

# WORKFORCE SOLUTIONS TEXOMA POLICIES & PROCEDURES

## CHAPTER 12 ELIGIBLE TRAINING PROVIDER SYSTEM (ETPS)

### TABLE OF CONTENTS

#### SUBCHAPTER C. ELIGIBLE TRAINING PROVIDER SYSTEM

§ 841.31. Scope and Coverage

§ 841.32. Training Services

#### **12.1 WST ELIGIBLE TRAINING PROVIDER LIST**

**12.1.1 Training Credential**

**12.1.2 Youth Credentialing**

#### **12.2 REQUESTS FOR TRAINING NOT ON THE DEMAND OCCUPATIONS LIST**

§ 841.38. Initial Certification Process for Exempt Providers

§ 841.39. Initial Certification Process for Non-Exempt Providers

§ 841.40. Application Submission

§ 841.41. Initial Eligibility Determination

§ 841.42. Exceptions to Provider Certification Requirements

#### **12.3 ARRA SHORT-TERM TRAINING**

#### **12.4 TRAINING PROVIDER CERTIFICATION**

**12.4.1 Submission Requirements**

**12.4.1.1 Exempt Providers**

**12.4.1.2 Non-Exempt Providers**

- 12.4.1.3 Excluded Providers
- 12.4.1.4 Proprietary Schools
- 12.4.2 Providers Outside the Texoma Workforce Development Area
- 12.4.3 Review Process
- 12.4.4 Appeal Process

§ 841.43. Application for Subsequent Eligibility Determination

§ 841.44. Determination of Subsequent Eligibility

## **12.5 ELIGIBLE TRAINING PROVIDER SYSTEM RE-CERTIFICATION**

- 12.5.1 Notification of Training Providers
- 12.5.2 Technical Assistance Conferences
- 12.5.3 Required Submissions
- 12.5.4 Waiver Extending the Certification Period for Currently Certified Programs

## **12.6 PARTICIPATION IN PROGRAMS NOT RE-CERTIFIED**

- 12.6.1 Training Providers Who Do Not Reapply for Subsequent Eligibility Determination for a Program or Course
- 12.6.2 Training Providers Who Fail to Meet Program-Specific Performance Requirements as Specified for Subsequent Eligibility Determination
- 12.6.3 Training Providers Who Have Health or Safety Violations at a Training Location Where a Program/Course is Currently Offered
- 12.6.4 A Demand Occupation for Which Participants are Receiving Training Services is Removed from the List of Demand Occupations for the Local Workforce Development Area
- 12.6.5 Training Providers Who Are Removed From the List for Fraud and/or Abuse

§ 841.45. Standards of Performance

## **12.7 PERFORMANCE**

- 12.7.1 Local Adjustments to Adopted Performance
- 12.7.2 Special Exceptions to Adopted Performance
  - 12.7.2.1 Obtain Employment Prior to Completion of Educational Program
  - 12.7.2.2 Relocation Prior to Completion of Educational Program
  - 12.7.2.3 Called Back to Previous Job Prior to Completion of Educational Program
  - 12.7.2.4 Low WIA Enrollment
  - 12.7.2.5 Start-up Program

## **12.8 SKILL STANDARDS COMPLIANCE**

§ 841.46. Verifiable Program-Specific Performance Information

## **12.9 TRAINING PROVIDER PERFORMANCE**

§ 841.47. Eligible Training Provider Lists

## **12.10 LIST OF ELIGIBLE PROVIDERS**

§ 841.48. Local Appeals

## **12.11 WST LOCAL LEVEL TRAINING PROVIDER APPEALS**

### **12.11.1 Appeal Process**

§ 841.49. State Level Appeals

Subchapter D. Local Area Grievance Procedure

§ 841.61. Purpose and Coverage

§ 841.62. Grievance Filing Procedures at the Local Level

§ 841.63. Time Limitations at Local Level

§ 841.65. Local Level Informal Conference Procedure

§ 841.66. Local Level Hearing Procedure

§ 841.68. Remedies

§ 841.69. Appeal

SUBCHAPTER E. STATE LEVEL HEARING

§ 841.91. Scope

§ 841.92. Review Procedure for Appeals Made Under § 841.69

§ 841.93. State Level Informal Resolution and Hearing for Alleged Violations of the Requirements of WIA by the State or for Complaints by Individuals Affected by the Statewide Program

§ 841.94. Appeal of Denial of LWDA Certification

§ 841.95. Referral of Local Complaints

§ 841.96. Appeal to Secretary of Labor

### **SUBCHAPTER C. TRAINING PROVIDER CERTIFICATION**

The rules are adopted under Texas Labor Code § 301.061 which provides the Texas Workforce Commission with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of Texas Workforce Commission programs.

#### **§ 841.31. Scope and Coverage**

This subchapter establishes rules governing the state's Eligible Training Provider System as required by WIA §122 and is applicable to providers of training services for adults and dislocated workers. At the discretion of the Board, the Eligible Training Provider System (ETPS) may be applied to the delivery of training services funded through the Commission including Choices, Food Stamp Employment and Training (FS E&T), Welfare to Work (WtW), Trade Adjustment Assistance (TAA) and North American Free Trade Agreement-Transitional Adjustment Assistance (NAFTA-TAA).

The provisions of this §841.31 adopted to be effective November 12, 2001, as published in the Texas Register, November 9, 2001, 26 TexReg 9223.

#### **§ 841.32. Training Services**

- (a) As used in this subchapter, training services shall mean those services which are described in WIA §134(d)(4)(D) and are provided by an LWDB to eligible adults and dislocated workers. At the discretion of the Board, the Eligible Training Provider System may be applied to the delivery of training services funded through the Commission including Choices, FS E&T, WtW, TAA and NAFTA-TAA.
- (b) Training services shall be directly linked with employment opportunities on the list of occupations in demand for the LWDA of the participant's residence or another area to which the participant is willing to relocate. In addition, each LWDB shall develop a process for considering requests from participants for training in occupations not on the demand list if sufficient and verifiable documentation is provided.
- (c) Training services shall be provided in such a manner as to maximize consumer choice in the selection of eligible providers.
- (d) Training services shall be provided through the use of individual training accounts except for those situations described in §841.35 of this title (relating to Training Services Which are Not Provided Through Individual Training Accounts).

