breakdown by Category**

Categories	Statutory Requirements	Minimum # of Representatives
Private sector employers	Must constitute a majority (51%)	13
Organized labor and community-based organizations	Must constitute not less than 15%	4
Educational agencies, including: Secondary practitioners representing vocational education Postsecondary practitioners representing vocational education	Each must have one or more representatives	2
Economic development agencies	One or more representatives	1
Public assistance agencies	One or more representatives	1
Vocational rehabilitation	One or more representatives	1
Public employment service (TWC)	One or more representatives	1
Local literacy councils	One or more representatives	1
Adult basic and continuing education organizations	One or more representatives	1

## **PART H: FORMS**

### **PART H-100: CONFLICT OF INTEREST STATEMENT FOR LOCAL WORKFORCE DEVELOPMENT BOARD MEMBERS**

**Board Nominee:** \_\_\_\_\_

**Category Representing:** \_\_\_\_\_

1. Does Board nominee, any entity or business he or she is involved with, or the organization for which he or she is being nominated to represent have a contract with the Board? Yes  No  If yes, please explain.

If yes, nominee will need to make appropriate disclosures to the Board.

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\_\_\_\_\_  
Executive Director

\_\_\_\_\_  
Date

## H-200: Nomination Slate

***Local Workforce Development Board Nomination Slate***  
 PLEASE TYPE OR PRINT

1. Workforce Area: \_\_\_\_\_
2. Name of Nominee: \_\_\_\_\_
3. Organization Representing: \_\_\_\_\_
4. Position/Title: \_\_\_\_\_
5. Address: \_\_\_\_\_ City/Zip Code: \_\_\_\_\_
6. Phone Number: \_\_\_\_\_ Fax: \_\_\_\_\_ Home: \_\_\_\_\_
7. E-mail: \_\_\_\_\_
8. Gender:  Male  Female

9. Race: What is the nominee's race? Mark one or more races to indicate what the nominee considers himself/herself to be.

- |  |  |                                   |                                   |
|--|--|-----------------------------------|-----------------------------------|
| <input type="checkbox"/> White           | <input type="checkbox"/> Black/African American/Negro  | <input type="checkbox"/> Chinese  | <input type="checkbox"/> Korean   |
| <input type="checkbox"/> Asian Indian    | <input type="checkbox"/> American Indian/Alaska Native | <input type="checkbox"/> Samoan   | <input type="checkbox"/> Japanese |
| <input type="checkbox"/> Vietnamese      | <input type="checkbox"/> Guamanian or Chamorro         | <input type="checkbox"/> Filipino |                                   |
| <input type="checkbox"/> Native Hawaiian | <input type="checkbox"/> Some Other Race _____         |                                   |                                   |

10. Hispanic Origin: Is the nominee Spanish/Hispanic/Latino?

- |   |  |
|---|--|
| <input type="checkbox"/> No, not Spanish/Hispanic/Latino                    |  |
| <input type="checkbox"/> Yes, Mexican, Mexican American, Chicano            | <input type="checkbox"/> Yes, Puerto Rican |
| <input type="checkbox"/> Yes, other Spanish/Hispanic/Latino, specify: _____ | <input type="checkbox"/> Yes, Cuban        |

11. Reference Item 3—Please list any applicable **Employer TWC Tax Account Number(s)**:

- 1.) \_\_\_\_\_ 2.) \_\_\_\_\_ 3.) \_\_\_\_\_

12. **Total Number of Employees** associated with Employer TWC Tax Account Numbers listed in Item 11: \_\_\_\_\_

