

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

2
3 **ADOPTED 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 **ON NOVEMBER 7, 2022**, THE TEXAS WORKFORCE COMMISSION ADOPTED THE
9 RULES BELOW WITH PREAMBLE TO BE SUBMITTED TO THE *TEXAS REGISTER*.

10
11 Publication Date of the Adoption in the *Texas Register*: **November 25, 2022**

12 The Rules are Effective: **November 28, 2022**

13
14 The Texas Workforce Commission (TWC) adopts amendments to the following sections of
15 Chapter 801, relating to Local Workforce Development Boards:

16
17 Subchapter A. General Provisions, §801.1

18 Subchapter B. One-Stop Service Delivery Network, §§801.21 - 801.25, 801.28, and
19 801.29

20
21 TWC adopts the repeal of the following section of Chapter 801, relating to Local Workforce
22 Development Boards:

23
24 Subchapter B. One-Stop Service Delivery Network, §801.27

25
26 TWC adopts the following new sections to Chapter 801, relating to Local Workforce
27 Development Boards:

28
29 Subchapter B. One-Stop Service Delivery Network, §801.26 and §801.27

30
31 The amendments, repeal, and new sections are adopted *without changes* to the proposal, as
32 published in the September 9, 2022, issue of the *Texas Register* (47 TexReg 5458), and,
33 therefore, the adopted rule text will not be published.

34
35 **PART I. PURPOSE, BACKGROUND, AND AUTHORITY**

36 The amendments to Chapter 801 are adopted to conform the chapter with language and
37 requirements implemented by Workforce Innovation and Opportunity Act (WIOA), including
38 statutorily required Local Workforce Development Board (Board) partners.

39
40 The General Appropriations Act - Senate Bill 1, Article VII, Texas Workforce Commission,
41 Rider 46 from the 87th Texas Legislature, Regular Session (2021) requires TWC to ensure that
42 digital skill building is a permitted activity in workforce development programs. House Bill 900
43 from the 79th Texas Legislature, Regular Session (2005) amended Texas Labor Code, Chapter
44 302 by adding §302.0027, which requires TWC and Boards to ensure financial literacy training
45 is an included activity in all workforce development programs. Chapter 801 is amended to
46 conform with these requirements.

1
2 Texas Government Code, §2001.039, requires that every four years each state agency review and
3 consider for reoption, revision, or repeal each rule adopted by that agency. TWC reviewed the
4 rules in Chapter 801 and determined that the rules are needed, reflect current legal and policy
5 considerations, and reflect current TWC procedures. The reasons for initially adopting the rules
6 continue to exist and any changes to the rules are described in Part II of this preamble.
7

8 **PART II. EXPLANATION OF INDIVIDUAL PROVISIONS**

9 (Note: Minor editorial changes are made that do not change the meaning of the rules and,
10 therefore, are not discussed in the Explanation of Individual Provisions.)
11

12 **SUBCHAPTER A. GENERAL PROVISIONS**

13 TWC adopts the following amendments to Subchapter A:
14

15 **§801.1. Requirements for Formation of Local Workforce Development Boards**

16 Section 801.1 is amended to remove Workforce Investment Act (WIA) from the reference to
17 Texas Government Code, Chapter 2308, and update other references from WIA to WIOA.

18 Additionally, Section 801.1 is amended to update Texas State Data Center to Texas
19 Demographic Center and revise the section to clarify that veteran Board members must represent
20 veterans in the local area.
21

22 **SUBCHAPTER B. ONE-STOP SERVICE DELIVERY NETWORK**

23 TWC adopts the following amendments to Subchapter B:
24

25 The section titles and language throughout the subchapter, including the subchapter's title, are
26 amended to update references from WIA to WIOA and "Network" to "System" to align with
27 WIOA terminology.
28

29 **§801.22. Requirement to Maintain a One-Stop Service Delivery Network.**

30 Section 801.22 is amended to specify that Boards must maintain at least one Comprehensive
31 Center in each local workforce development area.
32

33 **§801.23. Definitions**

34 Section 801.23 is amended to add the definitions for "Access" and "Direct linkage;" update the
35 definitions for "Eligible Veteran" and "Workforce Solutions Office;" and remove the definition
36 for "National Emergency."
37

38 **§801.24. Workforce Solutions Office Certification**

39 Section 801.24 is amended to clarify local office certification requirements and processes for
40 Comprehensive Centers and Affiliate sites.
41

42 **§801.25. Minimum Standards for Certified Workforce Solutions Offices**

43 Section 801.25 is amended to update requirements for Comprehensive Centers (previously
44 identified as certified offices) and to clarify these requirements apply to Comprehensive Centers
45 only, not all local offices. Additional amendments require that access to digital skill building and

1 financial literacy assistance be provided to all participants. The section's title is updated to align
2 with these amendments.

