WHEREAS, pursuant to Texas Administrative Code §801.16, the Chief Elected Officials of the Borderplex Region entered into an Interlocal Agreement on October 17, 2008 with the State of Texas to establish the workforce board; and

WHEREAS, the Chief Elected Officials signed a Partnership Agreement with the Board of Directors (referred to as WDB) on March 31, 2014 to define the operating relationship between the Chief Elected Officials, the Board of Directors exists between the Chief Elected Officials and the WDB; and

WHEREAS, the WDB serves as the administrative entity to provide management of workforce training activities and has the responsibility for the allocation of funds, programmatic decision making, program compliance, and ensure that workforce funds are expended in accordance with applicable law; and

WHEREAS, the WDB employs an Executive Director to manage the day-to-day operations and lead the direction of the WDB

NOW THEREFORE, IN CONSIDERATION OF THE MUTAL OBLIGATIONS AND AGREEMENTS SET FORTH HERIN, IT IS HEREBY RESOLVED THAT THE BOARD POLICY MANUAL TO ESTABLISH THE RULES, RELATIONSHIPS, AND FUNCTIONS IS AS FOLLOWS:
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Section. 1: Purpose
The purpose of the policies contained herein are to adhere to Texas Administrative Code, Title 40, Part 20 §801.21 & §801.22 requiring the Texas Workforce Commission to partner with Local Workforce Development Boards to provide, maintain, evaluate and continuously improve of a One-Stop Service Delivery Network, including at least one Workforce Solutions Office on-site access to all services set forth in §801.25 and §801.28 consistent with Federal and State Law.

Section. 2: Policy Administration
1. The workforce policies are contained herein reviewed, developed or revised when necessary to ensure compliance with federal and state rules and regulations or as deemed necessary by the Board as prescribed in its Bylaws. It is the intent of the Board to set policy that is effective and efficient for the taxpayers.
3. The Board has established procedure and requirements to comply with the Texas Public Information Act as stated in §552 and found in the Board’s Administrative Manual.
4. Board Staff is responsible for the comprehensive review, draft language, and timely distribution of all policies and backup material to be presented to the Board. Designated Board staff shall make all policies available and accessible to the workforce system and members of the public.

Section 3: Board Contracting Guidelines, Standards of Conduct, and Conflict of Interest
1. The Board and its contractors shall adhere to the Board Contracting Guidelines found in Texas Administrative Code §802.21 regarding (1) Fiscal Integrity Provisions (2) Bonding, Insurance, and Other Methods of Securing Funds to Cover Losses (3) Standards of Conduct and (4) Disclosures; and the limits found in §802.22.
2. Boards must also adhere to Federal and State Regulations regarding conflict of interest including, 20 C.F.R §667.200 and Texas Administrative Code §802.41.

Section 4: Contractor Insurance Requirements
1. The Board and its contractors shall adhere to insurance requirements as outlined in the Texas Workforce Commission Financial Manual for Grants and Contracts (FMGC) and Section 10 of the Agency Board Agreement.

Section 5: Equal Opportunity and Anti-Harassment Policy
1. The Board and its contractors shall obey the laws enforced by the U.S. Equal Employment Opportunity Commission (EEOC) and therefore shall not discriminate in any aspect of employment in terms of race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age (40 or older),
disability or genetic information. Harassment by the Board or its contractors based on legally protected characteristics will not be tolerated.

2. Any person that feels that they have been illegally discriminated against or harassed by a member of the Board, its staff or its contractors may report it. Once the matter is reported it will promptly be investigated. Retaliation from the Board or its contractors will be subject to disciplinary action to include possible termination of agreements.

Section 6: Prohibition on Direct Service Delivery

1. As per, Texas Administrative Code §2308.264 and Commission rule §801.53, the Board must ensure that it does not directly deliver or determine eligibility for workforce services in its local workforce development area (workforce area) or contract with the following persons or entities to deliver or determine eligibility for workforce services: (1) A Board member;
   (2) A business, organization, or institution that a Board member represents on the Board;
   (3) A Board member's business, organization, or institution in which a Board member has a substantial financial interest; or
   (4) A Board employee.

2. Texas Administrative Code §2308.267 stipulates that a Board’s staff be “separate from and independent of” its contracted service provider, and Commission rule §801.53(d) specifies that a Board “shall ensure that the Board, its members, or its employees do not directly control the daily activities of its workforce service contractors.”

Section 7: Upholding the Integrity of the Workforce System

1. Compliance with Texas Administrative Code, Title 40, Part 20, Chapter 802 will be maintained.
   A. A workforce service contractor’s failure to adhere to §802.42 of the Chapter may be subject to corrective action including:
      • sanction;
      • disallowed costs for compensation to the former board employee;
      • contract termination; or
      • other actions designed to enforce compliance.
   B. Board members and all system staff will adhere to the requirements set forth in Chapter 802 and the Code of Conduct adopted by the Board of Directors and outlined in the Standard Operating Procedures section of Volume Three. The following sanctions and penalties may assessed by the Board Chair (for board members), the Chief Executive Officer (for board staff) and the Contract Designee (for contractor staff) should a violation occur:
      1) Board Member
         • Written reprimand; or
         • Removal from the Board
      2) System Staff
         • Written reprimand;
         • Administrative leave without pay; or
         • Employment termination

Section 8: Fraud, Waste, Theft and Abuse

1. The Board adheres to the Texas Workforce Commission fraud, waste, theft and abuse policy and guidance to include, but not limited to, WD Letter 21-16 and TA Bulletin 258, and other issuances.

2. The Board adopts the procedures delineated in WD Letter 21-16 as its procedures for fact-finding in addition to the procedures found in Volume Three.
3. Should fraud, waste, theft or abuse be suspected, any or all actions allowable by the Texas Workforce Commission to address suspected and/or realized fraud, waste, theft and abuse may be implemented.

Section 9: Procurement
1. In order to maintain the integrity of the Texas Workforce System, the Board, with the agreement of the chief elected officials, shall procure through a competitive bidding process a service provider(s) to fulfill the obligations to operate a One-Stop Service Delivery Network as established in Texas Administrative Code, Chapter 2308, and Texas Labor Code, Chapters 301 and 302 and in adherence to the limits set by §802.22.

VOLUME ONE: BOARD ADMINISTRATION
CHAPTER TWO: FISCAL INTEGRITY

Subsection 2.1 Internal Fiscal Integrity

Section 1: Purpose
Board employees must ensure that government resources are used efficiently and effectively to achieve intended program results. As such, the purpose of the policies in this Section are to maintain an effective system of internal controls to ensure that all accounting and financial transactions and record keeping will be conducted in accordance with Generally Accepted Accounting Principles as well as compliance with all applicable laws and regulations of federal, state, and local governments to include the policies and guidelines established by the Texas Workforce System.

Section 2: Fiscal Year
The Board’s Fiscal Year for the accounting period is October 1st to September 30th. The same accounting period will be used for adjusting entries, accruals or deferrals as well as accumulating costs in an individual cost pool and establishing its base.

Section 3: WSB Accounting Practices
1. The Board has adopted the following Sound Practices of Accounting to maintain an efficient and effective system of internal controls to ensure that all accounting, financial transactions, and record keeping will be conducted in accordance with ABA, the Office of Management and Budget (OMB), TWC’s Financial Manual for Grants and Contracts (FMGC), Generally Accepted Accounting Principles (GAAP) and all other applicable Federal, State, and Local Policy. Payments and disbursements will be made only for the actual services rendered or products delivered as verified with the receipts and records deemed necessary for the fund accounting system. Funds or accounts will not be established or maintained for purposes that are not in full compliance with accounting system elements listed below:
   a. Segregation of Duties: All accounting methods adopted are based on a plan of organization that provides appropriate segregation of functional responsibilities to include the separation of operating, custodial and accounting functions to the extent possible within the organization to prevent unmitigated control over any financial process.
   b. Authentication of Records: Full Disclosure and Materiality of all accounting data shall be clearly, completely, and consistently documented in a matter sufficient to justify any particular transaction. Original records and forms, such as time reports, various journal entries, etc., must be made available for examination.
c. **Timeliness:** As per §9 ABA, Financial statements will be prepared on a monthly, quarterly, and annual basis or as required by the Board, and dictated by the individual grant reporting requirements, annual accounting period and appropriate books of accounts that should be closed at the end of that period.

d. **Data Integrity and Security:** All accounting and financial information shall be kept confidential and stored in a secure area/system at all times with access limited to authorized persons.

**Section 4: Fund Accounting**
1. Funds shall be established as complete and independent self-balancing accounts isolating its own assets, liabilities, and net assets
   a. **Chart of Accounts:** The Comptroller with designated staff will administratively review and improve of the chart of accounts, including the 30-digit transaction codes comprised from the elements found in the Standard Operating Procedures in Volume Two on a regular basis.
   b. **Interfund Balances:** Loans among the various funds will be kept to a minimum and only Comptroller will approve interfund transactions. Interfund loans must be repaid within 20 days unless specifically authorized for a longer period by the Chief Executive Officer.
   c. **Imprest Accounts:** Imprest bank accounts are zero balance accounts. All checks will be paid from one of two Imprest bank accounts; either 1) the Payroll account or 2) the Operating account. Funds received are deposited into grant/contract control bank accounts and transferred to the applicable Imprest bank account when checks are issued and charged to the respective grant/contract.
   d. **Accounts Payable/Receivable:** Disbursements from bank accounts shall be made for valid transactions and that no payment will be processed without having followed the property approval channels and supporting documentation. The creation of new vendors in the Accounts Payable Master Menu is restricted to authorized personnel only.

**Section 5: Check Signature Authority**
All checks issued by the Board shall have an electronic or inked signature or stamp of the Chief Executive Officer, or official designee, and Board of Directors Chair. All checks for more than $50,000 will be approved and initialed by one of the officers listed above or by the Comptroller. The signing/stamping of blank checks and drawing checks to "Cash" or "Beam" is strictly prohibited.

**Section 6: Review and revision of Accounting and Financial Policies**
Other policies not explicitly included here are provided for under separate Policy statements. Any revisions of accounting and/or financial policies shall be coordinated through the Comptroller and subject to approval by the Chief Executive Officer or the Board of Directors when applicable.

**Section 7: Cash Handling**
1. The WSB will adhere to the Texas Workforce Commission (TWC) requirements for maintaining minimal cash balances.
2. Funds for WSB will be requested through the TWC Cash Draw and Monthly Expenditure Reporting System.
3. Excess cash is defined as maintaining a cash balance exceeding three days' need. Any amount on hand must be related to a valid cost, immediately due and payable or it could be construed as excess cash. If the forecast of need was inaccurate and/or over-estimated, it will be offset in a subsequent request for payment, when such a request is to be initiated within a reasonable time period. If no immediate request is to be made, any material excess funds shall be returned to the TWC immediately.
4. It is the policy of the WSB that all cash receipts shall be deposited no later than the last business day of the week following receipt. Receipts in the amount of $5,000 or more will be deposited on the same day of receipt. All checks will be deposited/endorsed “For Deposit Only” immediately upon receipt.
Section 8: Program Income
1. The WSB will comply with the requirements regarding the use and reporting of Program Income as required by the TWC FMGC.
2. Program income will be used to support the program that generated it and within the contract period in which it was earned. It does not increase the amount of allocation or the contract amount and will be accounted for as a separate funding source. Program income has no carryover attribute. Any unexpended balance at the end of the contract period will be returned to the State.
3. Program income may be used in any of the following methods:
   • As a deduction from the total allowable costs for the current period to determine net allowable costs;
   • As an addition to the funds previously committed by grant agreement;
   • As satisfaction for the cost sharing requirement of Section 123(b) of the WIA;
   • The TWC may permit another SDA to use the program income for program purposes;
   • Program income will not be loaned or used to cover disallowed costs;
   • Program income will be accounted for as a separate funding source within the same grant in which it was generated.
4. Program sub-recipients will maintain sufficient records to account for the receipt and use of program income in the same manner as required for the program funds that generated the income. All such records will be subject to review and audit during monitoring visits performed by the WSB.
5. Program income remains a separate source of funds under the contract. Therefore, the expenditure is not included with program expense as reported.

Section 9: Audit
1. On an annual basis, an independent accounting firm will be contracted to perform a comprehensive compliance and financial audit of the Board’s operations. This audit will conform to the requirements of:
   • The Single Audit Act of 1984
   • The “Government Auditing Standards”, 1994 Revision
   • The Single Audit Act as amended in 1996
   • P.L. 98-502
   • OMB Circular A-133
   • AICPA Industry Audit Guide
   • Government Auditing Standards
   • OMB Compliance Supplements
   • Uniform Grant and Contract Management Standards (UGCMS)
   • TX Government Code, Chapter 783, State of TX Single Audit Circular and any other requirements the Texas Workforce Commission or other granting agency may impose.
2. The audit will be in accordance with as applicable and in effect at the time costs were incurred, in accordance with federal laws and regulations governing the program(s):
3. TWC retains the right to perform/require evaluation studies that it determines necessary. The TWC will report preliminary results to the Board and any contractor before the evaluation is concluded and the findings are made a matter of record.

Section 10: Cost Allocation
1. It is the policy of the WSB to allocate costs and income (when applicable) by programs and in accordance with cost categories including expense classification as required by specific program guidelines, the *Financial Manual for Grants and Contracts*, and as required by law.
a. The WSB will endeavor to charge as many costs as possible to direct costs. Only costs which cannot be appropriately accounted for and directly identified with a specific program will be charged to an approved Cost Pool.

Subsection 2.2 External Fiscal Integrity

Section 1: Purpose
This policy provides guidance for appraising the fiscal integrity of Workforce Solutions Borderplex workforce service providers. Chapter 14 of the Texas Workforce Commission's *Financial Manual for Grants and Contracts* provides guidelines for the procurement of goods and services using public funds, with specific information relating to pre-award review procedures found in §14.18, *Pre-Award Review*. Local Workforce Development Boards must conduct a fiscal integrity evaluation prior to awarding a contract and any time subsequent to award, as mandated by the Texas Administrative Code, Title 40, Part 20, Chapter 802, Subchapter B §802.21.

Section 2: Policy Administration
1. Fiscal integrity evaluations will be conducted in accordance with Texas Workforce Commission's *Financial Manual for Grants and Contracts*, Texas Administrative Code, Title 40, Part 20, Chapter 802, Subchapter B §802.21, Office of Management and Budget (OMB) circulars applicable to the entity, such as OMB Circulars A-21, A-87, or A-122, and the Office of the Governor's Uniform Grant Management Standards, and all other related federal and state rules and regulations.

Section 3: Methodology
1. Board staff will implement and enforce the requirements of the Texas Workforce Commission guidelines on fiscal accountability with new, existing and renewing contractors.
2. The Board TA and Compliance Unit will appraise the fiscal integrity of its workforce service contractors using the fiscal integrity evaluation indicators established by the Board and ensure all workforce service contractors meet the requirements of the established fiscal integrity evaluation based on the following schedule:

<table>
<thead>
<tr>
<th>Contract Amounts</th>
<th>Fiscal Indicators must be verified:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under $100,000</td>
<td>Prior to award of contract and at each renewal.</td>
</tr>
<tr>
<td>Between $100,000 and $500,000</td>
<td>Prior to award of contract, at each renewal, and not less than biennially.</td>
</tr>
<tr>
<td>Contracts over $500,000</td>
<td>Prior to the award of contract, at each renewal, and not less than once annually.</td>
</tr>
</tbody>
</table>

3. Board Procurement and Contracts Unit will collect the required fiscal integrity documentation during the procurement process based upon the fiscal integrity evaluation indicators established by the Board.
4. In the event of an emergency procurement, a bidder shall be required to submit all of the necessary documents for conducting a fiscal review with the proposal submission.
5. Board Procurement and Contracts Unit will submit a questionnaire to the bidder during the initial procurement process or to the contractor during the renewal process to address the requirements set forth in the aforementioned sections of the Texas Administrative Code.
6. The questionnaire must be completed, signed, and returned with the required documents to the Board Procurement and Contracts Unit by the established due date.

7. Once the questionnaire and documentation are received, the Procurement and Contracts Unit will review the documents for completeness. If documentation is missing or is incomplete, Procurement and Contracts Unit staff will contact the bidder/contractor for the required documentation. When complete, the Procurement and Contracts Unit will forward the information to the TA and Compliance Unit to conduct the fiscal integrity review.

8. If the TA and Compliance Unit determines that any required documentation is missing, or incomplete, designated TA and Audit Compliance staff will notify the Procurement and Contracts Unit of the additional information that must be requested.

9. A desk review of the gathered documents, including the questionnaire, is conducted. The areas reviewed during the desk review are as follows:
   a. Prior Three-year Financial History
      • Adverse Judgments
      • Monitoring Findings
      • Sanctions
      • Questioned and Disallowed Costs
   b. Significant Changes in Organization
   c. Policies and Procedures
      • Budgeting
      • Cash Management
      • Cost Allocation
      • Expenditures
      • Disbursements
      • Payroll
      • Procurement
      • Property and Equipment Management
      • Inventory Control
      • Individual Training Account (ITA)/Participant Training and Supportive Services
      • Record Retention
      • Bonding/Insurance
   d. Accounting Systems
      • Control and accountability over all funds received, property and other assets
      • Identification of receipt and expenditure of funds for each funding source
      • Adequate information to prepare a monthly financial report
      • Accounting records maintained in such a manner as to facilitate the tracking of funds to source documentation
   e. Bonding and Insurance and other methods of securing funds to cover losses

10. Following the desk review, an Executive Summary is written identifying the strengths and weaknesses discovered during the process. Items identified in the summary will include the following:
    a) Areas requiring additional support documentation;
    b) A conclusion as to whether the bidder or contractor meets or fails the basic Administrative Code and;
    c) If necessary, recommendations including tentative future reviews.

11. During the course of the evaluation, should staff determine an on-site visit is necessary to complete the fiscal integrity evaluation; staff may make arrangements with their bidder or contractor to conduct such a visit.

12. Once the Executive Summary is drafted, the TA and Compliance Supervisor will review the report to ensure all requirements have been met. Once this second line of review is completed, the fiscal integrity Executive
Summary will be provided to the Procurement and Contracts Manager to use as a tool in the decision-making process for contract award.

VOLUME ONE: BOARD ADMINISTRATION
CHAPTER THREE: MONITORING AND COMPLIANCE

Section 1: Quality Assurance Compliance and Monitoring Policy for Review and Follow-up of Employment and Training Programs

A. Purpose: To provide quality assurance policies and procedures to Workforce Solutions Borderplex system staff charged with the responsibility of conducting local level quality assurance reviews of Texas Workforce Commission (TWC) programs under the Workforce Innovation and Opportunity Act (WIOA), Supplemental Nutrition Assistance Program Employment and Training (SNAP E&T) and other federal/state grants.

1. Annual review of Board administered employment and training programs will be conducted in accordance with TWC rule as found in the Texas Administrative Code (TAC), Title 40, Part 20, Subchapter A, §802.
2. Monitoring procedures will be followed as detailed at Subchapter 1.4 in the Standard Operating Procedures in Volume Three.

Section 2: Sanction Process

A. Purpose: Pursuant to the Texas Administrative Code, to include §802.121-§802.125, which outlines sanctionable acts and consequences, the Workforce Solutions Borderplex (Board) has developed this policy to ensure accountability of Board Contractors in meeting the needs of employers and job seekers, ensure performance in reaching outcome measures, ensure adequate returns on investment, and support the Board in achieving its goals, so that all customers receive the best possible service in the workforce area.

1. The Board CEO or designee may apply corrective action against contractors to include but is not limited to formal sanctions and potential termination of contractual relations.
2. Corrective action may include technical assistance plans (TAPs), corrective action plans (CAPs), and Sanctions.
3. When it is determined that contractor performance, which includes contracted performance measures, delivery of services, fiscal accountability, and overall contract performance, is unsatisfactory, the following may be applied by the Board CEO or designee.

B. Sanctionable Acts

1. A Contractor’s failure to comply with any provisions of its signed contract, program rules, standards, applicable Federal or State laws and regulations, or Board policies may subject the Contractor to sanctions.
2. The Board CEO may place a contractor in sanction status or assess a corrective action or penalty, for failure to ensure at any time during the program year, compliance with the following: One or more contracted performance measures; one or more contract provisions; and one or more federal or state statutes, regulations, guidances, or directives.

C. Sanction Status

1. The Board CEO may assess penalties for sanctionable acts listed in this policy. Notwithstanding the sanctionable acts appearing after each specific level of sanction of this policy, the Board CEO may assign a higher or lower level of sanction status based on the severity or mitigating circumstances surrounding the sanctionable acts.
2. More than one penalty may be assessed in response to one occurrence of a sanctionable act in one or more program areas (as applicable). The number and severity of penalties assessed for one or more occurrences of sanctionable acts may correlate with the sanction status level assigned to a Board Contractor. If a
Contractor is already in a sanction status when another sanctionable act occurs or is discovered, the Board CEO may increase the level of sanction status of the Contractor.

3. Board contractors will have policies, procedures and internal monitoring in place to proactively identify and rectify internal program and fiscal deficiencies.

D. Intent to Sanction
1. Prior to imposition of sanctions or withholding of funds, the Workforce Solutions Borderplex (Board) will provide up to 30 calendar days for the Contractor to correct any deficiencies subject to any time limits imposed by law or regulation. At the discretion of the Board CEO, the resolution period may be extended beyond 30 calendar days. Deficiencies that infringe on the health and safety of a participant, or in any way place a participant in harm’s way, must be corrected immediately. During this period, the Contractor may request or be offered technical assistance to ensure correction of deficiencies; this may include increased program and fiscal monitoring. If a Technical Assistance Plan (TAP) is not in place, the Contractor will develop a Corrective Action Plan (CAP) within the first five (5) business days of the Intent to Sanction. The CAP will address contract compliance and performance outcomes, to include service delivery, fiscal accountability issues/deficiencies, and other areas as appropriate.
2. The TAP or CAP will be submitted to the Compliance Section of the Board.
3. Technical assistance is performance-driven and outcome-based, stressing the sharing of information and best practice models. Assistance is provided upon request, for both fiscal and performance issues. Technical assistance may be provided by the Board staff or other entity.
4. Program performance and fiscal monitoring assistance may include increased site visits, and analysis of both financial and performance outcomes to help identify potential deficiencies before such deficiencies result in sub-standard performance or questioned costs. Monitoring will result in recommendations that provide practical solutions that can be used to take immediate corrective action.
5. An Intent to Sanction letter will be required prior to the Board CEO placing a Contractor in sanction status or assessing a penalty. Failure to rectify and correct the deficiencies within the resolution period, as referenced in the Intent to Sanction letter, will result in Sanction. There will be no appeal to an Intent to Sanction letter.

E. Notice of Sanction
1. The Board CEO will issue notice of Sanction upon a verified contract deficiency and will determine the level of Sanction. The Workforce Solutions Borderplex CEO will provide a resolution period respective to the nature of the contract deficiency. The Contractor will correct all deficiencies respective to the sanction within the designated resolution period.
2. The effective date of the Sanction will be the date the Sanction letter is sent to the Contractor via electronic means. The resolution period will begin on the effective date of the Sanction. All notices of deficiencies and violations will be sent by the following method; E-mail.

F. Level I Sanction
1. Depending on the nature of the deficiency(ies), failure to rectify and correct the deficiencies within the resolution period, as referenced in the Sanction letter, will result in placement at Level I sanction.
2. The Board CEO may place a Contractor in Level I Sanction Status for sanctionable acts as described in this Section. Sanctionable acts that occur during the contract year include, but are not limited to the following:
   a. Failure to submit accurate financial, program or performance reports as required or requested by the contract;
   b. Failure to take corrective action to resolve findings identified during monitoring, investigative, or program reviews, including failing to comply with a TAP or CAP;
   c. Failure to rectify or resolve all independent audit findings or questioned costs within required time frames; Violation of administrative and service contract requirements; or
d. Failure to retain required service delivery and financial records. Failure to submit required annual audits.

3. Actions upon notification of Level I sanctions include, but are not limited to the following:
   a. The TAP or CAP will be revisited, revised and submitted to the Board Compliance and Monitoring Program Administrator;
   b. Additional preventive maintenance measures to be taken by the Board CEO may include, but are not limited to contract renegotiations and additional program/fiscal monitoring;
   c. Withholding of 5% of all operation/fixed-unit funds during the effective sanction period will begin on the effective date of the sanction, as appropriate to the type of contract;
   d. Resolution of deficiencies within the sanction resolution period will release withheld funds for disbursement pursuant to the contract;

Board staff will provide updates on activities and progress to the Board of Directors and/or Executive Committee throughout the sanction period.

G. Level II Sanction

1. Depending on the nature of the deficiency(ies), failure to rectify and correct the deficiencies within the resolution period, as referenced in the Sanction letter, will result in placement at Level II sanction. The Board CEO may place a Contractor in Level II Sanction Status for sanctionable acts as described in this Section. Sanctionable acts that occur during the contract year include, but are not limited to the following:
   a. Failure to rectify a Level I sanction within the resolution period, as referenced in the Sanction letter;
   b. Committing a second violation; or
   c. Committing a violation of local, state and federal law, regulation, guidance or directive.

2. Upon notification of Level II sanction:
   a. The TAP or CAP will be revisited, revised and submitted to the Board Compliance and Monitoring Program Administrator;
   b. Participation in technical training and workshops designated by Board staff;
   c. Submission of additional and/or more extensive financial and/or performance reports;
   d. Designation as a high-risk contractor requiring additional monitoring visits; Forfeiture of previously withheld funds;
   e. A fine equivalent to 5% of all operation/fixed-unit funds during the effective sanction period will begin on the effective date of the sanction, as appropriate to the type of contract;

3. Board staff will provide updates on activities and progress to the Board of Directors and/or Executive Committee throughout the sanction period.

4. Failure to rectify Level II sanctions within the resolution period, as referenced in the Sanction letter, will result in progression to higher level Sanction.
   a. Implementation of actions required by the Board to address the deficiencies;
   b. Six (6) month ineligibility for bidding for same or similar services;
   c. Reduction of grant or contract allocations for future periods.

H. Level III Sanction

1. Depending on the nature of the deficiency(ies), failure to rectify and correct the deficiencies within the resolution period, as referenced in the Sanction letter, will result in placement at Level III sanction.

2. The Board CEO may place a Contractor in Level III Sanction Status for sanctionable acts as described in this Section. Sanctionable acts that occur during the contract year include, but are not limited to the following:
   a. Failure to rectify a Level II sanction within the resolution period, as referenced in the Sanction letter;
   b. Committing three or more Level I violations; or
   c. Committing two or more Level II violations. Failure to rectify deficiencies that infringe on the health and safety of a participant, or in any way place a participant in harm’s way, immediately.
3. Upon notification of Level III sanction:
   a. The TAP or CAP will be revisited, revised and submitted to the Board Compliance and Monitoring Program Administrator;
   b. Implementation of actions required by the Board CEO to address the deficiencies;
   c. Six (6) month ineligibility for bidding for same or similar services;
   d. Reduction of grant or contract allocations for future periods;
   e. Forfeiture of previously withheld funds, as applicable;
   f. A fine equivalent to 5% of all operation/fixed-unit funds during the effective sanction period will begin on the effective date of the sanction, as appropriate to the type of contract; and
   g. Board staff will provide updates on activities and progress to the Board of Directors and/or Executive Committee throughout the sanction period.

4. Failure to rectify Level III sanctions within the resolution period, as referenced in the Sanction letter, will result in progression to higher level Sanction.
   a. Recommend that the Board CEO deobligate funds;
   b. Selection of an alternate entity to administer the program(s)/contract involved;
   c. Contract cancellation or termination (Board staff will oversee and approve all actions until contract is terminated);
   d. Suspension of bidding on Board procurement for goods and services for one (1) year from the resolution period ending date.