*The provisions of this §841.32 adopted to be effective November 12, 2001, as published in the Texas Register, November 9, 2001, 26 TexReg 9223.*

## **12.1 WST ELIGIBLE TRAINING PROVIDER LIST**

In accordance with §841.32, WST's Eligible Training Provider list will be developed to maximize customer choice in the number of training opportunities available both within and outside of the Workforce Solutions Texoma area. Training programs added to the list will reflect the employment opportunities in the Texoma Board area and will be tied to the WST demand occupations list (8.9.11), which is a subset of jobs most in demand in the WST area that meet the Board-approved targeted wage of \$7.85.

WST's authorized Training Provider list can be used by customers of other Commission funded workforce center programs such as Choices, FSE&T, TAA and NAFTA-TAA. Refer to WST Policies for information on accessing training programs in relation to each specific program.

Individuals wishing to utilize training certified by other Boards will follow policy guidance located at 12.3.2.

In accordance with WD 09-03 and after public review and comment, the WST voted (May 21, 2003 meeting) to approve the USDOL approved waiver for competitive procurement of youth training providers. This action will allow Older Youth and Out-of-School Youth the option of using the established eligible Training Provider List to select their training provider. Training providers for youth can also continue to be competitively procured. WD 49-05 contains approval of the DOL Waiver Extension for this waiver until June 30, 2007.

### **12.1.1 TRAINING CREDENTIAL**

The Workforce Investment Act (WIA) requires that customers who receive training services while enrolled in the program receive a credential associated with that training. Credentials must be verified for customers who receive this training, regardless of whether that training was funded by WIA, or another source.

*According to TEGL 7-99, a credential is defined as a “nationally recognized degree or certificate or State/locally recognized credential. Credentials include, but are not limited to, a high school diploma, GED or other recognized equivalents, post-secondary degrees/certificates, recognized skill standards, and licensure or industry-recognized certificates. States should include all State Education Agency recognized credentials. In addition, States should work with local Workforce Investment Boards to encourage certificates to recognize successful completion of the training services listed above that are designed to equip individuals to enter or re-enter employment, retain employment, or advance into better employment.”*

Documentation that a credential was received, will include, but not be limited to the following:

**High School Diploma, GED, or Other Recognized Equivalent:** A copy of the diploma, GED, or other recognized equivalent will serve as documentation that a credential was received.

**Post-Secondary Degrees / Certificates:** Degrees, certificates, or other awards of proficiency offered by post-secondary institutions will serve as documentation that a credential was received.

**Recognized Skill Standard:** Documentation that a customer has successfully completed a program leading to an industry recognized skill standard will serve as documentation that a credential was received.

**Licensure or Industry-Recognized Certificates:** Licenses awarded by governing bodies for certain occupations will serve as documentation that a credential was received.

**Locally Developed Certificates / Skill Standards:** Documentation that a customer has successfully completed a program leading to a locally recognized skill standard will serve as documentation that a credential was received.

Locally developed skill standards may be developed in cooperation with local employers for specific jobs. These skill standards will require a suitable assessment, which allows the customer to demonstrate a proficiency in the skills necessary to perform that job. When utilizing a locally developed standard, customers must perform at a minimum proficiency of 70% as measured by the adopted assessment. A copy of the assessment, or other documentation certifying the customer's proficiency will serve as documentation that a credential was received.

#### **12.1.2 YOUTH CREDENTIALING**

In addition to those credentials outlined above, youth customers may receive credit for documented credentials, which recognize skills developed directly related to the WIA Youth program elements as applicable. WIA Service provider will develop criteria for youth credentialing and forward same to WST for approval.

## **12.2 REQUESTS FOR TRAINING NOT ON THE DEMAND OCCUPATIONS LIST**

Customers wishing to attend training that is not on the on the approved Demand Occupations List must present WST with a bona fide offer of employment which can be confirmed to begin after the completion of the training. Confirmation of said potential employment offer must be documented in customer's case file. Written approval must be obtained from WST for said training and must also be maintained in the case file.

## **12.3 ARRA SHORT-TERM TRAINING**

In compliance with the American Recovery and Reinvestment Act of 2009 (ARRA), Workforce Solutions Texoma is expanding short-term training offerings for Youth customers age 16 – 24 on a temporary basis. These training programs will prepare Youth for lower level career ladder positions in Targeted Industries.

Short-term training will be procured from eligible entities for the period of ARRA. These training programs will be offered outside the Workforce Investment Act (WIA) Individual Training Account system.

Because of the short-term nature of this training, and because it will focus on lower

level career ladder positions, Workforce Solutions Texoma will waive the normal policy of not training potential customers who are already trained in a Demand Occupation for Youth Customers who receive training under ARRA.

Youth who receive short-term training from a program funded through ARRA will remain eligible for training under the WIA or subsequent legislation at a later date.

**§ 841.38. Initial Certification Process for Exempt Providers**

- (a) For purposes of this section, exempt providers are those providers exempt from having to submit performance data for their initial application as set forth in WIA §122.
- (b) Each LWDB shall develop local application requirements for initial certification for the following providers of training services when offering the programs described:
  - (1) a postsecondary educational institution that:
    - (A) is eligible to receive federal funds under Title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 *et seq.*), and
    - (B) provides a program that leads to an associate degree, baccalaureate degree, or certificate; or
  - (2) an entity that carries out programs under the Act of August 16, 1937, commonly known as the "National Apprenticeship Act," 50 Stat. 664, chapter 663; (29 U.S.C. 50 *et seq.*).

*The provisions of this §841.38 adopted to be effective November 12, 2001, as published in the Texas Register, November 9, 2001, 26 TexReg 9223.*