3
4 **§801.26. Memorandum of Understanding**

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

8
9 **§801.27. Workforce Solutions Office Partners**

10 Section 801.27 is repealed and replaced with new §801.27, Workforce Solutions Office
11 Programs and Partners, to update required and optional programs and partners to align with
12 WIOA requirements. Prior consistent state law in place during implementation of WIA allowed
13 Boards to operate with fewer required partnerships. The updates in new §801.27 address
14 significant changes in workforce development systems that have occurred in past decades and
15 help align regional efforts to serve customers more effectively throughout the state. Additional
16 updates designate Board- and TWC-administered programs.

17
18 **§801.28. Services Available Through the One-Stop Service Delivery Network**

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

20
21 TWC hereby certifies that the adoption has been reviewed by legal counsel and found to be
22 within TWC's legal authority to adopt.

23
24 **PART III. PUBLIC COMMENTS**

25 The public comment period closed on October 10, 2022. No comments were received.

26
27 **PART IV. STATUTORY AUTHORITY**

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

31
32 The adopted rules implement changes made to the Texas Labor Code, particularly Texas Labor
33 Code, Chapters 301 and 302, as well as bringing the rules into conformity with the Workforce
34 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 Texas Government Code,
17 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 Center at the time of
42 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 Texas
3 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 purpose of the agreement;

29
30 (II) the process that will be used to select the CEO who will act on
31 behalf of the other CEOs and the name of such CEO if the
32 person has been selected;

33
34 (III) the procedure that will be followed to keep those CEOs
35 informed regarding Board activities;

36
37 (IV) the initial size of the Board;

38
39 (V) how resources allocated to the workforce area will be shared
40 among the parties to the agreement;

41
42 (VI) the process to be used to appoint the Board members, which
43 shall be consistent with applicable federal and state laws; and

44
45 (VII) the terms of office of the members of the Board.
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(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; and
- (VII) The strategic plan shall be reviewed by both the Commission and the Texas Workforce Investment Council 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 followed the nomination process specified in applicable state and federal law, including Texas Government Code, §2308.255 and §2308.256.

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

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

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

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

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

- (vi) At least one of the members of a Board appointed under Texas Government Code, §2308.256(a) shall, in addition to the qualifications required for the members under that subsection, have expertise in child care or early childhood education.

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

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

(II) have an understanding of the needs of the local veterans' population and willingness to represent the interests and concerns of veterans in the workforce area.

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

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

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

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

SUBCHAPTER B. ONE-STOP SERVICE DELIVERY SYSTEM

§801.21. Scope and Purpose.

(a) The purpose of this subchapter is to set forth the rules relating to the One-Stop Service Delivery System as set forth in Texas Government Code, Chapter 2308; Texas Labor Code, Chapters 301 and 302; and Workforce Innovation and Opportunity Act §121 (29 United States Code Annotated §3101). It is the intent of the Commission, in partnership with Local Workforce Development Boards, to facilitate the development and maintenance of the One-Stop Service Delivery System such that information and services responsive to individual needs are available to all customers. The One-Stop Service Delivery System shall be evaluated against established levels of certification as well as any additional standards developed by the Commission to ensure the continuous improvement of the system.