I. Enforcement
1. The specific sanction(s) to be imposed by this policy will be determined by the Board CEO upon recommendation of Board staff.

2. The written notice will be sent to the Contractor’s authorized signatory and contact person.

J. Appeal
1. Appeals/Grievances regarding the imposition of sanctions will be submitted in accordance with the provisions of the contract and with the Board Appeals policy;

2. Any sanctions imposed under this policy may be appealed pursuant to applicable State and Federal appeal provisions and any laws or regulations governing the program services, which are the subject of the contract.

K. Resolution
1. Upon Board staff recommendation, Board CEO or designee will determine at which point a deficiency has been resolved. If a deficiency is resolved within the resolution period, the sanction will be lifted by the Board CEO or designee. Contractor will be provided written notification of the Board CEO’s or designee decision.

Section 3: Self-Monitoring by Providers of Workforce Development Services

A. Purpose: Texas Workforce Commission (TWC) rules and governing statutes require monitoring by Local Workforce Development Boards, subrecipients and contract service providers to ensure programs achieve intended results and resources are efficiently and effectively used for authorized purposes and are protected from waste, fraud, and abuse. Monitoring and self-monitoring activities are designed primarily to ensure good management by ensuring that programs and activities supported by Workforce Solutions Borderplex (Board) program funds are in compliance with contractual agreements, applicable laws and regulations, and Board policies.

B. Self-Monitoring Requirements
1. Self-monitoring of internal operations will have complete records of all monitoring. The same must be made available to the Board during the contract term and for as long thereafter as the contract certification require.
2. At a minimum, monitoring procedures will include an outline of the elements (areas) to be monitored, the frequency of self-monitoring activities how self-monitoring will be conducted, standardized monitoring forms and reports, and the process for implementing corrective action and resolution of findings.

3. In accordance with state guidelines, program monitoring activities are conducted to ensure that programs achieve both intended and expected results. Processes and procedures used to determine performance may include review and evaluation of the following:
   - Program results or outcomes;
   - Performance measures;
   - Reporting accuracy;
   - Record keeping and file maintenance;
   - Monitoring functions
   - Service delivery;
   - Policies and procedures; and
   - Other activities required by the contract/agreement or program.

4. Fiscal monitoring activities are performed to ensure that resources are efficiently and effectively used for authorized purposes and are protected from waste, fraud and abuse. Processes and procedures used to determine performance may include the review and evaluation of the following, as applicable to the contract/agreement or program:
   - Accounting and reporting systems;
   - Budget methodologies;
   - Cash management practices;
   - Cost allocation plans and processes;
   - Cash disbursement compliance and documentation;
   - Insurance coverage and risk exposure;
   - Oversight and monitoring functions;
   - Payroll administration;
   - Purchasing and procurement processes and procedures;
   - Property accountability and safeguarding

5. Processes and procedures used to determine performance will include a review, evaluation and determination regarding compliance with the appropriate agreement as well as the appropriate cost principles applicable for the type of entity and agreement.

6. Generally, individuals assigned to perform self-monitoring activities should not monitor any program, activity, managerial, or administrative function for which they have duties and/or responsibilities. However, on-going evaluation of program activities by managers and supervisors should also be considered and included in the self-monitoring process. Providers of workforce development services will maintain documentation on its self-monitoring and of any existing subcontractor activities as required by this policy and make this documentation available to the Board upon request.

C. Procedures
   Workforce development service providers will develop monitoring procedures and a schedule or timetable for monitoring Board funded activities.
Section 1: Purpose
The policies contained herein are designed to promote a user-friendly environment while ensuring compliance with the requirements for American Job Centers that provide an array of workforce services to job seekers, employers and youth.

Section 2: Priority of Service
1. Priority of service will be provided in accordance with federal and state rules and regulations and in accordance with all guidance and requirements set forth by the Texas Workforce Commission. Priority will be given to eligible federal qualified veterans and spouses, eligible state qualified veterans and spouses, and eligible foster youth over all other equally qualified and eligible individuals for workforce services as set forth in Texas Workforce Commission WD Letter 43-11, WD Letter 25-15, WD Letter 8-15, Change 1, and U.S. Department of Labor (DOL) TEGL 3-15, to include subsequent issuances or replacements. Should a conflict exist between federal, state and Board policy, federal and state policy will control.
2. Eligible veterans and qualifying spouses and eligible foster youth must be identified at their point of entry and informed of their right to priority of service, the full array of workforce services available under priority of service and informed of any eligibility requirements for those programs and services.
3. Under the Workforce Innovation and Opportunity Act (WIOA) Adult Funds, priority must be provided to:
   • Recipients of public assistance;
   • Other low-income individuals; and
   • Individuals who are basic skills deficient
WIOA funding for individualized career services and training services will be limited to participants who:
   • are unable to obtain grant assistance from other sources to pay for individualized career services and training services; or
   • require assistance beyond that available under grant assistance from other sources to pay for these services.
4. Veterans and eligible spouses continue to receive priority of service for all DOL-funded training programs as detailed in WD Letter 25-15. Priority for WIOA individualized career services and training services must be provided in the following order:
   1. Eligible veterans and eligible spouses, as defined in WD Letter 25-15, who are also recipients of public assistance, low-income, or basic skills deficient.
   2. Foster youth and former foster youth, as defined in WD Letter 43-11, who are also recipients of public assistance, low income, or basic skills deficient.
   3. All other individuals who are recipients of public assistance, low-income, or basic skills deficient.
   4. All other eligible veterans and eligible spouses.
   5. All other foster youth and former foster youth.
   6. All other individuals, including local Board priority groups.
      a. Individuals whose income is above WIOA’s low-income threshold but is below the Board’s Living Wage. Low income is defined in WIOA as 70% of the Lower Living Standard Income Level or (LLSIL) established every year by the Department of Labor. WSB has a large population outside the basic federal income guidelines parameters but has demonstrated need for assistance to become self-sufficient and less vulnerable to associated economic hardships and instability. The WSB living wage is defined in Vol. II, Ch.3, Subsection 1.4 of this policy manual. This priority group comes after the first groups described above.
         (Adopted by the Board of Directors 8-16-18; effective 8-16-18)
5. Priority for Child Care Services will be given in accordance with §809.43 of the Texas Workforce Commission Child Care rules.
6. The locally established priority group for Child Care Services in accordance with § 809.43 of the Texas Workforce Commission Child Care rules, subject to the availability of funds and included, in the order of priority is as follows:
   1. Siblings of children who are participating in child care services; (Adopted by the Board of Directors 8-16-18; effective 8-16-18)
   2. Children of families participating in workforce employment and training programs who are referred by workforce staff;
   3. Children of families participating in Workforce Solutions Borderplex initiatives or projects, when authorized in writing by Board CEO or designee;
   4. Children of military parents returning from combat needing care within 90 days of return;
   5. Other children of individuals at-risk of becoming dependent upon public assistance will be served based upon date of placement on the child care waiting list, or the date of request for services if there is no waiting list.

Section 3: Customer Care

A. Customers with Disabilities: Workforce Centers shall provide reasonable accommodation and accessibility in accordance with the Americans with Disabilities Act (ADA); be available to employers, students and workers throughout the local workforce development area. The purpose of this policy is to ensure customers with disabilities have equal access to services offered through the workforce system, in accordance with WD Letter 2401, to include subsequent issuances and replacements.
   1. Customers with disabilities will be provided equal opportunity and access to services offered through the workforce system. Assessment will occur to determine the following:
      a. Identification of language needs; situations in which the customer will need adaptive services;
      b. Resources needed and determination of how the resources will be made available;
      c. Communications with customers with disabilities will be as effective as communications with customers without disabilities. Written and verbal communication must be in a language that the individual customer understands (e.g. Sign language, Braille).
   2. Qualified staff or interpreters must be used when communicating with customers through sign language.
   3. Inclusion of customers with disabilities will be assessed to ensure equal opportunity and access to workforce system services.

B. Customers with Limited English Proficiency (LEP)
   1. Equal access and opportunity to all workforce services will be provided to individuals with limited English skills in accordance with federal civil rights laws and the Texas Workforce Commission’s WD Letter 2401, to include subsequent issuances.
   2. Assessment of language needs and available resources will be conducted to ensure customers with LEP have equal opportunity and access to workforce system services.
   3. Written and verbal communication shall be provided in a language that individual customers understand.
   4. Qualified bilingual staff or interpreters shall be used to communicate with customers with LEP.
   5. Services must be provided by individuals and entities that have the required knowledge and training to provide requested services for customers with LEP.
   6. Monitoring of access to services will be conducted.

C. Maintaining Customer Confidentiality and Data Security
   1. TWC WD Letter 13-08 and WD Letter 02-18, to include subsequent issuances, are adopted, as a means to guard against unauthorized access of customer information. Steps to maintain customer confidentiality include, but are not limited to, the following:
      a) Securing customer files in locked filing cabinets when not in use;
b) Shredding documents with identifying information when disposing of information or placing documents in approved securely locked shred containers;
c) Ensuring Social Security numbers, addresses, telephone numbers, customer names and other identifying information are not visible to others;
d) Using encryption when saving customer personally identifiable information in documents that will be transported on a laptop or other portable storage devices, such as flash drives;
e) Distributing customer information on a need-to-know basis only.

2. Medical and disability-related information must be maintained on separate forms and kept in separate medical files.

3. Adherence to the TWC Information Security Standards and Guidelines will be maintained.

4. Prior to being granted access to personally identifiable or other sensitive information, staff will acknowledge their understanding of the confidential nature of the information and the safeguards they must comply with in order to protect it, as well as liability to civil and criminal sanctions for improper disclosure.

5. Personally identifiable and other sensitive information will only be accessed for official use and only by employees who need to access it in their official performance of duties within the scope of work as set forth by TWC and the Board.

6. Personally identifiable and other sensitive information will only be released to authorized individuals or entities as allowable by law.

7. Accessing, processing and/or storing of personally identifiable information on personally owned equipment and at off-site locations is prohibited, unless explicitly permitted in the TWC Information Security Standards and Guidelines.

8. Personal cell phones are permitted on Workforce Solutions Borderplex premises should they be used for work purposes, they must be in compliance with WD Letter 02-18 in maintaining customer confidentiality. 

(Adopted by the Board of Directors 8-16-18; effective 8-16-18)

9. Password protection and/or encryption must be used with portable computing devices.

10. Personally identifiable or other sensitive information, confidential and/or sensitive data should not be stored on portable computing devices. In the event there is no alternative to local storage, all personally identifiable information, other sensitive information, confidential and/or sensitive data must be encrypted.

11. Encryption must meet the standards set forth by TWC to include WD Letter 02-18 and subsequent issuances.

12. All removable media must be scanned for malicious code content prior to use in any workforce system or network.

13. Any security violation or breach detected or suspected, including loss or theft of portable computing devices and removable media, must be immediately reported to Board's IT department for action.

14. Retention of personally identifiable or other sensitive information will be maintained only for the period of time required to use it for official purposes or to comply with record retention requirements, if any.

15. Reuse or disposal of removable media will follow a data sanitization guideline in compliance with National Institute of Standards and Technology (NIST) Special Publication 800-88 as a means of ensuring removal of any electronic protected, confidential and/or sensitive information.

Section 4: Case Management

1. Case management services will include, but are not limited to:
   • On-going assessment of customer strengths, barriers and needs;
   • Assisting customers with goal setting;
   • Individualized employment planning to connect customers to appropriate services;
   • Provision of support, encouragement, advocacy and follow-up;
• Coordinating and connecting customers with support services;
• Assisting customers with job search leads, matches and referrals;
• Monitoring customer participation and progress towards achieving their goals; and
• Utilization of Career Services to promote successful employment.

2. On-going and regular customer contact will occur with significant and meaningful contact occurring at least once a month. More frequent contact may occur based upon individual needs of customers and in accordance with program requirements. Various methods of communication may be used for meaningful contact and may include, but are not limited to: face-to-face, telephone, email, text, or video chat.

3. Testing for assessment purposes may be conducted by workforce staff, or when appropriate, through other organizations. To avoid repetitive testing of customers, previous scores from recognized standardized tests may be used if the scores are less than six (6) months old.

4. Customer attendance records, participation hours and progress reports will be obtained and reviewed at least monthly, and in accordance with program rules and TWC guidance. Appropriate action will be taken to address lack of progress and/or participation.

5. WD Letter 06-13, to include revisions and replacements, is adopted for documentation of services and case note requirements.

6. If a customer in Follow-up services declines Follow-up services or the customer cannot be located after three documented attempts to reach the customer, follow-up services can be discontinued and documented in TWIST Counselor Notes.

Section 5: Data Entry and Data Integrity for The Workforce Information System of Texas
1. Data entry will be done in a manner that ensures the integrity and completeness of data recorded in The Workforce Information System of Texas (TWIST) as stipulated in WD letter 06-07, Change 3, or subsequent issuances.

2. Adherence to the following documents is required as a means of ensuring the integrity of the data entered into TWIST:
   • Guide to Using The Workforce Information System of Texas;
   • System Services Matrix;
   • Texas Workforce Commission WD Letters and TA Bulletins with “TWIST” as a keyword.

3. To further protect the integrity of data entered into TWIST, the following is required:
   • Twist training prior to authorizing TWIST access;
   • Timeliness of data entry;
   • Completeness and appropriateness of data entry; • Accuracy of data entered; and
   • Review of TWIST data.

4. TWIST training will include, but is not limited to:
   • Appropriate coding;
   • Timeliness;
   • Data requirements;
   • Data file requirements; and
   • File documentation

5. To further ensure the integrity of data entered into TWIST, the following data entry actions are adopted:
   • Provider (TAA) will be entered under Office Level 4 field in TWIST when TAA customers are enrolled in a training that is not included in the Targeted Occupation List (TOL). Staff will select DOL training code in the TWIST Training Worksite field and enter the appropriate training occupation in the ONET field. The appropriate selection will be made for the FICE field to indicate the training provider/location where the customer is receiving the service. If the FICE code is not listed, the name of the training provider will be entered in the Comments section.
• TWIST Code 179 (Training-Non-TWC) will be used when a WIA/WIOA customer is attending board authorized training that is not funded through Workforce Solutions Borderplex.

• The appropriate activity code will be used when entering Choices, NCP or SNAP Employment and Training non-workforce funded activities. Enter NonPFWS in the Training Worksite field and NonProgram Funded Provider in the Office Level 4 field will be selected. The appropriate selection will be made for the FICE field to indicate the training provider/location where the customer is receiving the service. If the FICE code is not listed, the name of the training provider will be entered in the Comments section.

Section 6: Procedure
Contractor will develop procedures to effectively and efficiently implement the policies contained herein.

VOLUME TWO: ONE STOP SERVICE DELIVERY SYSTEM
CHAPTER TWO: Support Services

Section 1: Purpose
Workforce Solutions implements this policy in adherence with the federal Workforce Innovation and Opportunity Act and/or Texas Workforce Commission regulations, rules, policies and procedures related to the provision of support services and incentives. If at any time board policy conflicts with federal or state regulations, those regulations will supersede board policy.

Section 2: Support Services
1. Support services and incentives may be provided to eligible customers, if funding permits, and when the support services are reasonable, necessary to assist customers in achieving the goals set forth in their employment plan, and directly related to participation in eligible career services, programs and when authorized by applicable rules and regulations.

2. Contractor must adequately budget for use of support services and incentives as part of their annual budget and business plan.

3. WSB will coordinate with regional workforce partners, service providers and community-based organizations, to ensure support services are not duplicated. Support services with workforce funding may only be provided when such services are not available through other resources.

4. Funding limits, per individual customer, have been established for support services when allowable by the specific program in which the customer is participating. The following support services will be allowed only once in a 12-month period per customer. Funding limits may change depending on available funding. (Adopted by the Board of Directors 8-16-18; effective 8-16-18)

Funding limits may be reduced should available funding become limited.

a. Vehicular repair – a maximum of $500 annually

b. Consumables (tires, battery, etc.) – a maximum of $150 annually

c. Vehicle registration and inspection – actual cost, limited to once every two years with payment made to the vendor upon receipt of invoice

d. Vehicle insurance – a maximum of $200 limited to once every two years

e. Room and Board – Up to $2,000 per semester

f. Training Related Expenses - $700 maximum per semester, quarter or course (if course of study is less than one semester)

g. Work-related expenses – a maximum of $500 annually
h. Housing assistance to include utility assistance – a maximum of $1,250 annually (Adopted by the Board of Directors 8-16-18; effective 8-16-18)

5. Transportation assistance is available through gasoline cards/vouchers, bus cards, or other allowable transportation services as set forth by federal regulation and/or state rule or guidance. A flat rate of $25 per week for eligible customers participating in approved activities is adopted for gasoline assistance. Bus passes may be provided up to one month at a time.

6. Exceptions to the funding limits and timeframes may be granted by workforce center contractor management on a case-by-case basis when extenuating circumstances exist, provided such action does not conflict with the specific program’s rule or regulations.

7. Supporting documentation for support services will be maintained in the client file. Contractors are required to conform to program and/or WSB record keeping requirements in documenting approval, denial and/or modification to WSB-sponsored supportive services or incentives.

Section 3: Vehicle Related Assistance
1. Participants must show current documentation that demonstrates vehicle ownership prior to obtaining approval for support services related to vehicle repairs, registration, inspection, insurance, and consumable requests.

2. A participant may receive supportive services for a vehicle owned by another individual provided the proof of actual ownership, a hold-harmless agreement, and permission of use for employment-related purposes is documented in the participant’s employment plan prior to approval.

3. Vehicle registration and/or insurance expenses will be paid directly to the vendor upon receipt of a current invoice.

Section 4: Room and Board Assistance
1. Room and board assistance may be provided for eligible customers who select training located in areas that will not allow the customer to return home each day and/or to obtain licenses or certificates that are given in other cities at the allowable state rate plus tax per day. Meals (in accordance with program rules) may be paid on a case-by-case basis and will not exceed the allowable state rate per day.

Section 5: Support Services Assistance Recoupments
1. In the event that a customer received support services in error, albeit customer or contractor error, contractor staff will exercise due diligence in requesting recoupment of the expenditure and documenting any and all requests.

2. If the support service was provided as a result of inaccurate information given by the customer, the contractor will determine if fraud should be suspected and follow the process for filing a fraud complaint.

3. Contractor reserves the right to enter into a payment plan with the client for any erroneously issued support service assistance.

4. If the erroneous disbursement was due to contractor error and recoupment attempts fail, the Board will hold the contractor responsible for the erroneous costs. Reimbursement of these costs shall be made to the Board from non-federal funds within 30 days of the discovery.

Section 6: Incentives
1. Incentives may be provided to eligible customers if allowed by specific program rules (e.g. WIOA Youth and Choices) and in accordance with those rules and regulations, and provided in non-monetary forms such as no cash-back gift cards. Incentives may not be provided for entertainment purposes.

2. Incentives must demonstrate cost reasonableness and be tied to the size and nature of the achievement for which they are awarded and scaled to motivate customers to work toward the associated goal attainment and
are not intended to reward a customer for meeting the minimum requirements of a program. Contractor management is granted the latitude to approve incentive amounts.

3. Incentives provided with WIOA funding are available for WIOA youth only. Incentives are for recognition and achievement directly tied to work experiences or training activities.

4. Incentives provided with TANF/Choices funding are available for mandatory and exempt Choices customers for achievement of goals such as but not limited to credential achievement, entered employment and employment retention.

5. Incentive cards must be safeguarded as if they were cash and internal controls must be employed in accordance with federal and state regulations. A clear separation of duties must be maintained for those issuing and disbursing non-monetary incentive cards.

6. Contractors will document the process for issuing incentives which must include at a minimum:
   a. Documentation required and how it will be recorded in a timely manner;
   b. Identification of WIOA and Choices eligible customers;
   c. Deadlines for verification of goals achieved and desired outcomes met.

Section 7: Procedure
Contractor will develop procedures to effectively and efficiently implement the policies herein.

VOLUME TWO: ONE STOP SERVICE DELIVERY SYSTEM
CHAPTER THREE: Training Services

Section 1: Purpose
The policies contained herein are designed to comply with federal, state and local regulations, rule and policy related to the provision of training services and the use of ITAs for training purposes as directed by FMCG, §8.1 and outlined in Texas Workforce Commission WD Letter 24-14, Change 1 and other issuances.

Section 2: Training Providers and Eligible Training Provider List Background:
Workforce Solutions Borderplex hereinafter referred to as “WSB”, as the official regional Workforce Development Board and as an extension of the Texas Workforce Commission, executes this policy in compliance with federal and state rules and regulations pertaining to the provision of funds for training and skills enhancement. Through its authority, WSB authorizes the Center Operator Contractor to operate and manage the day-to-day activities of all workforce centers and programs. Center Operator Contractor works directly with the Training Provider in approving and processing funds for training programs offered to eligible program participants. Training Providers are required to comply with the TWC Eligible Training Provider System (ETPS) certification process, WSB Training Provider Policy (this document) and the local certification process listed below, and with Center Operator Contractor Individual Training Account (ITA) process. Center Operator Contractor has the authority to modify the ITA process so long as it complies with the WSB Training Policy and all federal and state regulations.

Subsection 1: Target Occupations
1. WSB implements this policy in adherence with the federal Workforce Innovation and Opportunity Act and/or Texas Workforce Commission regulations, rules, policies and procedures related to Training Providers, the provision of training services, and the use of Individual Training Accounts (ITAs). If at any time board policy conflicts with federal or state requirements, those requirements will supersede board policy.
2. This policy may be utilized in the provision of training services available to other federal workforce programs including but not limited to Trade Adjustment Assistance, SNAP E&T, etc., or others as allowed by federal or state regulations.

3. WSB maintains a Target Occupations List (TOL) that is reflective of regional in-demand and emerging industry sectors and occupations. The Target Occupations List is developed with the labor market data made available through Texas Workforce Commission and in conjunction with regional economic development partners, employers, job seekers, workers and students residing in the workforce service area.

4. The factors used to create the Target Occupation List are employment growth, job openings, and the WSB living wage.
   a. WSB Living Wage Definition – in order ensure self sufficiency of program participants, WSB utilizes the MIT Living Wage calculation. Although the term “wage” is defined as payment made by an employer to an employee, there are several ways to group and describe groups wages depending on their meaning. Below are some common wage definitions:
      Minimum Wage: The most widely recognized term when it comes to employee compensation. It is the lowest allowable rate of pay at which an employee may sell their work.
      Median Wage: The wage “in the middle” of the group or population. El Paso County median wage is $13.11. Half of the workers in the county are below or above this level.
      Mean or Average Wage: The sum of all wages then divided by the number of wages in the data set.
      Prevailing Wage: The rate of pay that contractors and vendors must offer their employees when doing business with a government agency. It reduces the ability of vendors to “low ball” their proposals for government contract to the detriment of their workers. Texas Workforce Commission defines prevailing wage as twenty five percent (25%) more than the entry wage for an occupation.
      Living Wage: The hourly rate that an individual must earn to support their family without the need for public assistance. It reflects geographic costs related to a family’s likely minimum food, childcare, health insurance, housing, transportation and other necessities.

   Based on the US Census, the following illustrates household size in El Paso County. According to this, the majority, or 68%, of households have 3 persons or less.

<table>
<thead>
<tr>
<th>Household Size</th>
<th>Number of Households</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 adult</td>
<td>56,147</td>
<td>22%</td>
</tr>
<tr>
<td>1 adult, 1 child</td>
<td>69,821</td>
<td>27%</td>
</tr>
<tr>
<td>1 adult, 2 child</td>
<td>49,080</td>
<td>19%</td>
</tr>
<tr>
<td>1 adult, 3 children</td>
<td>43,605</td>
<td>17%</td>
</tr>
<tr>
<td>2 adults (1 wking)</td>
<td>24,703</td>
<td>10%</td>
</tr>
<tr>
<td>2 adults (1 wking)</td>
<td>9,902</td>
<td>4%</td>
</tr>
<tr>
<td>3+</td>
<td>6,344</td>
<td>2%</td>
</tr>
<tr>
<td></td>
<td>259,612</td>
<td></td>
</tr>
</tbody>
</table>

   According to the MIT Living Wage Calculator, the following household sizes require these incomes annually to avoid the need for public assistance.
As discussed above, most households in El Paso County have 3 persons or less. Based on this calculation, WSB chose to utilize the income of “2 Adults + 1 Child” to calculate the hourly living wage.

**The necessary annual gross income for 2 adults, 1 child**

| Required annual income before taxes | $21,183 | $44,589 | $53,683 | $66,603 | $35,376 | $44,811 | $49,707 | $55,892 | $50,841 | $35,376 | $50,841 | $58,805 | $68,059 |

The necessary annual gross income for 2 adults, 1 child

$50,841

2 adults working full time ($50,841 ÷ 2)

$25,420

Hourly wage ($25,420 ÷ 2,080) (40 hours per week x 52 weeks a year)

$12.22

It could be assumed or defined that a household is made up of 1 adult with 2 children. As listed above, the income necessary for 1 adult with 2 children is $53,683. In this scenario, the one adult would be the only person to generate the income necessary to support the entire family without public assistance.

**The necessary annual gross income for 1 adult, 2 children**

$53,683

Hourly wage required to support this size household

($53,683 ÷ 2,080) (40 hours per week x 2 weeks a year)

$25.81

After consideration of both calculations, chose the $12.22 living wage to utilize for internal policy, research benchmarking and performance outcome analysis.

Workforce Solutions Borderplex works with individuals that are unemployed, underemployed, dislocated and/or have barriers to employment. Through various strategies and tactics, WSB works with regional educators and employers to place individuals into jobs that have a higher skill and/or wage. Although highly competitive, the $25.81 hourly wage is not a realistic entry level wage for most of the job seekers WSB serves. For the purposes of transitional job placement, on-the-job training, internships, and subsidized employment, the $12.22 Living Wage is more appropriate for WSB to utilize and benchmark its programs and service outcomes.

WSB will update its Living Wage each year utilizing the MIT living wage calculator and US Census demographic data. *(Adopted by the Board of Directors 8-16-18; effective 8-16-18)*
occupation meets the board’s approved targeted criteria, to include wage and annual employment openings, as verified through Texas labor market information obtained from official state and federal agency sources.

6. Approval of an occupation to be added to the TOL does not bind the board to commit funds to that training.

7. WSB Board has the right to approve trainings on a case by case basis that are not affiliated with the current Target Occupation List. (Adopted by the Board of Directors 8-16-18; effective 8-16-18)

Subsection 2: Training Provider Certification Criteria

1. To be eligible to be listed in the WSB Eligible Training Provider List, Training Provider and their corresponding training programs must first be certified by the TWC Career Schools and Colleges unit or other governmental regulatory agency (such as the Higher Education Coordinating Board) that monitors student performance. The Training Provider must submit a copy of the TWC Certificate of Approval and the TWC list of Approved Courses or other acceptable proof of program and agency licensing from a regulatory agency.

2. Training Provider must demonstrate that it has the established the necessary licenses, accreditation, and certification applicable to their programs by the recognized accrediting or licensing agency. Also, career schools and college and postsecondary institutions, other than Texas public institutions, offering any degree program in Texas must be authorized under a Certificate of Authority or Certificate of Authorization by the Texas Higher Education Coordinating Board. Any changes to licenses, accreditation, and certification must be reported to the WSB within 10 business days. Failure to do so could result in placement on probationary status which would preclude new enrollments for six months.

3. Each year WSB will publish an invitation for Training Providers to apply to be an Eligible Training Provider for the WSB service area. WSB will make available:
   a. ETPS application submission procedures, instructions, deadlines and technical assistance regarding certification requirements and procedures;
   b. Current and projected occupational demand in the WSB service area; and
   c. WSB-adopted performance requirements

4. WSB has developed the following additional criteria for certification of training programs available in the WSB service area. Only those providers that meet both TWC and WSB criteria will be approved and listed under the WSBs Eligible Training Provider list.

