



*Appendix A:
Assurances*

A graphic featuring a central white rectangular box with rounded corners and a drop shadow. The box is flanked by two white ribbon-like shapes that extend horizontally to the left and right. The text "Appendix A: Assurances" is written in a black, italicized serif font within the central box.

Assurances

A. By signing the Statements of Approval and Acknowledgement, the Chief Elected Official(s), Board Chair and Fiscal Agent certify their acceptance of the following assurances. The following assurances are provided to the best of the Board's knowledge at the time such assurances are submitted to the Texas Workforce Commission.

General

Governance

The Board, to the best of its knowledge, assures the following:

1. The Board has applied for and received certification in accordance with Texas Government Code §2308.253 and §2308.261.
2. The Board's membership reflects the requirements in Texas Government Code §2308.255 and §2308.256 and in Title 40, Part 20, Chapter 801, Subchapter A, Rules 801.11 and 801.12, of the Texas Administrative Code.
3. The Board's membership is informed of, and complies with, the recusal and conflict of interest requirements in the Workforce Investment Act (WIA) § 117(g), the Texas Government Code §2308.257 and in Title 40, Part 20, Chapter 801, Subchapter A, Rule 801.13 of the Texas Administrative Code.
4. The Board's presiding officer is a representative of the private sector, as required by Texas Government Code §2308.258.
5. The Board's Fiscal Agent has received approval from the Texas Workforce Commission, as required by Texas Government Code §2308.263, if the Fiscal Agent is someone other than the Board.
6. The Board shall not directly provide workforce training and services without an approved waiver in accordance with the service delivery contracting requirements in Texas Government Code §2308.264.
7. Documents submitted to the Texas Workforce Commission, either previously or with this submission, detailing the Board's creation, membership, presiding officer, Fiscal Agent designation, agreement for local procedures and inter-local agreements between Chief Elected Officials are a true representation of the Board's current constitution and operation.

Plan Development and Submission

The Board, to the best of its knowledge, assures the following:

8. The Board has adopted this Plan Modification in accordance with the local Plan requirements in Texas Government Code §2308.304.

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- 9. The Board has followed Agency guidelines and taken into consideration applicable program, administrative, performance and financial requirements listed in these assurances in the preparation and submission of this Plan, as required by Title 40, Part 20, Chapter 801, Subchapter A, Rule 801.17 of the Texas Administrative Code.
- 10. This Plan shall govern the provision of services in the Local Workforce Development Area (LWDA), as required by Texas Government Code §2308.304.
- 11. The Board has developed this Plan in consultation with local elected officials, the business community, labor organizations and other partners, as required by Section 117(d)(1) and Section 118(b)(7) of the WIA.

Board Responsibilities

The Board, to the best of its knowledge, assures the following:

- 12. Pursuant to the Texas Government Code § 2308.302(a), the Board shall plan for and provide oversight of all workforce training and services in the Workforce Area, and shall evaluate all workforce development programs in the Local Workforce Development Area, to include both those funded and not funded through the Board.
- 13. The Board shall develop a responsive local plan, shall ensure effective outcomes consistent with statewide goals and objectives, and shall make every attempt to meet performance standards developed by the Commission, as required by Texas Government Code §2308.302(a) and §2308.303(a)(3)(A).
- 14. The Board is directly responsible for the operational planning and administration of all workforce training and services funded through the Texas Workforce Commission to the local area, as required by Texas Government Code §2308.302(b). Such responsibilities shall be carried out in accordance with the rules promulgated by the Commission in Title 40, Part 20, of the Texas Administrative Code (TAC). The applicable chapters and their topics are:

CHAPTER	TOPIC
800	General Administration
801	Local Workforce Development Boards
809	Child Care and Development
811	Choices
813	Food Stamp Employment and Training
823	General Hearings
841	Workforce Investment Act
847	Project Re-Integration of Offenders
849	Trade Adjustment Assistance

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15. The Board is responsible for developing and adopting an annual integrated workforce budget, as required by the Texas Government Code §2308.262.
16. The Board shall monitor and ensure its agents, contractors, and subcontractors remain in compliance with the data capture and integrity requirements in support of this planning document, in accordance with the Department of Labor's (DOL's) data validation initiative outlined in Training and Employment Notice (TEN) No. 14-02, dated May 28, 2003, and DOL's data validation policy set forth in Training and Employment Guidance Letter (TEGL) No. 3-03, dated August 20, 2003.
17. The Board shall comply with the requirements in the final regulations and audit compliance supplements to be promulgated by the US DOL and OMB and any alternative implementation options exercised by Texas under the WIA statute.

Board Duties

The Board, to the best of its knowledge, assures that it shall fulfill the following duties:

18. The Board shall accept technical assistance in accordance with Texas Government Code §2308.268 and Title 40, Part 20, Chapter 800, Subchapter C, Rule 800.83 of the Texas Administrative Code.
19. The Board shall carry out the duties related to planning and administering workforce development services enumerated in Texas Government Code §2308.303.
20. The Board shall review, verify, modify and use local labor market information developed through the State's labor market information system to identify, by occupation, the labor demand of employers in each Workforce Development Area, as required by Texas Government Code §2308.305.
21. The Board shall carry out the duties and functions charged to Local Boards in the approved Texas State Plans for the Child Care and Development Fund (CCDF), Temporary Assistance for Needy Families (covering Choices), Food Stamp Employment and Training, and Title I of the Workforce Investment Act, as such Plans have been, or may be, amended.
22. The Board shall expend no funds allocated by the Agency, or used as required match in contracts, for the purchase of program-related client services, unless the contracts have terms relating to the performance, sanctions, penalties and administrative/financial requirements set forth in the last effective version, as of the date of these assurances, of Rider 20 of Article VII of the General Appropriations Act of the 78th Legislature.
23. The Board shall develop policies, procedures and systems for keeping and maintaining administrative, programmatic, participant, and financial records in accordance with federal and State laws, regulations, Commission Rules in the Texas Administrative Code (see Assurance number 14), the Agency-Board Agreement for an Integrated Workforce System,

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program contract terms, the TWC Financial Manual for Grants and Contracts, program guidelines and other Agency policy issuances.