(b) This subchapter shall apply, except that to the extent of any conflict, the provisions of Texas Government Code, Chapter 2308, and §802.21 of this title (relating to Board

1 Contracting Guidelines) and §802.44 of this title (relating to Service Delivery
2 Waiver Requests) shall govern.
3

4 **§801.22. Requirement to Maintain a One-Stop Service Delivery System.**
5

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

11 **§801.23. Definitions.**
12

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

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

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

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

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

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

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

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

44 (B) Former Foster Youth--A youth up to 23 years of age, who formerly was
45 under the managing conservatorship of DFPS, until:
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- (i) a court transferred the conservatorship;
 - (ii) the youth was legally emancipated (i.e., the youth's minority status was removed by a court); or
 - (iii) the youth attained 18 years of age.
- (4) Eligible Veteran--An eligible veteran is one of the following:
- (A) Federal/state qualified veteran--An individual who served in the active military, naval, air, or space service, and who was discharged or released from such service under conditions other than dishonorable as specified at 38 United States Code (USC) §101(2). Active service includes full-time duty in the National Guard or a Reserve component, other than full time for training purposes.
 - (B) Federal qualified spouse--The spouse of one of the following:
 - (i) Any veteran who died of a service-connected disability.
 - (ii) Any member of the Armed Forces serving on active duty who, at the time of application for assistance under this section, is listed, pursuant to 37 USC §556 and regulations issued thereunder, by the Secretary concerned in one or more of the following categories and has been so listed for a total of more than 90 days:
 - (I) Missing in action;
 - (II) Captured in line of duty by a hostile force; or
 - (III) Forcibly detained or interned in line of duty by a foreign government or power.
 - (iii) Any veteran who has a total disability resulting from a service-connected disability as evaluated by the United States Department of Veterans Affairs.
 - (iv) Any veteran who died while a disability, as defined in clause (iii) of this subparagraph, was in existence.
 - (C) State qualified spouse:
 - (i) A spouse who meets the definition of federal qualified spouse; or

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

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

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

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

22 **§801.24. Workforce Solutions Office Certification.**
23

24 (a) All offices providing workforce services shall be classified as Workforce Solutions
25 Offices.
26

27 (b) Local Workforce Development Boards (Boards) shall ensure that at least one
28 Workforce Solutions Office in the local workforce development area is a
29 Comprehensive Center.
30

31 (c) As directed by the Commission, Boards shall provide certification to the Agency for
32 every Comprehensive Center and Affiliate Site.
33

34 (d) Boards shall notify the Agency when a change occurs of the requirements set forth
35 in subsections (b) and (c) of this section.
36

37 (e) The Agency shall verify compliance with the requirements set forth in subsections
38 (b) and (c) of this section through:
39

40 (1) issuance of Agency guidance;
41

42 (2) assurances set forth in Agency-Board agreements;
43

44 (3) annual monitoring reviews; and
45
46

1 (4) other means as identified by the Agency.
2

3 **§801.25. Minimum Standards for Comprehensive Workforce Solutions Offices.**
4

5 (a) Boards shall ensure that each Comprehensive Center:
6

7 (1) provides basic labor exchange services, including access to job orders for
8 applicants, access to applicants for employers, and screening and referral
9 methods for matching qualified applicants and job orders;
10

11 (2) provides services, as set forth in §801.28(a) of this subchapter, of each
12 program specified by §801.27(a) and (b) of this subchapter, and access to
13 programs specified by §801.27(c) of this subchapter, as applicable,. during
14 Workforce Solutions Offices' operating hours;
15

16 (3) provides access to information and services available in the local workforce
17 development area;
18

19 (4) provides access to digital skill building, device access, and digital support for
20 individuals through workforce development programs;
21

22 (5) provides access to financial literacy assistance to individuals enrolled in a
23 workforce development program; and
24

25 (6) addresses the individual needs of employers and job seekers.
26

27 (b) Boards shall ensure that each Comprehensive Center, as set forth in Texas
28 Government Code, Chapter 2308, includes access to:
29

30 (1) labor market information, including:
31

32 (A) available job openings; and
33

34 (B) education and training opportunities;
35

36 (2) uniform eligibility requirements and application procedures for all workforce
37 training and services;
38

39 (3) assistance to unemployment insurance claimants;
40

41 (4) independent assessment of individual needs and the development of an
42 employment plan;
43

