

By: Murphy

H.B. No. 3767

A BILL TO BE ENTITLED

AN ACT

1
2 relating to measures to support workforce development in the state,
3 including the establishment of the Tri-Agency Workforce Initiative
4 and additional employer workforce data reporting.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subtitle G, Title 10, Government Code, is
7 amended by adding Chapter 2308A to read as follows:

8 CHAPTER 2308A. TRI-AGENCY WORKFORCE INITIATIVE

9 Sec. 2308A.001. DEFINITIONS. In this chapter:

10 (1) "Agency," unless the context requires otherwise,
11 means the Texas Education Agency.

12 (2) "Career education and training program" means:

13 (A) a career and technology education program
14 offered by a public school or an institution of higher education;

15 (B) a program administered by the commission
16 relating to jobs training, skills development, or adult education
17 and literacy; and

18 (C) a work-based learning program, such as an
19 apprenticeship or internship program, that receives state funding
20 or is administered by the commission.

21 (3) "Commission" means the Texas Workforce
22 Commission.

23 (4) "Coordinating board" means the Texas Higher
24 Education Coordinating Board.

1 (5) "Fund" means the Tri-Agency Workforce Initiative
2 Fund established under Section 2308A.017.

3 (6) "Initiative" means the Tri-Agency Workforce
4 Initiative.

5 (7) "Institution of higher education" has the meaning
6 assigned by Section 61.003, Education Code.

7 (8) "State workforce development goals" means the
8 state workforce development goals adopted under Section 2308A.006.

9 Sec. 2308A.002. PURPOSE. The Tri-Agency Workforce
10 Initiative is established to coordinate and optimize information
11 and other resources as necessary to:

12 (1) align career education and training programs to
13 workforce demands;

14 (2) provide residents of the state with timely and
15 accurate information needed to plan education and workforce
16 pathways; and

17 (3) enable local and state policymakers to evaluate
18 the effectiveness of career education and training programs and
19 progress toward the state workforce development goals.

20 Sec. 2308A.003. INTERAGENCY AGREEMENT AND STAFFING. (a)
21 The agency, coordinating board, and commission shall enter into an
22 interagency agreement establishing policies and processes for:

23 (1) sharing and cooperatively managing education and
24 workforce information collected by each respective agency; and

25 (2) sharing staff, including colocation of staff
26 assigned to the initiative on a full-time basis, and other
27 resources necessary to effectuate the state workforce development

1 goals and the strategies for achieving those goals adopted under
2 Section 2308A.006.

3 (b) The policies and processes established in the agreement
4 under Subsection (a) must ensure that data collected by the agency,
5 coordinating board, or commission is matched at the student level
6 and made available for use in accordance with this chapter.

7 (c) A full-time equivalent employee of the agency,
8 coordinating board, or commission whose time and effort are
9 dedicated exclusively to supporting the work of the initiative is
10 not included in the calculation of the number of full-time
11 equivalent employees allotted to the respective agency under other
12 law.

13 Sec. 2308A.004. QUARTERLY MEETINGS. The agency,
14 coordinating board, and commission shall meet at least once each
15 quarter to conduct the business of the initiative.

16 Sec. 2308A.005. UNIFIED WORKFORCE DATA REPOSITORY. (a) The
17 agency, coordinating board, and commission shall use the
18 P-20/Workforce Data Repository established under Section
19 1.005(j-1), Education Code, as the central repository of career and
20 education data. After a comprehensive review of data collected by
21 the respective agency, the agency, coordinating board, and
22 commission shall incorporate into the repository all data
23 determined by the executive officer of that agency to be integral to
24 the state workforce development goals and the strategies for
25 achieving those goals adopted under Section 2308A.006.

26 (b) Any data or reports made accessible to the public under
27 the initiative must comply with rules adopted under Section 1.006,

1 Education Code, to ensure the appropriate use of data in the
2 repository, including compliance with applicable state and federal
3 laws governing use of and access to the data.

4 (c) The agency, coordinating board, and commission shall
5 ensure that records deposited in the repository are automatically
6 matched at the student level on a timely basis to ensure that the
7 agency, the coordinating board, and the commission and each school
8 district, institution of higher education, and workforce entity
9 authorized to access the repository has timely information to
10 support higher education and workforce application, entry, and
11 success.

12 Sec. 2308A.006. STATE WORKFORCE DEVELOPMENT GOALS AND
13 STRATEGIES. (a) The agency, coordinating board, and commission
14 jointly shall adopt and post in a prominent location on the
15 initiative's and each respective agency's Internet website state
16 workforce development goals and coordinated interagency strategies
17 for achieving those goals.

