

TEXAS WORKFORCE COMMISSION LETTER

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Effective:	Immediately

To: Chief Elected Officials
Local Workforce Development Board Chairs
Local Workforce Development Board Executive Directors
Commission Executive Staff
Integrated Service Area Managers

From: Reagan Miller, Deputy Director, Workforce Solutions

Subject: **Chief Elected Official's Membership Guide for Local Workforce Development Boards—*Update***

PURPOSE:

To provide chief elected officials (CEOs) and Local Workforce Development Boards (Boards) with the latest version of the "Chief Elected Official's Membership Guide for Local Workforce Development Boards" (Guide).

This updated WD Letter provides CEOs and Boards with the latest version of the Guide.

CHANGES TO WD LETTER 28-01, Change 5:

New information in this WD Letter is indicated by:

- a ~~strikethrough~~ of the original language, which indicates that language has been deleted; and
- bold typeface, which indicates new or clarifying language.

BACKGROUND:

The Guide provides all state and federal requirements for the establishment of Boards relating to appointments, reappointments, and vacancies.

The Guide is available on the Texas Workforce Commission's (TWC) website at <http://www.twc.state.tx.us/partners/workforce-development-boards>. It includes the forms required for Board appointments.

The Guide was updated on February 1, 2006, to include the following:

- The revised Nomination Slate, which is required for CEO appointment or reappointment of Board members and must be submitted to the Texas Workforce Commission (Commission) for certification of the appointment or reappointment.

- New open meetings and public information training requirements for public officials and public information officers, as directed by Senate Bill (SB) 286, 79th Texas Legislature, Regular Session (2005) and announced to Boards in WD letter 80-05. SB 286 amends Texas Government Code §551.005 and §552.012 to include mandatory Open Meetings Act and Public Information Act training requirements for elected and appointed officials.
- A revised Checklist for Submitting Board Appointments, which is provided for use at the local level and not for submission to TWC’s three-member Commission.

The changes made to the Guide are as follows:

- **Replacement of references to the Workforce Investment Act (WIA) with references to the Workforce Innovation and Opportunity Act (WIOA)**
- **Clarification of §A-200.5.4: Education Representatives**
- **Replacement of “Texas Health and Human Services Commission’s Department of Assistive and Rehabilitative Services” with “Texas Workforce Commission’s Rehabilitation Services Division”**
- **Replacement of outdated links**
- **Addition of new language in §A-400.2: Prohibition of Dual Office Holding**
- **Incorporation of language from §A-400.3: Prohibition of Self-Appointment into §A-400.3: Prohibition of Conflicting Loyalties**
- **Removal of §A-400.3: Prohibition of Self-Appointment**

PROCEDURES:

NLF: Effective immediately, CEOs and Boards must use the updated guide, which includes required TWC forms that cannot be adapted or changed.

NLF: CEOs and Boards must ensure that Board members and appropriate staff members are apprised of and comply with the requirements in this WD Letter.

INQUIRIES:

Send inquiries regarding this WD Letter to wfpolicy.clarifications@twc.state.tx.us.

RESCISSION:

WD 28-01, Change 5

REFERENCES:

Workforce Innovation and Opportunity Act of 2014
 Texas Government Code Chapter 2308
 Texas Government Code §551.005 and §552.012
 Texas Workforce Commission Chapter 801, Local Workforce Development
 Boards Rules: Subchapter A

WD Letter 80-05, Change 1, issued March 19, 2008, and entitled “Senate Bill 286: Open Meetings and Public Information Training Requirements for Elected and Appointed Public Officials and Board Responsibilities under the Open Meetings Act and Public Information Act”

FLEXIBILITY RATINGS:

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.”