44 (5) centralized and continuous case management and counseling;
45

- 1 (6) individual referral for services, including basic education, classroom skills
2 training, on-the-job training, and customized training;
3
- 4 (7) support services, including child care assistance, student loan assistance, and
5 other forms of financial assistance required to participate in and complete
6 training; and
7
- 8 (8) job training and employment assistance for persons formerly sentenced to the
9 Texas Department of Criminal Justice's institutional division or state jail
10 division.
11
- 12 (c) Boards shall ensure that each Comprehensive Center complies with the following
13 Commission-established standards:
14
- 15 (1) Provides customer access to WorkInTexas.com; résumé preparation tools,
16 including software; and Internet access;
17
- 18 (2) Ensures eligible foster youth are given access to workforce services to help
19 meet their employment, education, and training needs to transition to
20 independent living, as set forth in Texas Family Code, §264.121(2) and (3);
21
- 22 (3) Provides each customer with information on local in-demand industries and
23 occupations, including projected wage level upon completion of training
24 programs, and performance of training providers when requested;
25
- 26 (4) Ensures that Workforce Solutions Offices' staff is trained and knowledgeable
27 in order to provide services to employers and job seekers;
28
- 29 (5) Demonstrates on-site management of all personnel, a plan for cross-training
30 staff in all services, minimal programmatic specialization of staff, removal of
31 redundancies within program activities, and maximum flexibility to optimize
32 use of resources;
33
- 34 (6) Designs a customer-friendly waiting area and implements written procedures
35 that define the steps taken to minimize customer wait time in the reception area
36 and in other areas of Workforce Solutions Offices; and
37
- 38 (7) Provides consumer information on the quality of education and training
39 providers and includes a mechanism for customer feedback on personal
40 experience with such providers.
41
- 42 (d) Boards must ensure that, if a Comprehensive Center does not provide all services
43 and programs on-site as specified in subsections (a) and (b) of this section, access to
44 such services is provided by direct linkage.
45

- 1 (e) Boards must ensure that only Workforce Solutions Office partners, such as Adult
2 Education and Literacy programs, provide developmental services, such as General
3 Educational Development, English as a Second Language, or basic education skills.
4

5 **§801.26. Memorandum of Understanding.**
6

- 7 (a) In accordance with Workforce Innovation and Opportunity Act, §121, each Board
8 shall develop and maintain a memorandum of understanding (MOU) with statutorily
9 required Workforce Solutions Office partners, as specified in §801.27(b) of this
10 subchapter, and any locally approved Workforce Solutions Office partners, as
11 specified in §801.27(c) of this subchapter, related to the operation of the One-Stop
12 Service Delivery System in the local workforce development area.
13
14 (b) A Board may develop a single MOU with all workforce partners or a separate MOU
15 with each workforce partner or group of partners. Each Board shall obtain a general
16 authorization from the chief elected officials for actions taken under this subsection.
17
18 (c) The Agency shall provide Boards with guidance on the minimum provisions required
19 by each MOU.
20
21 (d) Except where indicated otherwise, a Board shall not be required to develop an MOU
22 for any Board- or Agency-administered programs specified in §801.27(a) of this
23 subchapter.
24

25 **§801.27. Workforce Solutions Office Programs and Partners.**
26

- 27 (a) The following Workforce Solutions Office Programs are Board-administered or
28 under Agency purview:
29
30 (1) Adult program, authorized under Workforce Innovation and Opportunity Act
31 (WIOA), Title I;
32
33 (2) Dislocated Worker program, authorized under WIOA, Title I;
34
35 (3) Youth programs, authorized under WIOA, Title I;
36
37 (4) Supplemental Nutrition Assistance Program Employment and Training,
38 authorized under the Food and Nutrition Act of 2008 (7 United States Code
39 (USC) §2015(d)(4) et seq.);
40
41 (5) Choices, the Temporary Assistance for Needy Families Employment and
42 Training program, authorized under the Social Security Act, Title IV, Part A
43 (42 USC §601 et seq.);
44
45 (6) Subsidized Child Care programs, identified by Chapter 809 of this title
46 (relating to Child Care Services);