13. Please indicate the Workforce Board category the nominee represents (**Check Only One**):

- |  |                          |
|--|--------------------------|
| Private Sector Large/For-Profit Business (large 500 employees or more) ..... | <input type="checkbox"/> |
| Private Sector Small/For-Profit Business (fewer than 500 employees).....     | <input type="checkbox"/> |
| Other Private Sector .....   | <input type="checkbox"/> |
| Education.....   | <input type="checkbox"/> |
| Literacy Council.....  | <input type="checkbox"/> |
| Economic Development.....  | <input type="checkbox"/> |
| Vocational Rehabilitation .....  | <input type="checkbox"/> |
| Public Employment Service (TWC) .....  | <input type="checkbox"/> |
| Adult Basic and Continuing Education.....                                    | <input type="checkbox"/> |
| Organized Labor .....  | <input type="checkbox"/> |
| Community-Based Organization (CBO)   | <input type="checkbox"/> |
| Public Assistance .....  | <input type="checkbox"/> |

**Special Board Requirements** - Indicate, if applicable:

14. Nominee has **expertise in child care or early childhood education** .....
15. Nominee is a **veteran AND is actively engaged** in the field of veterans affairs or services .....

Chief Elected Official's Membership Guide for Local Workforce Development Boards

16. \_\_\_\_\_  
Name of Nominating Organization

17. \_\_\_\_\_  
Street Address or P.O. Box of Nominating Organization      City      State      Zip

18. \_\_\_\_\_  
Telephone Number      Fax

19. \_\_\_\_\_  
Signature, Nominating Organization - President, Director, or other official      Date of Signature

20. \_\_\_\_\_  
Print or Type Name      Print or Type Title

Individuals may receive, review, and correct information that TWC collects about the individual by e-mailing [open.records@twc.state.tx.us](mailto:open.records@twc.state.tx.us) or writing to TWC Open Records, Rm. 266, 101 East 15th St., Austin, TX 78778-0001.

## H-300: CEO/Board Partnership Agreement

**CHIEF ELECTED OFFICIAL/LOCAL WORKFORCE DEVELOPMENT BOARD**

**PARTNERSHIP AGREEMENT**

### STATEMENT OF UNDERSTANDING

This is to acknowledge and certify that I, the undersigned, have read, understand, and agree to the terms of the current and legally binding Partnership Agreement. Furthermore, I reserve the option to request negotiations to amend and/or modify the agreement at any time during my individual tenure as Lead CEO or Board Chair Representative.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

Title:

\_\_\_\_\_  
(Board Chair or Lead CEO)

Address:

\_\_\_\_\_  
\_\_\_\_\_

Phone:

\_\_\_\_\_

Fax:

\_\_\_\_\_

E-mail:

\_\_\_\_\_

Workforce  
Area:

\_\_\_\_\_

Effective  
Date:

\_\_\_\_\_

Individuals may receive, review, and correct information that TWC collects about the individual by e-mailing [open.records@twc.state.tx.us](mailto:open.records@twc.state.tx.us) or writing to TWC Open Records, Rm. 266, 101 East 15th St., Austin, TX 78778-0001.

**H-400: Board Appointments**

**LOCAL WORKFORCE DEVELOPMENT BOARD APPOINTMENTS**

<b>NAME</b>	<b>CATEGORY REPRESENTED</b>	<b>TERM MONTH/DAY/YEAR THRU MONTH/DAY/YEAR</b>					
<b><u>Appointments (New)</u></b>							
<b><u>Reappointments</u></b>							
<b>AUTHORIZATION</b>							
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border-bottom: 1px solid black; padding-bottom: 5px;">Print/Type CEO Name</td> <td style="width: 50%; border-bottom: 1px solid black; padding-bottom: 5px;">Print/Type CEO Title</td> </tr> <tr> <td style="border-bottom: 1px solid black; padding-bottom: 5px;">Print/Type name of Workforce Area</td> <td style="border-bottom: 1px solid black; padding-bottom: 5px;">CEO Signature</td> <td style="border-bottom: 1px solid black; padding-bottom: 5px;">Date</td> </tr> </table>			Print/Type CEO Name	Print/Type CEO Title	Print/Type name of Workforce Area	CEO Signature	Date
Print/Type CEO Name	Print/Type CEO Title						
Print/Type name of Workforce Area	CEO Signature	Date					

Individuals may receive, review, and correct information that TWC collects about the individual by e-mailing [open.records@twc.state.tx.us](mailto:open.records@twc.state.tx.us) or writing to TWC Open Records, Rm. 266, 101 East 15th St., Austin, TX 78778-0001.