24. The Board shall develop, in accordance with the Texas Government Code, Chapter 551, Texas Open Meetings Act, and shall implement the policies, procedures and standards for accurately reporting financial, programmatic, and participant information in the required timeframes and using the systems and formats specified by the Agency, including but not limited to, The Workforce Information System for Texas (TWIST), the Child Care automated applications (Budget and Payment Application and Service Delivery Application), the public labor exchange data and matching system and the consolidated financial reports for Local Boards.
25. The Board shall carry out its duties and functions under this Plan in compliance with the requirements in the federal and State statutes, regulations, and other issuances governing these programs, as clarified for implementation in Texas by Chapter 302 of the Texas Labor Code, Chapter 2308 of the Texas Government Code, Chapters 31 and 34 of the Texas Human Resources Code, Commission Rules in the Texas Administrative Code (see Assurance number 14), State Plan provisions, and any alternative options under the Workforce Investment Act (WIA) and waivers exercised by the State. The key federal statutes and regulations for each of these programs are shown below.

PROGRAM	FEDERAL STATUTE	FEDERAL REGULATIONS
Workforce Investment Act (Adults, Dislocated Workers/ Rapid Response, and Youth) and Wagner-Peyser Employment Services	Title I of the Workforce Investment Act, 29 U.S.C. §2801 et seq. and the Wagner-Peyser Act of 1933, as amended, 29 U.S.C. §29 et seq.	20 Code of Federal Regulations (CFR) Parts 652 and 660 through 667
Child Care and Development	Child Care and Development Block Grant Act of 1990, 42 U.S. C. § 9858 et seq., as amended by 42 U.S.C. 618; Title IV-A of the Social Security Act, as amended, 42 U.S.C. § 618; and Title XX of the Social Security Act, as amended, 42 U.S.C. § 1397	45 CFR Parts 98 and 99 45 CFR Part 96
TANF (Temporary Assistance for Needy Families) Choices (workforce services and purpose 3 and 4 services to needy and non-needy families and individuals)	Title IV-A of the Social Security Act, as amended, 42 U.S.C. 601 through 619, and Title XX of the Social Security Act, as amended, 42 U.S.C. § 1397	45 CFR Parts 260 through 265 45 CFR Part 96

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Food Stamp Employment and Training	Food Stamp Act of 1977, as amended, 7 U.S.C. § 2000 et seq.	7 CFR Parts 271 through 273
Trade Act of 1974	Trade Act of 1974, 19 U.S.C. §§ 2271 through 2322, as amended	20 CFR Part 617 and 29 CFR Part 90

Workforce Center Service Delivery Network Requirements

The Board, to the best of its knowledge, assures the following:

26. The Board shall comply with Title VI of the Civil Rights Act of 1964 and WD Letter 24-01, which state that limited English proficient (LEP) individuals are not discriminated against on the grounds of national origin. Adequate steps are taken in accordance with Title VI to ensure that LEP individuals receive language assistance as necessary to afford them access to services free of charge.
27. The Board shall establish Texas Workforce Centers, as required by Texas Government Code §2308.312, to provide the services required by Texas Government Code §2308.313, in compliance with the Rules promulgated by the Texas Workforce Commission in Title 40, Part XX, of the Texas Administrative Code (see assurance number 14). Contracts and memoranda of understanding, as required by Section 121(c) of the WIA, shall be used to establish and document partnerships, relationships, duties and cost sharing; copies of such contracts and MOU's shall be provided to the Agency.
28. The Board shall comply with the service provision limitations requiring separation of Workforce Center and developmental services in Texas Government Code §2308.3121.
29. The Board shall ensure that local policies and procedures have been developed for making referrals to family violence organizations, when workforce staff identifies an individual who is affected by family violence, as described in the Human Resources Code 31.0322 (b)(3).
30. The Board shall ensure that each appropriate employee receives not less than four (4) hours of training regarding family violence, as outlined in Human Resources Code 31.0322 (e), (f) and (g).
31. The Board shall ensure that it complies with all provisions in the Jobs for Veterans Act, Public Law 107-288, 38 U.S.C., Chapters 41 and 42, as amended.
32. The Board will comply with Chapters 41 and 42 of Title 38 in the U.S.C., as amended by the Jobs for Veterans Act, Public Law 107-288, concerning the priority afforded veterans for job counseling, employment training and employment placement services.

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- 33. From an analysis of occupations in demand in the local area, the Board will target occupations in which to provide training services that meet local needs, in accordance with Texas Government Code § 2308.303(a)(3)(B).
- 34. The Board shall promote the participation of private sector employers in the Statewide workforce development network and ensure the effective provision, through the systems of connecting, brokering, and coaching activities, and through intermediaries, such as the Texas Workforce Center operators in the local area or through other organizations, to assist such employers in meeting hiring needs, per WIA, P.L. 105-220, § 117(d)(8).
- 35. The Board will coordinate workforce investment activities with economic development strategies and develop employer linkages, as per WIA, P.L. 105-220, § 117(d)(7).

