

1 **CHAPTER 802. INTEGRITY OF THE TEXAS WORKFORCE SYSTEM**

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3 **ADOPTED RULES WITH PREAMBLE TO BE SUBMITTED TO THE TEXAS**
4 **REGISTER. THIS DOCUMENT WILL HAVE NO SUBSTANTIVE CHANGES BUT IS**
5 **SUBJECT TO FORMATTING CHANGES AS REQUIRED BY THE TEXAS REGISTER.**

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7 **ON DECEMBER 15, 2020, THE TEXAS WORKFORCE COMMISSION ADOPTED THE**
8 **BELOW RULES WITH PREAMBLE TO BE SUBMITTED TO THE TEXAS REGISTER.**

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10 Estimated date of publication in the *Texas Register*: **January 1, 2021**
11 The rules will take effect: **January 4, 2021**

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13 The Texas Workforce Commission (TWC) adopts the following new subchapter to Chapter 802,
14 relating to the Integrity of the Texas Workforce System, *without* changes, as published in the
15 October 9, 2020, issue of the *Texas Register* (45 TexReg 7210):

16
17 Subchapter J. Local Workforce Development Area Appeals, §802.170

18
19 **PART I. PURPOSE, BACKGROUND, AND AUTHORITY**

20 The purpose of the Chapter 802 rule amendment is to add Subchapter J, relating to appeals of
21 denial of local workforce development area (workforce area) certifications. Subchapter J has
22 been added to this chapter to retain the rule related to workforce area appeals from repealed
23 Chapter 841, Subchapter E. This new subchapter is consistent with and implements the
24 Workforce Innovation and Opportunity Act (WIOA) §106(b)(5).

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

27
28 **SUBCHAPTER J. LOCAL WORKFORCE DEVELOPMENT AREA APPEALS**

29 Consistent with WIOA §106(b)(5), TWC adopts new Subchapter J as follows:

30
31 **§802.170. Appeal of Denial of Local Workforce Development Area Certification**

32 New §802.170 states that all appeals of denial of workforce area certification shall be referred to
33 the Texas Workforce Investment Council.

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

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38 **PART III. PUBLIC COMMENT**

39 The public comment period closed on November 9, 2020. No comments were received.

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41 **PART IV. STATUTORY AUTHORITY**

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

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46 The rule affects Title 4, Texas Labor Code, particularly Chapters 301 and 302.

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3 **SUBCHAPTER J. LOCAL WORKFORCE DEVELOPMENT AREA APPEALS**

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5 **§802.170. Appeal of Denial of Local Workforce Development Area Certification.**

6
7 All appeals of denial of local workforce development area certifications shall be referred
8 to the Texas Workforce Investment Council as described in the Agency's WIOA
9 Combined State Plan.