**§ 841.39. Initial Certification Process for Non-Exempt Providers**

- (a) Non-exempt providers are those not defined as exempt under §841.38.
- (b) The following entities shall be eligible to receive WIA funds if they complete the provider certification process and are determined eligible for participation by a LWDB in the LWDA in which the provider desires to provide training services and the Commission:
  - (1) public or private providers of a program of training services, including faith-based providers which are not:
    - (A) postsecondary educational institutions that are eligible to receive federal funds under Title IV of the Higher Education Act of 1965 (20 U.S.C. §1070 *et seq.*), and provide programs that lead to an associate degree, baccalaureate degree or certificate; or
    - (B) entities that carry out programs under the Act of August 16, 1937, also known as the "National Apprenticeship Act," 50 Stat. 664, chapter 663, (29 U.S.C. 50 *et seq.*);
  - (2) postsecondary educational institutions which seek to receive WIA funding for a program that does not lead to an associate degree, baccalaureate degree or certificate; and
  - (3) providers that carry out programs under the Act commonly known as the National Apprenticeship Act that seek to receive WIA funding for a program not covered by the National Apprenticeship Act.
- (c) All training provider applicants under this section shall provide the following information to the LWDB:
  - (1) the name, mailing address and physical address of the training facility;
  - (2) the name of the program(s) of training services submitted for WIA funding;
  - (3) the total hours of instruction associated with each program of training services;
  - (4) the cost of each program of training services, including tuition, fees, books, and any required tools, uniforms, equipment, or supplies;
  - (5) a description of the skill set which will be acquired through each program of training services;
  - (6) a list of occupations determined by using a coding system specified by the Commission, in which these skill sets are of primary interest;
  - (7) if all of the occupations described in paragraph (6) of this subsection are not on the Occupations in Demand List provided by the LWDB, evidence from employers, in a format and meeting specification set by the LWDB, that demonstrates that the occupation is in demand;
  - (8) information on whether the students in the course are eligible for Title IV of the Higher Education Act funding (Pell grant);

- (9) an outline of the course or program curriculum, including criteria for successful completion; and
- (10) any additional information that is required by the LWDB in the LWDA in which the training provider is located.
- (d) Training provider applicants who provide training on the date of application through a program for which they are seeking certification shall include in their application the following verifiable performance information, or appropriate portion of verifiable performance information, for the program(s) of training services:
  - (1) the program completion rates for all individuals participating in the applicable program;
  - (2) the percentage of all individuals participating in the applicable program who obtained unsubsidized employment;
  - (3) the wages at placement in employment of all individuals participating in the applicable program; and
  - (4) a description of the methodology that will be utilized to collect and verify performance information.
- (e) Each LWDB shall annually establish minimum requirements for initial eligibility. Such requirements shall include consideration of the information required by §841.44(a) of this title (relating to Determination of Subsequent Eligibility). The LWDB shall provide to each applicant the current levels of performance required by the Commission or levels of performance required by the LWDB if higher than those established by the Commission.
- (f) For purposes of confirming training provider initial eligibility application information, and as determined reasonable by LWDBs, on-site visits shall be made by LWDB staff or representatives to training provider program sites.

*The provisions of this §841.39 adopted to be effective April 10, 2002, as published in the Texas Register, April 5, 2002, 27 TexReg 2843.*

**§ 841.40. Application Submission**

- (a) Applications for initial eligibility determination shall be submitted to the LWDB in the LWDA in which the provider of training services desires to provide training. Applications will be accepted throughout the year.
- (b) Provider application submission and LWDB and Commission application review shall be conducted via the automated, Internet-based eligible Eligible Training Provider System.
- (c) Training provider applicants shall be in compliance with applicable state law, including Texas Education Code Chapter 132, related to Proprietary Schools.

*The provisions of this §841.40 adopted to be effective November 12, 2001, as published in the Texas Register, November 9, 2001, 26 TexReg 9223.*

**§ 841.41. Initial Eligibility Determination**

- (a) A LWDB shall provide a written notice of determination of acceptance or rejection of an initial application to an applying entity within ninety (90) calendar days of the receipt of the completed initial eligibility determination application. The State system generates a message thru email to notify of acceptance or rejection of an initial application to an applying entity .
- (b) LWDB policy shall determine the circumstances under which reconsideration of an application may be afforded to an entity whose initial application for provider certification was denied.

*The provisions of this §841.41 adopted to be effective November 12, 2001, as published in the Texas Register, November 9, 2001, 26 TexReg 9223.*

**§ 841.42. Exceptions to Provider Certification Requirements**

- (a) On-the-job or customized training providers are not subject to the training provider certification requirements. In order to be eligible to receive WIA funding, such training providers shall

provide to one-stop operators the performance information as may be required by the Commission.

- (b) Providers of youth activities are not subject to the Eligible Training Provider System and are not eligible to provide training through the use of ITAs. Providers of youth activities are selected through a competitive procurement by LWDBs in consultation with providers of youth services and based on criteria contained in the state plan. Eligible providers of youth activities are subject to the Commission's standards for core indicators of performance established for youth programs in WIA.

*The provisions of this § 841.42 adopted to be effective June 22, 1999, as published in the Texas Register, June 18, 1999, 24 TexReg 4579.*

## **12.4 TRAINING PROVIDER CERTIFICATION**

### **12.4.1 SUBMISSION REQUIREMENTS**

All institutions requesting consideration for placement on the statewide Certified Vendors List must submit a WIA Training Provider Application via the automated Eligible Training Provider System. WIA classifies institutions into three categories, Exempt, Non-Exempt, and Excluded. Exempt, Non-Exempt, and Excluded applications will follow the provisions listed in §841.38 and 841.39, respectively, in addition the requirements listed in this section.

#### **12.4.1.1 Exempt Providers**

Exempt providers are those who are exempt from having to submit performance data for their initial application. Exempt providers are identified in § 841.38.

#### **12.4.1.2 Non-Exempt Providers**

Non-exempt providers are those who are not defined as exempt under §841.38, and are outlined in §841.39.

#### **12.4.1.3 Excluded Providers**

Specifics for excluded providers are defined through §841.35. Providers are excluded from the training certification system if they provide training services under a contractual agreement instead of an ITA. These providers may provide on-the-job training, customized training, or other training services as defined in §841.35.

#### **12.4.1.4 Proprietary Schools**

Proprietary schools must submit a copy of the Texas Workforce Commission Proprietary Schools Program Certification and their list of the approved courses prior to receiving authorization to be placed on the approved training provider list.

#### **12.4.2 PROVIDERS OUTSIDE THE TEXOMA WORKFORCE DEVELOPMENT AREA**

Effective November 1, 2000, WST will utilize Workforce Investment Act funds to allow customers to attend training programs certified under the Texas Eligible Training Provider System, by any local Workforce Development Board, based on the following:

- 1) The program is currently certified
- 2) The program provides training, which is included in the Texoma Workforce Development Area Demand Occupations List
- 3) The performance for the program, published on the Texas Eligible Training Provider System, aligns with locally adopted performance

Utilization of this policy to allow access to programs certified, but not by the WST, will require prior approval by WST to ensure all conditions are met.

#### **12.4.3 REVIEW PROCESS**

The WST ETPS Contact will review all applications submitted to WST. This review will determine completeness of the application, and ensure the compliance of the proposed program with the WST Demand Occupations List.

