

## TEXAS WORKFORCE COMMISSION LETTER

<b>ID/No:</b>	WD 29-15, Change 1
<b>Date:</b>	November 30, 2017
<b>Keyword:</b>	Administration
<b>Effective:</b>	Immediately

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

**From:**  Courtney Arbour, Director, Workforce Development Division

**Subject:** **Board Oversight Capacity Evaluation Criteria—*Update***

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### **PURPOSE:**

To provide Local Workforce Development Boards (Boards) with updated information and guidance on Board oversight capacity ratings, including:

- a review period for the evaluation of Board oversight capacity;
- criteria for evaluating Board oversight capacity;
- newly designated Board attestation criteria; and
- a new fillable form for submitting responses to the Texas Workforce Commission (TWC).

### **BACKGROUND:**

Texas Labor Code §302.048 requires that TWC establish rules that set forth criteria for evaluating each Board's overall capacity to oversee and manage local funds and the delivery of local workforce services. Section 302.048 further states that the criteria established by TWC's three-member Commission (Commission) must address each Board's ability to:

- develop, maintain, and upgrade comprehensive fiscal management systems;
- hire, train, and retain qualified staff to carry out the Board's oversight activities;
- select and oversee local contractors to improve the delivery of workforce services;
- oversee and improve the operations of Workforce Solutions Offices served by the Board;
- manage each contractor's performance across multiple Board programs; and
- identify and resolve long-standing Board oversight problems and contract provider performance issues.

TWC rule §802.67 provides that TWC will evaluate, on at least an annual basis, each Board's oversight capacity, as specified in Texas Labor Code §302.048.

TWC uses the Commission-approved Board Oversight Capacity Ratings score card to evaluate each Board's overall capacity to oversee and manage local funds and the delivery of local workforce services. Evaluation and criteria are based on the six areas identified under Texas Labor Code §302.048 as separate categories.

#### **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” or “shall.”

**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.”

#### **Review Period for the Evaluation of Board Oversight Capacity**

**NLF:** Boards must be aware that TWC's evaluation of Board oversight capacity will use the October 1 through September 30 review period every year. TWC will post the annual ratings on its website.

#### **Criteria for Evaluating Board Oversight Capacity**

**NLF:** Boards must be aware that TWC will evaluate, on at least an annual basis, each Board's oversight capacity using the criteria shown in Attachment 1, Sample Board Oversight Capacity Ratings Score Card. Each of the six criteria is graded as “Meets Standards” or “Below Standards.” Criteria marked with an asterisk will be substantiated by Board attestation.

**NLF:** Boards must complete responses to the Board Attestation and Community Impact Statement fillable form (Attachment 2) and submit the completed form to TWC. Additionally, Boards must submit documentation, if requested, to support a response to a Board attestation item.

**NLF:** Community Impact Statements must highlight any efforts to demonstrate and contribute to an effective workforce system, specifically identifying areas not reflected in the six categories.

**NLF:** Boards must submit their completed Board Attestation and Community Impact Statement fillable form to [wfpolicy.clarifications@twc.texas.gov](mailto:wfpolicy.clarifications@twc.texas.gov) by October 31 of each year. For 2017, these items must be received by December 31, 2017.

#### **INQUIRIES:**

Send inquiries regarding this WD Letter to [wfpolicy.clarifications@twc.texas.gov](mailto:wfpolicy.clarifications@twc.texas.gov).

#### **ATTACHMENTS:**

Attachment 1: Sample Board Oversight Capacity Ratings Score Card

Attachment 2: Board Attestation and Community Impact Statement Form  
Attachment 3: Revisions to WD Letter 29-15 Shown in Track Changes

**RESCISSIONS:**

WD Letter 29-15

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**REFERENCES:**

Texas Labor Code §302.048

Texas Workforce Commission Integrity of the Texas Workforce System Rules 40  
TAC, Chapter 802