Administrative and Financial Requirements

The Board, to the best of its knowledge, assures that it shall fulfill the following responsibilities:

- 36. The Board assures that the Board, its grant recipient, staffing entity, Fiscal Agent and other subrecipients, such as the Texas Workforce Center Operators and Child Care contractors, shall comply with the following federal uniform administrative requirements for the awarding of federal funds, depending upon the type of entity receiving the funds. (See the chart below.)

Entity Receiving the Federal Funds	Program and Program Codification of the Applicable Circular		
	WIA	TANF & Child Care	FS E&T
a unit of State, local or tribal government (then OMB Circular A-102 applies)	29 CFR Part 97	45 CFR Part 92	7 CFR Part 3016
an institution of higher education, a hospital, or other nonprofit organization (then OMB Circular A-110 applies)	29 CFR Part 95	45 CFR Part 74	7 CFR Part 3019
a commercial organization	29 CFR Part 95	45 CFR Part 74	7 CFR Part 3015

- 37. The Board assures that all state and federal block grant funds received shall be expended in compliance with the Texas Uniform Grant Management Standards (UGMS), as promulgated by the Governor’s Office of Budget and Planning.

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38. The Board shall ensure that its membership dues, lobbying, compensation, travel and other administrative policies and practices, as well as those of covered organizations, conform to the requirements set forth in the last effective version, as of the date of these assurances, of Article IX, Section 6.13 and 7.01 of the General Appropriations Act of the 78th Legislature.
39. The Board assures that all awards of federal and State funds shall be accounted for using generally accepted accounting principles, and treated in accordance with the following cost principles, depending upon the type of entity receiving the funds. (See chart that follows.)

Entity Receiving Funds	Applicable OMB Cost Principles Circular (or Regulations)
a unit of State, local or Indian Tribal government	A-87
an institution of higher education	A-21
a private, nonprofit organization	A-122
a commercial organization	48 CFR Part 31

40. The Board assures that audits of covered organizations shall conform with the federal Single Audit Act and OMB Circular A-133. Circular A-133 is codified in:

WIA	TANF Choices & Child Care	FS E&T
29 CFR Part 99	45 CFR Part 96	7 CFR Part 3052

41. The Board assures that it, its subrecipients and subcontractors shall comply with the administrative, programmatic, performance and financial requirements in:
- OMB Circular A-133 compliance supplements,
 - Rules published by the Commission in the Texas Administrative Code (see assurance number 14), and
 - the Agency-Board Agreement for an Integrated Workforce System, program contract terms, and Agency issuances, such as program guidelines, the TWC Financial Manual for Grants and Contracts and the Agency’s Workforce Development (WD) Letters.
42. The Board assures that it, and its subrecipients and contractors meeting the definition of a “Council of Government” or “State Agency,” shall comply with the Travel Regulations in the last effective version, as of the date of these assurances, of Article IX, Part 5 of the General Appropriations Act of the 78th Legislature.

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43. The Board assures that it, and its subrecipients and contractors defined as a “unit of local government,” are subject to limitations and requirements similar to those referenced in the last effective version, as of the date of these assurances, of Article IX, Section 6.13 of the General Appropriations Act of the 78th Legislature.

Specific Program Assurances

Child Care and Development Services

The Board, to the best of its knowledge, assures the following:

44. The parents of each eligible child who receives, or is offered subsidized Child Care services, are given the right to choose the type of child care that best suits their needs and the needs of their child(ren), as required by 45 CFR § 98.30 and Title 40, Part 20, Chapter 809, Rule 809.13, of the Texas Administrative Code. Eligible parents are offered a choice of child care arrangements any time Child Care services are made available, and can either choose to enroll their child(ren) with a child care facility that has an agreement for the provision of the service or to self-arrange Child Care services with a regulated or eligible relative provided as described in Title 40, Part 20, Chapter 809, Rule 809.71, of the Texas Administrative Code. To ensure compliance with Title 40, Part 20, Chapter 809, Rule 809.13 of the Texas Administrative Code, Boards and their contractors should not prejudice a parent’s decision for the choice of Child Care services, or persuade parents by suggesting that their children maybe at a greater risk socially, physically, or emotionally in one type of care over another.
45. Child care arranged by the parent(s) will meet stated health and safety requirements or be exempt from these requirements, as specified in 45 CFR Part 98.41 and Title 40 Part 20, Chapter 809, Rule 809.41(b), of the Texas Administrative Code.
46. In cases in which the parent(s) elect(s) to enroll the child with a provider that has an agreement to deliver Child Care services, the child will be enrolled with the eligible provider selected by the parent(s) to the maximum extent practicable, as required by Title 40, Part 20, Chapter 809, Rule 809.71, of the Texas Administrative Code.
47. The Board will maintain and distribute a current consumer guide to Child Care services within the specific area, including information about accessing providers who have provider agreements to deliver Commission-funded Child Care in the Local Workforce Development Area. The guide will be made available to parents of eligible children and the general public to promote informed child care choices. This activity is required by Title 40, Part 20, Chapter 809, Rule 809.14, of the Texas Administrative Code.