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- (7) Employment Service program, authorized under the Wagner-Peyser Act (29 USC §49 et seq.), as amended by WIOA, Title III;
 - (8) Trade Adjustment Assistance, authorized under Title II, Chapter 2 of the Trade Act of 1974 (19 USC §2271, et seq.);
 - (9) Adult Education and Family Literacy Act program, authorized under WIOA, Title II, when the Board is the grantee;
 - (10) Vocational Rehabilitation (VR) services, authorized under Title I of the Rehabilitation Act of 1973 (29 USC §720 et seq.), as amended by WIOA, Title IV. Boards are required to enter a memorandum of understanding for VR services in accordance with §801.26 of this subchapter;
 - (11) Unemployment Insurance Benefits programs, authorized under state unemployment compensation law, including the Reemployment Services and Eligibility Assessment program, authorized under Title III of the Social Security Act (42 USC §506 et seq.);
 - (12) Migrant and Seasonal Farmworker employment services, under the National Farmworker Jobs Program, authorized under WIOA, Title I; and
 - (13) National Dislocated Worker Grant program, authorized under WIOA, Title I.
- (b) Required Workforce Solutions Office partners are the entities that administer the following programs in the local workforce development areas:
- (1) Jobs for Veterans State Grant program, as authorized under the Job Counseling, Training, and Placement Services for Veterans (38 USC §41 et seq.), and administered by the Texas Veterans Commission;
 - (2) Adult Education and Family Literacy Act program, authorized under WIOA, Title II;
 - (3) Senior Community Service Employment Program, authorized under Title V of the Older Americans Act of 1965 ([42 USC §3056](#) et seq.);
 - (4) Apprenticeship Training Program certified by the United States Department of Labor's Office of Apprenticeship Training, and which meets state criteria established under Texas Education Code, Chapter 133;
 - (5) career and technical education programs, authorized under the Carl D. Perkins Career and Technical Education Act of 2006 ([20 USC §2301](#) et seq.);

- 1 (6) employment and training activities carried out under Community Services
2 Block Grant programs (42 USC §9901 et seq.);
3
- 4 (7) employment and training activities provided through grantees of the United
5 States Department of Housing and Urban Development;
6
- 7 (8) education and vocational training programs through Job Corps, authorized
8 under WIOA, Title I, and administered by the United States Department of
9 Labor;
10
- 11 (9) Native American programs, authorized under WIOA, Title I;
12
- 13 (10) YouthBuild programs, authorized under WIOA, Title I; and
14
- 15 (11) programs authorized under §212 of the Second Chance Act of 2007 (42 USC
16 §17532 et seq.).
17
- 18 (c) Other entities that provide services of benefit to workforce development may be
19 optional partners in the One-Stop Service Delivery System if the Board and chief
20 elected officials agree on each entity's participation. The entities include, but are not
21 limited to, those that provide:
22
- 23 (1) employment and training programs administered by the Social Security
24 Administration, including the Ticket-to-Work and the Self-Sufficiency
25 Program established under §1148 of the Social Security Act (42 USC §1320b-
26 19 et seq.);
27
- 28 (2) employment and training programs carried out by the Small Business
29 Administration;
30
- 31 (3) programs administered by OneStar Foundation, authorized under the National
32 and Community Service Act of 1990 (42 USC §12401 et seq.); and
33
- 34 (4) other appropriate federal, state, or local programs that may include
35 employment, education, and training programs provided by public libraries or
36 in the private sector.
37
38

39 **§801.28. Services Available Through the One-Stop Service Delivery System.**
40

- 41 (a) Basic Career Services. All Workforce Solutions Offices shall provide access to basic
42 career services, as defined in Workforce Innovation and Opportunity Act (WIOA),
43 §134(c)(2) (29 United States Code, Annotated (USCA) §2864(c)(2)), including:
44
- 45 (1) outreach;
46

