

1 **Workforce Conference Awards**  
2 **Discussion Paper**  
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5 **Background**

6 Texas Workforce Commission (TWC) Chapter 802 Integrity of the Texas Workforce System  
7 rules [Subchapter I](#) allows TWC’s three-member Commission (Commission) to establish  
8 monetary and nonmonetary awards to incentivize the Commission’s goals to fulfill the workforce  
9 needs of employers and put Texans to work.

10 **Issue 1: Awards Modifications**

11 On June 24, 2021, the Commission held a work session to discuss the future of Workforce  
12 Awards and at that time asked staff to develop recommendations for objective-based monetary  
13 Board and AEL Awards, as well as nonmonetary awards for employers and other partners.  
14

15 **Decision Point**

16 Staff seeks direction on presenting awards beginning in 2022 to Boards, AEL grantees,  
17 community colleges, and employers as set forth in the Workforce Awards—Overview  
18 attachment. Any future modifications to award categories and/or monetary amounts will be made  
19 by the Commission as needed.

20 **Issue 2: Eligibility for Board and AEL Awards**

21 Section 802.167 allows TWC to modify eligibility for and assignment of awards based on factors  
22 that the Commission identifies as extraordinary circumstances.

23 TWC considers the following factors when determining an entity’s eligibility to receive  
24 Workforce Awards:

- 25 • The quality of a Board’s or grantee’s performance and of the award applications  
26 • The number of award applications or nominations received  
27 • Voluntary deobligation of funds related to an award or program  
28 • Corrective actions related to:  
29 ➤ failure to meet relevant performance targets;  
30 ➤ repeat monitoring findings;  
31 ➤ failure to provide cost-effective services, as evidenced by unusually high average costs;  
32 or  
33 ➤ failure to oversee the delivery of services  
34 • A Board’s or AEL grantee’s poor programmatic, fiscal, and/or administrative oversight not  
35 currently addressed through corrective action

36 On January 29, 2019, the Commission adopted parameters related to corrective actions  
37 (Technical Assistance Plans (TAPs), Intents to Sanction, and Sanctions) that impact a Board’s or  
38 AEL grantee’s eligibility to receive awards. To simplify and clarify how a corrective action  
39 affects a Board’s or AEL grantee’s eligibility to receive an award, staff proposes that the below  
40 parameters apply if the corrective action is related to the performance period, as defined in the  
41 attachment to this discussion paper, upon which that award is being calculated or evaluated.  
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Corrective Action Type	TAP	ITS or Sanction
Program-Specific	Eligible for all awards	Not eligible for awards related to that program but eligible for all other awards
Administrative Process and/or Board Oversight <ul style="list-style-type: none"> <li>• Procurement issues</li> <li>• Cost allocation issues</li> <li>• Data security issues</li> <li>• IT security issues</li> <li>• Open records issues</li> <li>• Board membership issues</li> <li>• Inaccurate financial reporting in the CDER system</li> <li>• Poor expenditure management that jeopardizes service delivery</li> <li>• Poor fiscal oversight</li> <li>• Overarching concerns regarding poor program management</li> </ul>	Eligible for all awards	Not eligible for awards

1 **Decision Point**

2 Staff seeks direction on considering extraordinary circumstances when identifying a Board’s or  
 3 AEL grantee’s eligibility to receive awards.

5 **Issue 3: Eligibility for Employer Awards**

6 The following Employer Awards are presented each year as part of TWC’s annual workforce  
 7 awards:

- 8 • Large Employer of the Year Award
- 9 • Small Employer of the Year Award
- 10 • Veteran-Friendly Employer of the Year Award
- 11 • Local Employer of Excellence

13 Historically, nominees for the TWC Employer Awards have been limited to private-sector  
 14 employers that operate a business in a local workforce development area. The Commission has  
 15 never formally adopted a definition of “private-sector employer” to be used for this purpose.  
 16 However, staff generally have accepted nominations for any employer outside of the public  
 17 sector, including both private for-profit and private non-profit employers.

19 **Decision Point**

20 Staff seeks direction on using the following definition when considering eligibility for Employer  
 21 Awards:

22

- 1 A “private-sector employer” is an employing unit, as defined by Section 201.011(11) of the  
2 Labor Code—including partnerships, associations, corporations, and educational and nonprofit  
3 institutions—that is not any of the following:
- 4 • a “political subdivision” under TWC Rule 40 T.A.C. §821.4
  - 5 • an individual or entity subject to Titles 2, 3, or 4 of the Government Code
  - 6 • a unit of government of another state, the United States, or a foreign nation
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