

TEXAS WORKFORCE COMMISSION
ORDER
RELATING TO PUBLIC SECTOR HEALTHCARE APPRENTICES

WHEREAS, 40 Texas Administrative Code (TAC) §800.8 authorizes the Texas Workforce Commission (“Commission”) to suspend the operation of an agency rule, if the Commission finds a public emergency or imperative public necessity exists, and the Commission finds that the suspension will best serve the public health, safety, or welfare; and

WHEREAS, labor shortages across various healthcare occupations currently exist in the health care industry in Texas which threatens the viability of healthcare providers and the treatment and care provided to all Texans; and

WHEREAS, the definition of “apprentice” in 40 Texas Administrative Code (TAC) §837.2(2), Apprenticeship Training Program, limits apprentices to those employed in the private sector and creates a barrier to participation by public sector healthcare employers and their employees in the Apprenticeship Training Program; and

WHEREAS, the temporary suspension of this rule for Fiscal Year 2023 (FY23) would remove the barrier to participation allowing inclusion of apprentices in healthcare occupations employed by public sector healthcare employers for the FY 23 Apprenticeship Training Program and help reduce shortages in the health care industry;

THEREFORE, based on these considerations, the Texas Workforce Commission finds that an imperative public necessity exists and that a temporary suspension of 40 TAC §837.2(2) for Fiscal Year 2023 will best serve the public health, safety or welfare.

NOW, THEREFORE, ORDERED by the Texas Workforce Commission:

1) The limitation to "private sector" within the definition of Apprentice as set forth in 40 TAC §837.2(2), is suspended for Fiscal Year 2023 pursuant to the Commission's rule suspension authority in 40 TAC §800.8; and

2) Apprentices in healthcare occupations—as identified under the DOL Standard Occupations Classification System and listed by DOL Office of Apprenticeship as an apprenticeable occupation— employed by public sector healthcare employers may be included within the FY23 Apprenticeship Training Program.

Signed this ____ day of May 2022, upon the affirmative vote of a majority of the Commission present and voting.

Bryan Daniel, Chairman and Commissioner Representing the Public

Julian Alvarez, Commissioner Representing Labor

Aaron Demerson, Commissioner Representing Employers