

1 **Amendments to Chapter 823 Integrated Complaints, Hearings, and Appeals**
2 **Policy Concept**

3 **Background**

4 Texas Workforce Commission (TWC) Chapter 823 Integrated Complaints, Hearings, and
5 Appeals rules provide an appeals process for complaints or determinations regarding federal- or
6 state-funded workforce services administered by TWC or Local Workforce Development Boards
7 (Boards). TWC’s three-member Commission adopted the rules in their present form in 2007.

8 Staff has reviewed the rules and determined that amendments are needed to clarify the parties
9 and programs covered by the rules, align the rules with the Workforce Innovation and
10 Opportunity Act (WIOA), which replaced the Workforce Investment Act (WIA), clarify
11 terminology between local- and state-level hearings and appeals, and add rules for appealing
12 state-level decisions to the US Secretary of Labor.

13 **Issue 1: Applicable Parties and Programs**

14 Section 823.1 specifies the services and programs for which this chapter applies and does not
15 apply. Some programs no longer exist or have been renamed; therefore, program-specific
16 updates need to be made to this section and other sections as applicable. Staff also has
17 determined that it is necessary to clarify which parties may or may not file a complaint or appeal
18 under this chapter.

19 **Issue 2: Alignment with WIOA**

20 There are multiple WIA citations, which must be replaced with their corresponding WIOA
21 citations. Sections applying to Eligible Training Providers (ETPs) also need to be updated to
22 align with WIOA.

23 **Issue 3: Distinguishing Between Local- and State-Level Staff**

24 Chapter 823 covers complaints, hearings, and appeals at both the Board and agency levels. The
25 term “hearing officer” is used interchangeably throughout the rule. However, TWC hearing
26 officers must meet specific qualifications that are not required at the Board level; therefore, staff
27 has identified the need to reserve the term “hearing officer” for TWC hearing officers and use
28 “adjudicator” for individuals who handle complaints at the Board level.

29 **Issue 4: Federal Appeals Process**

30 Title 20 Code of Federal Regulations (CFR) §683.600 requires each state and direct recipient of
31 WIOA Title I funds to establish and maintain procedures for participants and interested parties to
32 file grievances and complaints alleging violations of WIOA Title I requirements to include the
33 opportunity for participants and interested parties to appeal decisions to the US Secretary of
34 Labor. Staff has identified the need to include this provision in Chapter 823.

35 **Decision Point**

36 Staff seeks direction on amending Chapter 823 to:

- 37 • clarify the parties and programs covered by the rules;
38 • update citations and terminology from WIA to WIOA;
39 • distinguish between applicable TWC and Board staff by identifying TWC staff as “hearing
40 officers” and Board staff as “adjudicators”; and
41 • add rules for the federal appeals process as required by 20 CFR §683.600.