18 (b) The goals adopted under Subsection (a) must:

19 (1) include goals for the attainment of employment in
20 jobs that pay a living wage for all career education and training
21 programs in the state;

22 (2) be disaggregated by race, ethnicity, and gender
23 for each workforce development region; and

24 (3) provide for:

25 (A) locally determined priorities consistent
26 with state goals; and

27 (B) collaborative planning and coordination with

1 public schools, institutions of higher education, and local
2 workforce development boards.

3 (c) The strategies adopted under Subsection (a) must:

4 (1) include strategies for expanding work-based
5 learning;

6 (2) articulate the ways in which the state can best
7 leverage federal funding; and

8 (3) be demonstrably guided by:

9 (A) education and workforce data sets matched at
10 the student level;

11 (B) performance evaluation measures, including
12 return on investment formulas; and

13 (C) prioritized occupational classifications,
14 including all target occupations and critical career pathways
15 designated under Subsection (e).

16 (d) The agency, coordinating board, and commission jointly
17 shall update the state workforce development goals and strategies
18 adopted under Subsection (a) at least every four years, or more
19 frequently if needed to reflect available data and circumstances.

20 (e) The agency, coordinating board, and commission shall
21 designate and update every two years a list of career pathways that
22 includes the following two priority categories:

23 (1) target occupations, which include current needs
24 that exist in one or more regions of the state as reflected in
25 regional workforce assessments that:

26 (A) use the best available data and local
27 employer requests; and

1 (B) satisfy minimum federal standards for
2 designations, such as a foundation for qualified use of federal
3 workforce funding; and

4 (2) critical career pathways that reflect the best
5 statewide data and forecasts of attractive skills and careers
6 expected to grow in the state that may:

7 (A) be associated with new emerging industries or
8 new specialty occupations within an industry; or

9 (B) reflect lateral pathways to better wages for
10 workers with documented skills that provide promotional
11 opportunities within or across occupations with targeted upskill
12 training.

13 (f) Not later than June 1, 2022, the agency, coordinating
14 board, and commission jointly shall make recommendations regarding
15 the development of a modernized and expanded job skills inventory
16 for the state that classifies and matches evolving skills in a
17 rapidly changing economy to career education and training programs
18 and career pathways designated under Subsection (e) that are most
19 important to the state. This subsection expires September 1, 2022.

20 Sec. 2308A.007. CREDENTIAL LIBRARY. (a) The agency,
21 coordinating board, and commission jointly shall establish a
22 web-based library of credentials issued by any public or private
23 entity that are:

24 (1) aligned with recognized skills and industry
25 standards;

26 (2) available to residents of the state; and

27 (3) used by employers in the state.

1 (b) The agency, coordinating board, and commission jointly
2 shall designate a host agency or operating entity for the
3 credential library. The host agency or operating entity shall
4 perform trend and utilization analysis for each credential in the
5 library to determine the credential's value in the state labor
6 force.

7 Sec. 2308A.008. ADMINISTRATIVE SUPPORT. The Texas
8 Workforce Investment Council shall provide administrative support,
9 including resources and staff, for the initiative.

10 Sec. 2308A.009. INTERNET WEBSITE. (a) The agency,
11 coordinating board, and commission shall cooperatively establish a
12 central Internet website for the initiative that contains publicly
13 accessible career and workforce information. The Internet website
14 must include:

15 (1) a unified dashboard, updated on an annual or more
16 frequent basis, that reports progress toward accomplishment of the
17 state workforce development goals, both statewide and
18 disaggregated by public school and public school campus,
19 institution of higher education campus, workforce region, and
20 county;

21 (2) data on the outcomes of students who participate
22 in career education and training programs, disaggregated to the
23 extent practicable by income, race, ethnicity, and gender,
24 including data for the first, fifth, and tenth years after
25 completing the program on:

26 (A) degree and credential attainment;

27 (B) employment status and industry of

1 employment; and
2 (C) median earnings;
3 (3) analytical tools and guidance supporting the use
4 of data on the dashboard described by Subdivision (1) for greater
5 accessibility for a wide range of public, practitioner, and
6 legislative users;
7 (4) tools enabling residents of the state to:
8 (A) explore careers that match the resident's
9 education and skills and lead to a living wage;
10 (B) identify and evaluate near-term education
11 and training opportunities related to the resident's career
12 interests;
13 (C) engage in longer-term career planning; and
14 (D) connect to available jobs through existing
15 job matching websites;
16 (5) tools enabling the secure interagency sharing of
17 information in order to seamlessly refer a website visitor at the
18 visitor's election to tailored career navigation, support, and
19 training resources;
20 (6) tools to support joint program planning,
21 budgeting, and performance evaluation among:
22 (A) the agency, coordinating board, and
23 commission; and
24 (B) public schools, institutions of higher
25 education, local workforce development boards, and partnering
26 entities; and
27 (7) data necessary to demonstrate return on investment

1 for each career education and training program, including:

2 (A) state and local costs;

3 (B) costs to the student; and

4 (C) student salary at the first, fifth, and tenth
5 years after completing the program.

