

1 **CHAPTER 813. SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM**
2 **EMPLOYMENT AND TRAINING**

3
4 **ADOPTED RULES WITH PREAMBLE TO BE SUBMITTED TO THE TEXAS**
5 **REGISTER. THIS DOCUMENT WILL HAVE NO SUBSTANTIVE CHANGES BUT IS**
6 **SUBJECT TO FORMATTING CHANGES AS REQUIRED BY THE TEXAS REGISTER.**
7

8 The Texas Workforce Commission (Commission) adopts amending the title of Chapter 813,
9 Food Stamp Employment and Training, *without* changes, to Chapter 813, Supplemental Nutrition
10 Assistance Program Employment and Training, as published in the May 8, 2009, issue of the
11 *Texas Register* (34 TexReg 2760).
12

13 The Commission adopts amendments, *without* changes, to the following sections of Chapter 813,
14 relating to Supplemental Nutrition Assistance Program Employment and Training, as published
15 in the May 8, 2009, issue of the *Texas Register* (34 TexReg 2760):
16

- 17 Subchapter A. General Provisions, §§813.1 - 813.3
- 18 Subchapter B. Access to Employment and Training Activities and Support Services,
19 §§813.11 - 813.14
- 20 Subchapter C. Expenditure of Funds, §813.22
- 21 Subchapter D. Allowable Activities, §813.31 and §813.32
- 22 Subchapter E. Support Services for Participants, §813.41
23

24 The Commission adopts the following new sections *without* changes, to Chapter 813, relating to
25 Supplemental Nutrition Assistance Program Employment and Training, as published in the May
26 8, 2009, issue of the *Texas Register* (34 TexReg 2760):
27

- 28 Subchapter A. General Provisions, §813.4 and §813.5
- 29 Subchapter D. Allowable Activities, §813.33 and §813.34
30

- 31 PART I. PURPOSE, BACKGROUND, AND AUTHORITY
- 32 PART II. EXPLANATION OF INDIVIDUAL PROVISIONS WITH COMMENTS AND
33 RESPONSES
34
35

36 **PART I. PURPOSE, BACKGROUND, AND AUTHORITY**

37 The purpose of the adopted Chapter 813 rule change is to:

- 38 --implement new job retention services and support services;
- 39 --detail the requirements for documentation, verification, and supervision of work activities to
40 further align with Choices services;
- 41 --specify when good cause must be determined; and
- 42 --make necessary technical corrections and clarifications, including changing the name of Food
43 Stamp Employment and Training (FSE&T) to Supplemental Nutrition Assistance Program
44 Employment and Training (SNAP E&T).
45

1 The Food, Conservation, and Energy Act of 2008 (FCEA), enacted June 18, 2008, amended the
2 Food Stamp Act of 1977, now named the Food and Nutrition Act of 2008. Among the changes,
3 states have been given the option of providing job retention services and support services.
4

5 In accordance with 7 U.S.C. §2015(d)(4)(B)(vii) and 7 U.S.C. §2025(h)(3), the Commission has
6 amended the Federal Fiscal Year 2009 (FFY'09) FSE&T State Plan to implement job retention
7 services and support services effective FFY'09. The job retention policies outlined in the FFY'09
8 FSE&T State Plan amendment have been approved by the U.S. Department of Agriculture
9 (USDA) Food and Nutrition Service (FNS).
10

11 Guidance received from FNS permits states to provide additional support services not allowed in
12 prior years. Chapter 813 has been amended to include this change.
13

14 Because of the Commission's commitment to align Choices and SNAP E&T to the extent
15 allowed under federal law, requirements for documentation, verification, and supervision of
16 work activities are included in this chapter.
17

18 Also enacted under FCEA, the name of the Food Stamp Program was changed to the
19 Supplemental Nutrition Assistance Program (SNAP). The Texas Health and Human Services
20 Commission (HHSC), which administers the federal Food Stamp Program, has informed the
21 Agency that effective April 1, 2009, it also will change the name of the state food stamp program
22 to SNAP. To align with the federal and state name changes, the Commission will change the
23 name FSE&T to SNAP E&T. This name change is made throughout the adopted rules in
24 addition to other technical corrections and changes made to simplify and clarify rule language.
25
26

27 **PART II. EXPLANATION OF INDIVIDUAL PROVISIONS WITH COMMENTS AND** 28 **RESPONSES**

29 (Note: Minor editorial changes are made that do not change the meaning of the rules and,
30 therefore, are not discussed in the Explanation of Individual Provisions.)
31