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48. Local contributions of funds to provide Child Care services will be pursued and secured to the extent possible, as required in Title 40, Part 20, Chapter 809, Rule 809.20, of the Texas Administrative Code.
49. A Parent Advisory Group will be established and utilized by each licensed child care center in which the children of parents receiving Commission-funded Child Care services are enrolled at greater than 30% of the Center's total capacity, as required in the Human Resources Code, Chapter 44, Section 44.002(c), in Title 40, Part 20, Chapter 809, Rule 809.49 of the Texas Administrative Code.
50. Reimbursement for self-arranged child care will be paid to the child care provider, as required in Title 40, Part 20, Chapter 809, Rule 809.63(a) of the Texas Administrative Code.
51. Children of parents transitioning off of TANF assistance, children of TANF recipients participating in the Choices program and children eligible to receive Workforce Orientation Applicant Child Care will receive priority for the provision of Child Care services. Additionally, children receiving or needing to receive Child Protective Services will receive priority for Child Care services. These requirements may be found in Title 40, Part 20, Chapter 809, Rules 809.101, 809.102, 809.103, 809.105 and 809.221 of the Texas Administrative Code and Section 3.4.1 of the Texas' State Plan for the Child Care and Development Fund (CCDF).
52. The Board has a written Discontinuation of Care Policy that is congruent with the Continuity of Care Rule found at Title 40, Part 20, Chapter 809, Rule 809.225 of the Texas Administrative Code, and consistently applies that Discontinuation of Care Policy, whenever it becomes necessary to discontinue care for enrolled children from eligible families.
53. A child who is required by a court-ordered custody or visitation arrangement to leave a provider's care will be permitted to continue, upon return from the court-ordered custody or visitation arrangement, to receive child care by the same provider or another provider, if agreed to by the parent in advance of the leave, as required in Title 40, Part 20, Chapter 809, Rule 809.224 of the Texas Administrative Code.
54. The Board will comply with federal and State reporting requirements and will respond to any additional information requested by the Agency, as required by 45 CFR Part 98.70 and Title 40, Part 20, Chapter 809, Rule 809.18 of the Texas Administrative Code.
55. Child Care performance standards developed by the Commission will be met, as required by Title 40, Part 20, Chapter 809, Rule 809.19 of the Texas Administrative Code.
56. Texas Rising Star Providers will be paid a minimum of five (5) percent over the maximum rate not to exceed the provider's published rate, as required by Title 40, Part 20, Chapter 809, Rule 809.231 of the Texas Administrative Code.

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57. Maximum reimbursement rates shall be established that will provide children in Commission-funded Child Care equal access to Child Care services in the local market, as required by Title 40, Part 20, Chapter 809, Rule 809.231(a) of the Texas Administrative Code.
58. The Board will establish policies in accordance with the Assessing and Collecting Parents Share of Cost, as required by Title 40, Part 20, Chapter 809, Rule 809.46 of the Texas Administrative Code.

Temporary Assistance for Needy Families (TANF) Choices Services

The Board, to the best of its knowledge, assures the following:

59. TANF funds may be used in any manner reasonably calculated to achieve at least one of the four purposes of the TANF program, as specified in 42 U.S.C. 601, or any uses authorized under prior Parts A and F of Title IV of the Social Security Act in accordance with the provisions of 42 U.S.C. 604(a). The four purposes of the TANF program are to:
 - i. provide assistance to needy families, so that children may be cared for in their own homes or in the homes of relatives;
 - ii. end the dependence of needy parents on government benefits by promoting job preparation, work and marriage;
 - iii. prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing the incidence of these pregnancies; and
 - iv. encourage the formation and maintenance of two-parent families.
60. The Board shall not use TANF funds to provide TANF cash assistance, as defined in 45 CFR Part 260.31, to anyone not already receiving TANF cash assistance from the Health and Human Services Commission (HHSC).
61. TANF funds shall not be used for:
 - juvenile justice services in accordance with 42 U.S.C. 604(a)(2), or
 - medical services other than pre-pregnancy family planning services, as specified in 42 U.S.C. 608(a)(6).
62. Services provided under the second TANF purpose (see 59 ii above) shall be provided only to needy parents and families, as defined in the approved TANF State Plan for Texas to implement the provisions of 45 CFR Part 260.20.
63. Services provided under the last two purposes may be provided to both needy and non-needy families and parents, if those service strategies support the primary goal of Choices services, which is employment and job retention, as determined by the Board in accordance with the approved TANF State Plan for Texas and 45 CFR Part 260.20.

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64. If TANF funds are utilized to engage in strategies that promote the prevention and reduction of out-of-wedlock pregnancies and encourage the formation and maintenance of two-parent families, as per 40 TAC § 811.1(b), then those strategies must support the primary goal of Choices services, which is employment and job retention.
65. The "Work First" service delivery design will be used consistent with the Texas Human Resources Code, Chapters 31 and 34, and Rules promulgated by the Commission.
66. As part of the initial assessment, Choices individuals will receive a literacy assessment using a literacy assessment tool approved by the Commission to determine, if a service tier adjustment is warranted under the Texas Human Resources Code 31.0065(f)(1), except as noted in Choices Rule 811.22(e)(1)(B) in the Texas Administrative Code.
67. All Choices services provided shall comply with the rules in Title 40, Part 20, Chapter 811, of the Texas Administrative Code.
68. Choices services shall be provided in accordance with a family employment plan based on individual and family assessment, as required by 45 CFR Parts 261.11 and 261.12, and by the Choices Rule at 40 TAC, Chapter 811.22(b).
69. The client's family employment plan and work requirement shall reflect the State and federal participation requirements contained in 45 CFR, Sections 261.30 and 261.31, in 40 TAC, Chapter 811, and in the Texas Human Resources Code, Chapters 31 and 34.
70. The Board shall design service systems and structure supporting the provision of Choices services to eligible program participants, as described within 45 CFR Part 26 et seq., Title 40, Part 20, of the Texas Administrative Code and Chapters 31 and 34 of the Texas Human Resources Code.
71. The Board ensures that staff and/or contractors prepare for and participate in appeal hearings conducted by the Health and Human Services Commission (HHSC) for the Agency, per the Fiscal Year 2004 Agency-Board Agreement for an Integrated Workforce System.
72. In accordance with 40 TAC § 811.48, the Board assures that the usage of TANF funds to purchase vocational training services relates to the types of jobs available in the local labor market, and are provided only if there is an expectation that employment will be secured upon completion of the training.
73. The Board ensures that methods for providing alternative workforce orientations to TANF applicants are developed in accordance with 40 TAC § 3.7301-3.7303.