5. Criteria for initial eligibility includes all the following. Training Providers must meet or provide all criteria below to be considered.
   a. Training Providers must justify how the training program was developed using any or all the following:
      i. Skill standards recognized or conditionally recognized by the Texas Skills Standards Board;
      ii. Industry-endorsed skill standards; iii. Skill requirements determined by employers.
   b. Training Provider must justify how the training programs must be directly related to one or more occupations on the current WSB Targeted Occupations List.
   c. Training Providers must be in operation at least two years prior to date of application and submit the last two years audited financial statements. Board management may, on a case-by-case basis, exempt entities from the two-year time-in-operation requirement if training capacity or programs is limited.
   d. Training Providers must provide the minimum English reading level required for each training program, as well as any other academic requirements.
   e. For certification renewals, Training Providers must submit documentation of their current performance based on the standards listed below for the most recent semester or program period end date.
New program offerings are exempt from this requirement but are expected to conform upon request for certification renewal.

f. Prior to the enrollment of any WSB participants into any programs listed under the WSB Eligible Training Provider System, Training Providers must sign the Letter of Agreement demonstrating their acceptance, understanding, and adherence of this policy.

6. Changes to an ETPS certified program must be submitted to WSB within 30 days prior to program start for consideration of local certification. TWC has up to 60 days from the date of submission to review and approve or deny the change.

7. WSB reserves the right to request copies of Training Providers documentation submitted to TWC as part of the initial ETPS certification application process. Non-compliance with this request will result in denial or suspension of Training Provider’s local certification.

8. Training Provider(s) must maintain a current address on file with WSB. WSB will notify Training Provider if eligibility must be re-certified based on TWC regulations at the time a change of address request is submitted.

9. WSB reserves the right to deny local certification, on an initial or renewal basis, if one or more of the requirements are not met. WSB may reconsider if missing and/or inaccurate data is made available or corrected.

10. WSB will notify Training Provider of approval or denial of any program/course in accordance with state statute.

11. If a Training Provider chooses to appeal a determination that they are ineligible to receive WSB funding for training services, the appeal must be done in accordance with the Board’s Integrated Complaint, Hearings and Appeals Policy.

12. WSB reserves the right to conduct announced or unannounced site visits to any and all training locations for quality and compliance reviews as allowed by federal or state regulations.

13. Upon receipt of a grievance or complaint, WSB or designated contractor staff, will acknowledge receipt of the grievance to all parties for informal investigation and resolution with TP within 30 days of original complaint. Complaints alleging fraud or criminal activity will be immediately reported to the state and proper authorities. The name of the complainant or informant will be kept confidential where possible. Where disclosure of the person’s identity is essential to assure a fair determination of the issues, WSB and/or designee will ensure responsibilities of disclosure will be under conditions that promote continued receipt of confidential information.

WSB reserves the right to notify TWC Career Schools and Colleges Division and refer complaints for their investigation and resolution. Please note that customers may also file complaints directly with TWC against a Training Provider.

Training Providers that have five or more complaints with the potential for negatively impacting the learning/training process within a three-month period, will be placed on probationary status until TP can show proof of resolution and still adhere to the outlined performance standards. A complaint is counted per individual complainant, not per group of complainants or incident. During this period, WSB will not refer nor approve WSB funded program participants for enrollment into Training Provider courses. WSB has the right to implement a “hold” on WSB referrals and use of funds if reports, complaints, or suspected used of fraud, waste, abuse or any other violations occur. (Adopted by the Board of Directors 8-16-18; effective 8-16-18)

**Subsection 3: Apprenticeship Programs**

1. Department of Labor registered apprenticeship programs are not subject to state or local criteria and receive automatic approval to be included in the ETPS list.

2. Department of Labor registered apprenticeship providers are exempt from the performance standards listed in this policy but may be held to different standards if procured through a contract for direct services for a specific program or project.

3. WSB reserves the right to develop customized apprenticeship programs, or student worker programs, with Training Providers listed on the ETPS and are not exempt from the performance standards listed in this policy.
and may be held to different standards if procured through a contract for direct services for a specific program or project.

**Subsection 4: Training Provider Performance Standards**

1. The Board has adopted the performance standards below as mandated or allowed by Texas Workforce Commission to be applied to WSB funded participants. If at any time, should the minimum performance standards established by TWC exceed WSB minimum performance standards, TWC standard will supersede local standards. See Appendix A attached (Texas Eligible Training Provider System, Performance and Reporting Requirements)

<table>
<thead>
<tr>
<th>Initial Eligibility Performance Measures</th>
<th>Definition</th>
<th>Minimum Performance Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Program Completion Rate</td>
<td>All WSB funded participants who completed the program during the 12-month reporting period.</td>
<td>60%</td>
</tr>
<tr>
<td>B. Entered Employment Rate</td>
<td>All WSB funded participants who obtained or were engaged in unsubsidized employment during the 12-month reporting period.</td>
<td>60%</td>
</tr>
<tr>
<td>C. Job Placement Wage</td>
<td>The entry level wage received by WSB funded program participants who obtained or were engaged in unsubsidized employment during the 12-month reporting period.</td>
<td>At or above entry level wage per BLS occupation code</td>
</tr>
<tr>
<td>D. Job Placement in Field of Study</td>
<td>The occupation code correlating to the SOC ONET Code for all WSB funded participants who obtained or were engaged in unsubsidized employment during the 12-month reporting period.</td>
<td>80%</td>
</tr>
</tbody>
</table>

2. After initial certification, Training Providers are required to submit individual participant performance data monthly and overall performance data to WSB for all participants on a quarterly basis.

3. Adherence to the performance standards listed above will officially be tracked and Training Providers held accountable to them beginning one (1) year from the date of approval of this policy.

4. WSB reserves the right to conduct data integrity audits based on student job and wage placement data available via State employment data sources. If data provided by Training Providers is different from WSB data analysis, WSB will notify Training Provider(s) of inaccuracies and allow up to 30 days for correction or proceed with removal from ETPS List as described below.

5. Training Providers that fail to meet at least three (3) out of the four (4) performance standards for two consecutive quarters will be placed on a 12-month probationary period from the last day of the reporting period. During this period, WSB will not refer nor approve WSB funded program participants for enrollment into Training Provider courses. The probationary status may be lifted if Training Provider makes corrections to performance data at any time or reports successful performance for two consecutive quarters.

6. If Training Provider on probationary status does not meet performance standards after the 12-month probationary period, they will be removed from the ETPS list for one (1) year from the end of the probationary period. At the completion of the year following removal from the ETPS, Training Provider will be required to reapply for eligibility and be subject to the criteria and standards in place at that time.

7. Active WSB participants currently enrolled in Training Provider courses or programs will continue to be eligible for their subsidized training costs if a Training Provider is placed on probation or removed from the ETPS
list due to failed performance. Participants may elect to transfer to another Training Provider on the Eligible Training Provider List if courses are similar and costs are similar and/or funding is available to absorb a price difference.

8. Training Providers are required to submit the following data annually on an informational basis only and will not have bearing on performance measurement.

<table>
<thead>
<tr>
<th>Data Point</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Program Completion Rate</td>
<td>All students who completed the program during the 12-month reporting period.</td>
</tr>
<tr>
<td>Entered Employment Rate</td>
<td>All students who obtained or were placed in employment during the 12-month reporting period.</td>
</tr>
<tr>
<td>Job Placement Wage</td>
<td>The entry level wage received by all students during the 12-month reporting period.</td>
</tr>
<tr>
<td>Job Placement in Field of Study</td>
<td>The occupation code correlating to the SOC - ONET Code for all students who obtained or were placed in employment during the 12-month reporting period.</td>
</tr>
</tbody>
</table>

8. WSB reserves the right to publish quarterly performance and non-performance based data on all active ETPS Training Providers and provide such data to WSB participants as part of an informed decision process for selection of continuing education.

Subsection 5: Use of Funds for Skills Enhancement and Training

1. The TWC Eligible Training Provider System may be used for training services by all WSB programs as allowable by specific program regulations. WSB has the authority to contract with Training Providers directly for a specific program, initiative, project, purpose, or period.

2. WSB may provide funding to eligible participants for skills enhancement and training for only those occupations listed on the WSB Target Occupations List. WSB Board has the right to approve trainings on a case by case basis that are not affiliated with current Target Occupation List. (Adopted by the Board of Directors 8-16-18; effective 8-16-18)

3. WSB funds will utilize funds for training programs that are offered by partners and/or Training Providers that are offered as a free resource to the community such as basic skills, which include basic education classes, parenting classes, English as a Second Language, job readiness and general computer literacy training (Microsoft Office products). Exceptions will be approved on a case-by-case basis by WSB management.

4. The provision of funds are made available via an Individual Training Account (ITA) intended to help WSB area qualified residents with access to post-secondary education, including certificate and degree programs, and training for industry recognized credentials, and support leading to skilled, well-compensated jobs with anticipated high employment demand. ITAs are limited to a two-year period and maximum of $10,000 for training programs. (Adopted by the Board of Directors 8-16-18; effective 8-16-18)

5. Other sources of financial assistance including Pell Grants, financial aid, federal student loans (if so chosen), scholarships, severance pay, and/or other federally funded assistance must be exhausted to cover the cost of training and/or support services prior to the provision of WSB funds. WSB funds are considered a last resort to ensure the customer is financially capable of successfully completing a training program. WSB will be subject to a refund for WIOA participant costs if and when it is determined that other sources of funds are enough to cover all training costs.

6. Students may utilize private student loans to help cover costs above and beyond what can be covered by WSB training funds, grants, scholarships, and federal aid. Training Providers must fully disclose in writing and provide guidance on repayment, deferment options, interest rates, and any other information such as withholding of degrees, transcripts, or certificates to students prior to enrollment.
7. Refunds are to be made in accordance with the institution’s refund policy or per TWC regulations pertaining to Career Schools and Colleges.
8. If a participant is enrolled in a previously approved WSB-funded course and the corresponding occupation is subsequently removed from the Target Occupations List, the participant will be allowed to complete the course with WSB funds.
9. Customers who have completed training with assistance from WSB may receive additional training assistance when:
   a. Training is within the career pathway of the occupation for which they were trained (e.g., medical assistant to RN); or
   b. The customer is unable to perform the job (e.g., due to disability); or
   c. The customer requires additional training to retain employment in the field originally trained for at a self-sufficient wage; or
   d. The skills gained through training are no longer in demand by employers; or
   e. Circumstances are justified, and documented in the case record, to provide additional training.
10. The Board will not reimburse Training Providers for tuition and fees for amounts more than what the public is charged for the same program.
11. The Board will not reimburse Training Providers for tuition and fees for training or vocational programs that are completed prior to a student obtaining a GED. Students that are co-enrolled in GED courses at the same time as other training programs (combos) must successfully pass the entire GED exam prior to completing the training or vocational program. The entire training program/combo must be detailed and outlined in the ITA in order for it to be approved prior to enrollment.
12. Requests from customers for training in occupations NOT on the Targeted Occupations List will be considered under at least one the following circumstances:
   a. The requested occupation is listed on another Texas Workforce Development Board Target Occupation List and the customer is willing to relocate to that area as evidenced by a signed statement indicating he/she is willing to relocate to that area upon completion of training to seek employment.
   b. The customer has a verifiable employment offer from a local employer who is willing to hire the participant upon successful completion of the training and the employment offer meets the board’s established targeted wage criteria (per performance standards).

Subsection 6: Training Provider Requirements
1. Training Providers are not required to form classes if the number of registrants does not meet their minimum course size requirements. However, once a course has begun and at least one (1) WSB funded student remains in the program, Training Provider must continue the course until its completion or find an alternative method for course completion for the student that aligns with the original course.
2. Training Providers are required to provide to WSB staff, contractors and program participants (students) the student application and registration documents which are signed on or before the first day of instruction.
3. Training Providers are required to provide to WSB staff and contractors the calendar of the start and end dates for each training program.
4. Training Providers will provide each WSB-funded student with course attendance and requirements before or upon enrollment.
5. Student attendance requirements must be consistent with what is required by the respective training program as necessary to achieve course objectives and demonstrate pursuit of satisfactory progress on the part of the student.
6. Training Providers will not charge WSB for any student enrolled in class until after the census date but before
30 days after the last day of the add/drop period for each semester. Invoices received after the 30 days from this period will not be accepted by WSB for payment, regardless if the student was approved into the program by WSB staff and subsequently accepted by Training Provider.

7. Students may be dismissed for absences in accordance with the Training Provider’s attendance policy. Students on a pre-approved planned gap/absence are not subject to removal from the WSB-funded program.

8. Students with cumulative absences that equal more than 25% of total course/contact hours must be dismissed from WSB-funded training, unless the student can make up the course work with no further expense to WSB beyond the originally approved amount.

9. When an occurrence for a refund takes place, the Training Provider will issue WSB-funded courses only to WSB and no other party.

10. Training Providers are required to request approval from WSB any student status changes (e.g., training start dates, completion date change, reason for change) within 72 hours of occurrence. Automatic approval for student program change or extensions will not be granted. Requests for extensions will be reviewed on a case-by-case basis and be submitted at least 30 days before the original expected completion date. Extension and/or provision of additional program funds will not be reviewed until Training Provider can demonstrate past remediation and future support provided to student to ensure successful program completion.

11. Training Provider must adhere to the processes, forms, and documentation established by the Contractor designated to manage Individual Training Accounts in accordance with WIOA regulations, state, and/or WSB policy.

12. Prior to enrollment, contractor staff will utilize the participant’s individual employment plan, standardized test scores, Training Provider performance data, labor market data, and other relevant information to assist them in making an informed decision in the selection of appropriate training programs.

13. Training Providers are required to provide to WSB staff accurate student completion certificate and/or documentation within ten (10) days of program completion and job placement reported within ten (10) days of placement. (Adopted by the Board of Directors 8-16-18; effective 8-16-18)

Subsection 7: Use of Individual Training Accounts

1. Individual Training Account Agreements must be itemized in accordance with the approved Eligible Training Provider System (ETPS) application. ITA Agreements will include all itemized costs, (including those for supplies, tools, books, etc.), documentation, reporting and attendance requirements, etc., and be signed and agreed to in completion by the Center Operator, Training Provider, and Participant prior to enrollment in any course or program.

2. WSB reserves the right to not approve an ITA if its approval designee believes the training program is unattainable as proposed by the Training Provider. WSB, Training Provider and the student must collectively agree towards a plan that may be agreed upon and approved by WSB.

3. ITAs may not be used to pay for products or services not listed on the ETPS application and will not be used for payment of late fees, fines or penalties caused by customer error or delay. WSB and student will not be liable for any fees billed on the student’s behalf that are not originally on the ITA Agreements.

4. Expenses listed on the ITA Agreement will be paid only through the completion date. Any costs incurred after the completion date will not be paid regardless if there is an ITA fund balance available.

5. Any fund balances remaining on an ITA upon completion of a training program will be de-obligated within 15 days after the receipt of the completion letter from the Training Provider.

6. WSB will not approve or be liable for any ITA that is submitted and/or modified in hand-written form or modified in any way from what the ETPS application shows as approved training costs.
Subsection 8: WSB Contractor Requirements
1. Contractors are required to conform to program and/or WSB record keeping requirements in documenting approval, denial, and/or modification to WSB-sponsored training program
2. Center operator staff will verify customer attendance and progress monthly, at a minimum, and maintain up-to-date case management.
3. For training to continue, participants’ grades and attendance must meet satisfactory performance. Appropriate action will be taken to address lack of progress and/or participation, barring extenuating circumstances.
4. Contractor must pay Training Provider within 30 days of receipt of a complete invoice.

Subsection 9: Training for customers with Limited English Proficiency (LEP)
1. During the annual call for Training Providers, WSB will request new Training Providers to submit applications and existing Training Providers to submit new and curricula for LEP customers, including intensive prevocational skills and integrated vocational skills-based language training.
2. If LEP curricula is not provided via ETPS, WSB may elect to procure these services as needed.
3. Training curricula for individuals with limited English proficiency may include, but not be limited to, any of the following learning methods:
   a. Vocational English as a Second Language (VESL)
   b. Spanish GED Preparation
   c. Work readiness skills
   d. Bridge training models
   e. Concurrent bilingual models

VOLUME TWO: ONE STOP SERVICE DELIVERY SYSTEM
CHAPTER FOUR: Board Program Policies

Subchapter 4.1 Child Care Services

Section 1: Purpose
The purpose of the policies contained herein are to adhere to Texas Administrative Code, Title 40, Part 20, Chapter 809. Should a conflict between Board policy and the Texas Administrative Code (TAC) or other Texas Workforce Commission or federal guidance exist, federal and TWC guidance will control.

Section 2: Child Care Services (CCS) Payments
1. With the exception of eligible relative care providers, children will not be placed with providers “listed” with the Texas Department of Family and Protective Services (DFPS); therefore, reimbursement will not be made to providers listed with DFPS.
2. Providers are prohibited from charging the difference between the providers’ published rate and the amount of the reimbursement rate, to include the parent’s share of cost, to all parents receiving child care through CCS.
3. When transportation is needed, providers offering transportation will be reimbursed as follows:
   • If the transportation rate is included in the provider’s published rates, the provider is paid that rate or the board’s maximum reimbursement rate, whichever is lower.
   • If a separate transportation rate is charged, the transportation rate will be paid so long as the combined total (transportation rate and provider’s published rate) does not exceed the board’s maximum reimbursement rate.
4. Attachment 1 sets forth the graduated reimbursement rates adopted for CCS Texas Rising Star (TRS) certified providers as well as the adopted rates for non-TRS CCS providers. As established in the Texas Administrative Code at §809.20(c), reimbursement rates cannot exceed the provider’s published rate.

Child Care Development Fund and Child Care Local Match Funded Care

- The fee scale is based on 185% of the Federal Poverty Guidelines at initial eligibility. The fee scale for these families is determined using the Parent Share Determination Chart.
- The parent share of cost at eligibility redetermination will be assessed in accordance with the Parent Share Determination Chart. Only at eligibility redetermination may families exceed the 185% Federal Poverty Guidelines (FPG) threshold, however, they cannot exceed 85% of the State Median Income (SMI).

Parent Share Determination Chart

<table>
<thead>
<tr>
<th>Family Poverty Guidelines (FPG)</th>
<th>For Use at Initial Eligibility and Redetermination</th>
<th>May Only Be Used at Eligibility Redetermination if Income Exceeds 185% of FPG</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>050% - 75%</td>
<td>&gt;75% - 100%</td>
</tr>
<tr>
<td>1st child</td>
<td>$24</td>
<td>$59</td>
</tr>
<tr>
<td>Each Additional Child</td>
<td>$12</td>
<td>$30</td>
</tr>
</tbody>
</table>

This policy was adopted by the board on 10/27/17 with an 11/1/17 effective date.

5. Other Texas Workforce Commission Funded Care

The fee scale for a parent’s share of child care costs established for families receiving child care through workforce funding contracted to the Board through the Texas Workforce Commission (e.g. Workforce Innovation and Opportunity Act) is determined using the Parent Share Determination Chart.

6. Care Funded by Sources Other than the Texas Workforce Commission

When child care is provided with funding from sources other than the Texas Workforce Commission, a parent will not be required to share in the cost of care unless required by the funding entity. The Child Care Services – Parent Share of Cost Methodology criteria was created to ensure there is a fair and consistent approach across the parents receiving child care services. The following outlines the methodology process.

The child care services program subsidizes child care for low-income families, promoting long-term self-sufficiency by enabling parents to work or attend workforce training or education activities. It also educates parents about the availability of quality child care, which enhances children’s early learning.

Federal Child Care Development Fund regulations at 45 CFR §98.42 require that parents receiving child care assistance be assessed a parent share of cost. Parent share of cost must be on a sliding fee scale based on family size and income an may be based on other factors as appropriate but may not be based on the cost of care or amount of subsidy payment. Workforce Development Boards (Boards) must ensure that the sliding fee scale is based on family size and gross family income expressed as a percent of the U.S. Department of Health and Human Services’ Federal Poverty Guidelines.
Services Poverty Guidelines (aka federal poverty guidelines) or state median income for the appropriate fiscal year.
Subsidized childcare facilitates parental employment and education by reducing the cost of quality care. Workforce Solutions identified the need to develop a standardized and applicable methodology for determining the parent share of cost because we could not find a standardized calculation method. When creating the methodology, we wanted to ensure there is a fair and consistent approach across the parents receiving child care services.

We applied the following methodology based on an analysis of the following information and data set tools:


The average family size in El Paso, County, Texas was 3.7. The living wage annual salary for a family of 3 was $50,841 from which 10.43% were child care expenses. The number of days in a year receiving child care services for the year 2017 was 260 and average number of days in a month receiving child care services was 22.

The following outlines the steps taken to create the Parent share of cost methodology:

1. The annual child care expenses were determined by multiplying the lowest annual income amount in each bracket by 10.43%. Example: 4,056*10.43% = 423

<table>
<thead>
<tr>
<th>Income Ranges as % of FPG/SMI</th>
<th>0 - 50%</th>
<th>51% - 75%</th>
<th>76% - 100%</th>
<th>101% - 125%</th>
<th>126% - 150%</th>
<th>151% - 175%</th>
<th>176% - 185%</th>
<th>186% - 200%</th>
<th>201% - 85%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monthly Income Ranges (FPG/SMI)</td>
<td>$338 - $677</td>
<td>$678 - $1015</td>
<td>$1016 - $1359</td>
<td>$1354 - $1692</td>
<td>$1693 - $2030</td>
<td>$2031 - $2368</td>
<td>$2369 - $2504</td>
<td>$2506 - $2707</td>
<td>$2708 - $3493</td>
</tr>
<tr>
<td>Lowest Annual Income Ranges (FPG/SMI)</td>
<td>$4,056</td>
<td>$8,136</td>
<td>$12,192</td>
<td>$16,248</td>
<td>$20,316</td>
<td>$24,372</td>
<td>$28,428</td>
<td>$30,060</td>
<td>$32,496</td>
</tr>
<tr>
<td>Expenses:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Child Care</td>
<td>$423</td>
<td>$848</td>
<td>$1,271</td>
<td>$1,694</td>
<td>$2,118</td>
<td>$2,541</td>
<td>$2,964</td>
<td>$3,134</td>
<td>$3,388</td>
</tr>
</tbody>
</table>

2. The Daily and Monthly parent share of cost was calculated with the following formulas:

   Daily Parent Share of Cost Formula = Annual Child Care Expense divided by 260 days in a year. Example: 423/260 = 1.63
   Monthly Parent Share of Cost Formula = Daily Parent Share of Cost multiplied by 22 days in a month (1.63*22= 36)
3. After the parent share of cost was calculated for each income bracket for the first child, the parent share of cost for every additional child was 50% of the first child in care. Example: 36 * 50% = 18

WSB staff presented the methodology to the WSB childcare delivery contractor, the YWCA for review and agreement. WSB staff and contractor then presented new methodology to WSB Board of Directors for approval of methodology and approval to execute tool beginning October 2018. (Adopted by the Board of Directors 8-16-18; effective 8-16-18)

7. Workforce Solutions Borderplex redetermines parent share of cost annually to be effective every October 1st. In accordance CFR-Ch.809 Child Care Preamble, WSB will review sliding fee scale to ensure fees are not a barrier for families at a certain income level. WSB will maintain a report of all terminations due to failure to pay the parent share of cost, including family size, income, family circumstances, and the reason for termination. Report will be reviewed every six months to conduct evaluations of affordability to determine the impact to parents, child care providers, and child care program funds.

Effective October 1, 2018, WSB will begin evaluation of terminations due to failure to pay parent share of cost. WSB cannot establish frequency definition until comparative data can be gathered to measure impact. WSB analysis and frequency definitions will be determined after a full year of complete data. Additionally, severe fluctuations will be monitored and analyzed to determine if parent share of cost is impacting rate of terminations. WSB Board can determine if Parent Share of Cost needs to be changed. (Adopted by the Board of Directors 8-16-18; effective 8-16-18)

8. Providers will not be reimbursed by the Board or its CCS contractor for uncollected parent share of cost.

It is required that the Provider notify the CCS Contractor no later than 10 working days of non-payment of parent fee. Upon notification, CCS Contractor will evaluate At-Risk family’s financial circumstances for possible reduction of PSOC before an early termination for nonpayment occurs. If the decision is to terminate care, the termination and appeal process will be applied. Parents will be required to pay the provider before the family can be redetermined eligible for future child care services.

Termination Due to Non Payment of PSOC:
Below applies to any parent whose eligibility period begins before August 1, 2018:

<table>
<thead>
<tr>
<th>Income Ranges as % of FPG/SMI</th>
<th>0 - 50%</th>
<th>51% - 75%</th>
<th>76% -100%</th>
<th>101% - 125%</th>
<th>126% - 150%</th>
<th>151% - 175%</th>
<th>176% - 185%</th>
<th>186% - 200%</th>
<th>201% FPG% - 85% SMI</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual Child Care Expenses</td>
<td>$ 423</td>
<td>$ 848</td>
<td>$ 1,271</td>
<td>$ 1,694</td>
<td>$ 2,118</td>
<td>$ 2,541</td>
<td>$ 2,964</td>
<td>$ 3,134</td>
<td>$ 3,388</td>
</tr>
<tr>
<td>Monthly Child Care Expenses</td>
<td>$1.63*22 = $36</td>
<td>3.26*22 = $72</td>
<td>4.89*22 = $108</td>
<td>6.52*22 = $149</td>
<td>8.15*22 = $179</td>
<td>9.77*22 = $215</td>
<td>11.40*22 = $251</td>
<td>12.05*22 = $287</td>
<td>13.03*22 = $287</td>
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<table>
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<tr>
<th>Income Ranges as % of FPG/SMI</th>
<th>0 - 50%</th>
<th>51% - 75%</th>
<th>76% -100%</th>
<th>101% - 125%</th>
<th>126% - 150%</th>
<th>151% - 175%</th>
<th>176% - 185%</th>
<th>186% - 200%</th>
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<tr>
<td>First Child in Care</td>
<td>$ 36</td>
<td>$ 72</td>
<td>$ 108</td>
<td>$ 143</td>
<td>$ 179</td>
<td>$ 215</td>
<td>$ 251</td>
<td>$ 265</td>
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<tr>
<td>Each Additional Child</td>
<td>$ 18</td>
<td>$ 36</td>
<td>$ 54</td>
<td>$ 72</td>
<td>$ 90</td>
<td>$ 108</td>
<td>$ 125</td>
<td>$ 133</td>
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</table>

| (50% from the First Child)  |         |           |           |            |            |            |            |            |
|-----------------------------|---------|-----------|-----------|------------|------------|------------|------------|           |
| First Child in Care         | $ 36    | $ 72      | $ 108     | $ 143      | $ 179      | $ 215      | $ 251      | $ 265      |
| Each Additional Child       | $ 18    | $ 36      | $ 54      | $ 72       | $ 90       | $ 108      | $ 125      | $ 133      |

| (50% from the First Child)  |         |           |           |            |            |            |            |            |
|-----------------------------|---------|-----------|-----------|------------|------------|------------|------------|           |
• A parent who fails to pay PSOC will continue to be eligible and receive care for the duration of the eligibility period and at the time of eligibility redetermination, the parent’s case is subject to the mandatory 60-day waiting period.

Below applies to all eligibility periods that begin on or after August 1, 2018:
• If care is terminated due to nonpayment of PSOC, the mandatory waiting period of 60 calendar days will be applied before the family can reapply or be placed on a waiting list for child care services.