#### **12.4.4 APPEAL PROCESS**

As outlined in Section 841.48 of the Workforce Investment Act (WIA) rules, as published in the April 16, 1999 issue of the Texas Register, the Board is the initial responsible party for handling complaints or protests regarding the Texas Eligible Training Provider System. No protest shall be accepted by the grantor (state) until all administrative remedies at the grantee (board) level have been exhausted. This includes, but is not limited to: disputes, claims, and protests of award or non-selection for award, source evaluation, or other matters of a contractual procurement nature. Matters concerning violation of law shall be referred to the authority that has proper jurisdiction.

**§ 841.43. Application for Subsequent Eligibility Determination**

- (a) All training services providers, including training providers who were determined to be eligible under §841.38 and §841.39 of this chapter, shall annually, from date of certification, establish continuing eligibility to receive funds from WIA to provide training services.
- (b) Provider application submission and LWDB and Commission application review shall be conducted via the automated, Internet-based Eligible Training Provider System.
- (c) Training provider applicants shall be in compliance with applicable state law, including Texas Education Code Chapter 132, related to Proprietary Schools.
- (d) If an application for subsequent eligibility determination is denied and later approved on appeal, the Agency may adjust the certification period to ensure that the certification period is one year in length.
- (e) Each training services provider shall provide verifiable program-specific performance information as required, and in a format and on a schedule determined by the Commission.
- (f) The Commission and the LWDB may accept program-specific performance information consistent with the requirements for eligibility under Title IV of the Higher Education Act of 1965 from the provider for purposes of enabling the provider to fulfill the applicable requirements of this section if the information is substantially similar to the information otherwise required.

*The provisions of this §841.43 adopted to be effective November 12, 2001, as published in the Texas Register, November 9, 2001, 26 TexReg 9223.*

#### **§ 841.44. Determination of Subsequent Eligibility**

- (a) Each Board shall annually establish minimum requirements for subsequent eligibility. In determining subsequent eligibility, Boards shall consider the following:
- (1) the specific economic, geographic, and demographic factors in the local areas in which providers seeking eligibility are located;
  - (2) the characteristics of the populations served by providers seeking eligibility, including the demonstrated difficulties in serving such populations, where applicable;
  - (3) current and projected occupational demand within the local area;
  - (4) the performance of a provider of a program(s) of training services, including the extent to which the annual standards of performance established by the Board have been achieved;
  - (5) the program cost of training services;
  - (6) the involvement of employers in the establishment of skill requirements for the training program; and
  - (7) the feedback of employers who employ individuals who have recently completed WIA-funded training to verify that the training provided produced the expected skills.
- (b) No later than July 1, 2000, each Board shall ensure that training providers, in developing programs of training services and establishing performance criteria for successful course completion, use in descending order:
- (1) skill standards recognized or conditionally recognized by the Texas Skill Standards Board;
  - (2) industry-endorsed skill standards; or
  - (3) skill requirements determined by employers.
- (c) Boards may require enhancements to programs or courses to meet local industry needs.
- (d) For programs of training services certified as initially eligible on or after July 1, 2000, the ETPS System generates an email notice of determination of acceptance or rejection of a subsequent eligibility application to an applying entity within 30 calendar days of the receipt of the completed subsequent eligibility determination application.
- (e) Board policy shall determine the circumstances under which reconsideration may be afforded to an entity whose application for subsequent eligibility certification determination was denied.

*The provisions of this §841.44 adopted to be effective November 12, 2001, as published in the Texas Register, November 9, 2001, 26 TexReg 9223.*

## **12.5 ELIGIBLE TRAINING PROVIDER SYSTEM RE-CERTIFICATION**

Local Re-Certification Protocol includes the following components:

### **12.5.1 WAIVER EXTENDING THE CERTIFICATION PERIOD FOR CURRENTLY CERTIFIED PROGRAMS**

WD 49-05 contains approval of the DOL Waiver Extension for this waiver until June 30, 2007.

WD 27-05, Change 1 further extends the waiver for the training providers in Texas and gives the following history and clarification:

On January 3, 2003, the U.S. Department of Labor (DOL) provided Texas with a waiver that extended the period of initial eligibility for training providers through Program Year 2003 (PY'03), which ended June 30, 2004.

On January 27, 2004, the Texas Workforce Commission (Commission) requested an extension of the waiver. On June 18, 2004, DOL provided Texas with a waiver extension that extended the period of initial eligibility of training providers through PY'04, which ended June 30, 2005.

On July 26, 2005, DOL granted the Commission's request to continue the WIA waiver extending initial eligibility for training providers and relieving the subsequent eligibility performance reporting requirements until June 30, 2007.

WST will continue to provide Technical Assistance to training providers regarding the waiver extension, using the automated system, and work with the training providers to ensure program information is updated.

## **12.6 PARTICIPATION IN PROGRAMS NOT RE-CERTIFIED**

Reference WD Letter 26-00, dated March 30, 2000 boards are required to develop standard operating procedures that outline participant options when training providers are removed from the Statewide List of Certified Training Providers.

WST will utilize the following policy to serve customers enrolled in programs, which are not renewed. This policy is not intended to bring undue hardship on a customer. Any increase in fees brought about due to WST requiring a customer to transfer from one provider to another will become a part of the Individual Training Account.

In all instances when programs are not re-certified, no matter the circumstances, WST will make every effort to ensure participant choice is maintained, there will be no loss of academic credits, and existing credits will be transferable to another certified program/course, if applicable.

### **12.6.1 TRAINING PROVIDERS WHO DO NOT REAPPLY FOR SUBSEQUENT ELIGIBILITY DETERMINATION FOR A PROGRAM OR COURSE**

Participants already in training, who are nearing completion of their approved program, will be allowed to complete their training plan with the current provider.

Participants who are nearer the beginning of their training plan may be transferred to an approved training provider to complete their training plan. The decision to transfer a student to another training provider, or to allow completion with the current provider will be based on local factors including availability of the program with another certified provider, transferability of credits, and additional requirements of the proposed new provider.

No new participants will be allowed to start the program or course with the training provider.

### **12.6.2 TRAINING PROVIDERS WHO FAIL TO MEET PROGRAM-SPECIFIC PERFORMANCE REQUIREMENTS AS SPECIFIED FOR SUBSEQUENT ELIGIBILITY DETERMINATION**

Participants, already in training, will be allowed to complete the semester/training period that is paid for. WST will provide the participant with information about the training provider's performance, about alternative certified programs/courses, and the participant may be transferred to another certified program/course. The decision to transfer a student to another training provider, or to allow completion with the current provider will be based on local factors including availability of the program with another certified provider, transferability of credits, and additional requirements of the proposed new provider.