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74. The Board shall develop and implement a memorandum of understanding with HHSC that addresses the following:
- the coordination between the two entities on the delivery of services to Choices clients at the local level, per Chapters 31 and 34 of the Texas Human Resources Code and the FY 2004 Agency-Board Agreement for an Integrated Workforce System;
 - the process for referring recipients who do not cooperate with their Choices requirements for adverse action on their TANF cash assistance benefits, in accordance with 40 TAC § 811.14; and
 - the implementation of a coordinated interagency case management process that is consistent with the memorandum of understanding between HHSC and TWC, per Chapters 31 and 34 of the Texas Human Resources Code, and 40 TAC, Chapter 811.3(c)(9). The following are the cooperative actions addressed in the MOU between HHSC and TWC:
 1. formalization of processes for communication between Choices and HHSC eligibility staff to:
 - support mutual clients in finding employment, and
 - support the goal of long-term independence from public assistance, which shall include accurate entry of information in the automation systems of HHSC and TWC regarding clients with barriers;
 2. establishment of a process of notification, when clients reach the forty-seventh month of benefits; and
 3. coordination of regularly scheduled and alternative Workforce Orientation for Applicants (WOA) services.
75. The Board assures that local policies have been developed for a coordinated Choices service strategy, as described in 40 TAC § 811.3(b).
76. The Board ensures that local policies and procedures have been developed for the cases in which the Board elects to:
- allow mandatory individuals or exempt recipients that voluntarily participate in Choices services to provide Child Care services to a mandatory recipient, or to exempt recipients that voluntarily participate in Choices services, that are engaged in community service activities, as described in 40 TAC § 811.47(b); and
 - implement an Individual Development Account (IDA), as set forth in 40 TAC § 811.67.
77. The Board ensures that local policies and procedures have been developed for:
- determining a family's inability to obtain child care and the penalty exception, as described in 40 TAC § 811.16(d),
 - making job development services available, per 40 TAC § 811.21(e),
 - making job placement services available, as prescribed in 40 TAC § 811.21(g),
 - using methods and limitations for the provision of work-related expenses, as set out in 40 TAC § 811.64(b), and
 - providing concentrated services for individuals approaching their state and federal time limits, as described in 40 TAC § 811.11(e).

Food Stamp Employment & Training (FS E&T)

The Board, to the best of its knowledge, assures the following:

78. FS E&T funds made available will not be used to supplant nonfederal funds for existing educational services and activities, as required by 7 CFR Part 273.7(d)(ii)(G). This has been interpreted to mean that E&T funds may not be used to pay for services already available to the public at no cost.
79. The Board shall design the service systems and structure for the delivery of FS E&T services in compliance with FS E&T program Rules in Title 40, Part 20, Chapter 813 of the Texas Administrative Code and the FS E&T State Plan of Operations.
80. The Board shall establish an agreement with HHSC to document how the Board and HHSC will coordinate the delivery of services to FS E&T clients at the local level per the FY 2005 Agency-Board Program Grant/Cooperative Agreement.
81. The Board shall ensure that Able-Bodied Adults Without Dependents (ABAWD's) participate in allowable activities, as defined by 7 CFR Part 273.7(a)(ii).
82. The Board shall ensure that all ABAWD's in active FS E&T counties are provided with an offer of a work activity within ten days of appearing in the TWIST outreach pool (including any ABAWD's appearing on the exception list), or receipt of Form 1822 from HHSC, according to the FY 2005 Agency-Board Program Grant/Cooperative Agreement.
83. The Board shall ensure that Workfare services for ABAWD's are assigned based upon the ABAWD's monthly household allotment, divided by the number of ABAWD's in the Food Stamp unit, then divided by the federal minimum wage, as provided by paper referral or contact with HHSC, in accordance with the FS E&T State Plan of Operations.
84. The Board shall ensure that all non-financial agreements with Workfare job sites will be established utilizing the Agency boilerplate in WD Letter No. 62-98, or using a locally developed document that addresses the legal requirements outlined in 7 CFR Part 273.7(m)(3)(ii).
85. The Board shall have non-financial agreements in place with Workfare job sites prior to the offer of, or placement of, an ABAWD per 7 CFR Part 273.7(m)(3)(ii).
86. The Board shall ensure that staff and/or contractors prepare for, and participate in, appeal hearings conducted by HHSC or the Agency according to the FY 2005 Agency-Board Program Grant/Cooperative Agreement.
87. To ensure compliance with 7 CFR Part 273.7(d)(1)(iv)(3), the Board shall ensure that FS E&T participants receive all necessary support services, including Child Care services.

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88. In accordance with 40 TAC § 813.31, the Board assures that the usage of FS E&T funds to purchase vocational training services relates to the types of jobs available in the local labor market, and are provided only if there is an expectation that employment will be secured upon completion of the training.