6 (b) The agency, coordinating board, and commission jointly
7 shall:

8 (1) in September of each year, solicit public comment
9 on the usefulness of the initiative's Internet website; and

10 (2) in December of each year, publish:

11 (A) a summary of actions taken to address
12 comments received under Subdivision (1); and

13 (B) trend data regarding the use of the
14 initiative's Internet website.

15 Sec. 2308A.010. PERFORMANCE REPORTING. (a) The agency,
16 coordinating board, and commission shall coordinate data
17 collection and matching necessary to evaluate career education and
18 training programs, in accordance with progress measures jointly
19 adopted by the agency, coordinating board, and commission, with
20 respect to:

21 (1) the aggregate impact of the programs on the state
22 workforce development goals; and

23 (2) return on investment for each program with respect
24 to the program's discrete impact on the state workforce development
25 goals, including a comparison of employment status, occupation, and
26 salary for each student before participating in the program and at
27 the first, fifth, and tenth years after completing the program.

1 (b) Not later than September 1 of each even-numbered year,
2 the agency, coordinating board, and commission jointly shall
3 prepare, submit to the legislature, and post on the initiative's
4 and each respective agency's Internet website a report evaluating
5 the impact of career and education training programs on the state
6 workforce development goals with respect to the progress measures
7 described by Subsection (a).

8 Sec. 2308A.011. PUBLIC COMMENT. At least 30 days before
9 adopting state workforce development goals, strategies for meeting
10 those goals under Section 2308A.006, or a performance report under
11 Section 2308A.010, the agency, coordinating board, and commission
12 jointly shall post on the initiative's and each respective agency's
13 Internet website the proposed goals, strategies, or performance
14 report and instructions for submitting public comment on those
15 items.

16 Sec. 2308A.012. SECURE PORTAL. (a) For purposes of state
17 and local planning, program evaluation, and continuous improvement
18 of local and regional education and workforce practices, the
19 agency, coordinating board, and commission jointly shall establish
20 and support a secure portal through which authorized personnel of
21 approved entities can view and analyze comprehensive longitudinal
22 and the most currently available matched data related to the
23 progression toward living-wage employment for residents of the
24 state.

25 (b) The agency, coordinating board, and commission jointly
26 shall adopt role-based security protocols that ensure the privacy
27 and confidentiality of information made accessible through the

1 secure portal in a manner that complies with any applicable state or
2 federal law.

3 Sec. 2308A.013. EMPLOYER RECOGNITION. (a) The governor may
4 award a Talent for Texas Champions Governor's Award to recognize
5 leading employers in the state who are contributing to workforce
6 improvement by supporting priority job training, reskilling, and
7 upskilling programs and whose contributions align with strategic
8 priorities for the state, including helping to meet regional
9 workforce demands and enabling more residents of the state to
10 attain jobs that pay a living wage.

11 (b) The agency, coordinating board, and commission jointly
12 shall nominate employers for the award under this section.

13 Sec. 2308A.014. STATEWIDE CAREER INTERMEDIARY COUNCIL. (a)
14 In this section, "council" means the statewide career intermediary
15 council established under this section.

16 (b) The agency, coordinating board, and commission jointly
17 shall establish a statewide career intermediary council to assist
18 the initiative in achieving the purposes of this chapter.

19 (c) The council consists of three members, with one member
20 appointed by the commissioner of education, one member appointed by
21 the commissioner of higher education, and one member appointed by
22 the chair of the commission.

23 (d) In making appointments to the council, the appointing
24 officers shall coordinate as necessary to ensure that at least one
25 member is a representative of a nonprofit organization that
26 provides support services to students transitioning from secondary
27 to postsecondary education or to participants in job training

1 programs.

2 (e) A vacancy on the council is filled in the same manner as
3 the initial appointment.

4 (f) Chapters 2110 and 2254, Government Code, do not apply to
5 the appointment of members to the council.

6 (g) The council shall:

7 (1) identify ways in which career education and
8 training program providers and employers in the state can
9 communicate more effectively with students, trainees, and
10 employees, using common terminology and definitions of skills sets
11 that match credentials required for attractive jobs;

12 (2) interpret how effectively labor market demand
13 information is being used to help:

14 (A) employers in the state to identify hire-ready
15 credentials; and

16 (B) job applicants to understand what skills they
17 already have;

18 (3) suggest improvements to the state workforce
19 development goals and the progress measures adopted under Section
20 2308A.010; and

21 (4) examine existing regional workforce
22 intermediaries for the purpose of recognizing successful efforts
23 and scaling best practices of those intermediaries to regions
24 across the state, using the following measures:

25 (A) identifying and expanding lower-cost,
26 shorter-term training opportunities;

27 (B) providing simpler pathways for residents of

1 the state to attain jobs that pay a living wage, with a focus on
2 advising, apprenticeships, and internships; and

3 (C) successfully recruiting and coordinating
4 partners such as employers, workforce training programs,
5 community-based organizations, postsecondary educational
6 institutions, and public schools, to expand and align work-based
7 learning efforts.