32 **SUBCHAPTER A. GENERAL PROVISIONS**

33 **The Commission adopts the following amendments to Subchapter A:**
34

35 **§813.4. Board Policies and Local Procedures**

36 New §813.4 sets forth the requirements for the development of Board policies and local
37 procedures.
38

39 To ensure consistency of the methods and amounts of work-related and housing assistance
40 disbursed to SNAP recipients, and assist Boards with the management of SNAP E&T 50/50
41 percent funds, new §813.4(a)(1) - (2) requires Boards to establish policies and procedures
42 regarding the methods and limitations for the provision of support services, specifically work-
43 related expenses and housing assistance.
44

45 New §813.4(b) incorporates the contents of removed §813.11(g), which provides that Boards
46 may establish optional policies that require the use of Eligible Training Provider System (ETPS)

1 and Individual Training Accounts (ITAs), as set forth in Chapter 841 of this title relating to the
2 Workforce Investment Act, to provide SNAP E&T-funded services for SNAP E&T participants.

3
4 New §813.4(c) requires Boards that establish the optional policies described in §813.4(b) to
5 develop corresponding procedures.

6
7 **§813.5. Documentation, Verification, and Supervision of Work Activities**

8 New §813.5 aligns SNAP E&T with Choices requirements for the documentation, verification,
9 and supervision of all SNAP E&T work activities.

10
11 Section 813.5(a) states that all required information related to the documentation and verification
12 of participation in SNAP E&T work activities, as described in the section, must be documented
13 in The Workforce Information System of Texas (TWIST).

14
15 Section 813.5(b) requires that all participation in SNAP E&T must be verified and documented
16 and that self-attestation must not be allowed.

17
18 Section 813.5(c) requires that all participation in the activity described in §813.31(5) must be
19 verified and documented in TWIST at least monthly.

20
21 Section 813.5(d)(1) - (2) requires that all participation in the activities described in §813.31(1)
22 and (4) and §813.32(a)(4) must be supervised daily and verified and documented in TWIST at
23 least monthly.

24
25 Section 813.5(e)(1) - (2) requires that for the activities described in §813.31(2) and (3):
26 --no more than one hour of unsupervised study or homework time per each hour of class time
27 must be counted toward participation in SNAP E&T; and
28 --all study and homework time in excess of one hour per hour of class time must be directly
29 monitored, supervised, verified, and documented.

30
31 Section 813.5(e)(3)(A) - (B) requires that study or homework time must only count toward
32 participation in SNAP E&T if:
33 --the study or homework time is directly correlated to the demands of the coursework for out-of-
34 class preparation as described by the educational institution; and
35 --the educational institution's policy requires a certain number of out-of-class preparation hours
36 for the class.

37
38 Section 813.5(e)(4) requires that good or satisfactory progress, as determined by the educational
39 institution, must be verified and documented in TWIST at least monthly.

40
41 Section 813.5(e)(5) requires that all participation in SNAP E&T must be supervised daily.

42
43 Section 813.5(e)(6) requires that all participation in SNAP E&T must be verified and
44 documented in TWIST at least monthly.

1 Certain paragraphs in this subchapter have been renumbered to accommodate the name change
2 to SNAP E&T.

3
4 **SUBCHAPTER B. ACCESS TO EMPLOYMENT AND TRAINING ACTIVITIES AND**
5 **SUPPORT SERVICES**

6 **The Commission adopts the following amendments to Subchapter B:**

7
8 **§813.11. Board Responsibilities Regarding Access to SNAP E&T Activities and Support**
9 **Services**

10 Section 813.11(g), providing Boards the option to require the use of ETPS and ITAs, is removed
11 and incorporated in §813.4(b).

12
13 **§813.13. Good Cause for Mandatory Work Registrants and Exempt Recipients Who**
14 **Voluntarily Participate in SNAP E&T Services**

15 During the policy concept phase of the rulemaking process, the Commission received a comment
16 noting that SNAP *Employment and Training: A Comprehensive Guide* states that mandatory
17 work registrants can claim good cause before or after a penalty has been initiated in TWIST, as
18 long as the penalty has not been imposed by HHSC.

