

1 **CHAPTER 801. LOCAL WORKFORCE DEVELOPMENT BOARDS**

2  
3 **PROPOSED RULES TO BE PUBLISHED IN THE *TEXAS REGISTER*. THIS**  
4 **DOCUMENT WILL HAVE NO SUBSTANTIVE CHANGES BUT IS SUBJECT TO**  
5 **FORMATTING CHANGES AS REQUIRED BY THE OFFICE OF THE SECRETARY**  
6 **OF STATE.**

7  
8 The Texas Workforce Commission (TWC) proposes amendments to the following sections of  
9 Chapter 801, relating to Local Workforce Development Boards:

- 10  
11 Subchapter A. General Provisions, §801.1  
12 Subchapter B. One-Stop Service Delivery Network, §§801.21 - 801.25, 801.28, and  
13 801.29

14  
15 TWC proposes the repeal of the following section of Chapter 801, relating to Local Workforce  
16 Development Boards:

- 17  
18 Subchapter B. One-Stop Service Delivery Network, §801.27

19  
20 TWC proposes the following new sections to Chapter 801, relating to Local Workforce  
21 Development Boards:

- 22  
23 Subchapter B. One-Stop Service Delivery Network, §801.26 and §801.27

24  
25 **PART I. PURPOSE, BACKGROUND, AND AUTHORITY**

26 The purpose of the proposed Chapter 801 rule change is to conform the chapter with language  
27 and requirements implemented by Workforce Innovation and Opportunity Act (WIOA),  
28 including statutorily required Local Workforce Development Board (Board) partners.

29  
30 The General Appropriations Act - Senate Bill 1, Article VII, Texas Workforce Commission,  
31 Rider 46 from the 87th Texas Legislature, Regular Session (2021) requires TWC to ensure that  
32 digital skill building is a permitted activity in workforce development programs. House Bill 900  
33 from the 79th Texas Legislature, Regular Session (2005) amended Texas Labor Code, Chapter  
34 302 by adding §302.0027, which requires TWC and Boards to ensure financial literacy training  
35 is an included activity in all workforce development programs. Chapter 801 is amended to  
36 conform with these requirements.

37  
38 Texas Government Code, §2001.039, requires that every four years each state agency review and  
39 consider for readoption, revision, or repeal each rule adopted by that agency. TWC conducted a  
40 rule review of Chapter 801, and any changes are described in Part II of this preamble.

41  
42 **PART II. EXPLANATION OF INDIVIDUAL PROVISIONS**

43 (Note: Minor editorial changes are made that do not change the meaning of the rules and,  
44 therefore, are not discussed in the Explanation of Individual Provisions.)

1 **SUBCHAPTER A. GENERAL PROVISIONS**

2 TWC proposes the following amendments to Subchapter A:

3  
4 **§801.1. Requirements for Formation of Local Workforce Development Boards**

5 Section 801.1 is amended to remove Workforce Investment Act (WIA) from the reference to  
6 Texas Government Code, Chapter 2308, and update other references from WIA to WIOA.  
7 Additionally, Section 801.1 is amended to update Texas State Data Center to Texas  
8 Demographic Center and revise the section to clarify that veteran Board members must represent  
9 veterans in the local area.

10  
11 **SUBCHAPTER B. ONE-STOP SERVICE DELIVERY NETWORK**

12 TWC proposes the following amendments to Subchapter B:

13  
14 The section titles and language throughout the subchapter, including the subchapter's title, are  
15 amended to update references from WIA to WIOA and "Network" to "System" to align with  
16 WIOA terminology.

17  
18 **§801.22. Requirement to Maintain a One-Stop Service Delivery Network.**

19 Section 801.22 is amended to specify that Boards must maintain at least one Comprehensive  
20 Center in each local workforce development area.

21  
22 **§801.23. Definitions**

23 Section 801.23 is amended to add the definitions for "Access" and "Direct linkage;" update the  
24 definitions for "Eligible Veteran" and "Workforce Solutions Office;" and remove the definition  
25 for "National Emergency."

26  
27 **§801.24. Workforce Solutions Office Certification**

28 Section 801.24 is amended to clarify local office certification requirements and processes for  
29 Comprehensive Centers and Affiliate sites.

30  
31 **§801.25. Minimum Standards for Certified Workforce Solutions Offices**

32 Section 801.25 is amended to update requirements for Comprehensive Centers (previously  
33 identified as certified offices) and to clarify these requirements apply to Comprehensive Centers  
34 only, not all local offices. Additional amendments require that access to digital skill building and  
35 financial literacy assistance be provided to all participants. The section's title is updated to align  
36 with these amendments.

37  
38 **§801.26. Memorandum of Understanding**

39 New §801.26 is added to clarify memorandum of understanding (MOU) requirements with local  
40 Board partners and that except where indicated, MOUs are not required for Board- or TWC-  
41 administered programs.

42  
43 **§801.27. Workforce Solutions Office Partners**

44 Section 801.27 is repealed and replaced with new §801.27, Workforce Solutions Office  
45 Programs and Partners, to update required and optional programs and partners to align with  
46 WIOA requirements. Prior consistent state law in place during implementation of WIA allowed

1 Boards to operate with fewer required partnerships. The updates in new §801.27 address  
2 significant changes in workforce development systems that have occurred in past decades and  
3 help align regional efforts to serve customers more effectively throughout the state. Additional  
4 updates designate Board- and TWC-administered programs.

5  
6 **§801.28. Services Available Through the One-Stop Service Delivery Network**

7 Section 801.28 is amended to align available services with those required by WIOA.

8  
9 **PART III. IMPACT STATEMENTS**

10 Chris Nelson, Chief Financial Officer, determined that for each year of the first five years the  
11 rules will be in effect, the following statements will apply:

12  
13 There are no additional estimated costs to the state and to local governments expected as a result  
14 of enforcing or administering the rules.

15  
16 There are no estimated cost reductions to the state and to local governments as a result of  
17 enforcing or administering the rules.

18  
19 There are no estimated losses or increases in revenue to the state or to local governments as a  
20 result of enforcing or administering the rules.