**H-600: Subsequent Certification**

<b>TEXAS WORKFORCE COMMISSION                  LOCAL WORKFORCE DEVELOPMENT BOARD CERTIFICATION REVIEW PROCESS</b>	
LOCAL WORKFORCE DEVELOPMENT AREA (WORKFORCE AREA)	DATE:

**1. LOCAL WORKFORCE DEVELOPMENT BOARD (BOARD) COMPOSITION**

**Is Board composition consistent with Texas Government Code §2308.256?**

Private sector representatives constitute a majority of the membership of the Board.  Yes  No

Community-based organization/organized labor representatives constitute not less than 15 percent of the membership of the Board.  Yes  No

Representatives of each of the following:

Education

- (1) Secondary Education.....  Yes  No
- (1) Postsecondary Education.....  Yes  No

Vocational Rehabilitation.....  Yes  No

Economic Development.....  Yes  No

Public Assistance.....  Yes  No

Public Employment Service.....  Yes  No

Literacy Council.....  Yes  No

Adult Basic and Continuing Education.....  Yes  No

Does one of the above members have expertise in child care or early childhood education?  Yes  No

Is one of the above members a veteran actively engaged in the field of veteran affairs or services?  Yes  No

<b>Comments:</b>
<b>Response:</b>

**2. DIVERSITY REQUIREMENTS**

**Is the Board in compliance with the ethnic and geographic diversity of the workforce area in accordance with the latest census report?**  Yes  No

<b>Comments:</b>
<b>Response:</b>

**3. INDUSTRY REPRESENTATION**

**Does the private sector membership of your Board reasonably represent the industrial and demographic composition of the business community?**  Yes  No

<b>Comments:</b>
<b>Response:</b>

**4. BYLAWS**

Date of current bylaws: \_\_\_\_\_

- Do bylaws include the size of Board?.....  Yes  No
- Is composition of Board consistent with bylaws?.....  Yes  No
- Do bylaws identify conflict of interest policy?.....  Yes  No
- Are Bylaws signed and dated?.....  Yes  No

<b>Comments:</b>
<b>Response:</b>

**5. PARTNERSHIP AGREEMENT**

Date of current Partnership Agreement: \_\_\_\_\_

- Is grant recipient identified?..... Yes No
- Is the administrative entity identified?..... Yes No
- Is process for development of Strategic and Operational Plan identified?..... Yes No

<b>Comments:</b>
<b>Response:</b>

**6. Are the Partnership Agreement and Board bylaws in agreement with each other?** Yes No

<b>Comments:</b>
<b>Response:</b>

**7. The Board has developed fiscal policies and procedures to ensure financial controls are in place. The policies and procedures include the following:**

- Automation Controls..... Yes No
- Budget and Funds Management..... Yes No
- Cash and Asset Management..... Yes No
- Disbursements and Cost Allocation..... Yes No
- Encumbrances and Individual Training Accounts..... Yes No
- Financial Reporting..... Yes No
- Procurement and Property Management..... Yes No
- Revenue Forecasts and Drawdowns..... Yes No

<b>Comments:</b>
<b>Response:</b>

**8. WIOA PROGRAM YEAR \_\_\_ PERFORMANCE & PROGRAM YEAR \_\_\_  
AVAILABLE PERFORMANCE DATA:**

<b>Comments:</b>
<b>Response:</b>

\_\_\_\_\_  
Signature, Board Executive Director

\_\_\_\_\_  
Date

Received by TWC: \_\_\_\_\_  
Signature - Workforce and Board Support

\_\_\_\_\_  
Date