9. Attachment 1 Maximum Reimbursement Rates Effective 8-1-18

|                     | Infant | Infant | Toddler | Toddler | Preschool | Preschool | School- | School- |
|---------------------|--------|--------|---------|---------|-----------|-----------| age Full| age Part|
| Licensed Center     |        |        |         |         |           |           |         |         |
| Current Regular Rate| $20.06 | $16.77 | $18.60  | $15.85  | $16.12    | $13.91    | $15.10  | $11.34  |
| 3-Star              | $25.70 | $20.69 | $23.83  | $19.65  | $22.57    | $15.47    | $21.57  | $14.73  |

|                     |        |        |         |         |           |           |         |         |
| Licensed Home       |        |        |         |         |           |           |         |         |
| Current Regular Rate| $17.38 | $14.30 | $16.69  | $13.60  | $15.05    | $11.73    | $12.75  | $10.66  |
| 2-Star*             | $20.49 | $16.83 | $19.00  | $17.78  | $18.70    | $13.82    | $15.89  | $12.16  |
| 3-Star              | $22.77 | $18.70 | $21.11  | $19.75  | $20.78    | $15.36    | $17.66  | $13.51  |
| 4-Star              | $25.30 | $20.78 | $23.45  | $21.94  | $23.09    | $17.07    | $19.62  | $15.01  |

|                     |        |        |         |         |           |           |         |         |
| Registered Home     |        |        |         |         |           |           |         |         |
| 2-Star*             | $19.70 | $17.62 | $18.32  | $16.37  | $17.69    | $12.52    | $14.71  | $11.35  |
| 4-Star              | $24.32 | $21.75 | $22.62  | $20.21  | $21.84    | $15.45    | $18.16  | $14.01  |

Informal Care (Self-Arranged Relative Care)
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<tr>
<th></th>
<th>Current Regular Rate</th>
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<th>$</th>
<th>$</th>
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<tr>
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<tr>
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<tr>
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<tr>
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<tr>
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<tr>
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<td>$10.33</td>
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*In addition to providers who earn a 2-Star rating, the 2-Star rating will be applied “only for preschool-age children at child care providers that participate in integrated school readiness models pursuant to Texas Education Code 29.160,” unless the entire facility receives a higher TRS rating. In such cases, the higher TRS rating will be applied.

*(Adopted by the Board of Directors 8-16-18; effective 8-16-18)*

### Section 3: Child Care Eligibility and Redetermination

1. The maximum income level used to determine initial income eligibility for child care services is 185% of the Federal Poverty Guidelines (FPG).
2. Family income eligibility for continued care will be up to 85% of the State Median Income at the following times:
   - At the 12-month redetermination;
   - Once a parent resumes activities during the three-month period described in §809.51; and
   - Anytime a parent reports a change in income that may exceed 85% of the State Median Income.
3. A standard deduction of 40% from gross monthly receipts will be applied to cover the cost of operating the business when income is from self-employment. Self-employment income from gross receipts includes the value of all goods and services sold from one’s own business, professional enterprise or partnership. Should a parent believe their expenses exceed the standard deduction, the parent must provide documentation to be used in itemizing the expenses. (Adopted by the Board of Directors 5-18-17; effective 5-22-17)

4. At the time of eligibility and eligibility redetermination, parents, including parents receiving transitional child care, must meet participation hours in training, education and/or employment in order to receive CCS care.
   • A single-parent family must participate in training, education, and/or employment activities for an average of 25 hours or more per week in order to receive CCS care.
   • A two-parent family must participate in training, education and/or employment activities for an average of 50 hours or more per week in order to receive CCS care.

5. When a parent’s documented medical disability or need to care for a physically or mentally disabled family member prevents the parent from participating in activities for the required number of hours per week, CCS care may be provided for reduced hours of participation in allowable activities.
   • When one parent in a two-parent family has medical documentation that indicates the parent cannot participate in work, education or training and cannot care for his/her children, then the parent’s participation requirement may be reduced to zero (0). Child care may be provided as long as the second parent is participating in work, education or training at least an average of 25 hours per week.

6. At the time of eligibility determination or re-determination, a child with a documented physical or mental disability and who is under 19 years of age may be determined eligible for child care.

7. Child Care Services will be terminated during eligibility period due to programs violations in accordance to amended rules; with an effective date of 8-1-18:
   • Unexplained absences in excess of 40 days; excessive unexplained absences will result in a finding of a program violation for At-Risk, Choices, Supplemental Nutrition Assistance Program Employment and Training (SNAP E&T), and former Texas Department of Family and Protective Services (DFPS) child care cases. A mandatory waiting period of 60 calendar days must be observed before the parents of the child who was terminated from child care services can reapply or be placed on a waiting list. Early terminations due to excessive unexplained absences are reported in The Workforce Information System of Texas (TWIST) with the termination reason Excessive Unexplained Absences. Before terminating care for excessive unexplained absences, the CCS Contractor will document multiple attempts to provide notice of each child’s general absences and the potential for termination of child care services. The multiple attempts which consist of 3 attempts at variable times will be documented in TWIST counselor notes.
   • When the provider has reported the nonpayment of parent share of cost (PSOC) to the CCS Contractor; nonpayment of PSOC will result in a finding of a program violation for At-Risk child care cases. The CCS contractor will evaluate a family’s financial circumstances for possible reduction of PSOC before an early termination for nonpayment occurs. If care is terminated due to nonpayment of PSOC, a mandatory waiting period of 60 calendar days must be observed before a family can reapply or be placed on a waiting list for child care services. Parents will be required to pay the entire PSOC from the time the provider reported to the CCS Contractor before the family can be redetermined eligible for future child care services. (Adopted by the Board of Directors 8-16-18; effective 8-16-18)

8. Child Care services will not be paid for during an appeal when services have been terminated due to excessive unexplained absences or nonpayment of PSOC. (Adopted by the Board of Directors 8-16-18; effective 8-16-18)
Section 4: Child Care for Education and Training
1. Parents must maintain standards of “satisfactory progress” at the time of eligibility redetermination in order to receive child care. Satisfactory progress is maintained if the education and/or training provider permits the student to enroll in classes.
2. Time limits have been established for parents utilizing child care to attend education.
   • Four (4) years will be granted to complete an Associate Degree.
   • Child care may be authorized for up to 150 credit hours to complete a Baccalaureate (Bachelor’s) Degree.
   • Basic education and English as a Second Language (ESL) credit hours will not be counted in the accumulated credit hours earned toward a degree.
   • Waiver requests to the time limit may be granted or denied by the CCS Administrator or designee on a case-by-case basis if a parent/caretaker is within one semester of completing a degree.
   • Customers who have been denied a waiver must be advised of available appeals procedures.
3. Time limits have been established for parents utilizing child care to attend occupational training.
   • Not to exceed two years.
   • Waiver requests may be granted or denied by the CCS Administrator or designee on a case-by-case basis if the parent is within one semester of completing the training.
   • Customers who have been denied a waiver must be advised of available appeals procedures.
4. Time limits have been established for parents utilizing child care to attend Basic Education.
   • One (1) year as a stand-alone activity. Thereafter, basic education activities must be combined with occupational education/training or employment activities.
5. Time limits have been established for parents utilizing child care to attend English as a Second Language.
   • Two (2) years as a stand-alone activity. Thereafter, ESL must be combined with occupational education/training or employment activities.
6. Child care will be limited to one completed occupational training or educational opportunity per parent, unless:
   • The skills gained through training are no longer in demand by employers; or
   • Additional education or training is within the career path of the occupation for which they were trained (e.g. nurse’s aide to LVN); or
   • The parent is unable to perform the job (i.e. due to disability); or
   • The parent needs additional training to retain employment in the field trained for at a self-sufficient wage; or
   • The additional education or training is still within the respective two (2) year occupational training limit or four (4) year (Associates Degree) or 150 (Bachelor’s degree) credit hours limits on education.
7. Grandfathering will be applied in cases whereby a parent was enrolled in a Master’s program and receiving Child Care Services prior to October 1, 2016, provided the parent continues to be eligible for care and child care has not terminated.

Section 5: Services to Families
1. When there is a lack of CCS funding or a lack of providers, families may be placed on a waiting list if a family meets income and participation requirements.
   • Parents may self-attest to income and participation for waiting list placement.
   • Parents must contact the CCS every 90 days to indicate continued need for child care. Failure to make required contact will result in the family record being removed from the waiting list.
   • Families will be placed into child care from the waiting list in accordance with priority of service as delineated at §809.43, and with the third priority group identified in the Board’s priority of service policy followed by all other eligible customers.
2. Parents may voluntarily request a transfer from one child care provider to another. Voluntary transfers will be completed in an expeditious manner if/once a parent is current with the parent share of cost and has demonstrated regular use of the CCAA card.

3. Parents may choose in-home relative child care in accordance with §809.91(e)(3) for circumstances in which the CCS determines and documents that other child care provider arrangements are not available in the community, with “community” defined as the village, town, or city in which the family seeking child care resides.

4. On a case-by-case basis, parents who are attending a program that leads to a postsecondary degree from an institution of higher education may be exempted from the requirement to reside with the child. Child care will be authorized based upon the caretaker’s work, training, or school schedule. Should extenuating circumstances exist (e.g. caretaker does not work, attend training or school but requires child care to receive dialysis), and on a case-by-case basis, the CCS Administrator or designee may consider a waiver request.

5. On a case-by-case basis, parents may select licensed child care providers in a neighboring state, in accordance with §809.91(a)(3).

Section 6: Non-Compliance and Fraud
1. A child care provider, including an owner, operator, director or employee of a child care facility, in possession of a CCAA card or is recording attendance on behalf of a CCS-funded parent will have their CCS provider agreement cancelled for one year. A second such incidence will result in a permanent cancellation of the CCS provider agreement.
   a. If fraud is suspected, a fraud investigation will be conducted in accordance with WD Letter 21-60, to include subsequent issuances and appropriate action will be taken in accordance with remedies/consequences as allowable under Texas Workforce Commission rules and as delineated in the Board’s fraud policy; to include but is not limited to permanent cancellation of the CCS provider agreement and criminal prosecution.

2. When it is determined that a parent, which includes a guardian or person serving as in loco parentis, and/or secondary cardholder has given his/her CCAA card to a provider or provided the CCAA PIN to a provider, the parent will be notified that such action is not permitted and that such action could trigger a fraud investigation. If fraud is suspected, a fraud investigation will take place in accordance with WD Letter 21-60, to include subsequent issuances and appropriate action will be taken in accordance with remedies/consequences as allowable under Texas Workforce Commission rules and as delineated in the Board’s fraud policy; which includes but is not limited to termination of child care services and criminal prosecution.

Section 7: Procedures
Contractor will develop procedures to operate the child care program effectively and efficiently within federal, state and board policy and guidelines.

Subchapter 4.2 Workforce Innovation and Opportunity Act (WIOA) Services

Section 1: Purpose
The purpose of the policies contained herein are to promote adherence to the Workforce Innovation and Opportunity Act of 2014, U.S. Department of Labor issuances to include TEGL 19-16 (to include subsequent issuances), and Texas Workforce Commission guidance through WD Letters, TA Bulletins, the WIOA Guide and other issuances to assist individuals in obtaining sustainable employment. Should a conflict between Board policy and federal or state rules, regulation or guidance exist, federal and state issuances will control.
Section 2: Eligibility

1. Eligibility determination will be conducted in accordance with federal, state (TWC) and Board regulation, rule, policy and guidance.

2. The U.S. Department of Labor (DOL) Employment and Training Administration’s 100% Lower Living Standard of Income Level (LLSIL) has been adopted as the minimum self-sufficiency wage levels to determine if a WIOA participant is receiving local self-sufficiency wages.
   a. In accordance with WD Letter 15-16, including subsequent issuances, to determine whether a WIOA participant is receiving local self-sufficiency wages, Boards must compare the participant’s current wages earned must be compared to the locally determined self-sufficiency wage levels that are based on the DOL 100% LLSIL.
   b. The LLSIL table may be divided into smaller increments than the annual salary shown by the U.S. Department of Labor Employment and Training Administration provided wages are not divided into increments smaller than one week.

3. “An individual who requires additional assistance to complete an educational program, or to secure and hold employment,” is defined as an income eligible youth who:
   a. is at risk of losing secondary school credit or being dropped from school due to habitual truancy, as defined by the school;
   b. is a secondary education student who plans to attend college, will be the first generation in the family to do so and requires services to achieve this goal, or is a first generation college student who requires services to complete college;
   c. has been terminated from two or more jobs within the last 12 months except for misconduct connected with work; or
   d. lacks skills necessary to secure and hold employment.

4. Certification of youth who do not meet income eligibility requirements must be approved by the Contractor’s Project Director or designee to ensure that the number of youth who would otherwise be covered individuals except that the youth are not low income does not exceed the five percent Exception and five percent Limitation special rule as set forth in WIOA at Sec. 129 (a)(3)(A)(i) and (ii) and (a)(3)(B).

Section 3: Basic Skills Deficiency and English Language Learner

1. For WIOA Youth, basic skills deficiency will be determined through TABE test scores. A TABE test score of 8.9 or below is considered, “at or below the 8th grade level.”

2. The TABE test or similar testing tool may be used to determine whether or not a WIOA Adult is basic skills deficient. An individual is determined basic skills deficient if the individual is unable to compute or solve problems, or read, write or speak English at a level necessary to function on the job, in the individual’s family, or in society. A TABE test, or its equivalent, score of 8.9 or below is considered, “at or below the 8th grade level.”

3. Self-attestation or notes in TWIST Counselor Notes are acceptable documentation to support that an individual is an “English Language Learner”.

4. To determine basic skills deficiency for Youth and Adults, assessment as part of an education or training program may be utilized provided the assessment was made within the last six months.

Section 4: Dislocated Worker – Plant Closure, Natural Disaster and General Economic Conditions Defined

1. For dislocated workers, a general announcement of plant closing is defined by the board as a written notice from the employer to employee of plant closure, a WARN letter, or career center or BSU staff verification with company of plant closure.
For eligibility purposes related to a self-employed individual who become unemployed as a result of a natural disaster, the board defines a “natural disaster” as any event or force of nature that has catastrophic consequences, such as flood, fire, lightning, tornado, or other similar disaster. For eligibility purposes related to a self-employed individual who became unemployed as a result of general economic conditions in the community in which the individual resides, the board considers “general economic conditions” to include, but are not limited to: economic recession, depression, unemployment rate, inflation, levels of current account and budget surpluses or deficits, and gross domestic product (GDP) growth rates.

Section 5: Transitional Jobs
1. Transitional jobs may be provided to Adult and Dislocated Workers in accordance with WIOA regulation, TEGL 19-16 (to include subsequent issuances), and the issuances from the Texas Workforce Commission.
2. Transitional jobs may be provided through public, private or non-profit employers.
3. Wage subsidies may be provided at a rate up to 100%.
4. The hourly wage will not exceed the wage rate of a regular employee doing the same type of job with similar experience.
5. Transitional job placements are time limited; generally three to six months in length, and should not exceed six months in length. Exceptions to the time limit may be granted based upon extenuating circumstance (e.g. employer will hire within 14 days) and with workforce center Director’s (or designee’s) approval. Extensions to the time limit are limited to a maximum of 60 days.
6. Under no circumstance will weekly participation in transitional jobs exceed 40 hours per week.
7. Transitional jobs are intended for participants who have barriers to employment and are chronically unemployed or who have an inconsistent work history. Individuals with “chronic unemployment” or an “inconsistent work history” are those who: 1) Have been unemployed for 10 consecutive weeks or longer; 2) Were unemployed at least six months of the past 12 months; or 3) Have held two or more jobs in the past 12 months and are currently unemployed or underemployed.
8. Barriers to employment for the purpose of transitional jobs includes individuals who meet the “Barriers to Employment” criteria set forth in WIOA section 3(24).
9. Support services for transitional jobs may include, but are not limited to transportation assistance and child care assistance, and are based on individual participant needs.

(Adopted by the Board of Directors 5-18-17; effective 5-22-17)

Section 6: Customized Training and Incumbent Worker Training
1. The employer share of cost for customized training and incumbent worker training is based upon the size of the employer and other factors such as wage and benefit levels of the participants (during training and post training) and other advancement opportunities.
2. The employer share of cost will not be less than:
   • 10% of the cost if the employer has 50 or fewer employees;
   • 25% of the cost if the employer has 51 to 100 employees; and • 50% of the cost if the employer has more than 100 employees

(Adopted by the Board of Directors 5-18-17; effective 5-22-17)

Section 7: On-the-Job Training (OJT)
1. A reimbursement to employers for up to 75% of the wage rate for the cost of training may be authorized in accordance with TEGL 19-16 and the TWC WIOA Guide.
2. The wage reimbursement for OJT may be set above the 50% reimbursement rate when the following factors are considered:
a. The characteristics of the participants and whether they are “individuals with barriers to employment” as defined in WIOA at section 3(24);
b. The size of the employer with an emphasis on small businesses:
   • a maximum of 65% of the wage rate may be provided for employers who have 51 to 100 employees
   • a maximum of 75% of the wage rate may be provided for employers with 50 or fewer employees;
c. The quality of the employer-provided training and advancement opportunities (e.g. training leads to an industry-recognized credential); and
d. Wage and benefit levels of the participants (during training and post-training) and other advancement opportunities.

3. Training duration will be in alignment with the ONET Specific Vocational Preparation (SVP) estimates. On a case-by-case basis, the duration may be adjusted when justified and with workforce center Director’s (or designee’s) approval. Extensions to the time limit are limited to a maximum of 60 days.

4. Occupations for OJT contracts must be on the targeted occupations or demand occupations list. Exceptions to this may be granted by the workforce center Director (or designee) should an exception be justified (e.g. self-sufficiency wages provided).

5. The occupations may be full-time or part-time permanent positions. *(Adopted by the Board of Directors 8-16-18; effective 8-16-18)*

6. OJT contracts may also be developed with registered apprenticeship program sponsors or participating employers in registered apprenticeship programs for the OJT portion of the registered apprenticeship.

7. A maximum of $10,000 may be reimbursed for OJT with wages not to exceed the regular wage for an individual doing the same type of occupation with similar skills.
   *(Adopted by the Board 5-18-17; effective 5-22-17)*

**Section 8: WIOA Youth Training**
WIOA out-of-school youth will have access to the statewide list of eligible training providers, known as the Eligible Training Provider System, and the use of Individual Training Accounts for training-related costs.

**Section 9: Follow-up Services**
1. Follow-up services for Adult and Dislocated Workers may include, but are not limited to:
   • Counseling about the workplace;
   • Career guidance;
   • Contact with the participant’s employer to facilitate communication and assistance with work-related issues;
   • Referrals to overcome barriers;
   • Services such as peer support groups to facilitate employment retention
   Follow-up services and the intensity of the services will vary depending on the need of the individual Adult or Dislocated Worker. Follow-up services must be offered within the first 30 days of last service and should occur at least monthly, to identify if assistance is needed for employment retention, wage gains and career progress. Follow-up services should be tracked in TWIST using the Follow-up codes and documented into TWIST Counselor Notes. *(Adopted by the Board of Directors 8-16-18; effective 8-16-18)*

2. Follow-up services for Youth, Adult, and Dislocated Worker is required for a minimum of 12 months. Follow-up services include, but are not limited to:
   • Regular contact with the participant’s employer to include providing assistance with work-related issues;
• Support services;
• Adult mentoring;
• Financial literacy and education;
• Labor market and employment information to include career awareness, career counseling and career exploration;
• Activities to assist youth participants in transitioning to post-secondary education

Follow-up services and the intensity of the services will vary depending on the need of the individual Youth participant. Follow-up should occur at least monthly to determine if additional assistance is needed and will be conducted in accordance with TEGL 21-16, to include subsequent issuances.

The following are instances when follow-up services may not be provided. They include but are not limited to:
• Participant has moved from the WSB area;
• Participant has been institutionalized;
• Participant declines to take part in follow-up services

Thorough explanation of the reason that follow-up is not provided must be entered into TWIST Counselor Notes.

In circumstances when a participant cannot be contacted or located after six attempts in a three-month period, and contact attempts are thoroughly documented in TWIST Counselor Notes, the case can be closed.

(Adopted by the Board of Directors 5-18-17; effective 5-22-17)

Section 10: Procedures
Contractor will develop procedures to operate the WIOA programs effectively and efficiently within federal, state and board policy and guidelines.

Subchapter 4.3 Unemployment

Section 1: Purpose
The purpose of the policies contained herein are to adhere to Texas Workforce Commission guidance provided through WD Letters, TA Bulletins, and other issuances. Should a conflict between Board policy and state guidance exist, state issuances will control.

Section 2: Job Search for Individuals Receiving Unemployment Insurance
1. In accordance with WD Letter 01-12, to include subsequent issuances, an annual review of the number of weekly job search contacts must be conducted. The following weekly job search contact requirements have been established by county:
   • A minimum of five weekly job search contacts must be made by people receiving UI benefits in El Paso County.
   • A minimum of two weekly job search contacts must be made by people receiving UI benefits in the counties of Brewster and Presidio.
   • A minimum of one weekly job search contact must be made by people receiving UI benefits in the counties of Culberson, Hudspeth and Jeff Davis.
2. Methodology for formulating the required number of work search contacts for the Workforce Solutions Borderplex area will, at a minimum, be based upon review of the following:
   • Unemployment rate by county based upon the most current quarter;
• Labor Force; and
• Number of relevant employment opportunities.

Section 3: Rapid Reemployment Services and Eligibility Assessment (RESEA)
1. Rapid Reemployment Services and Eligibility Assessment (RESEA) shall be provided in accordance with requirements and guidance set forth by the Texas Workforce Commission as stipulated in WD Letter 25-17; to include all six components as listed in the WD letter in which UI eligibility assessment and the individualized Employment Plans (EPs) are required to be completed in person. (Adopted by the Board of Directors 8-16-18; effective 8-16-18)

Section 4: Procedures
Contractor will develop procedures to operate RESEA effectively and efficiently within federal, state and board policy and guidelines.

Subchapter 4.4 Trade Adjustment Assistance (TAA)

Section 1: Purpose
The policies contained herein are designed to promote adherence to federal and state (TWC) regulations, rules and guidance for the TAA program to move Trade-certified workers into suitable employment, new jobs that meet 80 percent wage replacement goal, and to do so as quickly and effectively as possible. At any time should a conflict exist between federal or state issuances and board policy, federal or state issuances will supersede board policy.

Section 2: Delivery of TAA Services
1. All federal and Texas Workforce Commission (TWC) guidance, rules, regulations and issuances pertaining to TAA will be followed.
2. Promote the use of Workforce Innovation and Opportunity Act (WIOA) services to support rapid reattachment to the workforce.
3. Referral to prevocational and vocational training if suitable employment is not available.
4. Develop On-the-Job training (OJT) and customized training opportunities with employers offering jobs in occupations that meet the 80 percent wage replacement goal, including opportunities for participants to supplement OJT with remedial education as necessary before and during OJT. In accordance with TEGL 19-16 and subsequent issuances, WIOA funds may be used to reimburse employers up to an additional 25 percent for a co-enrolled TAA participant, to bring the total reimbursement to employers up to 75 percent to align TAA program benefits with WIOA flexibility that the Board has adopted in its WIOA OJT policy. (Adopted by the Board of Directors 5-18-17; effective 5-22-17)
5. Provide training that offers dual-language training programs as necessary to assist limited English proficiency (LEP) participants in achieving job readiness in a high-demand or targeted occupation with long-term employment opportunities.
6. Assist in job retention and career advancement.
7. Co-enrollment into other workforce programs is allowable and Support Services may be provided with non TAA workforce funds.
8. If the distance from residence to training site exceeds 25 miles one way, Boards must ensure that travel and/or subsistence costs are included in the cost of TAA training. Cost is based on the entire travel distance, not just
the distance over 25 miles as stipulated in WD letter 08-18. *(Adopted by the Board of Directors 8-16-18; effective 8-16-18)*

9. Benchmarks will be established and monitored for progress.

**Section 3: Procedure**
Contractor will develop procedures to operate the TAA program effectively and efficiently within federal, state and board policy and guidelines.

**Subchapter 4.5 SNAP Employment and Training**

**Section 1: Purpose**
To establish local policy for the delivery of Supplemental Nutrition Assistance Program Employment and Training (SNAP E&T) services in accordance with Texas Administration Code Chapter 813, Texas Workforce Commission (TWC) SNAP E&T Guide, TWC WD Letters to include but are not limited to 06-13, 27-10 and 0104, as revised or replaced. If at any time federal or state TWC guidance differs from Board policy, TWC federal and state guidance will supersede Board policy.

**Section 2: Delivery of SNAP E&T Services**

1. Services will be provided in compliance with all federal and state SNAP E&T regulation and rules, applicable TWC WD Letters, and the TWC SNAP E&T Guide.
2. Daily outreach of all Able Bodied Adults Without Dependents (ABAWD) will occur, to include those who appear on the Customer Load Exceptions tab in TWIST.
3. "No available transportation and the distance prohibits walking" is defined as a distance of two or more miles, with exceptions based on individual circumstances such as physical limitations, inclement weather, customer accompanied by children.
4. "No available job within reasonable commuting distance" is defined as greater than 50 miles one way to and from the work site. Distance is measured from the customer’s place of residence.
5. If formal or informal child care is not available within a 15-mile radius of work, home or anywhere between work and home, good cause will be granted if child care is needed to participate in SNAP E&T activities.
6. The TWC Non-financial Agreement template included in the TWC Supplemental Nutrition Assistance Program Employment and Training Guide may be used for workfare agreements. The Workforce Center Operator may develop a local workfare agreement provided all required elements and language are included.
7. Job search hours will be counted as two (2) hours per contact. If at any time TWC guidance regarding job search hours differs from Board policy, TWC guidance will supersede Board policy.

**Section 3: Procedures**
Contractor will develop procedures to operate the SNAP E&T program effectively and efficiently within federal, state and board policy and guidelines.

**Subchapter 4.6 Choices Program**

**Section 1: Purpose**
The purpose of the policies contained herein are to adhere to Texas Administrative Code, Chapter 811, and to assist individuals receiving Temporary Assistance to Needy Families (TANF) with services designed to aid the
family in achieving financial self-sufficiency. If at any time federal or state guidance differs from Board policy, federal and state guidance will supersede Board policy.