21  
22 There are no foreseeable implications relating to costs or revenue of the state or local  
23 governments as a result of enforcing or administering the rules.

24  
25 There are no anticipated economic costs to individuals required to comply with the rules.

26  
27 There is no anticipated adverse economic impact on small businesses, microbusinesses, or rural  
28 communities as a result of enforcing or administering the rules.

29  
30 Based on the analyses required by Texas Government Code, §2001.024, TWC determined that  
31 the requirement to repeal or amend a rule, as required by Texas Government Code, §2001.0045,  
32 does not apply to this rulemaking.

33  
34 **Takings Impact Assessment**

35 Under Texas Government Code, §2007.002(5), "taking" means a governmental action that  
36 affects private real property, in whole or in part or temporarily or permanently, in a manner that  
37 requires the governmental entity to compensate the private real property owner as provided by  
38 the Fifth and Fourteenth Amendments to the United States Constitution or the Texas  
39 Constitution, Article I, §17 or §19 or restricts or limits the owner's right to the property that  
40 would otherwise exist in the absence of the governmental action, and is the producing cause of a  
41 reduction of at least 25 percent in the market value of the affected private real property,  
42 determined by comparing the market value of the property as if the governmental action is not in  
43 effect and the market value of the property determined as if the governmental action is in effect.  
44 TWC completed a Takings Impact Analysis for the proposed rulemaking action under Texas  
45 Government Code, §2007.043. The primary purpose of this proposed rulemaking action, as

1 discussed elsewhere in this preamble, is to amend Chapter 801 to conform with language and  
2 requirements implemented by WIOA, including statutorily required Board partners.

3  
4 The proposed rulemaking action will not create any additional burden on private real property or  
5 affect private real property in a manner that would require compensation to private real property  
6 owners under the United States Constitution or the Texas Constitution. The proposal also will  
7 not affect private real property in a manner that restricts or limits an owner's right to the property  
8 that would otherwise exist in the absence of the governmental action. Therefore, the proposed  
9 rulemaking will not cause a taking under Texas Government Code, Chapter 2007.

10  
11 Government Growth Impact Statement

12 TWC determined that during the first five years the rules will be in effect, they:

- 13 --will not create or eliminate a government program;
- 14 --will not require the creation or elimination of employee positions;
- 15 --will not require an increase or decrease in future legislative appropriations to TWC;
- 16 --will not require an increase or decrease in fees paid to TWC;
- 17 --will not create a new regulation;
- 18 --will not expand, limit, or eliminate an existing regulation;
- 19 --will not change the number of individuals subject to the rules; and
- 20 --will not positively or adversely affect the state's economy.

21  
22 Economic Impact Statement and Regulatory Flexibility Analysis

23 TWC determined that the rules will not have an adverse economic impact on small businesses or  
24 rural communities, as the proposed rules place no requirements on small businesses or rural  
25 communities.

26  
27 Mariana Vega, Director, Labor Market Information, determined that there is not a significant  
28 negative impact upon employment conditions in the state as a result of the rules.

29  
30 Courtney Arbour, Director, Workforce Development Division, has determined that for each year  
31 of the first five years the rules are in effect, the public benefit anticipated as a result of enforcing  
32 the proposed rules will be to clarify and enhance services that may be accessed through local  
33 workforce offices, including access to programs aligned with TWC and Board goals, through  
34 expanded local partnerships.

35  
36 TWC hereby certifies that the proposal has been reviewed by legal counsel and found to be  
37 within TWC's legal authority to adopt.

38  
39 **PART IV. COORDINATION ACTIVITIES**

40 In the development of these rules for publication and public comment, TWC sought the  
41 involvement of Texas' 28 Boards. TWC provided the policy concept regarding these rule  
42 amendments to the Boards for consideration and review on May 24, 2022. TWC also conducted  
43 a conference call with Board executive directors and Board staff on June 3, 2022, to discuss the  
44 policy concept. During the rulemaking process, TWC considered all information gathered in  
45 order to develop rules that provide clear and concise direction to all parties involved.

1 **PART V. PUBLIC COMMENT**

2 Comments on the proposed rules may be submitted to [TWCPolicyComments@twc.texas.gov](mailto:TWCPolicyComments@twc.texas.gov)  
3 and must be received no later than October 10, 2022.

4

5 **PART VI. STATUTORY AUTHORITY**

6 The rules are proposed under Texas Labor Code, §301.0015 and §302.002(d), which provide  
7 TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the  
8 effective administration of TWC services and activities.

9

10 The proposed rules implement changes made to the Texas Labor Code, particularly Texas Labor  
11 Code, Chapters 301 and 302, as well as bringing the rules into conformity with the Workforce  
12 Innovation and Opportunity Act.

1                   **CHAPTER 801. LOCAL WORKFORCE DEVELOPMENT BOARDS**

2  
3 **SUBCHAPTER A. GENERAL PROVISIONS**

4  
5                   **§801.1. Requirements for Formation of Local Workforce Development Boards.**

6  
7                   (a) Purpose of Rule.

8  
9                   (1) Upon application by the chief elected officials (CEOs) and approval of the  
10 Commission, the Commission shall forward an application to form a Local  
11 Workforce Development Board (Board) to the Governor.

12  
13                   (2) Before an application may be submitted to the Governor, all requirements of  
14 this section shall be met.

15  
16                   (b) State Law. The formation of Boards is governed by ~~the Workforce Investment Act,~~  
17 Texas Government Code, Chapter 2308.

18  
19                   (c) Chief Elected Official Agreement. Creation of a Board requires agreement by at least  
20 three-fourths of the CEOs in the local workforce development area (workforce area)  
21 who represent units of general local government, including all of the CEOs who  
22 represent units of general local government having populations of at least 200,000.  
23 The elected officials agreeing to the creation of the Board shall represent at least 75  
24 percent of the population of the workforce area.

25  
26                   (d) Chief Elected Officials. The CEOs may, and are encouraged to, consult with local  
27 officials other than the ones delineated below. The following officials are designated  
28 as the CEOs for the purpose of establishing agreements to form Boards:

29  
30                   (1) Mayors.

