

1 **Repeal of Chapter 841, Workforce Investment Act, and Creation of New Chapters 840,**
2 **Training Provider Eligibility, and 842, WIOA Nondiscrimination and Equal Opportunity**
3 **Policy Concept**

4 **Background**

5 The stated goal of Texas Workforce Commission (TWC) Chapter 841 Workforce Investment Act
6 rules is to provide the implementation of the Workforce Investment Act of 1998 (WIA) as it
7 relates to the duties of TWC and the Local Workforce Development Boards (Boards). However,
8 WIA is no longer law. The Workforce Innovation and Opportunity Act of 2014 (WIOA) was
9 signed into law on July 22, 2014, replacing WIA and amending the Wagner-Peyser Act of 1933
10 and the Rehabilitation Act of 1973. This policy concept describes how TWC rules will align with
11 WIOA by repealing Chapter 841 and creating two new chapters from the Chapter 841 sections
12 that remain relevant under WIOA and that are not already addressed elsewhere in TWC’s rules.

13 **Issue 1: Repeal Chapter 841, Workforce Investment Act**

14 Chapter 841 refers specifically to WIA, which has been replaced by WIOA and is therefore
15 obsolete. Also, the chapter is comprised of multiple topics. For example, it addresses the
16 requirements to maintain a one-stop delivery system, training provider certification, and
17 nondiscrimination and equal opportunity. This repeal includes the following subchapters:

- 18 • Subchapter A. General Provisions.
 - 19 ➤ Section 841.1, Goal, is no longer necessary because it is specific to this chapter.
 - 20 ➤ Section 841.2, Definitions, is no longer applicable. Relevant definitions will be included
 - 21 in new chapters.
- 22 • Subchapter B. One-Stop Delivery System.
 - 23 ➤ The information contained in §841.11, Requirement to Maintain a One-Stop Delivery
 - 24 System, is addressed in TWC Chapter 801 Local Workforce Development Boards rules.
- 25 • Subchapter C. Training Provider Certification.
 - 26 ➤ Subchapter C, Training Provider Certification, will become its own new chapter, Chapter
 - 27 840.
 - 28 ➤ The new chapter will align training provider certification rules with WIOA, as specified
 - 29 in Issue 2.
- 30 • Subchapter D.
 - 31 ➤ The Commission repealed Subchapter D, Local Area Grievance Procedure, on November
 - 32 26, 2007.
- 33 • Subchapter E. State Level Hearing.
 - 34 ➤ Subchapter E, State Level Hearing, is specific to Local Workforce Development Area
 - 35 certification. Staff has identified TWC Chapter 802 Integrity of the Texas Workforce
 - 36 System rules as the appropriate chapter for this rule.
 - 37 ➤ Subchapter E will be added to Chapter 802 as new Subchapter J, Local Workforce
 - 38 Development Area Appeals.
 - 39 ➤ New Subchapter J updates the name of the state workforce development board from
 - 40 “Texas Council on Workforce and Economic Competitiveness” to “Texas Workforce
 - 41 Investment Council.”
- 42 • Subchapter F. WIA Nondiscrimination and Equal Opportunity.
 - 43 ➤ Subchapter F, WIA Nondiscrimination and Equal Opportunity, will be a new chapter,
 - 44 Chapter 842.

- 1 ➤ New Chapter 842 will align nondiscrimination and equal opportunity rules with WIOA,
2 as specified in Issue 3.

3 **Issue 2: New Chapter 840, WIOA Training Provider Eligibility**

4 Chapter 841, Subchapter C, Training Provider Certification (§§841.31–841.47), remains relevant
5 under WIOA but should be moved to its own chapter (proposed new Chapter 840) as a stand-
6 alone topic and renamed “Training Provider Eligibility” to reflect WIOA processes. Rules will
7 comply with WIOA and ensure that the state retains the authority afforded it by federal law. This
8 rewrite will include sections on the following topics:

- 9 • Definitions
10 • Statewide Eligible Training Provider List (ETPL)
11 • Individual Training Accounts (ITAs)
12 • Provider eligibility
13 • Program eligibility
14 • Initial eligibility consideration
15 • Continued eligibility consideration
16 • Annual performance information
17 • Removal from the statewide ETPL
18 • Exceptions to the ETPL and ITA system
19 • Local flexibility

20 **Issue 3: New Chapter 842, WIOA Nondiscrimination and Equal Opportunity**

21 The topic addressed in Chapter 841, Subchapter F, WIA Nondiscrimination and Equal
22 Opportunity (EO) (§§841.201–841.215), remains relevant under WIOA but should be
23 established as its own chapter as a stand-alone topic. Staff proposes revising content for clarity
24 and alignment with WIOA, as follows:

- 25 • Add WIOA notice and communication requirements to include a Babel notice (a notice
26 required under 29 CFR 38.9(g)(3) to indicate in specified languages that language assistance
27 is available), tagline compliance, and specific requirements for posting the notice.
28 • Replace the term “Agency EO Officer” with “State-Level EO Officer.”
29 • Replace “Agency EO Officer” with “EO Officer” only in sections regarding complaint
30 processing, because Board EO Officers can now conduct complaint investigations.
31 • Update terminology to align with 29 CFR Part 38.
32 • Add reference to limited English proficiency and language requirements where applicable.
33 • Where applicable, add “annual” to “monitoring” to emphasize that monitoring of
34 nondiscrimination and equal opportunity is an annual requirement.
35 • Add outreach and education to EO Officer responsibilities.

36 **Decision Point**

37 Staff seeks direction on amending TWC rules by:

- 38 • repealing Chapter 841, Workforce Investment Act;
39 • creating new Chapter 840, Training Provider Eligibility; and
40 • creating new Chapter 842, WIOA Nondiscrimination and Equal Opportunity.