Section 2: Delivery of Choices Services
1. Choices service delivery will be provided in compliance with federal TANF regulations, Texas Administrative Code at Chapter 811, applicable TWC WD Letters, and the TWC Choices Guide.
2. Choices services will be provided in accordance with the Texas Workforce Commission (TWC) Choices rules — Chapter 811 of the Texas Administrative Code, TWC’s Choices Guide, and all other TWC Choices program guidance, using a work first model to assist customers in accessing the labor market, assisting customers (to include TANF applicants and conditional applicants) with obtaining employment and assisting former TANF recipients with job retention and career advancement. If at any time a conflict exists between federal or state issuances and board policy, federal or state issuances will supersede board policy.
3. Choices services strategies delineated in the Choices Guide are adopted; with local Choices service strategies to include:
   a. English and Spanish WOAs will be scheduled frequently enough to ensure TANF applicants and conditional applicants have the opportunity to attend within 10 calendar days of the date of a TANF eligibility interview.
   b. Assessment is on-going and may incorporate a needs assessment and/or interest and aptitude testing to assist with the assessment process.
   c. Each valid job search contact will be counted as one (1) hour of participation.
   d. Job search activities may be combined with job readiness or other appropriate activities as outlined in the family employment plan.
   e. The Eligible Training Provider Certification System (ETPS) and Individual Training Accounts (ITA) may be used for providing training services with TANF/Choices funds.
   f. One hour of homework time for each hour of class time may be counted, not to exceed the hours required or advised by a particular educational program. Confirmation of the required or advised number of homework hours must be obtained from the particular educational program prior to counting homework time as Choices participation.
   g. Subsidized employment is paid at no less than minimum wage, cannot exceed the wage rate the employer pays to employees with similar skills, experience and position, and will not exceed 40 hours per week. Subsidized employment may be subsidized in full or in part and is limited to the equivalent of a threemonth full-time placement per individual customer’s participation year. On a case-by-case basis, Workforce Center Contractor management may consider waivers to this limit based upon extenuating circumstances.
   h. On-the-job (OJT) training will be limited in duration, as appropriate, to the occupation being trained, taking into account the content of the training and prior work experience. Reimbursement of up to 50 percent of the wage rate for an individual for the extraordinary costs for providing OJT and increased supervision related to training is available.
   i. Employed customers will be made aware of post-employment services and the requirement to report employment hours. Hours will be obtained in a manner that is most convenient to the customer. Postemployment services will be made available in accordance with Choices rules. Choices participants and Choices eligible customers receiving post-employment services will be contacted no less than monthly.
   j. Unless specified within this policy, support services will be provided in accordance with Choices program rules and the Board’s support services policy. Individual Development Accounts are not authorized as a support service. Support services as a Choices post-employment service may be provided for up to three months based upon documented need and in accordance with Choices rules.
4. “Higher than Average Barriers to Employment” is defined as two or more of the following barriers:
   a. Basic Skills Deficiency
b. Limited English Proficiency
c. Lack of secondary school diploma or its equivalent
d. Lack of technical and/or professional occupational/vocational skills needed in the current job market
e. Lack of significant work history
Or one or more of the following barriers:
   a. Lack of resources to address issues such as family violence, housing, health (e.g. mental health, substance abuse, or disability), or caring for an individual with special needs
   b. Having a criminal record or experiencing problems with the criminal justice system.
5. A "timely and reasonable attempt at determining good cause" is defined as:
   • Contacting the customer by telephone. If a customer cannot be contacted by telephone when an attempt is made to determine good cause, an appointment letter must be sent. If the customer has a documented preferred method of contact that differs from telephone contact, that method may be utilized in accordance with the Choices Guide.
6. For good cause purposes, "no available transportation and the distance prohibits walking" is defined as a distance of two or more miles, with exceptions based on individual circumstances such as physical limitations, inclement weather, customer accompanied by children.
7. For good cause purposes, "no available job within reasonable commuting distance" is defined as greater than 50 miles one way to and from the work site. Distance is measured from the customer's place of residence.
8. For good cause purposes, "inability to obtain needed child care" is defined as formal or informal child care within a 15-mile radius of work, home or anywhere in between work and home.
9. The Choices Guide Notice of the Right to Alternative Services for Choices Individuals is adopted for use with the following definitions applied: “Reasonable period of time” is defined as three business days from the date a customer requests an alternative provider, and “Reasonably accessible” is defined as a distance of 25 miles one way from the customer’s home.

Section 3: Procedures
Contractor will develop procedures to effectively operate the Choices program and implement board policy. Procedures will include, but are not limited to:
   a. procedure for learning employer needs, identifying Choices participants who have sufficient skills and abilities to be successfully linked with employment, and matching the skills of the Choices participant pool to the hiring needs of local employers;
   b. procedure for notifying applicants and conditional applicants – in conjunction with HHSC – of the availability of regularly scheduled WOAs and alternative WOAs;
   c. procedure that delineates how staff will notify HHSC of applicants and conditional applicants who contacted a Workforce Solutions Office to request alternative WOAs;
   d. procedure to ensure services are concentrated on Choices-eligibles approaching their state or federal time limit;
   e. procedure for ensuring a timely and reasonable attempt at good cause is made;
   f. procedure for determining if a family is unable to obtain child care;
   g. procedure for post-employment services;
   h. procedure for customer contact and evaluating customer progress towards goals and objectives set forth in the family employment plan; and
   i. procedure for implementing the best practices outlined in the Choices Guide located at B-1109.
Subchapter 4.7 Non-Custodial Parent Choices (NCP) Program

Section 1: Purpose
The purpose of the policies contained herein are designed to align with the Texas Workforce Commission’s guidance for operation of the NCP program and to assist NCP customers in their efforts to obtain and retain employment to meet their child support obligations. Should Board policy conflict with TWC issuances, TWC issuances will control.

Section 2: Delivery of NCP Program Services
1. NCP services will be provided in accordance with the Texas Workforce Commission (TWC) NCP Choices: A Comprehensive Guide, the TWC NCP Choices TWIST Quick Reference Guide, applicable TWC WD Letters and other TWC issuances.
2. Job search contacts will be counted as two hours per contact.
3. Work experience and community service are time-limited; not to exceed one month. On a case-by-case basis, Workforce Center management may waive the time limit based upon extenuating circumstances.
4. Subsidized employment is paid at no less than minimum wage, cannot exceed the wage rate the employer pays to employees with similar skills, experience and position, and will not exceed 40 hours per week. Wages may be subsidized in full or in part and is limited to the equivalent of a three-month full-time placement per individual customer's participation year. On a case-by-case basis, Contractor management may consider waivers to this limit based upon extenuating circumstances.

Section 3: Procedures
Contractor will develop procedures to effectively and efficiently operate the NCP program within state and board policy and guidelines.

VOLUME THREE: ADMINISTRATION MANUAL
CHAPTER ONE: General Administrative Policy
Subchapter 1.1: Marketing and Communications Standards

Section 1: Purpose
To communicate the required marketing, design, guidelines and communication standards, to include Equal Opportunity information. By adopting this policy, the Board of Directors ensures compliance with the Texas Workforce Commission requirements, as outlined in WD Letter 03-07, to brand all Texas workforce boards as “Workforce Solutions,” and with R4FMB No. 02-10 issued by the U.S. Department of Labor on March 11, 2010, WD Letter 17-10, to include subsequent issuances and 29 CFR 37.34(a) and U.S. Department of Labor American Job Center brand in Training and Employment Guidance Letter No. 36-11, Tool Kit available at http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=7695.

Section 2: Logos and Taglines
1. The following logos at “a” and “b” shall be used for the Workforce Solutions Borderplex, Inc. and the American Job Center Network respectively.
   a.
2. “Workforce Solutions Borderplex A proud partner of the American Job Center network” is the official name of workforce centers, business services and child care services in the region. The managing contractor(s) will publicly identify itself as Workforce Solutions Borderplex A proud partner of the American Job Center network when communicating with customers and potential customers, employers and in all community outreach activities.

3. All advertising, external marketing, and public materials created by Workforce Solutions Borderplex contractors must be approved by administrative staff prior to use.

4. Workforce Solutions Borderplex contractors must use the logos (a. and b.) on their written correspondence and marketing materials.

5. Business cards must include the logo along with the address and telephone number of the contractor.

6. Advertising, external marketing, and public materials of Workforce Solutions Borderplex will include the approved Equal Opportunity tagline, in accordance with federal and state requirements. The approved Equal Opportunity tagline is:

   A proud partner of the American Job Center network

Equal Opportunity Employer/Program. Auxiliary aids and services are available upon request to individuals with disabilities. Relay Texas: 711 (Voice) or 1-800-735-2989 (TTY) Igualdad de oportunidades de Empleo/Programas. Equipo auxiliar y servicios de apoyo están disponibles para personas con discapacidad al ser requeridos. Relay Texas: 711 (Voz) o 1-800-735-2989 (TTY)

Section 3: Contractor Logos

1. Contractors may use its organization or corporate name and logo on Workforce Solutions Borderplex material, such as stationary, business cards, brochures, advertising and marketing materials, if the material is paid for with funding separate from Workforce Solutions Borderplex-contracted funds. Contractors must provide written notice to the Board’s Executive Office of their intent to advertise their business name at least 30 days in advance of such advertisement. Written notice must include the source of funding to be used when advertising the business name and an attestation that no Board-funding will be used for such advertising.

2. Board-funding cannot be used for:
   • Displaying a contractor’s business name and/or logo on materials used in performing contracted duties;
   • Replacing the contractor’s unused advertising materials; and
   • Removing the contractor’s business name and/or logo from signage remaining on Workforce Solutions Borderplex premises.

Therefore, once a contract expires/terminates or is not renewed, contractors who have chosen to advertise their business name and/or logo will be charged for:
• Costs associated with replacing unused material containing the outgoing contractor’s business name and/or logo; and
• Removing the outgoing contractor’s business name and/or logo from signs designed to remain on Workforce Solutions Borderplex premises.

3. Contractors may use its organization or corporate name and logo in an activity or business that is not related to Workforce Solutions Borderplex.

Section 4: Communication with the Media
1. The Board Chair and the Chief Executive Officer are the only people to address the public or media in matters pertaining to the Board, staff and working relations with Board contractors.
2. In the event that the Board Chair or Chief Executive Officer is unavailable, designated Board staff will be contacted through the Board’s Executive Office to make public or media comment.
3. Individual Board Members cannot comment on behalf of the Board on any matter to the media.
4. Workforce Solutions Borderplex contractors must direct any media requests for comment to the Board’s Executive Office.

Section 5: Failure to Comply
1. Contractor’s failure to comply with these guidelines and standards will result in the following action:
   • First violation will result in a written warning that will include corrective action to be taken. Contractors will notify administrative staff in writing once the corrective action has been completed.
   • Second violation will result in a fine up to $5,000, based on the severity of the violation, which will be deducted from the contractor’s administrative funds.
   • Third violation will result in a fine up to $10,000, based on the severity of the violation, or up to 1% of the total amount of the contract which will be deducted from the contractor’s administrative funds. The contractor may also be placed on probation or result in a recommendation for termination of the contract.
2. Contractors who are assessed fines will not be allowed to modify contract budgets by increasing administrative funds to offset the fine.

Section 6: Advertising and Public Relations Costs
6. Sufficient documentation must be maintained for advertising and public relations costs in order to demonstrate allowability of such costs. Documentation must demonstrate:
   • The purpose or intent of the activity;
   • How the activity is necessary to the grant;
   • That the cost for the activity is “reasonable;”
   • What specifically is included in the cost; and
   • That a fair share was allocated to the grant, when appropriate.

Section 7: Procedures
1. Detailed marketing and communications procedures may be found in the Standard Operating Procedures section of this volume.

Subchapter 1.2: Record Retention
1. Records will be retained in accordance with State and Federal requirements and the Texas Workforce Commission’s Financial Manual for Grants and Contracts (FMGC), Appendix K.
2. Generally, records are to be retained for the period beginning at the start of the current fiscal year plus three years from the end of the previous period year. Files pertaining to an active audit, questioned costs or litigation, may be held for the periods covered by the activity. Upon resolution of the activity, records will revert to the regular schedule and will be stored or destroyed according to their time period.

3. Detailed record retention procedures may be found in the Standard Operating Procedures section of this volume.

Subchapter 1.3: Complaints and Resolution

A. Non-Discrimination Complaints

1. Customers will be notified in writing of any adverse action and are provided with information of their appeal rights and their right to file a complaint regarding workforce services.

2. All complaints, hearings, and appeals will follow due process, which will include the elements described below.

2.a. Submissions

1) A complaint may be submitted by Texas Workforce Center customers; other interested individuals affected by the One-Stop Service Delivery network, such as subrecipients and eligible training providers; and previously employed individuals who believe they were displaced by a Texas Workforce Center customer participating in work-based services in accordance with Texas Administrative Code Title 40, Part 20, Chapter 823, Subchapter B, 823.10.

2) Complaint shall be in writing, to include electronic submission.

3) Complaint shall be filed within 180 days of the alleged violation.

4) Complaint shall include the party’s name and current mailing address; and a brief statement of the alleged violation, including facts which are the basis of the complaint.

5) The Board will maintain a complaint log and all complaint related materials in a secure file for a period of three years.

6) Each Board shall ensure that information about complaint procedures is provided to individuals, eligible training providers, and subrecipients. The information provided shall be presented in such a manner as to be understood by the affected individuals, including youth, individuals with disabilities, and individuals with limited English proficiency. This information shall be:
   a) posted in a conspicuous public location at each Texas Workforce Center;
   b) provided in writing to any customer;
   c) made available in writing to any individual upon request; and
   d) placed in each Texas Workforce Center customer's file.

2.b. Determinations

1) Determination affecting the type and level of services to be provided by the Board or its designee shall be promptly provided to any person who is directly affected, to include the following information:
   a) brief statement of adverse action;
   b) mailing date of the determination;
   c) explanation of the individual’s right to appeal;
   d) procedures for filing an appeal to the Board, including applicable timeframes as required in Chapter 823.3;
   e) right to have a hearing representative, including legal counsel; and
   f) address or fax number to send the appeal.

2) Training providers shall have the opportunity to appeal a determination related to:
   a) denial of eligibility as a training provider under WIOA §122(b), §122(e);
b) termination of eligibility as a training provider or other action under WIOA §122(f); or
c) denial of eligibility as a training provider of on-the-job or customized training by the operator of a Texas workforce Center under WIOA §122(h).

2.c. Appeals
1) A person who receives a determination from the Board or a Board designee may file an appeal with the Board requesting a determination review.
2) The appeal must be submitted in writing.
3) The appeal must be filed within 14 calendar days of the mailing date of the determination, and include the party’s proper mailing address.

2.d. Board Informal Resolution Procedure
1) Board shall provide the opportunity for an informal resolution of a complaint or an appeal.
2) Informal resolution may be provided through informal meetings between involved parties; a second review of the case; telephone or conference calls to affected parties; in-person interviews with affected parties; or written explanations or summaries of laws/regulations concerning the complaint.

2.e. Board Hearings
1) If informal resolution results in a final agreement between parties, no hearing shall be held.
2) If no final agreement is reached in the informal resolution procedure, Board shall provide the opportunity for a hearing.
3) Either a final agreement resulting from informal resolution or a hearing and Board decision shall be completed within 60 calendar days of the original filing of the appeal or complaint.
4) The Board shall allow an individual alleging a labor standard violation to submit a complaint to a binding arbitration procedure if there is a collective bargaining agreement that provides for it.
5) A decision by a Board hearing officer, stating the results of the hearing, including findings of fact and conclusions of law, shall be mailed to the parties within 60 calendar days of the filing of the appeal or complaint. The document shall provide information as to the appeal rights of the parties.
6) If a Board decision is not mailed within the 60-calendar day timeframe, or if any party disagrees with a timely Board decision, a party may file an appeal with TWC.
7) A written appeal needs to be filed with TWC Appeals, Texas Workforce Commission, 101 East 15th St., Room 410, Austin, Texas 78778-0001, within 14 calendar days after the mailing date of the Board’s decision.
8) If the Board does not issue a decision within 60 calendar days of the original appeal or complaint filing date, an appeal must be filed to TWC no later than 90 calendar days after the original appeal or complaint filing date.

B. Discrimination Complaints
1. The board adopts the EO complaint processing procedures as prepared and presented by TWC in WD Letter 18-07 Attachment 1, to include subsequent revisions or replacements. Processing of EO/discrimination complaints will be in accordance with the procedures, including the timeframes prescribed by TWC and the U.S. Department of Labor.
2. Retaliation is prohibited against an individual because he or she has either opposed an unlawful discriminatory employment practice; opposed an unlawful discriminatory non-employment practice; or made a complaint, testified, assisted or participated in an inquiry.
3. Due process and the following elements will be followed.
   3.a. Designated Staff
1) Board contracted service providers, defined in this policy as the career center operator, child care services operator, the business services operator and others as notified, shall designate an individual to serve as customer service liaison to coordinate the responsibilities as assigned by the Board in reference to complaint issues. In an effort to prevent a conflict of interest or appearance of a conflict of interest, the designated individual shall not be a human resources staff person. Responsibilities include, but are not limited to, serving as the service provider's liaison with the board, including the implementation of the TWC's Methods of Administration.

2) In cases where service providers operate multiple locations, customer service liaisons and alternate customer service liaisons shall be designated as points of contact, to receive complaints during regular business hours at their respective locations, (i.e. the career center's full-service centers and satellites, and the child care service provider's administrative offices).

3.b. Discrimination Complaint Processing

1) Customer service liaisons are not to provide legal advice, or coerce customers. They are to attempt resolution of workforce system issues before customers request to submit a formal complaint. If an individual requests to submit a discrimination complaint, customer service liaisons will provide assistance, in accordance with TWC's *Texas Workforce Solutions Discrimination Complaint Procedures*.

2) All individuals alleging equal opportunity violations against employers outside of the workforce system (employer not listed with WorkInTexas) are to be referred directly to the local Equal Employment Opportunity Office.

3) Customer service liaisons will record discrimination complaints on the discrimination complaint log, as per instructions in the *Texas Workforce Solutions Discrimination Complaint Procedures*, WD Letter 18-07, Attachment 1, and submit same to Board's EO officer on a quarterly basis.

4) Both the Board's EO officer and the service provider's customer service liaisons will retain complaint records and logs for no less than three years from the date of disposition of the complaint. Service providers shall obtain clearance from the Board's EO officer prior to destruction of records and logs.

5) All discrimination complaints will follow due process as set forth in the Texas Workforce Solutions Discrimination Complaint Procedures.

3.c. Alternative Dispute Resolution (ADR)

1) ADR is an option available to complainants.

2) Should ADR be elected, it will be carried out in accordance with the Board’s written ADR procedures.

3) EO Officer will adhere to timeframes set forth in the *Texas Workforce Solutions Discrimination Complaint Procedures*, WD Letter 18-07, Attachment 1, to include subsequent issuances or revisions.

Subchapter 1.4: Procurement

A. Procurement and Purchase Methods

Section 1: Purpose

The purpose of this Procurement Policy is to establish guidelines and standards for Workforce Development Board (WDB) staff members when procuring goods and services. This includes providing for full and open competition, soliciting and evaluating bids, negotiating, completing due diligence towards fair and reasonable pricing, awards, monitoring, and maintaining the highest level of ethical standards when dealing with vendors, suppliers and contractors. Where the policy does not clearly answer or provides guidance to an issue, the Texas Workforce Commission's Financial Manual for Grants and Contracts will be followed.
Section 2: Procurement Policy
1. The Board will procure the required products and services to perform its mission through one of three methods: 1) micro and/or small purchase; 2) competitive negotiation, or 3) State of Texas Cooperative Contracts.
2. The purchasing thresholds represent limits for the total purchase amount of similar goods and services by all departments in the aggregate, or in total, as a whole amount of the contract.
3. “Separate”, “split”, or “sequential” purchases of goods or services made separately and/or over a period of time that in normal purchasing practices would be purchased as a group or whole in one transaction is a violation of state law and Board policy.

Section 3: Roles and Responsibilities
1. The User Department determines the dollar amount of estimated expenditures and in consultation with the Procurement Department, will select the desired method of purchasing based on the dollar amount and amount of flexibility desired.
2. The User Department provides detailed and accurate specifications to the Procurement Department. The solicitation will be developed and advertised. The majority of the bidding process is overseen by the Procurement Department until an award is ultimately made. Upon award, the Purchase Order is issued by the Procurement Department and delivery of goods and/or services is initiated by the vendor upon receipt.
3. Certain aspects of contract maintenance such as authorizing price escalations, ensuring insurance is updated, issuing cure letters for vendor non-compliance, etc. is the responsibility of the Procurement Department. Other contract maintenance items, such as routine or periodic management of the service components of the bid, including price verification, service delivery, adherence to scope, schedule and budget, remain with the User Department.
4. User Departments are never authorized to incur services or to purchase goods over $3,000 without the appropriate authorization (i.e., a Purchase Order issued by the Procurement Department).
5. No member of the Procurement and Contracts Department shall be a part of any evaluation team for any RFP/RFQ. The Procurement and Contracts Department shall only evaluate the responsiveness section of any RFP/RFQ.

Section 4: Purchasing Thresholds
All requisitions submitted must have back-up documentation and proof of due diligence as part of the requisition. When working with vendors on quotes be mindful of the following thresholds:

1. Micro-purchases: Aggregate amount under $3,000
Goods or services under $3,000.00 in the aggregate are considered “micro-purchases” and are not required to be entered as requisitions. Quotations from potential vendors are recommended as part of the User Departments due diligence. These items can be ordered, received, invoiced and paid via a procurement card (P-Card) or a direct voucher method if the vendor does not accept the P-Card. Micro-purchases must be made based on the price being reasonable. Reasonableness is determined on information such as research, experience, prior purchases, or other information. The basis (e.g. research, experience, purchases, or other information) used to determine price reasonableness of a purchase should be noted in support documentation, or specified by the Procurement and Contracts vendor comparison sheet (updated annually every Fiscal Year beginning).

2. Small Purchases: Aggregate amount of $3,000.01 - $150,000.00
The small purchase method of procurement will be used for purchases of products or services with an aggregate cost of less than $150,000.00. Every reasonable effort will be made to obtain price or rate quotations by phone, fax, email and/or prospective vendor’s web sites. A minimum of three vendors will be contacted to ensure reasonable competition.
3. Competitive Proposals: Aggregate amount of $150,000.01 or more
   a. When more than one source is expected, the competitive negotiation method of procurement is also generally referred to as Request for Proposal (RFP) or Request for Qualifications (RFQ). The RFP/RFQ procurement process shall be utilized when purchases or services are anticipated to have an aggregate cost greater than $150,000.
   b. The WDB will develop a solicitation document that specifies a detailed scope of work, including geographic area to be served, timeline for product or service delivery, and deliverable results or actions, and allows prospective bidders to understand the expectations of the solicitation in order to maintain a fair and equitable competitive process.
   c. The issuance of a RFP or RFQ does not guarantee a contract or commitment from the WDB.
   d. At a minimum, competitive solicitations should be posted for at least 21 to 30 days from the first day of advertisement of a bid. More complicated solicitations take longer for vendors to respond and therefore may require a longer posting period.

Section 5: Informal vs. Formal Solicitations
1. The dollar amount will determine whether the purchasing process will be an informal or formal one. Final determination of the appropriate procurement method will be made by the Procurement Department on a case-by-case basis before beginning work.
   a. **Informal** – The standard criterion of an informal bid is low cost and is considered a “one-time” purchase. The informal bid invitation is accompanied by detailed requirements, specifications (such as items and quantities) and notification to submit bid responses by a specified time. The informal bid is not required to be sealed.
   b. **Formal** – Purchases over $3,000 that require quotes or competitive proposals as described below. A formal solicitation can be completed in of several formats such as Low Bid, Best Value, Request for Proposals, and Request for Qualifications.

Vol. 3, Ch. 4, Sec. 4.1, Procurement for micro purchasing was adopted in June 2017 and made effective 7-27-2017.

Section 6: Types of Solicitations
1. **Low Bid** – Low bids are appropriate for simple purchases on a cost benefit basis and where price is the determinate factor.
2. **Best Value** – Best value procurements are those for goods and services other than goods or services where price is not the determinate factor. Other factors to be considered in determining best value, aside from price, can be reputation of the bidder and of the bidder's goods or services, the quality of the bidder's goods or services, the extent to which the goods or services meet the WDB's needs, the bidder's past relationship with the WDB, the impact on the ability of the WDB to comply with laws and rules relating to contracting with historically underutilized businesses and non-profit organizations employing persons with disabilities, the long-term cost to the WDB to acquire the bidder's goods or services, and any relevant criteria specifically listed in the request for bids or proposals. For services where price is not the determinate factor, the WDB may select a vendor on the basis of demonstrated competence and qualifications to perform the services at a fair and reasonable price.
3. **Request for Proposals** – A RFP is an invitation to suppliers to submit business proposals on a specific product or service, generally for professional services. The Request for Proposal shall include, at a minimum:
   a. A brief description of the Board and the geographic area and/or location(s) to be served;
   b. purpose and the objective of the proposal;
c. proposal content and instructions for submittal, including resumes, forms, examples of similar previous work, etc.;

d. criteria for evaluation and weight to be used in evaluating the proposals;

e. duration of contract;

f. compliance with State or federal regulations;

g. Scope of Work.

5. **Request for Qualifications** – RFQ solicitations focus on the qualifications of the potential providers. Primary qualifications include experience of key staff, relevant past experience of the company and client references. State and federal statutes are very specific on what falls into this category. Under the Professional Services Act, a Request for Qualifications (RFQ) must be initiated to acquire professional services. In a two-part solicitation process, an RFQ is solicited, followed by a price quote that is solicited only to a smaller number of qualified firms for a specific project.

5. **State of Texas Cooperative Purchasing Contracts**

   In accordance with Texas Government Code Section 791.025, for purchases over $3,000 but less than $150,000, the Workforce Development Board, as an extension of a State Agency-Texas Workforce Commission, is eligible to utilize the following State agency term contracts. These goods or services have already been procured through a State procurement agency and process and therefore are considered the lowest price available at the time. The contracts have previously met competitive bid requirements and include a pre-authorized list of vendors:

   a. Texas Department of Information Resources (DIR); and
   b. Texas Building and Procurement Commission (TBC) Cooperative Purchasing Program
   c. Texas Procurement and Support Services (TPASS)
   d. TXMAS
   e. Other interlocal agreements with specific governmental agencies for specific purchases.

**Section 7: Bidders Conference**

Bidders conferences are not a mandatory requirement for any RFP’s or RFQ’s that are issued. The WDB reserves the right to determine the necessity for the bidder’s conference. The Bidders Conference will be conducted by staff who will explain contents of the procurement package, explain scope of work, timeline and deliverables and respond to questions from guests. A guest log and all questions asked and answered will be recorded and made publicly available on the WDB website.

**Section 8: Special Purchases**

1. **Technology and Software**

   a. The IT Department must approve all technology purchases including computers and computer related equipment, software, systems, audio/visual technology, communications equipment, and telephones. The demonstration of a software product by the vendor must be made at a meeting in which representatives from the User Department, IT Department and Procurement Department are present.

   b. Purchases for technology commodities, equipment, software and services may be made utilizing the Department of Information Resources Cooperative Contract method as described above. For goods or services and/or suppliers not on the DIR, the appropriate competitive method must be adhered to as described above.

2. **Sole Source**

   a. Sole source purchases are goods and services available from only one supplier, and therefore, competition (bidding) is precluded by the existence of a patent, copyright or secret process. A notarized affidavit and/or letter explaining the reasons why this purchase or vendor is qualified sole source must be provided by the manufacturer. The letter must specify the exclusive capabilities of the vendor or the unique
capabilities and/or personnel they have to perform the work, and why this is the only source/service available (i.e., exclusive).

b. A sole source justification cannot be based on price and the purchase request must be based on the requestor’s research and evaluation of the requested product/services and its availability from only one source or lack of availability from multiple sources/brands.

3. Receipt of Offers or Proposals
   a. All offers or proposals received in response to a solicitation will be handled in a secure manner. The offers will be kept in a secure location with limited personnel access. A receipt will be time and date stamped by the person receiving the offer or proposal.

Section 9: Formal Advertisement of Procurements
1. All formal competitive procurements will be advertised by publishing a notice on the Workforce Board website and/or in the local newspaper. The notice of solicitation will include the following:
   a. Where and how to obtain an RFP package;
   b. Deadline for submitting a bid or proposal;
   c. Date of bidder’s conference (if applicable);

Section 10: Debriefing
Debriefings will be provided only for RFPs and RFQs and only upon receipt of a written request to the Procurement Department within five (5) days after the date of award. Debriefings will include representatives from the User and Procurement and Contracts Departments.

Section 11: Price and or Wage Increases
If there is no escalation clause in the bid, then there is no possibility of escalating the bid price during the course of the contract. Likewise, if there is no clause about increasing the bid price for labor due to the federal minimum wage increases, then the hourly rate quoted in the bid cannot be increased.

Section 12: Tax Exempt
As a non-profit organization, the WDB is exempt for sales or use tax on any good or service purchase.