31  
32                   (A) The mayor of each city with a population of at least 100,000;

33  
34                   (B) or, if there is no city with a population of greater than 100,000, the mayor  
35 of each city with a population greater than 50,000;

36  
37                   (C) or, if there are no cities with a population of greater than 50,000, the  
38 mayor of the largest city in the workforce area.

39  
40                   (D) For purposes of this section, municipal population will be determined by  
41 the figure last reported by the Texas ~~Demographic State Data~~ Center at  
42 the time of submission of the application to the Commission.

43  
44                   (2) All county judges included in a workforce area as designated by the Governor.  
45

- 1 (e) Time of Application. CEOs in a workforce area may not establish a Board until the  
 2 Governor has designated that area as a workforce area as provided in ~~the Workforce~~  
 3 ~~Investment Act~~, Texas Government Code, Chapter 2308.  
 4
- 5 (f) Applications shall meet all Governor-approved criteria for the establishment of  
 6 Boards.  
 7
- 8 (g) Procedures for Formation of a Board. The CEOs shall comply with the following  
 9 procedures to form a Board.  
 10
- 11 (1) Public process procedure. If three-fourths of the CEOs, as defined in  
 12 subsection (d) of this section, agree to initiate procedures to establish a Board,  
 13 they shall conduct a public process, including at least one public meeting, to  
 14 consider the views of all affected organizations before making a final decision  
 15 to form a Board. This public process may include, but is not limited to, notices  
 16 published in various media and surveys for public comment.  
 17
- 18 (2) Application procedure.  
 19
- 20 (A) The CEOs shall submit an application to the Commission. This  
 21 application shall include evidence of the actions required by paragraph  
 22 (1) of this subsection. As a part of the application, each CEO who is in  
 23 agreement regarding the formation of a Board, shall execute the  
 24 following documents:  
 25
- 26 (i) An interlocal agreement delineating:  
 27
- 28 (I) ~~the~~The purpose of the agreement;  
 29
- 30 (II) ~~the~~The process that will be used to select the CEO who will  
 31 act on behalf of the other CEOs and the name of such CEO if  
 32 the person has been selected;  
 33
- 34 (III) ~~the~~The procedure that will be followed to keep those CEOs  
 35 informed regarding Board activities;  
 36
- 37 (IV) ~~the~~The initial size of the Board;  
 38
- 39 (V) ~~how~~How resources allocated to the workforce area will be  
 40 shared among the parties to the agreement;  
 41
- 42 (VI) ~~the~~The process to be used to appoint the Board members,  
 43 which shall be consistent with applicable federal and state  
 44 laws; and  
 45
- 46 (VII) ~~the~~The terms of office of the members of the Board.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46

(ii) An acknowledgment in the following form: We, the chief elected officials of the Workforce Development Area, acknowledge that the following are responsibilities and requirements pursuant to the formation of the Board:

- (I) The Board will assume the responsibilities for the following committees and councils that will be replaced by the Board unless otherwise provided in Texas Government Code, Chapter 2308: private industry council, quality workforce planning committee, job service employer committee, and local general vocational program advisory committee;
- (II) At least one Workforce Solutions Office shall be established within 180 days of Board certification;
- (III) The Board shall have its own independent staff and not be a provider of workforce services, unless the Board secures a waiver of these provisions;
- (IV) The CEOs shall enter into a partnership agreement with the Board to designate a grant recipient to receive, be accountable for, and be liable for any misuse of block grant funds;
- (V) The partnership agreement shall also specify the entity that will administer the programs, which may be separate from the entity that receives the funds from the state;
- (VI) The partnership agreement shall define the process through which the Boards and CEOs will develop the strategic and operational plans, including the training plan required under the Workforce [Innovation and Opportunity Act \(WIOA\)](#) ~~Investment Act (WIA)~~; and
- (VII) The strategic plan shall be reviewed by both the Commission and the Texas Workforce Investment Council (~~FWIC~~), and approved by the Governor before block grants will be available to the workforce area.

- (B) The application shall include evidence that any affected existing Board has been notified and agrees that its functions and responsibilities will be assumed by the proposed Board upon the proposed Board's final certification by the Governor.
- (C) The application shall include the names and affiliations of individuals recommended for Board membership, with documentation that CEOs



1 followed the nomination process specified in applicable state and federal  
2 law, including Texas Government Code, §2308.255 and §2308.256.

3  
4 (i) Private sector members shall be owners of business concerns, chief  
5 executives, chief operating officers of nongovernmental employers,  
6 or other private sector executives who have substantial management  
7 or policy responsibility. To be eligible to represent the private  
8 sector, at least 51 percent of an individual's annual income shall be  
9 from private sector sources.

10  
11 (ii) Private sector membership should represent the composition of the  
12 local pool of employers. The private sector membership should  
13 include representatives of the region's larger employers and  
14 emerging growth industries. Primary consideration should be given  
15 to private sector employers who do not directly provide employment  
16 and workforce training services to the general public. CEOs shall  
17 develop a profile of the workforce area's major industries using  
18 locally obtained information and state-published data. The Agency  
19 shall provide relevant labor market information, including data that  
20 identifies employment trends, emerging high-growth, high-demand  
21 industries, the size of local employers, and other data needed to  
22 assist CEOs in developing the employer profile. Documentation  
23 submitted with the application shall show how the regional  
24 employer profile is reflected in the Board membership.

25  
26 (iii) Board membership shall include representatives of local organized  
27 labor organizations, community-based organizations, educational  
28 agencies, vocational rehabilitation agencies, public assistance  
29 agencies, economic development agencies, the public employment  
30 service, local literacy councils, and adult basic and continuing  
31 education organizations as required by law.

32  
33 (iv) Representatives of local organized labor organizations shall be  
34 nominated by local labor federations unless no employees in the  
35 workforce area are represented by such organizations, in which case  
36 nominations may be made by other representatives of employees. A  
37 labor federation is defined as an alliance of two or more organized  
38 labor unions for the purpose of mutual support and action.