No new participants will be allowed to start a program/course with the training provider.

### **12.6.3 TRAINING PROVIDERS WHO HAVE HEALTH OR SAFETY VIOLATIONS AT A TRAINING LOCATION WHERE A PROGRAM/COURSE IS CURRENTLY OFFERED**

If health or safety violations are discovered at a training location due to a student or other interested party's report, due to a local or state monitoring, or due to any type of audit performed by a regulatory agency, WST will respond as follows:

WST will work with local officials and official regulatory agencies to determine the existence of, as well as the level of severity of, violations. In the event of minor violations, the training provider will be given a period of time to initiate a corrective action plan. Participants will be allowed to continue their training plans while the problems are corrected, if the training provider takes necessary steps to ensure the health and safety of the students.

If the training provider satisfactorily completes the corrective action plan, students will be allowed to continue their scheduled training plan.

If the training provider does not initiate and complete the corrective action plan, participants in training will be removed from the training location at the end of the semester or training period that is paid for.

If the violations are major, participants will be removed from the training location immediately, and placed at a different location with the same training provider or with an alternative certified training provider. The decision to transfer a student to another training provider, or to allow completion with the current provider will be based on local factors including availability of the program with another

certified provider, transferability of credits, and additional requirements of the proposed new provider.

WST will provide participants with information about alternative certified programs and courses.

No new participants will be allowed to start a program or course at the training location until the identified health and safety violations are corrected.

**12.6.4 A DEMAND OCCUPATION FOR WHICH PARTICIPANTS ARE RECEIVING TRAINING SERVICES IS REMOVED FROM THE LIST OF DEMAND OCCUPATIONS FOR THE LOCAL WORKFORCE DEVELOPMENT WORKFORCE AREA**

Participants already in training, who are nearing completion of their approved program, will be allowed to complete their training plan with the current provider.

Participants who are nearer the beginning of their training plan will be counseled about the reasons for removing the training program from the Demand occupations list, and the possibility of pursuing another course of study.

Participants who after counseling wish to pursue their current course of study will be transferred to an approved training provider to complete their training plan. The decision to transfer a student to another training provider, or to allow completion with the current provider will be based on local factors including availability of the program with another certified provider, transferability of credits, and additional requirements of the proposed new provider.

Participants who after counseling are concerned about their ability to secure appropriate employment after completing the current program will be allowed to transfer to another program, currently on the Demand occupations list.

No new participants will be allowed to start training in the program.

**12.6.5 TRAINING PROVIDERS WHO ARE REMOVED FROM THE LIST FOR FRAUD AND/OR ABUSE**

Participants, already in training, will be allowed to complete the semester/training period that is paid for. WST will inform the participant of the removal of the training provider from the approved list, and will provide information about alternative certified programs/courses. The participant may be transferred to another certified program/course. The decision to transfer a student to another training provider, or to allow completion with the current provider will be based on local factors including availability of the program with another certified provider, transferability of credits, and additional requirements

of the proposed new provider.

No new participants will be allowed to start with that training provider.

**§ 841.45. Standards of Performance**

- (a) The Commission shall annually adopt performance standards for WIA-supported participants and for all individuals enrolled in the program of training services, as applicable.
- (b) Each LWDB shall adopt local performance standards after the Commission's annual publication of state performance standards. LWDB standards shall meet or exceed the standards adopted by the Commission.
- (c) Performance standards may be adjusted by the LWDB for local conditions.
- (d) Each LWDB shall notify the Commission upon adoption of local performance standards. Until such notification occurs, the LWDB's local performance standards shall be considered by the Commission to be consistent with state performance standards for the determination of initial or subsequent eligibility.

*The provisions of this §841.45 adopted to be effective April 10, 2002, as published in the Texas Register, April 5, 2002, 27 TexReg 2843.*

**12.7 PERFORMANCE**

The Adopted Performance Standards Table follows:

**Board-Adopted Performance Standards**

AREA	INITIAL ELIGIBILITY - ALL			
	Program Completion Rate (ALL completers)	Entered Employment Rate (ALL participants)	Average Hourly Wage at Placement* (ALL participants)	Average Quarterly Wage Equivalent (ALL participants)
<b>STATE MINIMUM</b>	<b>60%</b>	<b>60%</b>	<b>120% of \$6.55</b>	<b>\$3,065.40</b>
Texoma	60%	60%	\$7.86	\$3,065.40

\* Boards that adopt a higher local standard for the Average Hourly Wage at Placement measure must adjust the Average Quarterly Wage standard proportionately for use in reviewing initial eligibility applications based in part on program performance data obtained through UI wage record matches.

**12.7.1 LOCAL ADJUSTMENTS TO ADOPTED PERFORMANCE**

Local adjustments to the State Minimum Performance Standards may be adopted by Local Workforce Development Boards. These Local Adjustments are related to several factors, including economic factors, geographic factors, demographic factors, and characteristics of the population served.

WST, in accordance with WD Letter 23-08, dated June 17, 2008, will consider these factors when establishing local performance measures.

Local Adjustments to the Adopted Performance Standards are as follows:

**Program Completion Rate – All**; can be as low as 35% if both *Entered Employment Rate – All* and *Average Wage at Placement* exceed the Adopted Standards.

**Program Completion Rate – All**; can be as low as 40% if a combination of the Special Exceptions, *Obtained Employment prior to Completion, Relocated Prior to Completion, or Called Back to Previous Job* comprises 25% of the program's All Population.

**Entered Employment Rate – All**; can be as low as 50% if the Special Exception, *Relocation Prior to Completion* comprises 25% of the program's All Population.

**Program Completion Rate – WIA**; can be as low as 50% if one of the Special Exceptions, *Low Enrollment, or Startup Program* exists.

### **Low WIA Enrollment**

Performance for programs with 5 or fewer enrollees will be allowed to go below the adopted minimums, for all measures except Completion Rate – ALL , Entered Employment Rate – ALL, and Average Wage at Placement – ALL, on Initial Eligibility Applications.

