

Training Programs	A state agency, including a college district, may use public funds to provide training and education for its administrators and employees. The training or education must be related to the duties or prospective duties of the administrator or employee. <i>Gov't Code 656.044</i>
Required Training	A state agency, including a college district, may require an administrator or employee of the agency to attend, as all or part of the administrator's or employee's duties, a training or education program if the training or education is related to the administrator's or employee's duties or prospective duties. <i>Gov't Code 656.045</i>
Program Content	A state agency's training and educational program may include: <ol style="list-style-type: none">1. Preparing for technological and legal developments;2. Increasing work capabilities;3. Increasing the number of qualified employees in areas designated by institutions of higher education as having an acute faculty shortage; and4. Increasing the competence of state employees. <i>Gov't Code 656.046</i>
<i>Employment Discrimination Training</i>	Each state agency, including each college district, shall provide to employees of the agency an employment discrimination training program. The training program must provide the employee with information regarding the agency's policies and procedures relating to employment discrimination, including employment discrimination involving sexual harassment. <i>Labor Code 21.010(a)–(b)</i>
Standard Training	Each state agency shall provide its employees with standard employment discrimination training no later than the 30th day after the date the employee is hired by the agency, with supplemental training every two years thereafter. The Texas Workforce Commission (TWC) shall develop or approve the materials for use by state agencies in providing standard employment discrimination training. The minimum standards for the content of standard employment discrimination training shall include, but not be limited to, requiring participants to: <ol style="list-style-type: none">1. Identify an unlawful employment practice according to the Civil Rights Act;2. Apply knowledge of the applicable laws by correctly identifying whether individual case studies would be considered violations;3. Identify the protected classes under federal and state law;

4. List a complainant's rights and remedies;
5. Identify the agency personnel to whom a complaint shall be addressed; and
6. Describe the general stages involved in processing a complaint.

Labor Code 21.010(c)–(d); 40 TAC 819.24

Compliance
Training

State agencies receiving three or more complaints with merit within a fiscal year shall provide compliance employment discrimination training. The training may be provided by TWC or by another entity or person approved by TWC.

TWC Civil Rights Division's (CRD) minimum standards for the content of compliance employment discrimination training shall include, but not be limited to, requiring participants to:

1. Distinguish between disparate treatment and disparate impact;
2. Identify the elements of a complaint involving disparate treatment and disparate impact;
3. Explain the defenses available to an employer resulting from both statute and case law involving disparate treatment and disparate impact;
4. Explain the burden of proof requirements for disparate treatment and disparate impact;
5. Identify criteria for accurately measuring compliance with applicable laws;
6. Define the different types of employment discrimination;
7. Identify the appropriate action to be taken in a situation involving a potential case of employment discrimination; and
8. Describe strategies for prevention of employment discrimination.

The term "complaint with merit" shall mean a complaint that is resolved, either by a cause finding or through withdrawal of the complaint with a remedy favorable to the complainant, such as a negotiated settlement, withdrawal with benefits, or conciliation.

40 TAC 819.25

Training
Delivery

The minimum standards for the delivery of standard and compliance employment discrimination training shall include, but not be limited to:

1. A determination of the effectiveness of the training;
2. The use of training that takes advantage of technological advances, such as videos, CDs, and web-based delivery systems; and
3. The documentation of training that shall be provided to CRD, including the date the training was provided, description of the training program used, names of participants, and the agency contact person. Web-based training records may be retained electronically.

In addition to the minimum standards set forth above, the delivery of compliance employment discrimination training shall be highly interactive to ensure the engagement of the trainee.

40 TAC 819.26

Verification of
Attendance

Each state agency shall require an employee of the agency who attends a training program required by this provision to sign a statement verifying the employee's attendance at the training program. The agency shall file the statement in the employee's personnel file. *Labor Code 21.010(e)*

*Purchasing and
Contract
Management
Training*

Provided by the
Comptroller

The comptroller shall develop training programs provided by the comptroller under Government Code Chapter 656, Subchapter C to meet the needs of state agencies.

Each year a state agency shall estimate the number of employees requiring purchasing or contract management training and report the anticipated training needs of the state agency to the comptroller in the manner and form prescribed by the comptroller.

On an annual basis the comptroller shall assess the number of employees requiring purchasing or contract management training and shall maintain a regular schedule of classes to accommodate that number.

The comptroller may assess a fee for a training program, including continuing education and certification, in an amount sufficient to recover the costs incurred by the comptroller to provide the training program.

Gov't Code 656.054

Provided by the
College District

A state agency, in consultation with the comptroller, may develop agency-specific purchasing and contract management training programs to be administered by the agency to the agency's employees instead of or as a supplement to training programs developed by the comptroller under Government Code Chapter 656, Subchapter C.

An employee who participates in an agency-specific training program under this section remains subject to any other applicable certification requirements established for training programs under Subchapter C, including written or oral examinations administered by the comptroller.

Gov't Code 656.055

*Training in
Contract
Negotiation for
Purchases of
Information
Resources
Technologies*

"Information resources technologies" means data processing and telecommunications hardware, software, services, supplies, personnel, facility resources, maintenance, and training.

The Department of Information Resources (DIR) with the cooperation of the comptroller and other appropriate state agencies, shall develop and implement a program to train state agency personnel in effectively negotiating contracts for the purchase of information resources technologies.