- 1 (2) intake, which may include reemployment services, and orientation to the
2 information and services available through the One-Stop Service Delivery
3 System;
- 4
5 (3) determinations of individuals' eligibility for programs funded through the
6 Commission that are available through the One-Stop Service Delivery System;
- 7
8 (4) initial assessment of skill levels including literacy, numeracy, and English
9 language proficiency, as well as aptitudes, abilities (including skills gaps), and
10 support service needs;
- 11
12 (5) job search and placement assistance and, where appropriate, career counseling;
- 13
14 (6) provision of performance information and program cost information on
15 eligible training provider services as described in §840.40 and §840.41 of this
16 title (relating to Statewide ETPL and Distribution of the Statewide ETPL)
17 provided by program, and eligible providers of youth activities described in
18 WIOA, §123 (29 USCA §3153), providers of adult education described in
19 WIOA, Title II, providers of postsecondary vocational education activities and
20 vocational education activities available to school dropouts under the
21 Strengthening Career and Technical Education for the 21st Century Act (20
22 USCA §2301 et seq.), and providers of vocational rehabilitation program
23 activities described in Title I of the Rehabilitation Act of 1973 (29 USCA §701
24 et seq.);
- 25
26 (7) provision of information regarding how the local workforce development area
27 (workforce area) is performing on the local performance measures and any
28 additional performance information with respect to the One-Stop Service
29 Delivery System in the workforce area;
- 30
31 (8) provision of information regarding filing unemployment insurance claims;
- 32
33 (9) provision of employment statistics information, including the provision of
34 accurate information relating to local, regional, and national labor market
35 areas, including job vacancy listings in such labor market areas, information on
36 job skills necessary to obtain the jobs listed, and information related to local
37 in-demand jobs and the earnings and skill requirements for such jobs;
- 38
39 (10) provision of accurate information relating to the availability of support
40 services, including child care and transportation, available in the workforce
41 area, and referral to such services, as appropriate; and
- 42
43 (11) assistance in establishing eligibility for Choices, SNAP E&T, and financial
44 aid assistance programs for training and education that are available in the
45 workforce area.
- 46

1
2 (b) Individualized Career Services. A One-Stop Service Delivery System shall provide
3 access to individualized career services as described in WIOA, § 134(d)(1) (29
4 USCA § 3174(d)(1)), as appropriate, which may include the following:
5

- 6 (1) comprehensive and specialized assessments of the skill levels and service
7 needs of job seekers, such as diagnostic testing and use of other assessment
8 tools, in-depth interviewing, and evaluation to identify employment barriers
9 and employment goals;
10
11 (2) development of an employment plan and service strategy to identify the
12 employment goals, appropriate achievement objectives, and appropriate
13 combination of services for the participant to achieve employment goals and
14 objectives;
15
16 (3) group counseling;
17
18 (4) individual counseling and career planning;
19
20 (5) centralized and continuous case management; and
21
22 (6) short-term, work readiness services, including learning skills, communication
23 skills, interviewing skills, punctuality, personal maintenance skills, and
24 professional conduct to prepare individuals for unsubsidized employment or
25 training.
26

27 (c) Training Services. A One-Stop Service Delivery System shall provide access to
28 training services as described in WIOA, § 134(c)(3) (29 USCA § 3174(c)(3)).
29 Training services may include the following:
30

- 31 (1) occupational skills training, including training for nontraditional employment;
32
33 (2) on-the-job training;
34
35 (3) incumbent worker training;
36
37 (4) programs that combine workplace training with related instruction;
38
39 (5) training programs operated by the private sector;
40
41 (6) skills upgrading and retraining;
42
43 (7) entrepreneurial training;
44
45 (8) job readiness training provided in combination with services and activities
46 described in paragraphs (1) - (7) of this subsection;

1
2 (9) adult education and literacy activities provided concurrently or in combination
3 with services and activities described in paragraphs (1) - (8) of this subsection;
4 and

5
6 (10) customized training conducted with a commitment by an employer or group
7 of employers to employ an individual upon successful completion of training.
8

9 (d) Follow-up Services. A One-Stop Service Delivery System shall offer follow-up
10 services, including counseling regarding the workplace, for adult and dislocated
11 worker participants exiting programs into unsubsidized employment, for up to 12
12 months after the first day of the employment, as appropriate. All youth participants
13 must be offered follow-up services aligning with their individual service strategies,
14 that shall be provided for not less than 12 months, unless such follow-up services are
15 declined or the participant cannot be contacted.
16

17 (e) Other Services and Activities. A One-Stop Service Delivery System shall offer
18 access to all other permissible local employment and training activities included in
19 the local workforce development plan, which may include discretionary one-stop
20 activities, support services, needs-related payments, incumbent worker training, and
21 transitional jobs, as set forth in WIOA, § 134(d)(2) - (5) (29 USCA § 3174(d)(2) -
22 (5)).
23

24 **§801.29. Limitations on Delivery of Services.**
25

26 Delivery of services under §801.28 of this subchapter, is subject to state law requirements
27 on Board organization and service delivery structure as found in Texas Government
28 Code, Chapter 2308, and this chapter, as well as eligibility requirements and limitations
29 of individual programs.