## **12.7.2 SPECIAL EXCEPTIONS TO ADOPTED PERFORMANCE**

### **12.7.2.1 Obtain Employment Prior to Completion of Educational Program**

Obtaining employment prior to completion of an educational program is a Special Exception that will exist when a program participant leaves the identified training program prior to completion of the program because that participant has obtained employment. In order to qualify under this Special Exception, the employment must meet all three of the following qualifications:

- \* The employment obtained is within the field being trained for
- \* The employment is obtained within 30 days of leaving the program
- \* The employment meets the Adopted Average Hourly Wage

### **12.7.2.2 Relocation Prior to Completion of Educational Program**

Relocation prior to completion of a training program is a Special Exception that will exist when a program participant leaves the identified training

program prior to completion of the program because that participant has relocated. In order to qualify under this Special Exception, the employment must meet the following qualification:

- \* The participant relocates outside the Workforce Area

#### **12.7.2.3 Called Back to Previous Job Prior to Completion of Educational Program**

Called back to a previous job prior to completion of a training program is a Special Exception that will exist when a program participant leaves the identified training program prior to completion of the program because that participant is called back to his/her previous job. In order to qualify under this Special Exception, the employment must meet both of the following qualifications:

- \* The participant is called back to his/her most recently held job
- \* The job is at or above the Adopted Average Hourly Wage

#### **12.7.2.4 Low WIA Enrollment**

Low WIA Enrollment is a Special Exception that will exist when a program experiences low WIA performance because the program lacks a sufficient number of WIA customers to establish accurate data. In order to qualify under this Special Exception, the program must meet the following qualification:

- \* Total WIA enrollees are fewer than 5

#### **12.7.2.5 Start-Up Program**

Startup Program is a Special Exception that will exist when a program experiences low performance because the program lacks a sufficient number of customers to establish accurate data, based on the fact the program has not been in operation for a sufficient length of time. In order to qualify under this Special Exception, the program must meet the following qualification: A program in its first program cycle

## **12.8 SKILL STANDARDS COMPLIANCE**

Reference Sec 841.44 of the Rules for WIA Training Provider Certification, all Boards are required, no later than July 1, 2000 to ensure training providers utilize recognized skill standards. These skill standards are to be utilized in developing programs of training services and establishing performance criteria for successful program completion.

WST will require training providers, who are contracted to provide training services under the Workforce Investment Act, upon re-certification through the Texas Eligible

Training Provider System to document their compliance with the skill standards component.

Training providers will be required to utilize, in descending order the following means of developing programs and performance indicators:

- Level 1)** skill standards recognized or conditionally recognized by the Texas Skill Standards Board;
- Level 2)** industry-endorsed skill standards; or
- Level 3)** skill requirements determined by employers.

WST will document the level of compliance through the use of the WST Training Texas' Eligible Training Provider System Documentation of Skill Standard or Skill Requirement. This form will be completed for all applications for initial and subsequent eligibility received after July 1, 2000.

The Documentation of Skill Standard Form will indicate which Level, 1,2, or 3, the training provider has used to prepare the training program, along with backup documentation to support the compliance. References or citations quoted to support compliance must be kept on file with the Training Provider's copy of the application. These documents will be spot-checked during monitoring for compliance.

Training providers who are utilizing Level 1 or Level 2 will supply as backup documentation, either a reference or citation of the source of the skill standard, or a copy of the skill standard. Providers referencing or citing a source must include a competency list or matrix of competencies with the application.

Training programs, which have been aligned with standards set forth in the Workforce Education Course Manual (WECM) developed by the Texas Higher Education Coordinating Board, will be considered to meet Level 2 compliance.

Training providers who are utilizing Level 3 will supply a competency list or matrix of competencies, along with letters of support from area employers indicating they have reviewed the documentation of the skill standard, and are in concurrence as to its local accuracy and validity. When possible, a minimum of three (3) letters of support will be required in order to support Level 3 compliance.

#### **§ 841.46. Verifiable Program-Specific Performance Information**

- (a) Performance information submitted for a training services program, as a part of the subsequent eligibility determination process, shall be verifiable.
- (b) Participating training providers shall provide to the Commission the participant and employer information determined by the Commission to be necessary to utilize unemployment insurance wage records and employer-based, follow-up surveys to obtain performance information. The training providers shall submit the information in a form and format determined by the Commission.
- (c) Subject to approval by the Commission, alternate procedures may be used to collect and verify supplemental performance information in addition to those described in subsection (b) of this section. Approval or use of an alternate procedure shall not release the training provider from the obligation to provide the information required by subsection (b) of this section. Submission of supplemental performance data obtained through use of an alternate procedure must be in accordance with formats determined by the Commission.
- (d) An independent audit of any alternate methodology used shall be conducted on an annual basis by a certified public accountant for programs of training services in which 100 or more WIA-supported students are served within a twelve-month period. Programs that serve less than 100 WIA-supported students within a twelve-month period shall provide for an independent audit of the performance data collection methodology every two years. A copy of the report shall be made available to the LWDB and to the Commission within 30-days of the completion of the report.
- (e) The Commission may conduct performance verification throughout the year and may require training providers to submit additional information to resolve performance reporting anomalies or irregularities.
- (f) Providers of training services shall retain participant program records for a period of three years from the date the participant completes the program.

The provisions of this §841.46 adopted to be effective November 12, 2001, as published in the Texas Register, November 9, 2001, 26 TexReg 9223.

## **12.9 TRAINING PROVIDER PERFORMANCE**

WST will provide necessary support and assistance to training providers to ensure submission of training provider performance information is submitted for initial applications in a timely manner to the TWC.

#### **§ 841.47. Eligible Training Provider Lists**

- (a) At least annually, the LWDB shall publish in a newspaper of general circulation in the LWDA an invitation to training providers to submit an application.
- (b) Each LWDB shall develop an eligible training provider list that includes the list of providers determined to be eligible to receive training funds as authorized under WIA and state rules.
- (c) The Commission shall publish the program, performance, and cost information of each program receiving eligibility certification.
- (d) The Commission may remove a provider from the list of eligible providers or restrict WIA funding eligibility if the Commission determines that:
  - (1) the provider does not meet the performance levels established by the Commission, or
  - (2) the training provider has committed fraud or has violated applicable state or federal law, including prohibitions against discrimination and requirements related to the Americans with Disabilities Act.
- (e) If the Commission, after consultation with an LWDB, determines that a provider, or an individual providing information on behalf of the provider, has intentionally supplied inaccurate program performance information, the Commission shall terminate the eligibility of the provider to receive funds for training services for a period of not less than two years.
- (f) The Commission shall provide written notice of the removal of a provider from the list of eligible providers to both the LWDB and the training provider. The notice will include a description of the appeal process.

