

TEXAS WORKFORCE COMMISSION
Workforce Development Letter

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



From: Mary York, Director, Workforce Development Division

Subject: **Adoption of Local Workforce Development Board Policies and Budgets in Open Meetings**

PURPOSE:

The purpose of this WD Letter is to provide Local Workforce Development Boards (Boards) with guidance and information on the adoption of Board policies and budgets in open meetings.

RESCISSIONS:

WD Letter 10-07

BACKGROUND:

Title 40, Texas Administrative Code, Part 20, Chapter 802, Integrity of the Texas Workforce System rule §802.1(f) instructs Boards to comply with Open Meetings Act (OMA) requirements outlined in the Texas Government Code, Chapter 551, which was enacted to make governmental decision-making accessible to the public.

House Bill (HB) 1522, 89th Texas Legislature, Regular Session (2025) amended Texas Government Code §551.043 to update the OMA requirements regarding the posting of a Board meeting notice and budget.

PROCEDURES:

No Local Flexibility (NLF): This rating indicates that Boards must comply with the federal and state laws, rules, policies, and required procedures set forth in this WD Letter and have no local flexibility in determining whether and/or how to comply. All information with an NLF rating is indicated by “must.”

Local Flexibility (LF): This rating indicates that Boards have local flexibility in determining whether and/or how to implement guidance or recommended practices set forth in this WD Letter. All information with an LF rating is indicated by “may” or “recommend.”

Open Meetings

NLF: Boards must inform appropriate staff that, per the [Open Meetings Act Handbook](#), Section VI.A, a meeting is subject to the OMA if it is “a deliberation...during which public business or public policy over which the governmental body has supervision or control is discussed or considered or during which the governmental body takes formal action.”

NLF: Boards must ensure all directives that impact the rights, benefits, and privileges of employers, individuals, other customers, or organizations are voted on and adopted as Board policy in an open meeting.

NLF: Boards must inform appropriate staff that policymaking:

- involves developing and adopting directives as local guidelines that implement, interpret, or prescribe laws, regulations, and state policies; and
- occurs when the Board chooses to make changes to long-standing administrative procedures in a manner that is significant enough to impact the rights, property, or privileges of individuals or groups of individuals.

Example: TWC’s three-member Commission requires Boards to adopt a local policy establishing the number of weekly job search contacts that Choices participants must make. This policy must be voted on and adopted in an open meeting because it impacts the rights, benefits, and privileges of the participants. How, when, and where the participants turn the job search contacts in, and the associated procedures, will not need to be voted on and adopted in an open meeting because these actions are related to the operation of the Board’s adopted policy.

NLF: The OMA provides civil remedies and criminal penalties for violations of its provision. Therefore, Boards must seek independent legal counsel to determine whether the policy is subject to the OMA.

NLF: The following directives do not require Board approval in an open, public meeting:

- Those that are related to the internal management of the Board or its staff and that do not impact outside entities
- Those that are related to the operation of various Texas Workforce Solutions Office services

Meeting Notice Posting Requirements

NLF: Boards must post, in a place readily accessible to the general public at all times, an appropriate notice of the date, hour, place, and subject of each meeting that is subject to the OMA at least three business days before the scheduled meeting.

NLF: Boards must ensure that if a notice of a meeting is posted on the Internet, the meeting notice is also posted in a physical location that is readily accessible to the general public during normal business hours.

NLF: Boards must ensure that for meetings subject to the OMA where the Board's budget will be discussed or adopted, the meeting notice includes:

- a physical copy of the proposed budget; or
- a digital copy that is clearly accessible on the home page of the Board's website.

NLF: Boards must adhere to the emergency posting requirements provided in Texas Government Code §551.045.

Minutes and Recordings

NLF: In accordance with the OMA, Boards must prepare and retain minutes or recordings of each open meeting of the Board.

NLF: Boards must ensure the minutes:

- state the subject of each deliberation; and
- indicate each vote, order, decision, or other action taken.

NLF: The minutes and recordings of an open meeting are public records. Boards must ensure the minutes and recordings of an open meeting are available for public inspection and copying upon request. Minutes and recordings must be maintained in accordance with the Board's records retention requirements.

INQUIRIES:

Send inquiries regarding this WD Letter to
wfpolicy.clarifications@twc.texas.gov.

REFERENCES:

House Bill 1522, 89th Texas Legislature, Regular Session (2025)
Title 40, Texas Administrative Code, Part 20, Chapter 802, Integrity of the Texas Workforce System
Texas Government Code, Chapter 551
Open Meetings Handbook, Office of the Attorney General