DIR shall make the training available to state agency personnel who are directly or indirectly involved in contract negotiations, such as senior or operational management, purchasers, users of the purchased technologies, and personnel with relevant technical, legal, or financial knowledge. State agency personnel directly involved in contract negotiations for the purchase of information resources technologies shall complete the training developed by the department.

Gov't Code 656.050(a)–(b), 2054.003(8)

*Training and
Certification of
Purchasing
Personnel and
Vendors*

The comptroller shall establish and administer a system of training, continuing education, and certification for state agency purchasing personnel. The training and continuing education for state agency purchasing personnel must include ethics training. The comptroller may establish and offer appropriate training to vendors on a cost recovery basis.

Notwithstanding Government Code 656.051(i), all state agency purchasing personnel, including agencies exempted from the purchasing authority of the comptroller, must receive the training and continuing education to the extent required by the comptroller. A state agency employee who is required to receive the training may not participate in purchases by the employing agency unless the employee has received the required training or received equivalent training from a national association recognized by the comptroller.

The comptroller may provide training, continuing education, and certification under this section to purchasing personnel employed by a political subdivision or other public entity of the state. Political subdivision purchasing personnel may receive, but are not required

to receive, the training, continuing education, or certification provided under this section.

The comptroller shall certify a state agency employee as a state agency purchaser when the employee has completed the training required by this section or as prescribed by rule and passed a written examination. The comptroller shall require a reasonable number of hours of continuing education to maintain certification.

Gov't Code 656.051(a), (c)–(d), (g)–(h)

Program Rules

A state agency shall adopt rules relating to:

1. The eligibility of the agency's administrators and employees for training and education supported by the agency; and
2. The obligations assumed by the administrators and employees on receiving the training and education.

A state agency shall adopt rules requiring that before an administrator or employee of the agency may be reimbursed under Government Code 656.047(b), the executive head of the agency must authorize the tuition reimbursement payment.

Gov't Code 656.048

Payment of
Expenses

Except as provided by Government Code 656.047 or other law, a state agency may spend public funds as appropriate to pay the salary, tuition and other fees, travel and living expenses, training stipend, expense of training materials, and other necessary expenses of an instructor, student, or other participant in a training or education program.

For an administrator or employee of a state agency who seeks reimbursement for a training or education program offered by an institution of higher education or private or independent institution of higher education, the agency may only pay the tuition expenses for a program course successfully completed by the administrator or employee at an accredited institution of higher education.

Gov't Code 656.047(a)–(b)

Report

A state agency that spends more than \$5,000 in a state fiscal year for a training or education program for any individual administrator or employee shall, not later than August 31 of that year, submit to the Legislative Budget Board a report including:

1. A list of the administrators and employees participating in a training or education program;
2. The amount spent on each administrator or employee; and

3. The certification earned by each administrator or employee through the training or education program.

Gov't Code 656.047(c)

Contracts for
Training or
Education

A state agency may contract with another state, local, or federal department, agency, or institution, including a state-supported college or university, to train or educate its administrators and employees or may join in presenting a training or educational program.
Gov't Code 656.049

Cybersecurity
Training

Each state agency, including each college district, shall identify state employees who use a computer to complete at least 25 percent of the employees' required duties. At least once each year, an employee identified by the state agency and each elected or appointed officer of the agency shall complete a cybersecurity training program certified under Government Code 2054.519.

A state agency may select the most appropriate cybersecurity training program certified under Government Code 2054.519 for employees of the state agency. The executive head of each state agency shall verify completion of a cybersecurity training program by employees of the state agency in a manner specified by DIR.

The executive head of each state agency shall periodically require an internal review of the agency to ensure compliance with this section.

Gov't Code 2054.5191(a), (c)–(d) [See also BBD]

Exception

The requirements do not apply to employees and officials who have been:

1. Granted military leave;
2. Granted leave under the federal Family and Medical Leave Act of 1993, 29 U.S.C. 2601 et seq.;
3. Granted leave related to a sickness or disability covered by workers' compensation benefits, if that employee no longer has access to the state agency's database and systems; or
4. Granted any other type of extended leave or authorization to work from an alternative work site if that employee no longer has access to the state agency's database and systems.

Gov't Code 2054.5191(f)

Note: For more information on cybersecurity training, including a list of certified cybersecurity training programs and

compliance reporting requirements, see DIR's website at [Certified Cybersecurity Training Programs](#).¹

**Faculty Members'
Use of English**

The governing board of each institution of higher education, including each college district, shall establish a program or a short course the purpose of which is to assist faculty members whose primary language is not English to become proficient in the use of English and ensure that courses offered for credit at the institution are taught in the English language and that all faculty members are proficient in the use of the English language, as determined by a satisfactory grade on the "Test of Spoken English" of the Educational Testing Service or a similar test approved by the board.

A faculty member may use a foreign language to conduct foreign language courses designed to be taught in a foreign language. This section does not prohibit a faculty member from providing individual assistance during course instruction to a non-English-speaking student in the native language of the student.

The cost of such English proficiency course as determined by the Coordinating Board shall be paid by the faculty member lacking proficiency in English. A faculty member must take the course until deemed proficient in English by his or her supervisor. The cost will be deducted from said faculty member's salary.

Education Code 51.917

Note: For training regarding child abuse, see DHC.

¹ Certified Cybersecurity Training Programs: <https://dir.texas.gov/View-About-DIR/Information-Security/Pages/Content.aspx?id=154>