39  
40 (v) Board nominees shall be actively engaged in the organization,  
41 enterprise, or field that they are nominated to represent. Board  
42 nominees shall have an existing relationship with the workforce area  
43 through residence or employment within the workforce area.

44  
45 (vi) At least one of the members of a Board appointed under Texas  
46 Government Code, §2308.256(a) shall, in addition to the

1 qualifications required for the members under that subsection, have  
2 expertise in child care or early childhood education.

3  
4 (vii) At least one of the members of a Board appointed under Texas  
5 Government Code, §2308.256(a) shall, in addition to the  
6 qualifications required for the members under that subsection:

7  
8 (I) be a veteran as defined in Texas Government Code,  
9 §2308.251(2); and

10  
11 (II) have an understanding of the needs of the local veterans'  
12 population and willingness to represent the interests and  
13 concerns of veterans [in the workforce area](#).

14  
15 (D) No individual member shall be a representative of more than one sector  
16 or category described in this section, except as statutorily permitted for  
17 one or more members having:

18  
19 (i) expertise in child care or early childhood education; or

20  
21 (ii) the qualifications set forth in subparagraph (C)(vii) of this  
22 paragraph.

23  
24 (E) The application shall include documentary evidence substantiating  
25 compliance with the application procedure, including but not limited to,  
26 written agreements, minutes of public meetings, copies of  
27 correspondence, and such other documentation as may be appropriate.  
28

## 29 **SUBCHAPTER B. ONE-STOP SERVICE DELIVERY [SYSTEM](#)~~NETWORK~~**

### 30 **§801.21. Scope and Purpose.**

- 31  
32
- 33 (a) The purpose of this subchapter is to set forth the rules relating to the One-Stop  
34 Service Delivery [System](#)~~Network~~ as set forth in Texas Government Code, Chapter  
35 2308; Texas Labor Code, Chapters 301 and 302; and [Workforce Innovation and](#)  
36 [Opportunity Act](#)~~WIA~~ §121 (29 [United States Code Annotated §3101](#)~~U.S.C.A.~~  
37 [§2841](#)). It is the intent of the Commission, in partnership with [Local Workforce](#)  
38 [Development](#) Boards, to facilitate the development and maintenance of the One-Stop  
39 Service Delivery [System](#)~~Network~~ such that information and services responsive to  
40 individual needs are available to all customers. The One-Stop Service Delivery  
41 [System](#)~~Network~~ shall be evaluated against established levels of certification as well  
42 as any additional standards developed by the Commission to ensure the continuous  
43 improvement of the system.
- 44  
45 (b) ~~This~~~~The rules contained in this~~ subchapter shall apply, except that to the extent of  
46 any conflict, the provisions of Texas Government Code, Chapter 2308, and §802.21

1 of this title (relating to Board Contracting Guidelines) and §802.44 of this title  
2 (relating to Service Delivery Waiver Requests) shall govern.

3  
4 **§801.22. Requirement to Maintain a One-Stop Service Delivery ~~System~~Network.**

5  
6 Each Board shall maintain a One-Stop Service Delivery ~~System~~Network, consistent with  
7 ~~the Workforce Innovation and Opportunity Act~~WIA, state law, and this subchapter. The  
8 One-Stop Service Delivery ~~System~~Network shall include at least one Comprehensive  
9 Center in each local workforce development area as~~Workforce Solutions Office~~  
10 ~~providing the core services~~ set out in §801.24(b)~~forth in §801.28(a)~~ of this subchapter.

11  
12 **§801.23. Definitions.**

13  
14 In addition to the definitions contained in §800.2 of this title (relating to Definitions), the  
15 following words or terms shall have the following meanings, unless the context clearly  
16 indicates otherwise.

17  
18 (1) Access--Access to services shall mean one or more of the following:

19  
20 (A) Having a program staff member physically present at the Workforce  
21 Solutions Office;

22  
23 (B) Having a staff member from a different program physically present at  
24 the Workforce Solutions Office, and who is appropriately trained to  
25 provide information to customers about the services available through  
26 partner program(s); or

27  
28 (C) Making available a direct linkage through technology to program staff  
29 who can provide meaningful information or services.

30  
31 (2) Direct linkage--A direct connection at a Workforce Solutions Office, within a  
32 reasonable time, by phone or through a real-time web-based communication,  
33 to a program staff member who can provide program information or services  
34 to customers. Providing a phone number or computer website or providing  
35 information, pamphlets, or materials without connection to a staff member  
36 shall not be considered a direct linkage.

37  
38 (3)(+) Eligible Foster Youth--An eligible foster youth is a:

39  
40 (A) Current Foster Youth--A youth, age 14 or older, who is receiving  
41 substitute care services under the managing conservatorship of the Texas  
42 Department of Family and Protective Services (DFPS). This includes  
43 youth residing in private foster homes, group homes, residential  
44 treatment centers, juvenile correctional institutions, and relative care; or

1 (B) Former Foster Youth--A youth up to 23 years of age, who formerly was  
2 under the managing conservatorship of DFPS, until:

3  
4 (i) ~~the conservatorship was transferred by~~ a court transferred the  
5 conservatorship;

6  
7 (ii) the youth was legally emancipated (i.e., the youth's minority status  
8 was removed by a court); or

9  
10 (iii) the youth attained 18 years of age.

11  
12 ~~(4)(2)~~ Eligible Veteran--An eligible veteran is one of the following:

13  
14 (A) Federal/state qualified veteran--~~An~~ individual who served in the active  
15 military, naval, ~~or~~ air, or space service, and who was discharged or  
16 released from such service under conditions other than dishonorable as  
17 specified at 38 United States Code (USC) U.S.C. §101(2). Active service  
18 includes full-time duty in the National Guard or a Reserve component,  
19 other than full time for training purposes.

20  
21 (B) Federal qualified spouse--~~The~~ spouse of one of the following:

22  
23 (i) Any veteran who died of a service-connected disability.