Section 13: Ethics
Workforce Development Board employees must discharge their duties impartially so as to assure a fair and competitive process for all procurements. It shall be a breach of ethics for any Workforce Development employee to participate directly or indirectly in a procurement when:
   a. The employee or any member of the employee’s immediate family has a financial interest pertaining to the procurement;
   b. A business or organization in which the employee, or any member of the employee’s immediate family, has a financial interest pertaining to the procurement; or
   c. Any other person, business or organization with whom the employee or any member of the employee’s immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement;
   d. Any payment, gratuity or offer of employment to be made by or on behalf of a contractor for the WDB as an inducement for the award of the contract;
   e. Any employee knowingly utilizes confidential information for actual or anticipated personal gain, or for the actual or anticipated gain of any person;
   f. Any employee utilizes the purchasing power or tax exempt status of the WDB to make a personal purchase for themselves or any other person, despite the intent to reimburse the WDB.
Section 14: Cone of Silence
1. A “Cone of Silence” is imposed upon each RFP, RFQ, or bid after advertising. The Cone of Silence prohibits communications regarding RFPs, RFQs or bids between potential vendors, service providers, bidders, lobbyists, consultants, subcontractors, and WDB board members and/or staff to attempt to influence the purchasing decision. Violation of the Cone of Silence by any proposer or bidder shall render that proposer’s or bidder’s RFP, RFQ or bid award voidable.
2. The Cone of Silence does not apply to oral communications at Bidder’s Conferences, oral presentation before selection committees, and contract negotiations.

Section 15: Approval Authority and Procedure
1. Micro-purchases (up to $3,000.00) and payments to vendors up to $25,000 may be made utilizing the P-card, depending on the limits imposed on individual users, and shall be made in accordance with the process thresholds set forth in this policy. Micro-purchases up to $3,000.00 not paid via the procurement card must be requested via a direct voucher approved by the Department Head.
2. Requisitions for purchases over $3,000.00 shall be completed electronically via the Sage Accounting System. The requisition shall include the purpose and necessity of the purchase and be accompanied by backup documentation including the quotes, descriptions, and any additional information relevant to the purchase. The requisition shall be routed for approval based on the following types and thresholds:
   a. Purchases over $3,000.01 but less than $25,000.00 must be submitted by the Department Head, or designee, approved by the Comptroller, and routed to the Procurement Department for processing.
   b. Purchases over $25,000.01 but less than $150,000.00 must be submitted by the Department Head, or designee, and approved by CEO or his/her designee, and routed to the Procurement Department for processing.
   c. Purchases or agreements over $150,000.01 in the aggregate shall be presented to the CEO for approval. Upon approval by the CEO, the Department Head, or designee, must submit the requisition and route to the Procurement Department for processing.
   d. Purchases over $1,000,000.00 in the aggregate shall be presented to the Board of Directors or the Executive Committee for approval. Upon approval, the CEO shall sign and execute the contract and forward to the Procurement Department for processing.
   e. In the absence of the Department Head, Comptroller or Contract Administrator, the COO and the CEO may override the electronic requisition process and provide final approval for all purchases under $1,000,000.
   f. In accordance with the Partnership Agreement, the Chief Elected Official will be notified of purchases over $2,000,000.00.

Section 16: Reporting
Contracts over $250,000.00 will be reported to the Board of Directors at a regular public meeting of the Board or Committee.

Section 17: Authority
41 U.S.C. §403(111; 7 CFR §3015.180i 29 CFR §97.36(d)(1); UGMS Part III 4.36(d)(1); 45 CFR §92.36(d)(1)
B. Procurement Card

Section 1: Purpose
The purpose of the Procurement Card Program is to facilitate the requisitioning, purchasing and payment of generally small dollar transactions. The program is designed to reduce the administrative process time related to purchase requisitions, purchase orders, and check processing to expedite payment.

Section 2: Definitions
P-Card P-Card, otherwise known as procurement card is the credit card that will be used to make the purchases. Micro-purchases Procurement transactions in the amount of $3,000.00 or less that would otherwise be processed through a purchase order or check.
Authorized Cardholder/User The individual employee authorized by the WDB to make purchases using the P-Card.

P-Card Approver The individual employee authorized by the Comptroller to approve statements and manage the P-Card program within that department.

P-Card Administrator The Comptroller or his/her designee in the Finance Department responsible for setting up authorized users and maintaining limit amounts on the P-Card. This individual also handles the posing of the monthly P-Card transactions.

PCM Form P-Card Account Maintenance Form used to request initial set-up for P-Card users and for any changes thereafter to cardholder. This form is required to be completed, signed and submitted to the P-Card administrator in order to make changes to the P-Card user account.

Section 3: Use of P-Card
1. The establishment of the P-Card system does not circumvent the current purchasing policies and procedures already in place. It is designed to be used to expedite small dollar transactions and complement the current procurement system.
2. The P-Card can be used at any valid merchant that accepts Visa, except as the WDB directs. It may be used for in-store purchases, as well as by online, phone or fax purchases.
3. Each authorized user will be issued a P-Card in his/her own name. The P-Card shall only be used to conduct business on behalf of the Workforce Development Board and will not be used for any personal purpose of any type. The authorized user is the only individual that may use the P-Card issued to him/her and the card cannot be transferred from one employee to another. This card shall only be issued to permanent employees of the WDB unless authorized by the Chief Executive Officer.
4. Each individual user is responsible for the security of their assigned card and any purchase on their account. In the event of a lost or stolen card or fraudulent transactions, the authorized user must report it immediately to the P-Card administrator.
5. Each department must ensure that there is a budget established for all expenditures associated with the P-Card prior to any purchase being made. Each department is responsible for their budgetary limits.
6. Each P-Card has an assigned credit limit and there may be additional limits placed on each individual card including single transaction limits, merchant and category use limits. A purchase may not be split in order to avoid the single transaction limit. Multiple small purchases from a single vendor or to purchase a common good or service, when aggregated over a period of time, and are expected or anticipated to exceed $3,000.00 are prohibited, as it is inappropriate to use the P-card to circumvent the $3,000.00 micro-purchase threshold. Department Heads may request lifting of individual limits for special or isolated events.
7. Individuals violating the policies and procedure established under this P-Card Commercial Card Program could be considered a misappropriation of funds and may result in revocation of card privileges or other disciplinary action up to and including termination of employment. The WDB may require individuals found
to have violated the P-Card policy to reimburse the WDB for unauthorized purchases made with the P-card. Failure of the individual to reimburse the WDB for unauthorized purchases upon request may result in possible permanent revocation of the P-card privilege, garnishment from their paycheck, and/or subject to disciplinary action up to suspension or possible termination. Employees that exhibit a pattern of mistakes in utilizing the P-card for personal expenses, regardless of compliance with reimbursement, will result if permanent revocation of their P-card privilege.

**Section 4: Receipts**
All receipts from any P-Card purchase must be maintained and scanned/filed with the monthly statement, including receipts for returns or credit memos. Receipts in original soft copy form (ex: via email) do not have to be printed and may be saved and attached as backup. Receipts for technology must include serial numbers for items purchased. Photos of receipts are not acceptable. In the absence of a receipt the cardholder will be responsible for the expense, and a reimbursement to WDB must be submitted within 7 business days from the closing of the cycle.

**Section 5: Unauthorized Purchases**
The purpose of the P-Card program is to facilitate the purchase and payment of generally small dollar transactions. Rather than list all authorized purchases, below is a description of purchases that are strictly prohibited by the WDB:

- Items for personal use (despite the intent of the employee/user to reimburse the WDB)
- Any single transaction exceeding $3,000.00 unless specifically authorized
- Cash withdrawals
- Pre-paid phone cards, pre-paid cell phone service
- Country club and/or fitness club memberships
- Alcohol
- Multiple purchases from a single vendor or to purchase a common good or service, when aggregate is expected or anticipated to exceed $3,000.00

As with any WDB purchase, the P-Card is not to be used for any product, service or with any merchant considered to be inappropriate for WDB funds.

**Section 6: Payment**
1. Unlike personal credit cards, the WDB P-Card program is handled as a corporate liability. An individual user’s personal credit history has not been taken into account when a card is issued in their name. The WDB Finance Department is responsible for paying the program invoice(s) each month. An individual user is not responsible for payment under their account; however, each individual user accepts responsibility for full compliance to the P-Card Program Policy.
2. An original receipt must be obtained for all goods and services purchased with the P-Card. If receipts are not collected and maintained with the monthly statement, the individual user may be held personally liable for the purchase(s). *For further information reference Section 4 “Receipts”.*

**Section 7: Reconciliation**
A monthly statement will be emailed to each individual user from the Commercial Card Expense Report (CCER). On a monthly basis, each cardholder must reconcile the statement per the online process and timeline established by the Finance Department.
Section 8: Use of P-Card for Travel
The P-Card is the preferred method of payment for travel related expenses and in accordance with Subchapter 1.6 below. Only authorized users may use the P-Card for travel related expenses including hotel, airfare and registration costs. All trips must be approved prior to the departure and all expenses made with the P-Card must be in accordance with the WDB’s Travel Policy. Per-diem should be paid utilizing the Out-of-Pocket module prior to the travel date. For further information reference Subchapter 1.6, Section 3.3.

Section 9: Out-of-Pocket Expenses
The P-Card system will allow authorized users to be reimbursed for out-of-pocket expenses such as mileage or other expenses made via cash-only vendors by linking their personal checking/savings account information into the P-Card system. Approved mileage logs and/or original receipts must be provided with the monthly statement. In the event an out-of-pocket payment is not processed, an employee may request an ACH payment.

Section 10: Sales and Use Tax
As a non-profit organization, the WDB is not liable for State of Texas sales tax on any good or service. As such, the WDBs Tax Exempt number is listed on each card. The authorized user must request of the vendor to not assess tax at the time the purchase is made. If sales tax is assessed, the user is responsible for having the merchant/supplier issue a credit memo the P-Card account.

Subchapter 1.5 Open Records

Section 1: Purpose
The purpose of the Open Records Request Policy is to document the procedure for responses to Open Records Requests. This policy applies to the handlings of any requests made by a member of the public pursuant to the Texas Public Information Act, Chapter 552 of the Texas Government Code, which commonly referred to as the Texas Open Records Act (hereinafter referred to as the “Public Information Act.”

Section 2: Access to Records
1. Regular business hours of Workforce Solutions Borderplex (Workforce Development Board) is Monday through Thursday, 7:00 am to 6:00 pm; closed Fridays, Saturdays, and Sundays, and most holidays. Requests for public information made electronically during any day other than a regular business day will be acknowledged within 24 hours or the next business day.
2. The Workforce Development Board enforces this policy in all aspects in accordance with the Texas Open Records Act.
3. Requests for public information must be made in writing through any of the following methods:
   • In person at Workforce Development Board Administration Office only – 300 E. Main, Suite 800, El Paso, TX 79901. Requests submitted at any Workforce Development Board job center, remote location, or offsite event, will not be considered officially received by the Workforce Development Board.
   • Via email to OpenRecordsRequests@borderplexjobs.com;
   • Online form found at www.borderplexjobs.com

Section 3: Exceptions
The following information is considered confidential by the Workforce Development Board. Any requests for any information in any of the following categories will be automatically claimed as an exception to the Texas Attorney General within ten business days of the receipt of the open records request. The Workforce Development Board will release or withhold the following information in accordance with the final determination made by the Texas Attorney General.
• Information that is considered confidential or protected by law, either constitutional, statutory or by judicial decision;
• Personal information including addresses, phone numbers, social security numbers, federal tax documents, and personnel files;
• Information on active procurements;
• Information or documentation considered attorney-client privilege;
• Information or documentation pertaining to customers, vendors, program participants including demographics, contact information, program eligibility, attendance, performance, etc.
• Information or documentation that is not under the custody or control of the Workforce Development Board, such as documents, files and records belonging to contractors, partners, or service providers.

Section 4: Point of Contact
For purpose of the Public Information Act, the Chief Executive Officer is designated as the official point of contact for all open records requests and other requests for information/documentation submitted to Workforce Solutions Borderplex. The CEO may designate an Open Records Coordinator as the primary staff member responsible for the management, oversight, tracking, collection, release, and reporting of all open records requests.

Section 5: Advice from Legal Counsel
The Workforce Development Board reserves the right to obtain advice from legal counsel in connection with any requests that may seek information or documentation that is privileged or otherwise exempt from disclosure, or an the event of complex requests.

Section 6: Approval for Release
Before any public information is released, the Workforce Development Board’s Chief Executive Officer (CEO) or his/her designee will approve the release in writing and within the required period as set by the Open Records Act. At no time is any employee, contractor, vendor, participant authorized to release public information without the written approval of the CEO or his/her designee. At no time does this or any other policy allow for the removal of an original document, file or public record from the Administration Office, centers or remote locations of the Workforce Development Board.

Section 7: Fees
The Workforce Development Board will apply all fees and charges in accordance with Chapter 70 of the Texas Administrative Code.
a. The charge for providing a copy of public information shall be an amount that reasonably includes all costs related to reproducing the public information, including costs of materials, labor and overhead. If a request is for 100 or fewer pages, the charge for providing copies of the information will not include costs of materials, labor or overhead, unless the pages to be photocopied are located in:
1) Two or more separate buildings that are not physically connected with each other; or
2) A remote storage facility.

Section 8: Non-Compliance
Failure to comply with this policy and/or the Texas Open Records Act will result in disciplinary action up to and including termination.
Subchapter 1.6 Travel

Section 1: Purpose
The purpose of the Travel Policy is to establish guidelines and standards for WDB Members, staff, and Texas Workforce Commission employees assigned to the WDB, with respect to travel activities for the Workforce Development Board. This policy is Subject to the rules and regulations extended by the Texas legislature through the Texas Workforce Commission Financial Manual for Grants and Contracts, Section 9.

Section 2: Definitions
- **Actual Expenses** – Expenses supported by actual detailed receipts.
- **Employee Travel Advance** – Funds allotted to an employee prior to travel.
- **Emergency Travel** – Travel taken by or approved by the CEO for the conducting of business in an emergency.
- **Expenses Reconciliation** – The process done by the employee of the expenses incurred during a particular trip that is completed once the trip has taken place.
- **Local/Regional Travel** – Any same day or 2-day travel to locations within the WDB service area.
- **Mileage Rate** – The Internal Revenue Service (IRS) annual standard mileage rate for business travel.
- **Necessary and Reasonable Expenses** – Criteria used to evaluate expenses which are not supported by actual receipts such as miscellaneous expenses.
- **P-Card Purchases** – Any purchase made by the employee/authorized user with their P-Card for any necessary and reasonable expenses incurred as part of an authorized trip.
- **Per-Diem Allowance** – The General Services Administration (GSA) daily monetary allowance for meals and incidentals for each city.
- **Reimbursement** – Funds paid to an employee upon returning from travel when actual expenses exceed the amount advanced.
- **Refund** – Any advance in excess of actual expenses which must be returned to the WDB by the employee.
- **Travel Request** – Form prescribed which is utilized to estimate and reconcile travel expenses for each trip.
- **WDB** – Workforce Solutions Borderplex Workforce Development Board

Section 3: Policy
1. Each department is responsible for planning, coordinating, and approving employee travel within their department operating budget availability. Travel requests shall be approved before any travel/accommodation cost is incurred, preferably at least 30 days in advance. Failure to adhere to this policy may result in the WDB’s refusal to reimburse the employee(s) for any costs associated with any particular trip.
2. Depending on available resources, away-time, and office coverage, the CEO or COO have the discretion to allow or limit a group of employees to attend the same conference, meeting, or event.
3. Employee shall make every effort to book the best times, flights, routes, accommodations necessary to conduct official business.
4. Vacation may be taken in conjunction with travel on official business at no additional cost to the WDB provided the employee requests and receives prior approval. A spouse or other members of an employee’s family may attend a conference or meeting given none of their expenses are borne by the WDB. Employee must separate and pay family and/or vacation time expenses at the time of check-out and prior to the p-card statement reconciliation.
5. In instances where use of personal automobile is allowed for the convenience of the employee, lodging, meals, and incidentals will be permitted at the applicable per diem rate.
6. Upon completion of travel, the employee must fully reconcile the Travel Request Form, to include supervisor review and approval, and attach all receipts to the CEO Wells Fargo portal before the end of the statement period.
Section 4: Per Diem Rate
Employee travel advances will be issued at the daily monetary allowance for meals and incidentals per the GSA fiscal year per diem rates. Full-day per diem will be issued for any El Paso outbound departure before 6:00 pm MST. Per diem will not be approved/issued for any El Paso outbound departure after 6:00 pm MST. If an overnight stay is necessary to conduct business beyond the conclusion of a conference, meeting, or event, per diem will be issued for a full day.

Section 5: Methods of Payments for Travel
1. Generally, there are two (2) ways to pay for travel expenses; P-Card and direct check. Only in the event a P-Card is not a vendor-accepted method of payment, a direct check will be processed in accordance with the check request process and timeline.
2. All registration, conference fees, airline, car and hotel accommodations should be made using the P-Card. Each employee is responsible for the travel arrangements and expenses made with their card. If more than one employee is traveling, one P-Card holder may book all travel for the group to his/her P-Card to expedite the process provided the employee booking the arrangements has adequate credit limit on their P-Card.
3. Any and all travel expenses paid with the P-Card must include all corresponding receipts and Travel Request Form to the respective statement.
4. Per diem payments are issued via the P-Card Out-of-Pocket module. Any amount spent in excess of the allowable per diem rate will be the responsibility of the employee without the expectation of reimbursement by the WDB.
5. In the event an out-of-pocket payment is not processed, an employee may request an ACH payment.

Section 6: Allowable and Unallowable Travel Costs
Below is a general list of expenses that are incurred and are allowed to be purchased with WDB funds and those that are not to be purchased or have the expectation of reimbursement with WDB funds.

Allowable Costs
• Registration/seminar costs
• Hotel (priority 1-conference hotel; priority 2-nearby in accordance with GSA travel rates)
• Airfare (base only)
• Car rental expenses (2+ employees)
• Books or supplies relating to the conference or seminar
• Internet access/Wi-Fi (hotel only)
• One (1) luggage fee (not including carry-on)
• Luggage or freight costs for WDB equipment necessary for travel
• Airport and hotel parking cost (long-term or most economical)

Unallowable Costs
• Any travel changes or upgrades resulting in a fee (airfare, early check-in, car rental, suite, etc.) • Alcohol
• Movies/entertainment
• Telephone calls
• Laundry or grooming service
• Any expense(s) relating to employee family member or guest
• Service gratuities (concierge, grooming, etc.)
• Costs related to lobbying
Section 7: Airfare
All air travel reservations shall be processed sufficiently in advance in order to take advantage of reduced fares. Coach or the most discounted fare available at the time is the approved method of air travel.

Section 8: Lodging
All efforts should be made to register for conferences or meetings by the deadline(s) in order to take advantage of discounted rates. All efforts should also be made to book travel accommodations at the conference/meeting host hotel or the nearest possible hotel in order to avoid or reduce transportation costs.

Section 9: Parking
Only El Paso International Airport parking will be reimbursed at the long-term or most economical lot rate. Hotel non-valet parking expenses are also allowable for reimbursement.

Section 10: Cancellation Fees
The WDB is responsible for cancellation charges if the charge is incurred for a reason related to official board business. If an employee must cancel travel, they must notify their immediate supervisor as soon as possible. The employee is responsible for cancelling all arrangements and attempt to recapture, refund or repurpose any funds expended such as airline vouchers, hotel lodging, conference registration, etc.

Section 11: Registration Costs
Request for attendance at conferences, training sessions, or other meetings must be supported by an invitation, agenda or other documentation showing the details of the event. The WDB shall not pay for expenses for registration or tuition which are not allowed or are considered unreasonable, such as “tour packages”, “golf excursions”, or any other extra-curricular activities offered or provided as part of the conference registration.

Section 12: Car Rentals
The rental of cars or vans for regional travel must be approved by management or supervisor for WDB business. Costs for car rentals at conferences/meetings where shuttle transportation is available or provided by the host are generally not authorized. A car rental outside of El Paso county limits is required when conducting official business. If an employee opts to use their personal vehicle for official business, the reimbursement would be issued at the same rate as a car rental. A car rental should be the most appropriate size and economical cost given the group of employees on official WDB business travel. Any taxes, fuel and collision damage insurance costs associated to the car rental included in the rate are allowable expenses. Costs for liability, personal accident, safe trip, personal effects and additional driver insurance are not allowable expenses. The recommended providers by the State are found at https://comptroller.texas.gov/purchasing/programs/travel-management/rental/ using State code TX320.

Section 13: Regional Travel
1. Employees traveling within the WDB regional service area, which is not served by commercial airlines, must submit a Travel Request Form for same day or 2-day travel.
2. Travel in a WDB vehicle may be authorized if it is in the best interest of the WDB considering such factors as time required, travel distance, and number of persons in the travel group. Travel by personal vehicle for WDB business may be authorized if commercial transportation is not practical or a WDB vehicle is not available and will be reimbursed at the current mileage reimbursement rate.
3. Car rental related to programmatic activities is exempt from submitting the Travel Request Form.
Section 14: Employees with Disabilities
Employees with disabilities who are required to travel and require accommodations must describe and request those accommodations to their supervisor prior to authorization of travel.

Section 15: Non-Compliance
Individuals violating this policy may be required to reimburse the WDB for unauthorized personal expenses. Failure of the individual to reimburse the WDB for unauthorized personal expenses upon request may result in possible permanent revocation of their P-Card privilege, garnishment from their paycheck, and/or subject to disciplinary action up to suspension or possible termination.

Subchapter 1.8 Signature Policy

Section 1: Purpose
The purpose of this policy is to control the commitment of Workforce Solutions Borderplex, Inc. (WSB) funds, including purchasing and contracting activities by staff members. Goods and services purchased with WSB funds must be necessary and relevant to WSB business and the advancement of its mission. WSB funds are received from a variety of sources that carry with them fiduciary responsibilities. Proper stewardship of WSB funds is the responsibility of all employees involved in procurement transactions.

Section 2: Signatory Authority
1. WSB officials designated by this Policy are authorized to execute Contracts and other written instruments on behalf of WSB. Any Contract or agreement executed by a person not authorized to do so by this Policy is not binding on WSB.
2. An employee who signs a contract that he or she is not authorized to sign is acting outside the scope of his or her employment and may be personally liable for any resulting liability or obligation.
3. Employees executing contracts and other written instruments on behalf of WSB are responsible for assuring that they have authority to act on behalf of WSB and that such authority is exercised in compliance with applicable conditions, restrictions and guidelines.
4. The exercise of signature authority provided by this Policy is subject to all applicable Financial Manual for Grants and Contracts (FMGC) regulations and to any special instructions or guidelines issued by the Chief Executive Officer (CEO), Chief Operating Officer (COO), and Comptroller.

Section 3: Signatory Guidance
1. Employees at WSB have authority to purchase goods and services directly with suppliers via procurement cards and requisitions at a value below $3,000 when no contract is required so long as they know the protocols. If a contract or agreement is necessary under $3,000, then the department manager may sign the document. Authority to purchase at a value of $3,000.01 or above is delegated to the Procurement & Contracts Department. No supplier work may begin before a contract is executed or purchase order issued.
2. Only those employees given explicit written authority by the CEO or his or her designee (e.g., COO) may execute procurement agreements. (Procurement agreements are written contracts that bind WSB and a supplier to a purchasing obligation.) Such written authority includes terms and conditions, typically including a review by the COO, and all such terms and conditions must be followed. Generally, employees should contact Procurement & Contracts to have procurement agreements reviewed and signed, regardless of the agreement’s dollar value, form of payment used, or source of funds.
3. The individual who approves any transaction which constitutes a commitment between WSB and a Non-WSB party is responsible and accountable for ensuring that:
   a. He or she has the authority to approve the transaction or execute a contract;
   b. Where required, institutional review and approval has been obtained before any commitment is made;
   c. Where appropriate, the transaction, proposal or agreement includes the appropriate standard provisions recommended by WSB procurement policies;
   d. Funds for the transaction have been allocated or are otherwise available within regularly approved budgets, special appropriations, or restricted or designated accounts;
   e. There is no real or apparent conflict of interest on the part of the approving individual or any other individual or organization involved in the transaction or, where a real or apparent conflict of interest does exist, the issues have been resolved prior to entering the transaction or contract as provided for by WSB policy.

4. These guidelines are designed to address transactions that occur in the normal course of business. Transactions or expenditures that are normally accumulated for approval should not be separately approved to avoid a higher approval level.

5. All contracts or consulting agreements that are not on standard or previously approved forms should be reviewed by the Procurement & Contracts department before execution, unless other arrangements have been approved by the CEO or the COO.

VOLUME THREE: ADMINISTRATION MANUAL
CHAPTER TWO: Standard Operating Procedures

Subchapter 2.1: Marketing and Communications

1. Letterhead - Workforce Solutions Borderplex contractors choosing to place their logo on Workforce Solutions Borderplex stationary may add their logo if it is smaller than the system logo. It must read, “Managed by” above their logo. At the bottom center of the letterhead, an Equal Opportunity tagline must be added. Contractors may print in color or in black and white. Examples of the design will be made available upon request to the Board’s Executive Office. The approved Equal Opportunity tagline is:

   A proud partner of the American Job Center network
   Equal Opportunity Employer/Program. Auxiliary aids and services are available upon request to individuals with disabilities. Relay Texas: 711 (Voice) or 1-800-735-2989 (TTY) Igualdad de oportunidades de Empleo/Programas. Equipo auxiliar y servicios de apoyo están disponibles para personas con discapacidad al ser requeridos. Relay Texas: 711 (Voz) o 1-800-735-2989 (TTY)

2. Business Cards – Contractors may have a smaller version of their logo on their business cards. Design examples will be made available upon request to the Executive Office.

3. Printed Material – All brochures and/or written informational material may include the contractor’s smaller logo.

4. Staff must be aware of the following definitions, as defined by the Office of Management and Budget:
   • Advertising costs – costs of advertising media and corollary administrative costs. Advertising media include magazines, newspapers, radio and television, direct mail, electronic or computer transmittals and the like; and
   • Public relations – activities dedicated to maintaining the organization’s image or maintaining or promoting understanding and favorable relations with the community or public at large or any segment of the public.

5. Staff must be aware of the most frequent reasons advertising or public relations costs are disallowed. These reasons include:
• Excessively high or unreasonable costs;
• Not properly allocating costs to all grants or programs that benefit from the costs; and/or
• Promotional costs only promote the organization and not program services.

6. Staff may incur costs, with prior written approval from management, for advertising or public relations if they are necessary, reasonable, justifiable and documented.

7. Staff must ensure the allocation method is clearly defined and documented when the activity benefits more than one program.

8. Staff must ensure items in which costs are expended for outreach and promotional purposes provide information about specific services available through the program in which the costs are allocated. Items that promote only the entity’s name, logo, address, telephone number, etc. are not allowed.

Subchapter 2.2: Record Retention

Section 1: Schedule of Record Retention

1. The schedule below lists many of the records created and utilized by the Board. The schedule indicates the minimum amount of time records should be maintained in compliance with State and Federal guidelines (Texas Workforce Commission Financial Manual for Grants and Contracts, Appendix K) and board policy.  

A. WDB Administration

Unit directors and/or managers are responsible for ensuring the policy is implemented in their individual units. The Records Retention Specialist and/or designee is responsible for coordinating records management within the organization and ensures records are classified according to the Retention Schedule as described below.