*The provisions of this §841.47 adopted to be effective November 12, 2001, as published in the Texas Register, November 9, 2001, 26 TexReg 9223.*

### **12.10 LIST OF ELIGIBLE PROVIDERS**

Information on eligible providers, course offerings, and provider performance information will be provided via the Texas Workforce Commission (TWC) Internet site located at [http://ETPS.twc.state.tx.us/ETPS/jsp/swl/swl\\_search.jsp?](http://ETPS.twc.state.tx.us/ETPS/jsp/swl/swl_search.jsp?). Contractor staff will ensure customer choice will be utilized as the primary factor in assisting customers in selecting a training provider.

### **12.11 WST LOCAL LEVEL TRAINING PROVIDER APPEALS**

The WST ETPS Contact will review all applications submitted to WST. This review will determine completeness of the application, and ensure the compliance of the proposed program with the WST Demand Occupations List. *Specifics relating to WST Local Level Training Provider Appeals that follows TWC Policy guidance can be located within this policy at 12.10.2.*

**§ 841.49. State Level Appeals**

- (a) A Commission determination that a provider is not eligible to receive WIA funding may be appealed. The written request for an appeal must be received by the Commission within 30 days of the date of the written notification to the provider of the determination of ineligibility. Either the LWDB in the area in which the training provider is located or the training provider may request an appeal.
- (b) A hearing shall be conducted by a hearing officer employed by the Commission.
- (c) A written decision shall be provided within 60 days of the date of receipt of the request for a hearing.
- (d) The decision of the hearing officer shall be final.

The provisions of this § 841.49 adopted to be effective June 22, 1999, as published in the Texas Register, June 18, 1999, 24 TexReg 4579.

**SUBCHAPTER D. LOCAL AREA GRIEVANCE PROCEDURE**

The rules are adopted under Texas Labor Code § 301.061 which provides the Texas Workforce Commission with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of Texas Workforce Commission programs.

**§ 841.61. Purpose and Coverage**

- (a) This subchapter establishes procedures for resolving allegations of violations of the requirements of WIA in the operation of local WIA programs and activities.
- (b) These procedures cover complaints alleging a noncriminal violation of the requirements of WIA pursuant to WIA§ 181, and do not apply to complaints of discrimination. The Commission may waive specific provisions of this grievance procedure.
- (c) All information and complaints involving allegations of fraud, abuse or other criminal activity shall be reported directly to the Texas Workforce Commission, Office of Investigations, 101 E. 15th Street, Austin, TX 78778-0001.
- (d) All complaints of discrimination shall be handled in accordance with WIA § 188.

*The provisions of this § 841.61 adopted to be effective June 22, 1999, as published in the Texas Register, June 18, 1999, 24 TexReg 4579.*

**§ 841.62. Grievance Filing Procedures at the Local Level**

- (a) Any participant or other personally interested or personally affected party alleging a violation of the requirements of WIA at the local level may file a complaint by submitting a written grievance to the LWDB where the alleged action took place. The grievance must be signed and dated by the complainant and shall include the following information:
  - (1) the name, complete address, and telephone number for the person or organization filing the complaint;
  - (2) a detailed description of the action which is the subject of the complaint, including reference or description of the provision that was allegedly violated;
  - (3) a description of how they were personally affected; and
  - (4) the name and address of each party or parties believed to be responsible for the action which is the subject of the complaint. The complainant must explain how each party is responsible for the action which is the subject of the complaint.
- (b) To facilitate the filing of a grievance or complaint, the complainant may request a WIA Grievance Information Form from the LWDB or send a written request to the Texas Workforce Commission, Equal Opportunity Officer, at 101 E. 15th Street, Austin, TX 78778-0001.

*The provisions of this § 841.62 adopted to be effective June 22, 1999, as published in the Texas Register, June 18, 1999, 24 TexReg 4579.*

**§ 841.63. Time Limitations at Local Level**

- (a) All complaints of noncriminal violations of the requirements of WIA must be made within 180 days of the alleged action. The time limitations for complaint resolution shall begin to run upon the date of receipt by the LWDB of a properly completed written grievance.
- (b) All of the complainant's outstanding and unresolved allegations against the respondent must be described and consolidated into a single complaint at the time of filing. Any allegation not consolidated into the filed complaint prior to the informal resolution shall be deemed waived.

*The provisions of this § 841.63 adopted to be effective June 22, 1999, as published in the Texas Register, June 18, 1999, 24 TexReg 4579.*

**§ 841.65. Local Level Informal Conference Procedure**

- (a) The LWDB shall ensure that there is an opportunity for an informal resolution.
- (b) The LWDB shall appoint an impartial Hearing Officer to preside at the informal conference.
- (c) The informal conference may be attended by the complainant, the respondent, and any other persons with information or knowledge relevant to the complaint considered necessary by the Hearing Officer for a fair determination of the issues. Only those issues presented at the informal conference may be addressed in subsequent hearings.
- (d) The Hearing Officer shall notify all parties of the time, date, and location for the informal conference.
- (e) The Hearing Officer shall provide each party with a written determination, including a statement of whether or not a resolution was reached, the details of any resolution and, if the complaint was unresolved, notice to the complainant of the opportunity for a local level hearing.
- (f) The LWDB shall ensure that the informal conference, issuance of the written determination, and notice of the opportunity for a local level hearing, is completed within 20 days of the LWDB's receipt of a properly completed complaint form.

*The provisions of this § 841.65 adopted to be effective June 22, 1999, as published in the Texas Register, June 18, 1999, 24 TexReg 4579.*

### **§ 841.66. Local Level Hearing Procedure**

- (a) An LWDB shall provide a hearing at the request of either party who is dissatisfied with the results of the informal conference. The request for a hearing must be in writing and mailed within 14 days of the date the written determination was mailed.
- (b) The LWDB shall select an impartial Hearing Officer who was not involved in the original decision.
- (c) The LWDB shall ensure that the hearing, issuance of the written determination, and notice of the opportunity to appeal to the Texas Workforce Commission, are completed within 60 days of the LWDB's receipt of a properly completed complaint form.
- (d) The LWDB shall ensure that the complainant is informed that withdrawal of the request for a hearing may be submitted by written notice of withdrawal to the Hearing Officer at any time prior to the hearing date.
- (e) The Hearing Officer shall conduct the hearing, which may be attended by the complainant, the respondent, and any other persons with information or knowledge relevant to the complaint and considered necessary by the hearing officer for a fair determination of the issues.
- (f) The Hearing Officer shall fully consider evidence relevant to the complaint in order to reach a fair decision based on such evidence. At any time during testimony, the Hearing Officer may ask questions to elicit additional facts and to clarify the issues or statements of a party or witness. The Hearing Officer may interrupt testimony to discourage irrelevant lines of testimony or inquiry, to avoid cumulative evidence, and to maintain or restore efficient order to the proceeding.
- (g) The Hearing Officer shall make an audible, understandable electronic recording of the hearing.
- (h) The Hearing Officer shall inform all parties that, for each issue considered, the complainant is responsible for proving that the actions complained of involved a violation of WIA, WIA regulations and rules, a contract or other agreement under WIA, or were committed in connection with the operation of a WIA program, and caused specific harm or injury either to the complainant or to the WIA program.