24  
25 (ii) Any member of the Armed Forces serving on active duty who, at the  
26 time of application for assistance under this section, is listed,  
27 pursuant to 37 USC U.S.C. §556 and regulations issued thereunder,  
28 by the Secretary concerned in one or more of the following  
29 categories and has been so listed for a total of more than 90 days:

30  
31 (I) Missing in action;

32  
33 (II) Captured in line of duty by a hostile force; or

34  
35 (III) Forcibly detained or interned in line of duty by a foreign  
36 government or power.

37  
38 (iii) Any veteran who has a total disability resulting from a service-  
39 connected disability as evaluated by the United States Department  
40 of Veterans Affairs.

41  
42 (iv) Any veteran who died while a disability, as defined in clause (iii) of  
43 this subparagraph, was in existence.

44  
45 (C) State qualified spouse:  
46

1 (i) A spouse who meets the definition of federal qualified spouse; or

2  
3 (ii) A spouse of any member of the armed forces who died while  
4 serving on active military, naval, or air service.

5 ~~(3) National Emergency--A condition declared by the President by virtue of~~  
6 ~~powers previously vested in that office to authorize certain emergency actions~~  
7 ~~to be undertaken in the national interest pursuant to 50 U.S.C. §1621.~~

8  
9 ~~(5)(4)~~ Workforce Solutions Office--A physical location~~local Workforce Solutions~~  
10 ~~Office~~ that provides one or more services, as set out in §801.25 of this  
11 subchapter, to aid employers and job seekers. The two types of local  
12 Workforce Solutions Offices are:

13  
14 (A) Comprehensive Center--A Workforce Solutions Office that provides  
15 access to all programs and services as set out in §801.26 and §801.28 of  
16 this subchapter, access to required partners as set out in §801.27(b) of this  
17 subchapter, and access to any local optional partners as set out in  
18 §801.27(c) of this subchapter. Also referred to as a Career Development  
19 Center in Texas Government Code, §2308.312.

20  
21 (B) Affiliate Site--A Workforce Solutions Office that provides access to one or  
22 more services, as set out in §801.28 of this subchapter, or access to one or  
23 more local partners, as set out in §801.27 of this subchapter, where the  
24 Board is responsible for oversight and management of the office, or  
25 operation of these offices adds a cost to the Board's operational budget.

26  
27 **§801.24. Workforce Solutions Office Certification.**

28  
29 (a) All offices providing workforce services ~~shall~~will be classified as Workforce  
30 Solutions Offices.

31  
32 (b) Local Workforce Development Boards (Boards) shall ensure that at least one  
33 Workforce Solutions Office in the local workforce development area is a  
34 Comprehensive Center~~provides on-site access to all services set forth in §801.25 of~~  
35 ~~this subchapter.~~

36  
37 (c) ~~Certified Workforce Solutions Offices.~~As directed by the Commission, Boards shall  
38 provide certification to the Agency~~Commission~~ for every Comprehensive Center and  
39 Affiliate Site~~Workforce Solutions Office that provides on-site access to all services~~  
40 ~~set forth in §801.25 of this subchapter.~~

41 ~~(d) Other Workforce Solutions Offices. As directed by the Commission, Boards shall~~  
42 ~~notify the Commission of all on-site services available at any Workforce Solutions~~  
43 ~~Office that does not provide on-site access to all services set forth in §801.25 of this~~  
44 ~~subchapter.~~

45 ~~(d)(e)~~ Boards shall notify the Agency~~Commission~~, when a change occurs, of the  
46 requirements set forth in subsection (b) and (c)~~subsections (c) and (d)~~ of this section.

1  
2 (e)(f) The ~~Agency~~ ~~Commission~~ shall verify compliance with the requirements set forth  
3 in subsections ~~(b) and (c)~~ ~~(b)-(d)~~ of this section through:

- 4  
5 (1) issuance of Agency guidance;  
6  
7 (2) assurances set forth in Agency-Board agreements;  
8  
9 (3) annual monitoring reviews; and  
10  
11 (4) other means as identified by the Agency.  
12

13 **§801.25. Minimum Standards for Comprehensive ~~Certified~~ Workforce Solutions**  
14 **Offices.**

15  
16 (a) Boards shall ensure that each Comprehensive Center ~~Workforce Solutions Office~~:

- 17  
18 (1) provides basic labor exchange services, including access to job orders for  
19 applicants, access to applicants for employers, and screening and referral  
20 methods for matching qualified applicants and job orders;  
21  
22 (2) provides services, as set forth in §801.28(a) of this subchapter, of each  
23 program specified by §801.27(a) and (b) of this subchapter, and access to  
24 programs specified by §801.27(c) of this subchapter, as applicable, ~~the~~  
25 ~~following programs: WIA adults, dislocated workers, and youth;~~  
26 ~~Supplemental Nutrition Assistance Program Employment and Training (SNAP~~  
27 ~~E&T); Temporary Assistance for Needy Families (TANF) Choices; access to~~  
28 ~~subsidized child care services; Wagner-Peyser Employment Service (ES); and~~  
29 ~~Trade Adjustment Assistance (TAA); and Project Reintegration of Offenders~~  
30 ~~(Project RIO). Boards shall ensure that Workforce Solutions Offices' staff is~~  
31 ~~available to provide these services~~ during ~~all~~ Workforce Solutions Offices'  
32 operating hours;  
33  
34 (3) provides access to information and services available in the local workforce  
35 development area; ~~and~~  
36  
37 (4) provides access to digital skill building, device access, and digital support for  
38 individuals through workforce development programs;  
39  
40 (5) provides access to financial literacy assistance to individuals enrolled in a  
41 workforce development program; and  
42  
43 (6)(4) addresses the individual needs of employers and job seekers.  
44

1 (b) Boards shall ensure that ~~the services provided by~~ each [Comprehensive](#)  
2 [Center Workforce Solutions Office](#), as set forth in Texas Government Code, Chapter  
3 2308, ~~includes access to~~[include](#):

4  
5 (1) labor market information, including:

6  
7 (A) available job openings; and

8  
9 (B) education and training opportunities;

10  
11 (2) uniform eligibility requirements and application procedures for all workforce  
12 training and services;

13  
14 (3) assistance to unemployment insurance ~~(UI)~~ claimants;

15  
16 (4) independent assessment of individual needs and the development of an  
17 employment plan;

18  
19 (5) centralized and continuous case management and counseling;

20  
21 (6) individual referral for services, including basic education, classroom skills  
22 training, on-the-job training, and customized training;

23  
24 (7) support services, including child care assistance, student [loan assistance](#)~~loans~~,  
25 and other forms of financial assistance required to participate in and complete  
26 training; and

27  
28 (8) job training and employment assistance for persons formerly sentenced to the  
29 Texas Department of Criminal Justice's institutional division or state jail  
30 division, ~~provided in cooperation with Project RIO~~.