<table>
<thead>
<tr>
<th>WDB Human Resources</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Record Type</td>
<td>Action</td>
</tr>
<tr>
<td>Active employees files</td>
<td>Hard copy in office</td>
</tr>
<tr>
<td>Terminated employees within period + 3 years</td>
<td>Hard copy files in office</td>
</tr>
<tr>
<td>Terminated employees after 3 years from start of current period</td>
<td>Send for destruction</td>
</tr>
<tr>
<td>Recruiting files (applications, resumes, interview questions, etc.)</td>
<td>Scan and destroy hard copy</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Staff Development</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Record Type</td>
<td>Action</td>
</tr>
<tr>
<td>Active employee mandatory training certificates</td>
<td>Scan and destroy hard copy</td>
</tr>
<tr>
<td>Terminated employees within period + 3 years mandatory training certificates</td>
<td>Maintain electronic record only</td>
</tr>
<tr>
<td>Terminated employees after 3 years</td>
<td>Destroy electronic record</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Procurement</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Record Type</td>
<td>Action</td>
</tr>
<tr>
<td>Active contracts</td>
<td>Hard copy in office</td>
</tr>
</tbody>
</table>
Closed contracts within period + 3 years | Scan and send hard copy to on-site secondary storage
---|---
Closed contracts after 3 years from start of current period | Maintain electronic record only; destroy hard copy

### Finance

<table>
<thead>
<tr>
<th>Record Type</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Journal entries, bank records, receipts, etc., within period + 1 year</td>
<td>Scan and maintain hard copy in office</td>
</tr>
<tr>
<td>Journal entries, bank records, receipts, etc., after 1 year and within 4 years from start of current period</td>
<td>Maintain electronic record only; send hard copy to on-site secondary storage</td>
</tr>
<tr>
<td>Journal entries, bank records, receipts, etc., after 4 years from start of current period</td>
<td>Maintain electronic record only; destroy hard copy</td>
</tr>
</tbody>
</table>

### B. Contractor(s)

Contractors will develop and maintain process for ensuring participant records and files are closed and comply with the following retention schedule.

<table>
<thead>
<tr>
<th>Record Type</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applications, forms, assessments, etc.; within period + 1 year from completion</td>
<td>Scan and send maintain hard copy in office</td>
</tr>
<tr>
<td>Applications, forms, assessments, etc.; after 1 year and within 3 years from participant exit</td>
<td>Maintain electronic record only; send hard copy to on-site secondary storage</td>
</tr>
<tr>
<td>Applications, forms, assessments, etc; after 3 years from participant exit</td>
<td>Maintain electronic record only; send hard copy for destruction</td>
</tr>
</tbody>
</table>

### Section 2: Records Destruction

1. Staff and/or Contractor(s) must request record destruction via a Destruction Request Form. Only the CEO may authorize the final destruction of any official records.
2. Records will not be destroyed if there is any litigation, claim, negotiation, audit, open records request, administrative review, or other action involving the record until the completion of the action and the resolution of all issues that arise from it, or until the expiration of the retention period, whichever is later, in accordance with State and Federal guidelines when legal requirements are met. (See *Texas Workforce Commission Financial Manual for Grants and Contracts*, Appendix K).

### Section 3: Failure to Comply

Failure to maintain records in accordance with the Record Retention Policy and schedule will result in disciplinary action or penalty.

### Subchapter 2.3: Property Management

1. Non-expendable personal property purchased with program funds having a unit cost of $5,000.00 or more and a life expectancy of one year shall be considered accountable property and subject to property management
provisions. Property leased or purchased with grant funds, including real property, equipment, supplies, and intangible property, is subject to compliance with applicable administrative and cost requirements.

2. Each subrecipient, with whom the TWC has contracts or agreements with, will designate an administrative staff person to serve as Property Control Officer. The Comptroller will designate the Property Control Officer of the Workforce Solutions Borderplex (WSB).

3. Management of all non-expendable property shall be, at a minimum, in accordance with the Texas Workforce Commission (TWC) Financial Manual for Grants and Contracts (FMGC) and the Office of Management and Budget (OMB) Uniform Guidance (2 C.F.R. Part 200), as supplemented by the state’s Uniform Grant Management Standards, and any property specific grant provisions. It shall be the policy of the WSB to conform and comply with the requirements for property management as required by these requirements, and any specific program or grant requirements.

4. WSB shall not purchase real property with TWC grant funds. WSB shall only acquire equipment with the prior written approval of the Agency. WSB may purchase, at any time, expendable property for which funds have been included in the approved budget.

5. The purchase of non-expendable property is subject to the following conditions:
   - **Items with a Unit Cost Greater than $5,000.00**
     Property items listed (and their estimated costs) in a WSB approved budget line item. WSB may purchase these items at any time after the appropriate funding entity approvals/notifications and procurement has been conducted. If WSB has not listed property items and their estimated costs in an approved budget line item, the necessary budget approvals must be obtained before purchasing any items. When TWC approval is required it must be specifically requested and specifically provided by using Form 7100.
   - **Leasing and Purchasing Equipment**
     WSB may lease or purchase non-expendable property and equipment only if funds for the lease have been included in an approved WSB budget. Any equipment leased or purchased must be used for the purpose as designated in the original request and for as long as they need and may be subject to administrative requirements. Subrecipients who desire to lease or purchase equipment with the intent to receive reimbursed funds must receive written approval from WSB before the purchase of any equipment is made.
   - **Lease of Real Property**
     The Lease or rental of real property is allowable and must conform to the cost principles for rental costs and procured for in accordance with applicable procurement requirements. No prior approval is required from the funding agency in the event of an operating lease.
     Capital leases require prior funding entity approvals. When a written request is required, WSB shall submit and receive approval before arranging the lease of any property which conforms to the capital lease description as defined in the FMGC. The written request may include items such as the total amount of the lease contract, the term, and documentation to show that the lease is in compliance with procurement requirements.
   - **Depreciation**
     Certain items purchased by WFSB have a significant cost and a useful life of three to five years. Therefore, these items are recorded as assets (capitalized) and depreciated over their estimated useful lives, in accordance with TWC guidelines. The addition of an asset will be recorded at the date of acquisition.
   - **Interest Costs**
     Interest charged under a lease/purchase agreement may be incurred if allowed by the grant/program funding the lease/purchase and applicable cost principles. This determination shall be made prior to the negotiation of the purchase.
   - **Procurement Rules**
State and Federal rules for the procurement of property are summarized in Chapter 14 of the Texas Workforce Commission Financial Manual for Grants and Contracts. The WSB and its subrecipients shall use these rules when buying property or equipment with funds received from TWC. WSB is solely responsible for procuring property in accordance with the WSB procurement manual and Chapter 14 of the TWC FMGC rules.

WSB and its subrecipients may participate in any purchasing cooperative as long as they meet the eligibility requirements for that cooperative. WSB and its subrecipients may use any of the allowed purchase methods (small purchase, competitive sealed bids, competitive negotiation, and non-competitive negotiation). Use of noncompetitive procedures should be a last resort; full and open competition should be promoted to the maximum extent practical.

WSB shall keep all invoices and documents substantiating the purchase in accordance with procurement rules for the category of property purchase and/or leased. The documents may include price quotes, bid requests and bids, cooperative purchasing agreements, and explanations for sole source purchase. Records of purchases must be kept so that they may be viewed at any time by funding entity representatives or agents.

**Property Records**
Property records will be maintained to include description of the property, serial or identification numbers, titleholder. Acquisition date, cost, funding source to include percent of federal or state participation in the cost of the property to include the Federal Award Identification Number (FAIN), location, custodian, use and condition of the property and disposition data.

WSB shall keep documents relating to purchase, lease, and use of property throughout the period of use and a minimum of three years after disposition.

**Property Use**
Property may be used in a grant/contract/program for the life of the grant, contract or program regardless of whether the project or program continues to be supported by the award. Property acquired by WSB grant or contract may be used for other projects, contracts, cost categories, etc., if this does not interfere with contracted use.

Real property must be used for the originally authorized purpose as long as needed for that purpose, during which time it must not be disposed, or encumbered for other uses.

Intangible property must be for the originally-authorized purpose, and not encumbered for another purpose without prior approval of the awarding agency.

**Insurance**
WSB shall maintain adequate insurance on all property purchased with grant/contract funds for as long as the property is kept. Any and all property insurance contract agreements shall be properly procured. The Subrecipient shall carry sufficient insurance coverage to protect contract assets from loss due to theft, fraud and/or undue physical damage. Documentation to support the procurement and insurance adequacy shall be maintained in accordance with the record retention requirements of this chapter.

**Maintenance**
WSB and Subrecipients using property purchased with grant/contract funds is responsible for maintaining the property in good condition and for any loss or damage. WSB employees and Subrecipients may be liable to repay for any loss or damage to grant property.

**Theft, Damage, Loss of Property**
WSB employees and Subrecipients will report within 24 hours of any theft, loss, or damage to property items. WSB may hold its employees and Subrecipients liable for any damaged, stolen, or lost equipment. All thefts must also be reported to the local police or other law enforcement authorities. Additionally, all necessary insurance claims must be filed immediately. WSB shall maintain all related documentation including insurance claims, police reports or other relevant documentation.

Any insurance proceeds must be placed back into the benefiting program/contract and cost category immediately upon receipt.

- **Inventory**
  WSB shall maintain a complete and correct inventory of all property leased or purchased with a unit acquisition cost of $5,000.00 or more purchased with grant/contract funds. Lower dollar items, such as desk tops, laptops, software, and the like that may contain sensitive information, or have restricted licenses shall be inventoried.

  WSB will conduct a physical inventory on an annual basis, but can be performed more frequently upon change in service provider (Subrecipients), or as deemed necessary by the WSB.

  WSB may be required to submit the results of the annual physical inventory to its funding entities as part of the closeout or final report. WSB shall reconcile its annual physical property inventory too internal and state property records.

- **Property Ownership**
  In general, title of all non-expendable property, purchased by WSB with grant funds, will vest in WSB; subject to WSB compliance with applicable property requirements. The State of Texas and the U.S. Department of Labor reserve the right to take title to non-expendable property which does not meet the compliance for authorized use/purpose, does not comply with the applicable acquisition, management and disposition of applicable authority (OMB Circulars, CFRs, UGMS and FMGC) or may take other enforcement actions.

- **Disposition of Property**
  Equipment is to be used in the program for which it was acquired for as long as it is needed. When equipment is no longer needed to support the program it was purchased for, it may be used for other Federal/State funded activities according to the Priority of Equipment Use guidelines. If equipment is no longer needed, WSB will dispose of it in accordance with TWC property management regulations. For equipment less than $5,000 no prior written approval is needed. For equipment over $5,000 Form 7300 must be filed to request written approval for disposition.

  When acquiring replacement property, WSB may use the equipment to be replaced, as a trade-in or sell the property and use the proceeds to offset the cost of the replacement property utilizing methods to ensure the highest possible selling price. Approval through Form 7300 must be obtained prior to the trade-in or selling of equipment.

  After all efforts have been made to dispose of any non-repairable property by either selling, transferring, donating, repairing or other means, the property may be destroyed. The Property Control Officer shall maintain record of all disposed equipment.

- **Sales**
  To provide for maximum competition and achieve the highest rate of return, the WSB will survey current market conditions and determine a fair market value in exchange for the item requiring sale. The sale of property will be advertised via office postings and other public media. Records and documentation of research conducted, and final transactions shall be maintained in accordance with this policy.
• Transfers
The Property Control Officer will inform the Procurement Section of items available for transfer to other programs/ contractors. Prior written approval from the Agency must be obtained for the transfer of valued property over $5000. Transfer of property may occur between departments or programs. The record of the transfer must be maintained in accordance with this policy.

• Other Transfers
Property that is no longer needed by the program or cannot be sold may be transferred to a non-profit organization in the community funded by Federal/State agencies. Transfer of such property must fall within the FMCG guidelines on FMV dollar thresholds. The Property Control Officer will maintain documentation of all organizations contacted and actual transfers on file. The record of the transfer must be maintained in accordance with this policy.

• Subrecipients
The WSB shall ensure the Subrecipients have access to the most current property management policies and procedures listed in Chapter 13 of the TWC Financial Manual for Grants and Contracts (FMGC). Subrecipients are required to comply with such regulations as part of their contract agreement in place with the WSB.

Subrecipients shall request approval for the purchase of all non-expendable personal property (including lease/purchase) having a unit acquisition cost of $5,000.00 or more. WSB shall obtain prior approval from TWC for Subrecipients request. Approved purchases must be procured in accordance with the procurement standards prescribed in the TWC FMGC. Upon approval from WSB, inventory and control will be maintained in accordance with this policy.

Title for all non-expendable property acquired under any contract awarded by WSB will remain with WSB. Upon contract termination/expiration, disposition of non-expendable property will be transferred to WSB.

All Subrecipients possessing Board property shall designate a staff member to serve as the point-of contact to support the functions/duties necessary to comply with this policy.

6. Definitions
• Real Property is land and buildings including any improvements to them and excluding any moveable machinery or equipment.
• Expendable property is any tangible personal property, as office supplies, excluding equipment which has a life of one year or less and a unit acquisition cost of less than $5,000.00.
Non-expendable property is any tangible personal property such as equipment or furniture which has a useful life of more than one year and a unit acquisition cost of $5,000.00 or more.

Subchapter 2.4: Quality Assurance Compliance and Monitoring

Section 1: General
Program quality and outcomes will be evaluated through timely reviews which will ensure all employment and training programs administered by the Board are meeting the individual program requirements. Program data will be collected and analyzed to identify a program’s strengths and weaknesses and address program quality and outcomes.

Section 2: Review Scheduling
Compliance and Monitoring staff will prepare a schedule (program) for all reviews. The schedule will be based on a risk assessment of each contractor.

Section 3: Methodology
Compliance and Monitoring staff will, perform desk reviews, conduct entrance interviews, on-site reviews and exit interviews, participate in the analysis of findings to determine necessary recommendations for corrective action, write reports and follow-up on findings. The length of the review will be based upon the number of randomly selected files and attributes to be reviewed.

Section 4: Review Reporting
1. The Compliance and Monitoring review reports will identify problems or areas of non-compliance (federal, state and local) to be addressed by the workforce service provider(s) to enhance the quality of program services and the effective and efficient use of resources.
2. The Compliance and Monitoring review reports will provide recommendations for corrective action and guidance to enhance program quality.
3. Issues identified during the review will be presented during the exit conference. Following the exit conference, Compliance and Monitoring staff will provide an electronic copy of the draft report to the workforce service provider’s management. The workforce service provider will provide in the draft report a written response to the draft findings within ten (10) business days after receipt of the draft report detailing how the draft findings are being corrected.

Section 5: Follow-up
Follow-up reviews will be scheduled accordingly following receipt of the provider’s response to the draft report to verify that the draft findings have been corrected.

Section 6: Reporting Fraud, Waste or Abuse
Discovery of fraud, waste or abuse or the indication of such will be immediately reported to the Board Program Administrator, CEO, and the workforce service provider(s).

Section 7: Technical Assistance
Technical assistance will be provided as necessary and as requested in coordination with the corresponding Board Program Specialist.

Subchapter 2.5: Finance and Accounting

Section 1: Account Code Structure
1. Account Code Structure: The Account Code structure is depicted below, the various coding elements are described in the Sections following.
   - Section 1- Organization
   - Section 2 - Grant/Year
   - Section 3 - Cost Category
   - Section 4 - GL Code
   - Section 5 - Section Number (Department Code)
   - Section 6 - County/Region (Location Code)
   - Section 7 - Activity Code
Section 8 - Contract Code

2. **Organization Codes:** The Organization Codes are designed to assign budget and separately record transactions of various organizations. The code consists of one alpha-numeric digit. Thirty digits are required to record a transaction. The coding digits are comprised of eight coding elements as described below:

   1. Board Operating Expenses
   2. YWCA
   3. Other Contracts
   4. Dynamic Solutions
   5. Man Power
   6. Assigned projects
   7. Facility Cost
   8. Individual Training Accounts

3. **Grant/Year Codes:** Grant/Year Codes are designed to provide for recording transactions in appropriate Fund Account groups. The code consists of five numeric digits. This procedure facilitates the reporting and administrative controls required by the different funding sources. The following is a sample of Grants and corresponding code:

   230XX - Employment Service
   260XX - Child Care
   295XX - WIOA Adult
   296XX - WIOA Dislocated
   297XX - WIOA Youth
   287XX - SNAP
   290XX TANF

4. **Cost Category:** Cost category codes are provided to support different cost elements to describe the functionality of programs. The code consists of two numeric digits. These cost categories can also be found in the TWC Financial Manual for Grants and Contracts. The following is a sample of cost categories and the corresponding code:

   60 - Administration
   61 - Automation/Program Management
   70 - Direct Program
   71 - Basic Core

5. **General Ledger Code:** General Ledger Codes are provided to support the breakdown of costs into a more detailed category based on whether the transaction should be applied to an asset, a liability, equity, revenue, or an expense account. The code consists of four numeric digits. The following is a sample of objects and the corresponding code:

   1000 - Assets
   2000 - Liabilities
   3000 - Equity
   4000 - Revenue
   5000 - Expenses

6. **Department Code:** This code is designed to link the transaction to the department within the organization. The department code consists of two numeric digits. The following is a sample of departments and the corresponding code:

   01 - Human Resources
   02 - Executive
   03 - Accounting & Finance
   04 - Contracts
15 - QA & Compliance
17 - Workforce Resources Unit

7. **Location Code:** The Location Code identifies the physical location/county from which the transaction originated. The location code consists of two numeric digits. The following is a sample of locations and the corresponding code:
   - 01 - El Paso
   - 20 - Board Offices
   - 55 - Norman Haley

8. **Activity Code:** The activity code identifies the nature of the transaction. Consists of three numeric digits. The following is a sample of the activity code:
   - ACC - Accruals
   - ICP - Indirect Cost Pool
   - TRA - Transfer Actuals

9. **Other Contract Code:** The Other code identifies the contract number, project or initiative code. The Other code consists of ten numeric digits. The following is a sample of other code category and the corresponding code:
   - 1110B101 - Alpine ISD 7/1/13 to 6/30/14
   - 14UTEPACT - I3Y14 UTEP Academic Coaching
   - 14VETSJF - BY14 VETS job fairs

**Section 2: Mileage Reimbursement**

1. WSB reimburses its employees who utilize their privately owned vehicle for official agency business. Employees will be reimbursed at the IRS reimbursement rate that was in effect at the time of travel. Reasonable and justifiable parking costs may also be claimed and must be supported with original receipts. Employees must receive prior supervisory authorization to claim reimbursement, either verbal or written.

2. Employees must utilize the standard mileage tracking form to keep track of mileage by documenting dates, times, purpose and origins and destinations. Mileage incurred from residence or other personal locations where official business is not conducted may be documented but will not be reimbursed. Supervisors may approve exceptions on a case-by-case basis.

3. The approved mileage tracking form must be submitted to the Accounting Department by the 10th of each month. Employees with P-cards will be reimbursed electronically via the Out-of-Pocket expense module. Employees without P-cards will be reimbursed by the last business day of the month.

4. Advances for mileage expenses will not be granted unless authorized in writing by the Chief Executive Officer, Finance and Administrative Services Manager and only in unusual circumstances.

**Section 3: Bank Reconciliation**

1. All bank accounts will be reconciled by the 10th day of the month following the close of the preceding month, unless otherwise authorized by the Comptroller.

2. Bank account reconciliation will be performed by Accounting Staff who does not have access to cash and is not involved in cash transfers.

3. The Accounting Manager or Comptroller will oversee and ensure that bank account reconciliation is performed monthly.

4. The bank account reconciliation, bank statements and verifiable back-up documentation will be filed by date order and account number.

5. Steps performed by Designated Accountant
   - a. Receive bank statements.
   - b. Examine statement for bank debit/credit memo entries, service charges and interest earned.
c. Store bank CD that includes canceled checks with monthly reconciliation.
d. Clear all canceled checks, wires, and voided checks through the Automated Financial System.
e. Print Checks Cleared Report and reconcile to the bank statement.
f. Prepare a list of outstanding checks.
g. Compare Cash Receipt Log to Bank Statement and account for all deposits made for the month.
h. Prepare bank reconciliation (attach all necessary supporting schedules and cross-reference).
i. Prepare journal entry for any proposed adjustments to general ledger cash balances. Input journal entry into Automated Financial System.
j. Research checks that have been outstanding for more than 90 days. Notify the Accounting Manager and receive approval to initiate the process to void outstanding checks.
k. Obtain approval for the reconciliation from the Accounting Manager or Comptroller.
l. File the bank reconciliation with related bank statements in date order.
m. File wired, draft and voided checks in check number order by bank account number.
n. If an error in the bank reconciliation is discovered in a subsequent month, it should be brought to the attention of the Accounting Manager. A plan should be developed to correct the error. Supporting documentation should be gathered and included with the current month’s bank reconciliation package as part of the correcting adjustment to be made.

6. Steps Performed by the Accounting Manager
   a. Review and approve reconciled bank statements for appropriate back-up documentation and insure that bank reconciliation adjustments are properly recorded to the general ledger.
      The bank reconciliation package should contain at a minimum, the following supporting documentation:
      1) Bank reconciliation for each bank account
      2) Month-end bank statement for each bank account
      3) List of outstanding deposits and supporting evidence as to why the deposit did not clear. Indicate when clearance of the item is expected. Outstanding deposits are required to be resolved by the next month.
      4) List of outstanding checks
      5) List of old outstanding checks approved for void
      6) A list of the approved adjustments to correct the general ledger and supporting documentation for those adjustments
   b. Verify that the adjusted general ledger balance agrees to the bank reconciliation. If there is a difference or discrepancy, return reconciliation to designated accountant for correction. Review with the designated accountant the source of the error noted so that appropriate steps can be taken to correct the error. Develop a plan as to how and when the error will be resolved.
   c. Obtain corrected bank reconciliation from the designated accountant as well as any correcting entries. Verify that the entry is accurate and approve the entry for posting.
   d. Once the correcting entry has been posted, verify that the bank reconciliation agrees to the general ledger.
   e. Submit the reconciliation and supporting documents to designated account for filing.
   f. Notify Comptroller of instances of non-compliance with this policy.
   g. If an error in the bank reconciliation is discovered that relates to a previous period, the error should be corrected in the period it is discovered. The adjusting entry should be reviewed and approved for posting by the Accounting Manager and filed with the bank reconciliation for the month in which the error was discovered.

Section 4: Check Disbursement
1. Steps Performed by the Provider of Services or Vendor
Submit invoices and applicable documentation necessary to support invoices to the attention of the Workforce Solutions Borderplex Accounting Manager.

2. Steps Performed by the Designated Accounting Staff
   a. Receive invoices and applicable documentation
   b. Stamp invoices with Date Received Stamp
   c. Determine the validity of invoices by reviewing the supporting documentation and ensuring that applicable documentation.
   d. Ensure invoice support for Student/Client Services is accompanied as follows:
      1) Customized Training Contracts.
         i. Contract
         ii. Timesheets/Attendance
         iii. Receipts
         iv. TWIST Verification
      2) Work Experience/Subsidized Employment
         i. Timesheet
         ii. TWIST Verification
      3) On the Job Training
         i. Timesheet
         ii. Check Stub/Earning Register
         iii. Contract
         iv. TWIST Verification
      4) Individual Training Accounts
         i. Individual Training Account Voucher/Contract (on file)
         ii. Attendance Sheets (for proprietary schools only)
         iii. Receipts (books & supplies)
         iv. Course enrollment statement (for colleges & universities)
         v. Pell Awards (if/when applicable)
         vi. TWIST Verification

Section 5: Journal Entries
1. Steps performed by Designated Accounting Staff Originating the Journal Voucher
   a. Prepare the journal entry and enter it into the automated accounting system. The following information is recorded on this form:
      1) Number - Enter the journal entry number
      2) Account Number - Enter appropriate general ledger account coding; and
      3) Debit/Credit Column - Enter the appropriate amount.
      4) Describe the nature and purpose of the entry in the Description of the “Journal Name” section of the Journal Voucher.
   b. Attach all necessary documentation to support the journal entry.
   c. Forward the Journal Voucher and attached supporting documentation to the Accounting Supervisor or Budget Analyst for approval.
   d. Receive the approved Journal Voucher and backup and file in numerical order.
2. Steps performed by the Accounting Supervisor or Budget Analyst
   a. Review the Journal Voucher.
   b. Obtain clarification, corrections, etc., as necessary.
   c. Approve and post the Journal Voucher and forward it along with supporting documentation to the designated Accounting Staff to file.
Section 6: Cost Allocation Plan

2. The purpose of this Cost Allocation Plan is to provide instructions for the distribution of program expenditures to ensure that joint costs are allocated among programs receiving a benefit of those joint or indirect costs.

3. A plan for the allocation of costs is necessary to support the distribution of costs related to the operation of Federal/State grants and programs. The Workforce Solutions Borderplex, Inc. is responsible for ensuring that all joint or indirect costs are allocated equitably to all programs administered by the Board. Formal accounting records that clearly substantiate the propriety of each charge shall support all costs included in this plan. Note: Any cost allocable to a particular grant or other cost objective under these principles may not be shifted to other Federal grants to overcome funding deficiencies or to avoid restrictions imposed by law or grant agreement.

4. The following cost pools will be established as follows:
   a. Board Administrative Cost Pool
      Allocable costs in the Board Administrative Cost Pool include, but are not limited to, expenses incurred by the Board in its capacity as administrative and fiscal entity.
   b. Workforce Center Cost Pool
      1) Allocable costs in the Workforce Center Cost Pool include, but are not limited to, expenses incurred by the Board in the maintenance of Workforce Centers and their infrastructure. Costs may also include expenses necessary to maintain workforce centers that were not included under a contract with the workforce center operator. Costs included in this cost pool shall be separated and broken down by each applicable cost classification.
      2) Allocable/Indirect Costs should be distributed to benefitting cost objectives on a basis that will produce an equitable result in consideration of relative benefit to be derived.

5. The following costs have been identified as Allocable/Indirect to the Board Administrative Cost Pool:
   a. Personnel Cost for the following sections/staff:
      1) Chief Executive Officer
      2) Chief Operating Officer
      3) Executive Staff
      4) Human Resources Staff
      5) Administrative Staff
      6) Accounting Staff
      7) Contract/Purchasing Staff
      8) IS Staff
      9) Part of Administrators
   b. Space Cost - Allocation will be calculated as a percentage of direct and indirect staff hours.
   c. Building and Maintenance Cost - Allocation will be based on a percentage of direct and indirect staff hours.
   d. Telephone Costs - Allocation of telephone costs will be based on a percentage of direct and indirect staff hours.
   e. Staff Development and travel reimbursement expended by staff listed above are based on a percentage of direct staff hours charged by employees of each section.
   f. Employer paid benefits are based on a percentage of the direct staff hours charged by employees of each section.
   g. Group Insurance, Workmen’s Compensation Insurance and State Unemployment Tax (SUTA) will be allocated as a percentage of the direct staff hours charged by employees of each section.
h. Copies, and other office machines will be allocated based on a percentage of direct and indirect staff hours.
i. All other costs that cannot be identified as a direct cost to specific programs but are related to the administration of program grants are allocated based on a percentage of direct and indirect staff hours.

6. Allocation and Distribution of Cost Pools
The expenses coded to the authorized Cost Pool should be distributed to the appropriate programs no later than on a monthly basis. Indirect rate adjustments will be performed in the following month of each calendar quarter except 4th quarter of fiscal year. The adjustment of 4th quarter of fiscal year will be performed in the last month of fiscal year.

7. Board Administration Cost Pool - The allocation percentages for all programs will be determined by combining Board staff hours data for each fund and obtaining the percentage that each amount bears to the first two pay periods of monthly staff hours.
a. The Board indirect expenditures will be charged to suspense accounts and allocated at the end of the month. The source document for the particular charge will be used to determine the allocation for the particular item.

8. Workforce Center Cost Pool – The allocation method used to distribute the Workforce Center Cost Pool will be based on a percentage of Workforce Center staff hours data. Costs included in this cost pool shall be separated and allocated by each program cost category.
a. The allocation percentages for all Board-funded programs will be determined by combining Workforce Center staff hours of the first two pay periods charged during the month for each fund and the percentage that each amount bears to the total. The percentages will be established for a current month based on the Workforce Center staff hours. (Example: Percentages for October 2016 will be based on Workforce Center staff hours from October 2016.)
b. The Workforce center indirect expenditures will be charged to a suspense account and allocated at the end of the month. The source document for the particular charge will be used to determine the allocation for the particular item.