8 (h) Not later than September 1, 2022, the council shall
9 submit to the legislature a report summarizing the additional value
10 provided by the initiative's Internet website, including the
11 dashboard, tools, secure portal, and guidance described by Section
12 2308A.009, and any recommendations for legislative or other action
13 to improve the usefulness of those resources. This subsection
14 expires September 1, 2023.

15 Sec. 2308A.015. TARGETED FUNDING TO ADDRESS STATE GOALS.

16 (a) A state agency that receives funding through the Carl D. Perkins
17 Career and Technical Education Act of 2006 (20 U.S.C. Section 2301
18 et seq.) or the Workforce Innovation and Opportunity Act (Pub. L.
19 No. 113-128) or any other federal funding for career education and
20 training may combine with, transfer to, or delegate to another
21 state agency that receives such funding the agency's management of
22 workforce-related funding as necessary to implement the state
23 workforce development goals.

24 (b) The agency, coordinating board, and commission jointly
25 shall submit to the governor and the standing legislative
26 committees with jurisdiction over state financial alignment
27 efforts a biennial report on how federal and state funding for

1 career education and training programs are being spent in
2 accordance with the state workforce development goals.

3 (c) A state agency that receives federal or state funding
4 for career education and training programs shall include in the
5 agency's legislative appropriations request a description of how
6 the agency's career education and training programs and
7 expenditures align with the state workforce development goals.

8 Sec. 2308A.016. LIVING WAGE. The agency, coordinating
9 board, and commission jointly shall determine for each county the
10 wage that constitutes a living wage for purposes of this chapter.
11 The determination must be based on a common standard that reflects
12 the regionally adjusted minimum employment earnings necessary to
13 meet a family's basic needs while also maintaining
14 self-sufficiency.

15 Sec. 2308A.017. TRI-AGENCY WORKFORCE INITIATIVE FUND. (a)
16 The Tri-Agency Workforce Initiative fund is a special fund in the
17 state treasury outside the general revenue fund.

18 (b) The fund consists of:

19 (1) money appropriated by the legislature for deposit
20 to the credit of the fund;

21 (2) gifts to the state for the purposes of the fund;
22 and

23 (3) money directed by law for deposit to the credit of
24 the fund.

25 (c) Money in the fund may be appropriated only for the
26 purposes of:

27 (1) modernizing state data for the initiative;

1 (2) planning, staff, or organizational activities of
2 the initiative; or

3 (3) any activities required or allowed under this
4 chapter to implement the state workforce development goals.

5 SECTION 2. Subchapter A, Chapter 204, Labor Code, is
6 amended by adding Section 204.0025 to read as follows:

7 Sec. 204.0025. ADDITIONAL WORKFORCE DATA REPORTING. (a)
8 The commission shall request that each employer provide to the
9 commission as part of the employer's routine wage filings under
10 this subtitle or commission rule and consistent with federal law
11 and regulations the following workforce data for each employee:

12 (1) the standard six-digit occupational
13 classification code;

14 (2) the employee's status as full time or part time or
15 the hours worked for the job;

16 (3) the start date of the employee's current role;

17 (4) remote work status;

18 (5) job title; and

19 (6) end date for an internal role change.

20 (b) The commission shall provide a public report on employer
21 participation in the data reporting requested under Subsection (a)
22 and a cost-benefit analysis on the data to the workforce planning
23 process in the state.

24 SECTION 3. Not later than October 1, 2021, the Texas
25 Education Agency, Texas Higher Education Coordinating Board, and
26 Texas Workforce Commission shall hold the initial meeting required
27 under Section 2308A.004, Government Code, as added by this Act.

1 SECTION 4. (a) Not later than January 31, 2022, the Texas
2 Education Agency, Texas Higher Education Coordinating Board, and
3 Texas Workforce Commission shall approve the initial state
4 workforce development goals required under Section 2308A.006,
5 Government Code, as added by this Act.

6 (b) Not later than April 30, 2022, the Texas Education
7 Agency, Texas Higher Education Coordinating Board, and Texas
8 Workforce Commission shall adopt the initial strategies required
9 under Section 2308A.006, Government Code, as added by this Act.

10 SECTION 5. This Act takes effect September 1, 2021.