31  
32 (c) Boards shall ensure that each [Comprehensive Center](#)~~Workforce Solutions Office~~  
33 complies with the following Commission-established standards:

34  
35 (1) Provides customer access to WorkInTexas.com; résumé preparation tools,  
36 including software; and Internet access;

37  
38 (2) Ensures eligible foster youth are given access to workforce services to help  
39 meet their employment, education, and training needs to transition to  
40 independent living, as set forth in Texas Family Code, [§264.121\(2\) and](#)  
41 [\(3\)§264.121](#);

42  
43 (3) Provides each customer with information on local [in-demand](#)~~high-growth,~~  
44 ~~high-demand occupations and~~ industries [and occupations, including](#) projected  
45 wage level upon completion of training programs, and performance of training  
46 providers when requested;



- 1  
2 (4) Ensures that Workforce Solutions Offices' staff is trained and knowledgeable  
3 in order to provide services to employers and job seekers;  
4  
5 (5) Demonstrates on-site management of all personnel, a plan for cross-training  
6 staff in all services, minimal programmatic specialization of staff, removal of  
7 redundancies within program activities, and maximum flexibility to optimize  
8 use of resources;  
9  
10 (6) Designs a customer-friendly waiting area and implements written procedures  
11 that define the steps taken to minimize customer wait time in the reception area  
12 and in other areas of Workforce Solutions Offices; and  
13  
14 (7) Provides consumer information on the quality of education and training  
15 providers and includes a mechanism for customer feedback on personal  
16 experience with such providers.  
17  
18 (d) Boards must ensure that, if a Comprehensive Center~~Workforce Solutions Office~~  
19 does not provide all services and programs on-site as specified in subsections (a) and  
20 ~~(b)(b) and (c)~~ of this section, ~~electronic~~ access to such services is provided by direct  
21 linkage, ~~for example, by making access available through computer applications or~~  
22 ~~by telephone conferencing~~.  
23  
24 (e) Boards must ensure that only Workforce Solutions Office partners, such as Adult  
25 Education and Literacy programs, provide developmental services, such as General  
26 Educational Development, English as a Second Language, or basic education skills.  
27

#### 28 §801.26. Memorandum of Understanding.

- 29  
30 (a) In accordance with Workforce Innovation and Opportunity Act, §121, each Board  
31 shall develop and maintain a memorandum of understanding (MOU) with statutorily  
32 required Workforce Solutions Office partners, as specified in §801.27(b) of this  
33 subchapter, and any locally approved Workforce Solutions Office partners, as  
34 specified in §801.27(c) of this subchapter, related to the operation of the One-Stop  
35 Service Delivery System in the local workforce development area.  
36  
37 (b) A Board may develop a single MOU with all workforce partners or a separate MOU  
38 with each workforce partner or group of partners. Each Board shall obtain a general  
39 authorization from the chief elected officials for actions taken under this subsection.  
40  
41 (c) The Agency shall provide Boards with guidance on the minimum provisions required  
42 by each MOU.  
43  
44 (d) Except where indicated otherwise, a Board shall not be required to develop an MOU  
45 for any Board- or Agency-administered programs specified in §801.27(a) of this  
46 subchapter.



1  
2 **§801.27. Workforce Solutions Office Programs and Partners.**  
3

4 (a) The following Workforce Solutions Office Programs are Board-administered or  
5 under Agency purview:  
6

7 (1) Adult program, authorized under Workforce Innovation and Opportunity Act  
8 (WIOA), Title I;  
9

10 (2) Dislocated Worker program, authorized under WIOA, Title I;  
11

12 (3) Youth programs, authorized under WIOA, Title I;  
13

14 (4) Supplemental Nutrition Assistance Program Employment and Training,  
15 authorized under the Food and Nutrition Act of 2008 (7 United States Code  
16 (USC) §2015(d)(4) et seq.);  
17

18 (5) Choices, the Temporary Assistance for Needy Families Employment and  
19 Training program, authorized under the Social Security Act, Title IV, Part A  
20 (42 USC §601 et seq.);  
21

22 (6) Subsidized Child Care programs, identified by Chapter 809 of this title  
23 (relating to Child Care Services);  
24

25 (7) Employment Service program, authorized under the Wagner-Peyser Act (29  
26 USC §49 et seq.), as amended by WIOA, Title III;  
27

28 (8) Trade Adjustment Assistance, authorized under Title II, Chapter 2 of the Trade  
29 Act of 1974 (19 USC §2271, et seq.);  
30

31 (9) Adult Education and Family Literacy Act program, authorized under WIOA,  
32 Title II, when the Board is the grantee;  
33

34 (10) Vocational Rehabilitation (VR) services, authorized under Title I of the  
35 Rehabilitation Act of 1973 (29 USC §720 et seq.), as amended by WIOA, Title  
36 IV. Boards are required to enter a memorandum of understanding for VR  
37 services in accordance with §801.26 of this subchapter;  
38

39 (11) Unemployment Insurance Benefits programs, authorized under state  
40 unemployment compensation law, including the Reemployment Services and  
41 Eligibility Assessment program, authorized under Title III of the Social  
42 Security Act (42 USC §506 et seq.);  
43

44 (12) Migrant and Seasonal Farmworker employment services, under the National  
45 Farmworker Jobs Program, authorized under WIOA, Title I; and  
46

1           (13) National Dislocated Worker Grant program, authorized under WIOA, Title I.

