

Amend CSSB 280 as follows:

(1) On page 14, after line 7, add new SECTION 3.071:

Subchapter C, Chapter 2308, Government Code, is amended by amending Sections 2308.264 and 2308.267 to read as follows:

Sec. 2308.264 Contracting for Service Delivery

(a) A board may not directly provide workforce training and services. A board may not act as a fiscal agent for any entity with which the board contracts to provide one-stop services.

(b) When contracting for the provision of one-stop services, a board must:

1. ensure that the contractor has fiscal controls and fund accounting procedures in place necessary to guarantee the proper disbursement of and accounting for federal and state funds,

2. require the contractor to guarantee sufficient insurance, bonding, and liability coverage for the overall financial security of workforce training and services funds and operations,

3. ensure that all contracts involving the provision of one-stop services, whether the board is signatory or a third-party beneficiary, strictly comply with section 2308.267(b), and

4. ensure that no contract involves the provision of one-stop services through an independent contractor who does not directly employ staff, have direction or control over employee staff, or have the right to hire, fire, discipline, and reassign staff that provide the workforce training and services. An independent contractor is authorized to be a client of a professional employment organization holding a license pursuant to Chapter 91, Labor Code.

(c) A board may request from the Texas Workforce Commission [~~council~~] a waiver of the requirements of this Section [~~Subsection (a)~~].

(d) [~~(c)~~] The request for a waiver must include a detailed justification based on the lack of an existing qualified alternative for delivery of workforce training and services in the workforce development area.

(e) [(d)] If a board receives a waiver to provide workforce

training and services, the evaluation of results and outcomes is provided by the Texas Workforce Commission [~~council~~].

(f) The Texas Workforce Commission shall establish guidelines defining the financial security sufficient to comply with this section.

(g) The Texas Workforce Commission shall ensure that boards are in compliance with this section and shall not approve a plan that does not comply with this section.

Sec. 2308.267(b) and (c) are amended to read as follows:

(b) A board's staff shall be separate from and independent of any organization providing workforce education or workforce training and services in the workforce development area. Board staff shall not direct or control the staffing of any entity providing one-stop services.

(c) The requirement for separate staffing does not preclude a board from designating a qualified organization to provide staff services to the board if the board:

(1) arranges for independent evaluation of any other workforce services provided by the staffing organization; and

(2) requests and obtains from the Texas Workforce Commission [~~council~~] a waiver of the separate staffing requirement and the requirements under section 2308.264.