Project Re-Integration of Offenders (Project RIO)

The Board, to the best of its knowledge, assures the following:

89. The Board shall coordinate and collaborate with the Agency in the provision of employment referral services to ex-offenders and adjudicated youth released from Texas State jails, prisons, and Texas Youth Commission (TYC) facilities to ensure that Project RIO services are provided in accordance with the requirements of Chapter 306 of the Labor Code, Section 2308.312(c)(7) of the Government Code, and 40 TAC § 847.
90. The Board assures that the expenditure and accounting of Project RIO funds are undertaken in accordance with the Agency's Financial Manual for Grants and Contracts and Agency Workforce Development Letters, including ensuring that a maximum of ten percent (10%) of funds expended to conduct Project RIO services and activities may be used for administrative purposes, as required in Attachment B, §1.5 of the current Project RIO contracts.
91. The Board shall establish a service provision structure, which is supportive of co-enrolling Project RIO job seekers in both Project RIO and Food Stamp Employment & Training (FS E&T) activities, where possible, and the Board shall ensure that all Project RIO job seekers, who do not have a felony drug conviction on or after August 22, 1996, will be referred to the Health and Human Services Commission (HHSC) for a Food Stamp eligibility determination, upon which those job seekers found to be eligible by HHSC will be co-enrolled in FS E&T in accordance with 40 TAC §847.3(d)(1).
92. In accordance with 40 TAC § 847.41(d), the Board shall ensure that Work Opportunity Tax Credit (WOTC) and Fidelity Bonding services are made available to the Project RIO job seekers and employers.
93. The Board shall ensure that ex-offenders and adjudicated youth deemed not employment-ready are referred to other more appropriate workforce strategies, such as WIA, and those applicants that are not work-ready will not be enrolled in Project RIO until such time as they may become work-ready, per 40 TAC § 847.3(d)(1).
94. The Board shall closely coordinate the provision of Project RIO services with the ex-offender's or adjudicated youth's supervising officer, if one exists, and this coordination will include the timely flow of information regarding program participation and outcomes, with additional coordination efforts including outreach efforts at Parole facilities, per 40 TAC § 847.3(c).

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95. The Board shall ensure that the confidentiality requirements specified by Chapter 58.005 of the Texas Family Code, as they relate to the serving of Texas Youth Commission adjudicated youth, are adhered to, in accordance with 40 TAC § 847.3 (h).

Trade Act Services

The Board, to the best of its knowledge, assures the following:

96. The Board will assist workers and employers with the provision of Rapid Response services upon receipt of a trade petition, Worker Adjustment and Retraining Notification (WARN) notice, or evidence of lay-off, in accordance with TAC, Title 40, Part 20, Chapter 849, Employment and Training Activities and Support Services for Dislocated Workers Eligible for Trade Benefits, 20 CFR Part 665.330 and the Trade Act, as amended in 1974, P.L. 93-618 and the WIA contract Section 5.2.
97. The Board shall assist workers, employers, one-stop operators or partners, and/or unions, in the filing of Trade Adjustment Assistance (TAA) petitions (ETA-9042A/ETA-9042A-1), per TAC, Title 40, Part 20, Chapter 849, and 20 CFR Part 617.4(b).
98. The Board will determine whether suitable employment, as defined in 20 CFR 617.22(a)(1), is available to trade-affected workers, in accordance with TAC, Title 40, Part 20, Chapter 849 and 20 CFR Part 617.4(b).
99. The Board shall ensure that it provides Trade Act services, to include the co-enrollment of Trade participants in WIA Dislocated Worker services upon referral for intensive or training services, in accordance with TAC, Title 40, Part 20, Chapter 849, with WIA § 321, the Trade Act of 1974, as amended by the Trade Act of 2002, and with US DOL Training and Employment Guidance Letters (TEGL's) 5-00 and 11-02.
100. The Board will develop and implement a procedure for reviewing training waivers for trade-affected workers at least every 30 days to determine whether the conditions under which they are issued have changed, per TAC, Title 40, Part 20, Chapter 849, and 20 CFR Part 617.19(c)(1).

Wagner-Peyser Employment Services (ES)

The Board, to the best of its knowledge, assures the following:

101. The Board will ensure that all of the required services to UI claimants, as addressed in 20 CFR 652.209 through 652.210, are provided.

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102. The Board will communicate, collaborate, cooperate and coordinate with the Agency to ensure the effective delivery of Employment Services to the universal population of employers and job seekers under the Wagner-Peyser Act, as amended by P.L. 105-220, and as set out in the Agency-Board Agreement for an Integrated Workforce System.
103. The Board will plan and direct through subcontracts with its contracted service providers for the delivery of the local Employment Services under the Wagner-Peyser Act (29 U.S.C. § 49 et seq.) to improve the function of the nation's labor markets by bringing together employers, who are seeking workers, and individuals, who are seeking employment. The local planning and service delivery must support the State's requirements, as described by 20 CFR Part 652, to administer a program, which has the capacity to:
 - assist employers in filling jobs,
 - assist job seekers in finding employment,
 - facilitate the match between employers and job seekers,
 - participate in a system for clearing labor between states, and
 - meet the work test requirements of the State unemployment compensation system.
104. The Board will communicate, collaborate, cooperate and coordinate with the Agency so that Wagner-Peyser Act-funded labor exchange activities will be provided in compliance with the State merit staffing requirement in 20 CFR § 652.215.
105. The Board and its contracted service providers will fully utilize, in addition to other local options, the public labor exchange matching system to track customers and services, and to facilitate a basic labor exchange system, as described by 20 CFR § 652.3.
106. The Board will communicate, collaborate, cooperate and coordinate with the Agency to ensure that assessment and reemployment services, as required by § 3(c)(3) of the Wagner-Peyser Act, are provided to clients identified through the automated Rapid Reemployment Services Program.
107. The Board will design and implement processes, subcontracts and structures with its contracted service providers and satellite offices to ensure services will be provided to veterans under the Wagner-Peyser Act (29 U.S.C. § 49a et seq.) pursuant to the preference required by the Veterans Benefits statutes (38 U.S.C. Chapters 41 and 42) and the Jobs for Veterans Act (P.L. 107-288), including priority for services and achievement of performance standards. It shall ensure that staff will also perform an assessment of veterans seeking service utilizing a "triage" approach to screen for veterans in need of case management services provided by Disabled Veterans Outreach Personnel (DVOP) and Local Veterans Employment Representatives (LVER), as required by the Statewide LVER/DVOP grant.
108. The Board will design and implement processes, subcontracts and structures with its contracted service providers to facilitate the reports by the DVOP/LVER program, as required by VETS-300, Cost Accounting Report for DVOP/LVER Programs (OMB No. 1205-0240).