2  
3           (b) Required Workforce Solutions Office partners are the entities that administer the  
4           following programs in the local workforce development areas:

5  
6           (1) Jobs for Veterans State Grant program, as authorized under the Job  
7           Counseling, Training, and Placement Services for Veterans (38 USC §41 et  
8           seq.), and administered by the Texas Veterans Commission;

9  
10          (2) Adult Education and Family Literacy Act program, authorized under WIOA,  
11          Title II;

12  
13          (3) Senior Community Service Employment Program, authorized under Title V of  
14          the Older Americans Act of 1965 (42 USC §3056 et seq.);

15  
16          (4) Apprenticeship Training Program certified by the United States Department of  
17          Labor's Office of Apprenticeship Training, and which meets state criteria  
18          established under Texas Education Code, Chapter 133;

19  
20          (5) career and technical education programs, authorized under the Carl D. Perkins  
21          Career and Technical Education Act of 2006 (20 USC §2301 et seq.);

22  
23          (6) employment and training activities carried out under Community Services  
24          Block Grant programs (42 USC §9901 et seq.);

25  
26          (7) employment and training activities provided through grantees of the United  
27          States Department of Housing and Urban Development;

28  
29          (8) education and vocational training programs through Job Corps, authorized  
30          under WIOA, Title I, and administered by the United States Department of  
31          Labor;

32  
33          (9) Native American programs, authorized under WIOA, Title I;

34  
35          (10) YouthBuild programs, authorized under WIOA, Title I; and

36  
37          (11) programs authorized under §212 of the Second Chance Act of 2007 (42 USC  
38          §17532 et seq.).

39  
40          (c) Other entities that provide services of benefit to workforce development may be  
41          optional partners in the One-Stop Service Delivery System if the Board and chief  
42          elected officials agree on each entity's participation. The entities include, but are not  
43          limited to, those that provide:

44  
45          (1) employment and training programs administered by the Social Security  
46          Administration, including the Ticket--to--Work and the Self-Sufficiency

1 Program established under §1148 of the Social Security Act (42 USC §1320b-  
2 19 et seq.);

3  
4 (2) employment and training programs carried out by the Small Business  
5 Administration;

6  
7 (3) programs administered by OneStar Foundation, authorized under the National  
8 and Community Service Act of 1990 (42 USC §12401 et seq.); and

9  
10 (4) other appropriate federal, state, or local programs, that may include  
11 employment, education, and training programs provided by public libraries or  
12 in the private sector.

13 **~~§801.27. Workforce Solutions Office Partners.~~**

14  
15 ~~(a) Each Board shall maintain one or more memorandum of understanding that sets out~~  
16 ~~the obligations of the Board and each partner in the operation of the One-Stop~~  
17 ~~Service Delivery Network in the workforce area. Each Board shall obtain a general~~  
18 ~~authorization from the CEOs for actions taken under this subsection.~~

19  
20 ~~(b) Subject to the limitations referenced in §801.29 of this subchapter, relating to~~  
21 ~~Limitations on Delivery of Services, the required Workforce Solutions Office~~  
22 ~~Partners are the entities that administer the following services in the workforce areas:~~

23  
24 ~~(1) veterans' employment and training;~~

25  
26 ~~(2) Adult Basic Education;~~

27  
28 ~~(3) National Literacy Act;~~

29  
30 ~~(4) noncertificate, postsecondary career and technology training;~~

31  
32 ~~(5) Senior Community Service Employment Program;~~

33  
34 ~~(6) Apprenticeship Training Program; and~~

35  
36 ~~(7) National and Community Service Act.~~

37  
38 ~~(c) Other entities that provide services of benefit to workforce development, including~~  
39 ~~federal, state, and local programs as well as programs in the private sector, may be~~  
40 ~~voluntary partners in the One-Stop Service Delivery Network if the Board and CEOs~~  
41 ~~agree on each entity's participation. The entities include, but are not limited to, those~~  
42 ~~that provide:~~

43  
44 ~~(1) vocational rehabilitation services (for example, the Texas Department of~~  
45 ~~Assistive and Rehabilitative Services);~~

- (2) ~~Migrant and Seasonal Farmworker employment services;~~
- (3) ~~secondary and postsecondary vocational education and training activities;~~
- (4) ~~community services block grant programs;~~
- (5) ~~employment and training services provided through grantees of the U.S. Department of Housing and Urban Development;~~
- (6) ~~Job Corps services for youth; and~~
- (7) ~~Native American programs.~~

**§801.28. Services Available Through the One-Stop Service Delivery ~~System~~Network.**

- (a) ~~Basic Career~~**Core** Services. All Workforce Solutions Offices shall provide access to ~~basic career~~**core** services, as defined in Workforce Innovation and Opportunity Act (WIOA), §134(c)(2) (29 United States Code, Annotated (USCA) §2864(c)(2))~~WIA §134(d)(2) (29 U.S.C.A. §2864 (d)(2)) and Texas Government Code, Chapter 2308,~~ including:
- (1) outreach;
  - (2) intake, which may include reemployment services, and orientation to the information and services available through the One-Stop Service Delivery ~~System~~Network;
  - (3) determinations of individuals' eligibility for programs funded through the Commission that are available through the One-Stop Service Delivery ~~System~~Network;
  - (4) initial assessment of skill levels including literacy, numeracy, and English language proficiency, as well as, aptitudes, abilities (including skills gaps), and support service needs;
  - (5) job search and placement assistance and, where appropriate, career counseling;
  - (6) provision of performance information and program cost information on eligible ~~training provider (ETP)~~**providers of training** services as described in §840.40 and §840.41 of this title (relating to Statewide ETPL and Distribution of the Statewide ETPL)~~§§841.31–841.47 of this title (relating to Training Provider Certification)~~, provided by program, and eligible providers of youth activities described in WIOA, WIA §123 (29 USCA §3153)~~U.S.C.A. §2843~~, providers of adult education described in WIOA, Title II~~of WIA~~, providers of postsecondary vocational education activities and vocational education activities available to school dropouts under the Strengthening Career and