*The provisions of this § 841.66 adopted to be effective June 22, 1999, as published in the Texas Register, June 18, 1999, 24 TexReg 4579.*

### **§ 841.68. Remedies**

The remedies that may be imposed are enumerated at WIA § 181(c)(3).

*The provisions of this § 841.68 adopted to be effective June 22, 1999, as published in the Texas Register, June 18, 1999, 24 TexReg 4579.*

### **§ 841.69. Appeal**

- (a) If no decision is mailed within 60 days or if either party is dissatisfied with the local hearing decision, the parties may appeal to the Texas Workforce Commission by sending a written notice of appeal to the Equal Opportunity Officer, 101 E. 15th Street, Austin, TX 78778-0001.
- (b) The following time limitations apply to appeals to the Commission:
  - (1) if no decision is mailed within 60 days of the date of receipt of the complaint, the appeal must be filed with the Commission no later than 90 days after the original complaint had been filed; and
  - (2) if either party is dissatisfied with the local level hearing decision, the appeal must be filed no later than 14 calendar days after the decision has been mailed.

*The provisions of this § 841.69 adopted to be effective June 22, 1999, as published in the Texas Register, June 18, 1999, 24 TexReg 4579.*

## **SUBCHAPTER E. STATE LEVEL HEARING**

The rules are adopted under Texas Labor Code § 301.061 which provides the Texas Workforce

Commission with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of Texas Workforce Commission programs.

**§ 841.91. Scope**

This subchapter applies to the following:

- (1) appeals made under § 841.69 of this title (relating to Appeal);
- (2) alleged violations of the requirements of WIA by the State;
- (3) complaints from individuals affected by the statewide program;
- (4) denials of area certification;
- (5) referral to local level grievance process; and
- (6) appeal to the Secretary of Labor.

*The provisions of this § 841.91 adopted to be effective June 22, 1999, as published in the Texas Register, June 18, 1999, 24 TexReg 4579.*

**§ 841.92. Review Procedure for Appeals Made Under § 841.69**

- (a) The state shall select an impartial Hearing Officer.
- (b) The Hearing Officer shall review the record to determine if the party was afforded a process that was held in compliance with WIA and the local grievance procedure.
- (c) Within 60 days of receipt of the request for review, the Hearing Officer shall render a written decision either affirming the local level decision or remanding.
- (d) If the Hearing Officer remands the complaint to the local area grievance process, the LWDB shall hold a hearing on the complaint within 10 days of receipt of the Hearing Officer's decision and render a decision within 10 days of the hearing.

*The provisions of this § 841.92 adopted to be effective June 22, 1999, as published in the Texas Register, June 18, 1999, 24 TexReg 4579.*

**§ 841.93. State Level Informal Resolution and Hearing for Alleged Violations of the Requirements of WIA by the State or for Complaints by Individuals Affected by the Statewide Program**

- (a) All complaints of noncriminal violations of the requirements of WIA must be made within 30 days of the alleged action. The time limitations for complaint resolution shall begin to run upon the date of receipt by the Commission of a properly completed written grievance.
- (b) All of the complainant's outstanding and unresolved allegations against the respondent must be described and consolidated into a single complaint at the time of filing. Any allegation not consolidated into the filed complaint prior to the informal resolution shall be deemed waived.
- (c) The state shall select an impartial Hearing Officer.
- (d) The Hearing Officer shall provide an opportunity for an informal resolution and for a formal hearing to be held, and decision to be rendered, within 60 days of receipt of the complaint.
- (e) The complainant and respondent may be represented at the hearing by an attorney or other representative, and shall have the right to call witnesses and introduce documentary evidence at the hearing, as deemed necessary by the Hearing Officer. The individual parties shall bear the cost of such representation.
- (f) The complainant shall bear the burden of proof by a preponderance of the evidence.
- (g) The Hearing Officer shall ensure that an audible, understandable electronic recording is made of the hearing.
- (h) Within 60 days of receipt of a complaint, the Hearing Officer shall mail a written Decision.

*The provisions of this § 841.93 adopted to be effective June 22, 1999, as published in the Texas Register, June 18, 1999, 24 TexReg 4579.*

**§ 841.94. Appeal of Denial of LWDA Certification**

All appeals of denial of LWDA certification shall be referred to the Texas Council on Workforce and Economic Competitiveness.

*The provisions of this § 841.94 adopted to be effective June 22, 1999, as published in the Texas Register, June 18, 1999, 24 TexReg 4579.*

**§ 841.95. Referral of Local Complaints**

Complaints arising under Subchapter D, and made directly to the Commission, shall be referred to the appropriate LWDA for resolution in accordance with Subchapter D.

*The provisions of this § 841.95 adopted to be effective June 22, 1999, as published in the Texas Register, June 18, 1999, 24 TexReg 4579.*

**§ 841.96. Appeal to Secretary of Labor**

An appeal may be made to the Secretary of Labor pursuant to 20 CFR §§ 667.610, 667.640, 667.645, and 667.650.

*The provisions of this § 841.96 adopted to be effective June 22, 1999, as published in the Texas Register, June 18, 1999, 24 TexReg 4579*

**REFERENCES:**

[TEGL 14-08 – Guidance for Implementation fo the Workforce Investment Act and Wagner-Peyser Act Funding in the American Recovery and Reinvestment Act of 2009 and State Planning Requirements for Program Year 2009, 3/18/09.](#)

WD 23-08 – Workforce Investment Act Eligible Training Providers: Performance Requirements for Initial Eligibility (6/17/08)

[WD 13-09 – Workforce Investment Act: American Recovery and Reinvestment Act of 2009 Implementation Guide, 5/14/09](#)