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109. The Board will design and implement processes, subcontracts and structures with its contracted service providers to provide services for agricultural workers for jobs listed in intrastate and interstate systems. Boards and their contracted service providers will comply with applicable regulations in regard to processing and notification of job orders, assistance to workers, pre-occupancy housing inspections and field checks found in 20 CFR Part 653, Subpart F.
110. The Board will design and implement processes, subcontracts and structures with its contracted service providers and satellite offices to provide the same range and quality of services to Migrant and Seasonal Farm Workers (MSFW's) as non-MSFW's, ensuring the equity of service to MSFW's, in accordance with 20 CFR Parts 651 and 653.
111. The Board will design and implement processes, subcontracts and structures with its contracted providers and satellite offices in designating an individual to handle job service complaints in each Workforce Center. Boards and their contract service providers will comply with applicable regulations with regard to the handling and processing of job service related and non-job service related complaints, in accordance with 20 CFR 658, Subpart E.

Workforce Investment Act, Title I (WIA)

The Board, to the best of its knowledge, assures the following:

112. The Board will assist the State in response to its consultations about the labor market relevance of the data the Agency collects and disseminates through the statewide employment statistics system, per WIA § 117(d)(6) and in accordance with the Wagner-Peyser Act § 15(e)(2)(A).
113. The Board will comply with, and collect and maintain, data necessary to show compliance with the non-discrimination provisions of WIA § 188.
114. The Board will comply with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and the American's Disabilities Act of 1990 et seq. To ensure that individuals with disabilities have full access to services, a staff specialist will be designated and staff will coordinate with the Texas Rehabilitation Commission or other appropriate agencies to provide services to individuals with disabilities.
115. The Board will use the area's results in the State's WIA customer satisfaction surveys as a means to identify progress, per WIA § 136(a). The Board shall initiate a process to develop and implement a plan for continuous improvement of services to meet the needs of employers and residents of its Local Workforce Development Area.
116. The Board will negotiate and reach agreement on local performance targets of federal and State performance measures, per WIA § 117(d)(5).

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117. The Board will explore the availability and use of other funds before WIA funds are expended, per Section 134(d)(4)(B) of WIA.
118. No funds received under WIA will be used to assist, promote or deter union organizing, as referred to in Section 181(b)(7) of WIA.
119. No WIA funds shall be used, or proposed for use, to encourage or induce the relocation of a business or part of a business, if such relocation would result in a loss of employment for any employee of such business at the original location, and such original location is within the United States, in accordance with Section 181(d)(1) of WIA.
120. No WIA funds shall be used for customized or skill training, on-the-job training, or company-specific assessments of job applicants or employees, for any business or part of a business that has relocated, until the date that is 120 days after the date upon which such business commences operations at the new location, if the relocation of such business or part of a business results in a loss of employment for any employee of such business at the original location, and such original location is within the United States, in accordance with Section 181(d)(2) of WIA.
121. None of the funds made available by WIA may be expended by an entity unless the entity agrees that, in expending the funds, the entity will comply with the Buy American Act (41 U.S.C. 10a et seq.), as referenced in Section 505 of WIA.
122. The Board will not use WIA funds to provide School-to-Work activities, unless the activities funded under the Act serve only those participants eligible to participate in the programs under WIA, as per WIA § 129(c)(6)(B).
123. WIA adult and youth funds will be distributed equitably throughout the Local Workforce Areas, per WIA § 112(b)(12)(B).
124. The Board will develop a policy on support services that ensures resource and service coordination in the local area in consultation with the Texas Workforce Center partners and other community service providers, in accordance with 20 CFR Part 663.800 and WIA § 134(d)(2)(H).
125. The Board will follow the “Sequence of Service” guidelines found in the Workforce Development Letter 136-99, Change 2.
126. The Board will set the criteria for determining whether employment leads to “self-sufficiency.” The policy shall not result in employment that pays less than 100% of the lower living standard income level (20 CFR Part 663.230), as defined in WIA §101(24).