1 [Technical Education for the 21st Century Act](#)~~Carl D. Perkins Vocational and~~  
2 ~~Applied Technology Education Act~~ (20 [USCA](#)~~U.S.C.A.~~ §2301 et seq.), and  
3 providers of vocational rehabilitation program activities described in Title I of  
4 the Rehabilitation Act of 1973 (29 [USCA §701](#)~~U.S.C.A. §720~~ et seq.);

5  
6 (7) provision of information regarding how the [local](#) workforce [development](#) area  
7 ([workforce area](#)) is performing on the local performance measures and any  
8 additional performance information with respect to the One-Stop Service  
9 Delivery ~~System~~[Network](#) in the workforce area;

10  
11 (8) provision of information regarding filing [unemployment insurance](#) claims ~~for~~  
12 ~~UI~~;

13  
14 (9) provision of employment statistics information, including the provision of  
15 accurate information relating to local, regional, and national labor market  
16 areas, including job vacancy listings in such labor market areas, information on  
17 job skills necessary to obtain the jobs listed, and information related to local  
18 [in-demand](#)~~high-growth, high-demand~~ jobs and the earnings and skill  
19 requirements for such jobs;

20  
21 (10) provision of accurate information relating to the availability of support  
22 services, including child care and transportation, available in the workforce  
23 area, and referral to such services, as appropriate; [and](#)

24  
25 (11) assistance in establishing eligibility for Choices, SNAP E&T, and ~~programs of~~  
26 financial aid assistance [programs](#) for training and education that are available  
27 in the workforce area. ~~;~~ [and](#)

28  
29 ~~(12) follow-up services, including counseling regarding the workplace, for youth~~  
30 ~~participants in WIA activities authorized under Chapter 841 of this title,~~  
31 ~~relating to WIA, who are placed in unsubsidized employment, for not less than~~  
32 ~~12 months after the first day of the employment, as appropriate.~~

33  
34 (b) [Individualized Career](#)~~Intensive~~ Services. A One-Stop Service Delivery  
35 ~~System~~[Network](#) shall provide access to [individualized career](#) services as described in  
36 ~~the Texas Government Code, Chapter 2308, and intensive services as described in~~  
37 ~~WIOA, §134(d)(1) WIA §134(d)(3)~~ (29 [USCA §3174\(d\)\(1\)](#)~~U.S.C.A. §2864(d)(3)~~), [as](#)  
38 [appropriate](#), which may include the following:

39  
40 (1) comprehensive and specialized assessments of the skill levels and service  
41 needs of job seekers, such as diagnostic testing and use of other assessment  
42 tools, in-depth interviewing, and evaluation to identify employment barriers  
43 and employment goals;

44  
45 (2) development of an employment plan and service strategy to identify the  
46 employment goals, appropriate achievement objectives, and appropriate

1 combination of services for the participant to achieve employment goals and  
2 objectives;

3  
4 (3) group counseling;

5  
6 (4) individual counseling and career planning;

7  
8 (5) centralized and continuous case management; and

9  
10 (6) short-term, work readiness services, including learning skills, communication  
11 skills, interviewing skills, punctuality, personal maintenance skills, and  
12 professional conduct to prepare individuals for unsubsidized employment or  
13 training.

14  
15 (c) Training Services. A One-Stop Service Delivery ~~System~~Network shall provide  
16 access to training services as described in ~~WIOA, §134(c)(3), WIA-§134(d)(4) (29~~  
17 ~~USCA §3174(c)(3)) U.S.C.A. §2864(d)(4)) and Texas Government Code, Chapter~~  
18 ~~2308~~. Training services may include the following:

19  
20 (1) ~~occupational high-growth, high-demand industry~~ skills training, including  
21 training for nontraditional employment;

22  
23 (2) on-the-job training;

24  
25 (3) incumbent worker training;

26  
27 ~~(4)(3)~~ programs that combine workplace training with related instruction;

28  
29 ~~(5)(4)~~ training programs operated by the private sector;

30  
31 ~~(6)(5)~~ skills upgrading and retraining;

32  
33 ~~(7)(6)~~ entrepreneurial training;

34  
35 ~~(8)(7)~~ job readiness training provided in combination with services and activities  
36 described in paragraphs (1) - (7) of this subsection;

37  
38 ~~(9)(8)~~ adult education ~~referrals to Adult Basic Education~~ and literacy activities  
39 provided concurrently or in combination with services and ~~with~~ activities  
40 described in paragraphs (1) - ~~(8)(7)~~ of this subsection; and

41  
42 ~~(10)(9)~~ customized training conducted with a commitment by an employer or  
43 group of employers to employ an individual upon successful completion of  
44 training.  
45

1 (d) Follow-up Services. A One-Stop Service Delivery System shall offer follow-up  
2 services, including counseling regarding the workplace, for adult and dislocated  
3 worker participants exiting programs into unsubsidized employment, for up to 12  
4 months after the first day of the employment, as appropriate. All youth participants  
5 must be offered follow-up services aligning with their individual service strategies,  
6 that shall be provided for not less than 12 months, unless such follow-up services are  
7 declined or the participant cannot be contacted.

8  
9 (e)(d) Other Services and Activities. A One-Stop Service Delivery ~~System~~Network shall  
10 offer access to all other permissible local employment and training activities  
11 included in the local workforce development plan, which may include discretionary  
12 one-stop activities, support services, ~~and~~ needs-related payments, incumbent worker  
13 training, and transitional jobs, as set forth in WIOA, §134(d)(2) - (5)~~WIA §134(e)~~  
14 (29 USCA §3174(d)(2) - (5)~~U.S.C.A. §2864(e)~~).

### 15 16 **§801.29. Limitations on Delivery of Services.**

17  
18 Delivery of services under §801.28 of this subchapter~~title, relating to Services Available~~  
19 ~~Through the One-Stop Service Delivery~~, is subject to state law requirements on Board  
20 organization and service delivery structure as found in Texas Government Code, Chapter  
21 2308, and this chapter, as well as eligibility requirements and limitations of individual  
22 programs.