9. Indirect Cost Rate Agreement
The indirect cost rate adjustment will be performed in the following month of each calendar quarter except 4th quarter of fiscal year. The adjustment of 4th quarter of fiscal year will be performed in the last month of fiscal year. Expenses which are over or under the Board’s indirect cost rate will be adjusted in accordance with the Indirect Cost Rate Agreement.

10. Periodic Analysis
At least on a quarterly basis, the accounting department will:
a. Evaluate the impact of the pool allocations and indirect cost charges on each grant.
b. Determine whether the methods will yield charges which are in proportion to the benefit received for each grant.
c. If necessary, recommend changes to another allowable method of allocation that fairly allocates costs among programs administered by the WSB.

11. Definitions
Allocable or Indirect Costs are:
a. Costs incurred for a common or joint purpose benefitting more than one program or cost objective, and
b. Not readily assignable to the cost objectives specifically benefitted without effort disproportionate to the results achieved.

Subchapter 2.6: Integrity of the Workforce System

Section 1: Fraud, Waste, Theft and Abuse
1. The requirements set forth in WD Letter 23-16 will be followed.
2. When allegations of fraud, waste, theft or abuse are received by Workforce Solutions Borderplex, the information will be disseminated to designated staff.
3. The designated staff will review the information and staff the claim with the Board's Chief Executive Officer (CEO).
4. The CEO will determine if fact-finding will be done by Board staff or conducted by an independent third party.
5. Board Chief Executive Officer or designee may refer cases to local law enforcement authorities for criminal prosecution.
6. Fact-Finding will include the following:
   a. Board staff (or an independent third-party) with the contractor will ensure that the fact-finding:
      • Identifies the individual responsible for the overpayment or improper act;
      • Directs all correspondence to the individual; and
      • Ascertains the identifying characteristics (e.g., Social Security number, Texas Driver License or Identification Card Number, etc.) and the individual's current address.
   b. The individual (against whom a claim has been made) will have the opportunity to respond to the claim.
7. The following consequences may be applied:
   a. Board staff (with workforce service contractor, when appropriate) may take the following actions, as determined by the Board Chief Executive Officer or designee, if a person, contractor or subcontractor has been found to have committed fraud, waste, theft or abuse:
      • Suspension, nonrenewal or termination of the contract or agreement;
      • Temporary withholding of payments to the workforce service contractor or subcontractor for services delivered;
      • Nonpayment of services delivered;
      • Recoupment of funds from the person or workforce service contractor or subcontractor;
      • Any other action consistent with the intent of the governing statutes or regulations to protect federal or state funds; and
      • Referral for prosecution to the proper authorities.
   b. The Board Chief Executive Officer may take the following actions, if a board employee has been found to have committed fraud, waste, theft or abuse:
      • Suspension without pay;
      • Recoupment of funds;
      • Termination of employment;
      • Referral to Board Attorney for further recoupment effort when recoupment attempts fail; and
      • Referral for prosecution to the proper authorities.
   c. The Board of Directors may take the following actions, if a board member has been found to have committed fraud, waste, theft or abuse:
      • Request resignation;
      • Removal from the Board;
      • Recoupment of funds;
      • Referral to Board Attorney for further recoupment effort when recoupment attempts fail; and
      • Referral for prosecution to the proper authorities.
8. The Board may take all actions allowable by the Texas Workforce Commission to prevent or correct suspected fraud if it is determined that a child care provider is suspected of fraud. Action taken against a provider found to have committed fraud may include but is not limited to:
   • Stop authorizing care at the provider’s facility or location unless/until it is determined that fraud did not occur
   • Termination of current child care provider agreements and prohibit future agreements
• Nonpayment of child care services delivered

9. The Board may take all actions allowable by the Texas Workforce Commission to prevent or correct suspected fraud if it is determined that a parent is suspected of fraud. Action taken against a parent found to have committed fraud may include but is not limited to:
   • Prohibiting future child care eligibility, provided that the prohibition does not result in a Choices or Supplemental Nutrition Assistance Program Employment and Training participant becoming ineligible for child care
   • Terminating care during the 12-month eligibility period if eligibility was determined using fraudulent information provided by the parent.

Section 2: Code of Conduct

1. The board of directors, board employees, its contractors and staff, and its training providers will act responsibly to ensure compliance with local, state and federal laws and regulations and grantor or funding entities’ rules and policies when conducting Workforce Solutions Borderplex business.

2. The board of directors and chief executive officer will ensure adherence to the standards set forth in The Board Book: A Reference Manual to include its polices, by-laws and the “Board/CEO Partnership Agreement.”

3. The board of directors, board employees, its contractors and staff, and its training providers will not knowingly engage in deceptive practices regarding federal, state and local regulations, rules, policies and procedures or engage in illegal acts.

4. The board of directors, board employees, its contractors and staff, and its training providers will act responsibly to properly use and protect federal, state and local funds.

5. The board of directors, board employees, its contractors and staff, and its training providers will not knowingly misappropriate or use Workforce Solutions Borderplex funding, personnel or equipment for personal gain or advantage.

6. The board of directors, board employees, its contractors and staff, and its training providers will not falsify records or direct or coerce others to do so.

7. The board of directors, board employees, its contractors and staff, and its training providers will not knowingly make false statements about workforce system staff, customers, contractors or the workforce system.

8. The board of directors, board employees, its contractors and staff, and its training providers will report any instances of suspected fraud, waste, theft or abuse.

9. The board of directors, board employees, its contractors and staff, and its training providers will take prompt action when wrongdoing is suspected, and will not tolerate any retaliation (or threats of retaliation) against anyone who reports suspected wrongdoing.

10. The board of directors, board employees, its contractors and staff, and its training providers will maintain sound internal fiscal controls to ensure workforce funds are used strictly in the manner for which they were intended.

11. The board of directors, board employees, its contractors and staff, and its training providers will welcome and cooperate with external review, to include state and federal monitoring, and secure an annual independent audit, as additional mechanisms for ensuring the protection of public funds.

12. The board of directors, board employees, its contractors and staff, and its training providers will act in a manner to ensure that Workforce Solutions Borderplex business is above reproach and embraces the tenets of fair dealing, to include promoting open and competitive procurement.

13. The board of directors, board employees, its contractors and staff, and its training providers will not use nonpublic information gained through a relationship with the Texas Workforce Commission, board member, board or system employees, contractors or training providers to seek or obtain financial gains that would be a conflict of interest or create the appearance of a conflict of interest.
14. The board of directors, board employees, its contractors and staff, and its training providers will not offer or accept gift or favors that affect professional judgment, are used to obtain special advantage or can be perceived as a conflict of interest.

15. The board of directors, board employees, its contractors and staff, and its training providers will not disclose confidential information, except for professional purposes in the context of one’s duties and as allowed by law, or use such information for personal gain.

16. The board of directors, board employees, its contractors and staff, and its training providers commit to maintaining ethical, professional, respectful and nondiscriminatory behavior toward customers, which includes individuals, businesses and organizations.

17. The board of directors, board employees, its contractors and staff, and its training providers are responsible for ensuring, promoting and facilitating transparency in all business transactions.

18. The board of directors, board employees, its contractors and staff, and its training providers will monitor themselves and each other for adherence to the Code of Conduct.
Revisions to the Policy Manual
The *Workforce Solutions Borderplex Policy Manual* was adopted by the Board of Directors on January 19, 2017. The Policy Manual is a living document that is expected to change over time with addition, revision and rescission of policy taking place to address the evolving landscape of the workforce development and to comply with federal and state mandates. The chart below delineates policy changes that have taken place since the adoption of the Policy Manual.

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# APPENDIX

## TARGET OCCUPATIONS LIST 2017

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<th>Occ Code</th>
<th>Occupational Title</th>
<th>Projected Growth 2014-2024</th>
<th>Total Annual Openings</th>
<th>Annual Openings, Replacements</th>
<th>Turnover %</th>
<th>Annual Opening Growth %</th>
<th>Growth %</th>
<th>Typical Education Needed for Entry into Occupation</th>
<th>Entry Wage Year</th>
<th>Mean Wage Year</th>
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<td>13-2089</td>
<td>Accountants &amp; Auditors</td>
<td>22.25%</td>
<td>100</td>
<td>55</td>
<td>55%</td>
<td>40</td>
<td>43%</td>
<td>Bachelor's degree</td>
<td>$19.15</td>
<td>$29.71</td>
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<td>11-2021</td>
<td>Farmers, Ranchers, &amp; Other Agricultural Managers</td>
<td>13.53%</td>
<td>45</td>
<td>25</td>
<td>56%</td>
<td>20</td>
<td>44%</td>
<td>High school diploma</td>
<td>$16.59</td>
<td>$25.10</td>
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<td>11-2081</td>
<td>General &amp; Operations Managers</td>
<td>10.35%</td>
<td>100</td>
<td>30</td>
<td>55%</td>
<td>70</td>
<td>44%</td>
<td>Bachelor's degree</td>
<td>$22.80</td>
<td>$32.00</td>
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<td>53-2034</td>
<td>First-Line Supervisors: Trans/Material-Moving Mach/Veh Ops</td>
<td>23.35%</td>
<td>35</td>
<td>20</td>
<td>57%</td>
<td>15</td>
<td>43%</td>
<td>High school diploma</td>
<td>$17.72</td>
<td>$28.00</td>
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<td>33-2001</td>
<td>Firefighters</td>
<td>17.51%</td>
<td>35</td>
<td>20</td>
<td>57%</td>
<td>15</td>
<td>43%</td>
<td>Postsecondary non-degree</td>
<td>$14.59</td>
<td>$21.03</td>
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<td>11-2193</td>
<td>Managers, All Other</td>
<td>14.38%</td>
<td>75</td>
<td>45</td>
<td>60%</td>
<td>30</td>
<td>40%</td>
<td>Bachelor's degree</td>
<td>$41.45</td>
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<td>47-2011</td>
<td>Electricians</td>
<td>12.22%</td>
<td>25</td>
<td>15</td>
<td>60%</td>
<td>10</td>
<td>40%</td>
<td>High school diploma</td>
<td>$12.68</td>
<td>$18.34</td>
</tr>
<tr>
<td>43-2051</td>
<td>Production, Planning, &amp; Expediting Clerks</td>
<td>11.24%</td>
<td>25</td>
<td>15</td>
<td>60%</td>
<td>10</td>
<td>40%</td>
<td>High school diploma</td>
<td>$11.54</td>
<td>$18.02</td>
</tr>
<tr>
<td>47-2152</td>
<td>Plumbers, Pipefitters, &amp; Steamfitters</td>
<td>10.45%</td>
<td>25</td>
<td>15</td>
<td>60%</td>
<td>10</td>
<td>40%</td>
<td>High school diploma</td>
<td>$11.19</td>
<td>$17.31</td>
</tr>
<tr>
<td>25-2022</td>
<td>Middle School Teachers, Ex Special/Career/Technical Ed</td>
<td>12.78%</td>
<td>80</td>
<td>50</td>
<td>63%</td>
<td>30</td>
<td>38%</td>
<td>Bachelor's degree</td>
<td>$20.61</td>
<td>$24.58</td>
</tr>
<tr>
<td>15-1071</td>
<td>Human Resources Specialists</td>
<td>14.14%</td>
<td>40</td>
<td>25</td>
<td>63%</td>
<td>15</td>
<td>38%</td>
<td>Bachelor's degree</td>
<td>$14.75</td>
<td>$25.87</td>
</tr>
<tr>
<td>53-7051</td>
<td>Industrial Truck &amp; Tractor Operators</td>
<td>14.15%</td>
<td>40</td>
<td>25</td>
<td>63%</td>
<td>15</td>
<td>38%</td>
<td>Postsecondary non-degree</td>
<td>$9.41</td>
<td>$12.28</td>
</tr>
<tr>
<td>51-0961</td>
<td>Inspectors, Testers, Sorters, Samplers, &amp; Weighers</td>
<td>14.57%</td>
<td>80</td>
<td>50</td>
<td>63%</td>
<td>30</td>
<td>38%</td>
<td>High school diploma</td>
<td>$8.42</td>
<td>$11.00</td>
</tr>
<tr>
<td>33-3021</td>
<td>Detectives &amp; Criminal Investigators</td>
<td>14.71%</td>
<td>95</td>
<td>60</td>
<td>63%</td>
<td>35</td>
<td>37%</td>
<td>Some college, no degree</td>
<td>$30.61</td>
<td>$38.87</td>
</tr>
<tr>
<td>25-2021</td>
<td>Elementary School Teachers, Ex. Special Education</td>
<td>12.30%</td>
<td>165</td>
<td>105</td>
<td>64%</td>
<td>60</td>
<td>36%</td>
<td>Bachelor's degree</td>
<td>$21.17</td>
<td>$25.27</td>
</tr>
<tr>
<td>25-2031</td>
<td>Secondary School Teachers, Ex. Special/Career/Technical Ed</td>
<td>12.75%</td>
<td>130</td>
<td>85</td>
<td>65%</td>
<td>45</td>
<td>35%</td>
<td>Bachelor's degree</td>
<td>$20.43</td>
<td>$24.62</td>
</tr>
<tr>
<td>11-9032</td>
<td>Education Administrators, Elementary/Secondary School</td>
<td>13.88%</td>
<td>30</td>
<td>20</td>
<td>63%</td>
<td>10</td>
<td>33%</td>
<td>Master's degree</td>
<td>$32.20</td>
<td>$39.44</td>
</tr>
<tr>
<td>33-3051</td>
<td>Police &amp; Sheriff's Patrol Officers</td>
<td>16.98%</td>
<td>105</td>
<td>70</td>
<td>67%</td>
<td>35</td>
<td>33%</td>
<td>Some college, no degree</td>
<td>$21.43</td>
<td>$29.97</td>
</tr>
<tr>
<td>21-1012</td>
<td>Educational, Guidance, School, &amp; Vocational Counselors</td>
<td>11.45%</td>
<td>30</td>
<td>20</td>
<td>63%</td>
<td>10</td>
<td>33%</td>
<td>Master's degree</td>
<td>$18.69</td>
<td>$27.03</td>
</tr>
<tr>
<td>33-3012</td>
<td>Correctional Officers &amp; Jailers</td>
<td>15.63%</td>
<td>45</td>
<td>30</td>
<td>62%</td>
<td>15</td>
<td>33%</td>
<td>High school diploma</td>
<td>$15.23</td>
<td>$18.61</td>
</tr>
<tr>
<td>43-3051</td>
<td>Payroll &amp; Timekeeping Clerks</td>
<td>11.75%</td>
<td>30</td>
<td>20</td>
<td>67%</td>
<td>10</td>
<td>33%</td>
<td>High school diploma</td>
<td>$12.26</td>
<td>$16.89</td>
</tr>
<tr>
<td>43-4193</td>
<td>Information &amp; Record Clerks, All Other</td>
<td>13.70%</td>
<td>30</td>
<td>20</td>
<td>63%</td>
<td>10</td>
<td>33%</td>
<td>High school diploma</td>
<td>$11.52</td>
<td>$16.94</td>
</tr>
<tr>
<td>25-2012</td>
<td>Kindergarten Teachers, Ex. Special Education</td>
<td>12.50%</td>
<td>20</td>
<td>15</td>
<td>75%</td>
<td>5</td>
<td>25%</td>
<td>Bachelor's degree</td>
<td>$21.74</td>
<td>$24.83</td>
</tr>
<tr>
<td>13-1023</td>
<td>Purchasing Agents, Ex. Wholesale, Retail, &amp; Farm Products</td>
<td>10.00%</td>
<td>20</td>
<td>15</td>
<td>75%</td>
<td>5</td>
<td>25%</td>
<td>Bachelor's degree</td>
<td>$15.39</td>
<td>$25.30</td>
</tr>
<tr>
<td>15-1102</td>
<td>Software Developers, Systems Software</td>
<td>87.45%</td>
<td>30</td>
<td>5</td>
<td>85%</td>
<td>15</td>
<td>75%</td>
<td>Bachelor's degree</td>
<td>$24.21</td>
<td>$29.50</td>
</tr>
<tr>
<td>23-2952</td>
<td>Pharmacy Technicians</td>
<td>25.74%</td>
<td>35</td>
<td>10</td>
<td>23%</td>
<td>25</td>
<td>71%</td>
<td>Postsecondary non-degree</td>
<td>$12.00</td>
<td>$15.35</td>
</tr>
<tr>
<td>47-1011</td>
<td>First-Line Supervisors: Construction Trades/Extraction Wks</td>
<td>15.32%</td>
<td>30</td>
<td>10</td>
<td>33%</td>
<td>20</td>
<td>67%</td>
<td>High school diploma</td>
<td>$14.61</td>
<td>$25.37</td>
</tr>
<tr>
<td>53-3032</td>
<td>Heavy &amp; Tractor-Trailer Truck Drivers</td>
<td>31.80%</td>
<td>265</td>
<td>30</td>
<td>34%</td>
<td>175</td>
<td>66%</td>
<td>Postsecondary non-degree</td>
<td>$11.34</td>
<td>$17.32</td>
</tr>
<tr>
<td>43-3031</td>
<td>Bus &amp; Truck Mechanics &amp; Diesel Engine Specialists</td>
<td>30.85%</td>
<td>40</td>
<td>15</td>
<td>38%</td>
<td>25</td>
<td>63%</td>
<td>Postsecondary non-degree</td>
<td>$11.53</td>
<td>$17.31</td>
</tr>
<tr>
<td>Industry</td>
<td>Percentage</td>
<td>Experience</td>
<td>Education</td>
<td>Degree</td>
<td>Starting</td>
<td>Midpoint</td>
<td>Schooling</td>
<td>Salary</td>
<td>Salary</td>
<td></td>
</tr>
<tr>
<td>--------------------------------</td>
<td>------------</td>
<td>------------</td>
<td>-----------</td>
<td>--------</td>
<td>----------</td>
<td>----------</td>
<td>-----------</td>
<td>--------</td>
<td>--------</td>
<td></td>
</tr>
<tr>
<td>41-1012 First-Line Supervisors of Non-Retail Sales Workers</td>
<td>16.67%</td>
<td>25</td>
<td>10</td>
<td>40%</td>
<td>15</td>
<td>60%</td>
<td>High school diploma or associate's degree</td>
<td>$16.21</td>
<td>$25.46</td>
<td></td>
</tr>
<tr>
<td>23-2012 Medical &amp; Clinical Laboratory Technicians</td>
<td>20.30%</td>
<td>30</td>
<td>30</td>
<td>43%</td>
<td>40</td>
<td>60%</td>
<td>Some college, no degree</td>
<td>$12.16</td>
<td>$17.74</td>
<td></td>
</tr>
<tr>
<td>15-1151 Computer User Support Specialists</td>
<td>13.82%</td>
<td>35</td>
<td>15</td>
<td>42%</td>
<td>20</td>
<td>57%</td>
<td>Some college, no degree</td>
<td>$11.70</td>
<td>$19.43</td>
<td></td>
</tr>
<tr>
<td>53-3033 Light Truck or Delivery Service Drivers</td>
<td>22.41%</td>
<td>30</td>
<td>30</td>
<td>43%</td>
<td>40</td>
<td>57%</td>
<td>High school diploma or associate's degree</td>
<td>$8.29</td>
<td>$11.95</td>
<td></td>
</tr>
<tr>
<td>13-1199 Business Operations Specialists, All Other</td>
<td>13.14%</td>
<td>45</td>
<td>20</td>
<td>43%</td>
<td>25</td>
<td>56%</td>
<td>Bachelor's degree</td>
<td>$22.17</td>
<td>$34.55</td>
<td></td>
</tr>
<tr>
<td>13-1041 Compliance Officers</td>
<td>12.26%</td>
<td>55</td>
<td>25</td>
<td>45%</td>
<td>30</td>
<td>55%</td>
<td>Bachelor's degree</td>
<td>$23.38</td>
<td>$32.97</td>
<td></td>
</tr>
<tr>
<td>23-1141 Registered Nurses</td>
<td>26.51%</td>
<td>200</td>
<td>130</td>
<td>46%</td>
<td>150</td>
<td>54%</td>
<td>Bachelor's degree</td>
<td>$24.95</td>
<td>$31.17</td>
<td></td>
</tr>
<tr>
<td>43-1011 First-Line Supervisors of Office &amp; Admin Support Workers</td>
<td>17.96%</td>
<td>95</td>
<td>45</td>
<td>47%</td>
<td>50</td>
<td>53%</td>
<td>Some college, no degree</td>
<td>$15.50</td>
<td>$24.95</td>
<td></td>
</tr>
<tr>
<td>23-1069 Physicians &amp; Surgeons, All Other</td>
<td>24.39%</td>
<td>20</td>
<td>10</td>
<td>50%</td>
<td>10</td>
<td>50%</td>
<td>Doctoral or professional</td>
<td>$51.17</td>
<td>$80.60</td>
<td></td>
</tr>
<tr>
<td>23-1011 Lawyers</td>
<td>17.00%</td>
<td>30</td>
<td>15</td>
<td>50%</td>
<td>15</td>
<td>50%</td>
<td>Master's, Doctoral or professional</td>
<td>$32.70</td>
<td>$61.46</td>
<td></td>
</tr>
<tr>
<td>23-1123 Physical Therapists</td>
<td>30.20%</td>
<td>20</td>
<td>10</td>
<td>50%</td>
<td>10</td>
<td>50%</td>
<td>Master's, Doctoral or professional</td>
<td>$32.41</td>
<td>$45.47</td>
<td></td>
</tr>
<tr>
<td>11-1111 Medical &amp; Health Services Managers</td>
<td>27.92%</td>
<td>20</td>
<td>10</td>
<td>50%</td>
<td>10</td>
<td>50%</td>
<td>Bachelor's degree</td>
<td>$30.34</td>
<td>$45.15</td>
<td></td>
</tr>
<tr>
<td>23-1127 Speech-Language Pathologists</td>
<td>28.26%</td>
<td>20</td>
<td>10</td>
<td>50%</td>
<td>10</td>
<td>50%</td>
<td>Master's degree</td>
<td>$25.56</td>
<td>$35.26</td>
<td></td>
</tr>
<tr>
<td>13-1111 Management Analysts</td>
<td>20.72%</td>
<td>20</td>
<td>10</td>
<td>50%</td>
<td>10</td>
<td>50%</td>
<td>Bachelor's degree</td>
<td>$23.40</td>
<td>$35.77</td>
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</tr>
<tr>
<td>11-1151 Social &amp; Community Service Managers</td>
<td>21.21%</td>
<td>20</td>
<td>10</td>
<td>50%</td>
<td>10</td>
<td>50%</td>
<td>Bachelor's degree</td>
<td>$21.66</td>
<td>$30.70</td>
<td></td>
</tr>
<tr>
<td>13-1031 Claims Adjusters, Examiners, &amp; Investigators</td>
<td>22.56%</td>
<td>20</td>
<td>10</td>
<td>50%</td>
<td>10</td>
<td>50%</td>
<td>Some college, no degree</td>
<td>$20.58</td>
<td>$29.95</td>
<td></td>
</tr>
<tr>
<td>11-3051 Food Service Managers</td>
<td>24.00%</td>
<td>20</td>
<td>10</td>
<td>50%</td>
<td>10</td>
<td>50%</td>
<td>High school diploma or associate's degree</td>
<td>$15.70</td>
<td>$23.37</td>
<td></td>
</tr>
<tr>
<td>43-1011 First-Line Supervisors of Mechanics, Installers, &amp; Repairers</td>
<td>18.93%</td>
<td>30</td>
<td>15</td>
<td>50%</td>
<td>15</td>
<td>50%</td>
<td>High school diploma or associate's degree</td>
<td>$10.06</td>
<td>$17.70</td>
<td></td>
</tr>
<tr>
<td>23-2011 Medical &amp; Clinical Laboratory Technologists</td>
<td>27.79%</td>
<td>30</td>
<td>15</td>
<td>50%</td>
<td>10</td>
<td>50%</td>
<td>Bachelor's degree</td>
<td>$17.17</td>
<td>$26.09</td>
<td></td>
</tr>
<tr>
<td>23-2061 Licensed Practical &amp; Licensed Vocational Nurses</td>
<td>26.03%</td>
<td>40</td>
<td>20</td>
<td>50%</td>
<td>40</td>
<td>50%</td>
<td>Postsecondary non-degree</td>
<td>$17.24</td>
<td>$21.56</td>
<td></td>
</tr>
<tr>
<td>11-3021 Construction Managers</td>
<td>12.50%</td>
<td>20</td>
<td>10</td>
<td>50%</td>
<td>10</td>
<td>50%</td>
<td>Bachelor's degree</td>
<td>$16.75</td>
<td>$40.17</td>
<td></td>
</tr>
<tr>
<td>21-1021 Child, Family, &amp; School Social Workers</td>
<td>20.41%</td>
<td>20</td>
<td>10</td>
<td>50%</td>
<td>10</td>
<td>50%</td>
<td>Bachelor's degree</td>
<td>$15.81</td>
<td>$20.87</td>
<td></td>
</tr>
<tr>
<td>43-3041 Industrial Machinery Mechanics</td>
<td>40.00%</td>
<td>20</td>
<td>10</td>
<td>50%</td>
<td>10</td>
<td>50%</td>
<td>High school diploma or associate's degree</td>
<td>$14.37</td>
<td>$21.86</td>
<td></td>
</tr>
<tr>
<td>13-1151 Training &amp; Development Specialists</td>
<td>21.83%</td>
<td>30</td>
<td>15</td>
<td>50%</td>
<td>15</td>
<td>50%</td>
<td>Bachelor's degree</td>
<td>$13.38</td>
<td>$24.04</td>
<td></td>
</tr>
<tr>
<td>21-1011 Substance Abuse &amp; Behavioral Disorder Counselors</td>
<td>46.67%</td>
<td>10</td>
<td>5</td>
<td>50%</td>
<td>5</td>
<td>50%</td>
<td>Bachelor's degree</td>
<td>$13.26</td>
<td>$16.10</td>
<td></td>
</tr>
<tr>
<td>41-3021 Insurance Sales Agents</td>
<td>26.23%</td>
<td>30</td>
<td>15</td>
<td>50%</td>
<td>15</td>
<td>50%</td>
<td>Postsecondary non-degree</td>
<td>$13.08</td>
<td>$22.16</td>
<td></td>
</tr>
<tr>
<td>43-2073 Operating Engineers &amp; Other Construction Equipment Operators</td>
<td>16.13%</td>
<td>20</td>
<td>10</td>
<td>50%</td>
<td>10</td>
<td>50%</td>
<td>High school diploma or associate's degree</td>
<td>$19.27</td>
<td>$27.37</td>
<td></td>
</tr>
<tr>
<td>13-3021 Heating, AC, &amp; Refrigeration Mechanics &amp; Installers</td>
<td>13.04%</td>
<td>20</td>
<td>10</td>
<td>50%</td>
<td>10</td>
<td>50%</td>
<td>Postsecondary non-degree</td>
<td>$14.22</td>
<td>$16.33</td>
<td></td>
</tr>
<tr>
<td>51-4041 Machinists</td>
<td>20.33%</td>
<td>20</td>
<td>10</td>
<td>50%</td>
<td>10</td>
<td>50%</td>
<td>High school diploma or associate's degree</td>
<td>$11.09</td>
<td>$17.42</td>
<td></td>
</tr>
<tr>
<td>23-1051 Pharmacists</td>
<td>13.30%</td>
<td>25</td>
<td>15</td>
<td>60%</td>
<td>10</td>
<td>40%</td>
<td>Doctoral or professional</td>
<td>$52.31</td>
<td>$65.35</td>
<td></td>
</tr>
</tbody>
</table>