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127. If the Board elects to have an additional hard-to-serve population category, as included by WIA §134(d)(4)(G)(iv)(IV), in the definition for the term “special participant population that faces multiple barriers to employment,” it shall establish a policy identifying and describing the population in that category.
128. The Board will ensure the development of written policies and procedures on priority of services for adult intensive and training services, per WIA § 134(d)(4)(E) and 20 CFR Part 663.600.
129. If the workforce center does not provide intensive services in the local area, the Board shall identify eligible providers of the intensive services described in WIA § 134(d)(3), per WIA § 117(d)(2)(D).
130. The Board shall identify eligible providers of WIA adult and dislocated worker training services, and provide information needed by the Agency regarding training provider certifications, per WIA § 117(d)(2)(C).
131. The Board will follow the guidance in WIA § 134 (d)(4)(F & G) and 20 CFR, Sub-part 663.300 to 663.440, regarding the use of Individual Training Accounts (ITA’s).
132. Veterans will be afforded priority for DOL-funded employment and training services under WIA § 112(b)(17)(B), and 38 U.S.C., Chapters 41 and 42, as amended by the Jobs for Veterans Act, Public Law 107-288.
133. In determining eligibility for youth, the Board will define and determine how to document the sixth barrier described in WIA § 101(13)(C)(vi).
134. The Board will define the exception for 5% of “other eligible youth who face serious barriers to employment” in the context of Section 129(c)(5)(H) of the WIA.
135. At a minimum, thirty (30) percent of WIA youth funds shall be used to provide youth activities to out-of-school youth, per WIA § 129(c)(4)(A).
136. The Board will provide a list of eligible youth providers to the Agency, per WIA § 129(b)(2)(A) and update the list quarterly in The Workforce Information System of Texas (TWIST), in accordance with the Workforce Development (WD) Letter 74-99.
137. Eligible youth providers will be selected based on Board recommendations with input from the Youth Advisory Group, if applicable, consistent with WIA §123, per WIA § 117(d)(2)(B).
138. The Board will comply with the requirements in WIA to ensure that all ten (10) youth program elements are made available to all youth participants, per WIA § 129(c)(2) and 20 CFR Part 664.410.

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139. The Board shall develop policies and procedures to conform with guidance on selective service registration, in accordance with WIA, P.L. 105-220, 20 CFR Part 652, et al., and DOL TEGL 8-98.
140. If the Board chooses to implement the sliding scale employer match waiver approved by DOL, it shall develop policies and procedures regarding the costs of customized training, per WIA § 101(8), 20 CFR Part 661.400 and WD Letter 07-03.
141. The Board shall develop policies and procedures for older youth aged 19-21 and out-of-school youth populations to access and use the Eligible Training Provider List (ETPL) and the Individual Training Accounts (ITA's), if the Board chooses to implement the DOL-approved waivers for older youth and out-of-school youth use of the ETPL and/or the ITA's, per WIA § 123 and 134(d)(4), 20 CFR Part 661.400 and WD Letter 09-03.
142. If the Board chooses to implement the DOL-approved waiver for unlimited transfer of funds between Adult and Dislocated Worker programs, it shall develop policies and procedures regarding the transfer of funds between WIA Adult and Dislocated Worker programs, in accordance with WIA § 133(b)(4), 20 CFR Part 661.400 and WD Letter 10-03.
143. Boards choosing to implement the local activity funds waiver must submit a request for acknowledgment to the Agency and acknowledge all waiver implementation requirements, per WIA § 129, 134 and 136, 20 CFR Part 663, Subpart A, Section 663.145 and WD Letter 36-03.
144. The Board will ensure that Dislocated Worker Formula funds shall be used for Rapid Response activities and Rapid Reemployment Services activities in accordance with WIA § 134 and § 321, and for services to trade-affected workers, in accordance with the Trade Act of 1974, as amended by the Trade Act of 2002, with TAC, Title 40, Part 20, Chapter 849, and with US DOL Training and Employment Guidance Letters (TEGL's) 5-00 and 11-02.
145. The Board will provide Rapid Response services, pursuant to TAC, Title 40, Part 20, Chapter 849, to 20 CFR Parts 652 et al. and §665.310(a) and (d), and, as a best practice, should attempt to make contact with employers and representatives of affected workers within 48 hours of the receipt of any of the following: a WARN notice, a layoff notice, public announcement of a mass layoff, or a petition for Trade Act certification.
146. The Board will ensure that, upon making contact with the employer and worker representatives, information and access to unemployment compensation benefits, comprehensive One-Stop system services and employment and training activities, including information on the Trade Act services, is provided, per TAC, Title 40, Part 20, Chapter 849, 20 CFR Parts 652, et al. and 665.310(a) through 665.310(d).

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147. The Board will ensure that the provision of core services to dislocated workers, including the initial assessment, begins upon receipt of any of the types of layoff notices, in accordance with TAC, Title 40, Part 20, Chapter 849, and WIA § 101(9) and WIA § 134(d)(2).
148. Upon making contact with the employer and worker representatives, the Board will ensure that it provides guidance and/or financial assistance in establishing a labor management committee, voluntarily agreed to by labor and management, or a workforce transition committee comprised of representatives of the employer, the affected workers and the local community, per 20 CFR Parts 652, et al. and 665.310(a) through 665.310(d).
149. The Board shall ensure that it develops the local infrastructure to provide Rapid Response activities required at TAC, Title 40, Part 20, Chapter 849, and at 20 CFR Parts 652, et al. and 665.310(a) through 665.310(d).
150. The Board shall ensure that it utilizes the Rapid Reemployment Services program to identify unemployment insurance claimants, who are most likely to exhaust unemployment insurance prior to returning to work, and that it provides these claimants with the full array of WIA services available at the workforce center, per Title III, § 303 of the Social Security Act, the Rapid Reemployment Services programs, as amended on July 3, 1994 by 42 U.S.C. 503(j).
151. The Board shall comply with the requirements found at Commission Rules 40 TAC 841.41 and 40 TAC 841.44 to ensure that Board policy identifies the circumstances under which reconsideration of an application may be afforded to a training entity whose application for initial provider certification, or whose application for subsequent eligibility certification, was denied.
152. The Board shall comply with WIA § 122(b)(c), and Commission Rules 40 TAC 841.39 and 40 TAC 841.45, which require the Board to adopt local performance standards for initial eligibility determination.
153. The Board will develop a follow-up policy for WIA Youth, Adults, and Dislocated Workers that includes local guidance on the services available, the frequency and type of services, and the duration of services, per WIA § 129(c)(2)(I), 20 CFR Subpart 664.450(b), WIA § 134(d)(2)(K) and 20 CFR Subpart 663.150(b).