19
20 The Commission agrees and appreciates the comment. To ensure clarity of the Commission's
21 intent that good cause be determined before SNAP benefits are denied, §813.13(a)(1) - (2) adds
22 language to specify that good cause must be determined when:

- 23 --mandatory work registrants state that they have a legitimate reason for failing to respond to the
24 outreach notification; and
25 --mandatory work registrants and exempt recipients who voluntarily participate in SNAP E&T
26 services have legitimate reasons for failing to participate in SNAP E&T activities.

27
28 **SUBCHAPTER C. EXPENDITURE OF FUNDS**

29 **The Commission adopts the following amendments to Subchapter C:**

30
31 **§813.22. Use of Funds**

32 Section 813.22(1)(A) - (B) is reorganized for better clarity and adds the phrase "exempt
33 recipients who voluntarily participate" to specify that SNAP E&T funds also can be used to
34 provide SNAP E&T services to volunteers. In March 2005, the Commission amended Chapter
35 813 to allow Boards the flexibility to expand SNAP E&T services statewide to include
36 volunteers. However, the Commission postponed amending this section until certain 50/50
37 funding issues were resolved.

38
39 Section 813.22(2) clarifies that only SNAP E&T 50/50 funds can be used to provide SNAP E&T
40 support services listed in §813.41.

41
42 New §813.22(3) provides that job retention services for SNAP recipients who participated in
43 SNAP E&T activities and obtained full-time employment may be provided for no more than 90
44 days and must be funded with 100 percent funds or 50/50 funds, or both. USDA guidance
45 allows states that elect to provide job retention services to use their 100 percent and 50/50 funds
46 to administer these services.

1
2 New §813.22(4) provides that job retention support services for SNAP recipients who
3 participated in SNAP E&T activities and obtained full-time or part-time employment may be
4 provided for no more than 90 days and must be funded with 50/50 funds.
5

6 **SUBCHAPTER D. ALLOWABLE ACTIVITIES**

7 **The Commission adopts the following amendments to Subchapter D:**
8

9 **§813.33. Job Retention Activities**

10 New §813.33(a)(1) - (3) allows Boards to provide job retention activities:
11 --similar to the SNAP E&T activities in §813.31(1) - (3), and as specified in the annual SNAP
12 E&T state plan of operations, and any subsequent amendments, approved by USDA;
13 --for up to 90 days to SNAP recipients who participated in SNAP E&T activities and obtained
14 full-time employment; and
15 --in full-service or minimum-service counties as funding permits.
16

17 New §813.33(b) requires Boards to ensure that SNAP eligibility is verified each month that job
18 retention activities are provided.
19

20 **§813.34. Job Retention Support Services**

21 New §813.34(1) - (2) allows Boards to provide job retention support services for up to 90 days to
22 assist:
23 --mandatory work registrants who obtain part-time employment while participating, or after
24 successfully participating, in SNAP E&T activities; and
25 --exempt recipients who participated in SNAP E&T activities and obtained full-time
26 employment.
27

28 **SUBCHAPTER E. SUPPORT SERVICES FOR PARTICIPANTS**

29 **The Commission adopts the following amendments to Subchapter E:**
30

31 **§813.41. Provision of SNAP E&T Support Services**

32 Section 813.41(a)(1)(B), prohibiting the provision of support services to mandatory work
33 registrants for the purpose of retaining employment, is removed. As provided in new
34 §813.34(a)(1), Boards may provide job retention support services for up to 90 days to assist
35 mandatory work registrants with retaining employment.
36

37 Section 813.41(a)(2)(B), prohibiting the provision of support services to exempt recipients for
38 the purpose of retaining employment, is removed. As provided in new §813.34(a)(2), Boards
39 may provide job retention support services for up to 90 days to assist exempt recipients with
40 retaining employment.
41

42 Section 813.41(b)(3) removes the term "work" and incorporates it into new §813.41(b)(4).
43

44 New §813.41(b)(4)(A) - (B) adds that support services include payment or reimbursement for
45 work-related expenses that are:
46 --reasonable, necessary, and directly related to accepting or retaining employment; and

1 --paid for based on methods and amounts established in Boards' local policies and procedures.

2
3 New §813.41(b)(5) adds that support services include payment or reimbursement for housing
4 expenses that are:

5 --reasonable, necessary, and directly related to SNAP E&T participation or retaining
6 employment; and

7 --paid for based on methods and amounts established in Boards' local policies and procedures.

8
9 Certain subparagraphs in this subchapter have been renumbered to accommodate additions or
10 deletions.

11
12 **SUBCHAPTER F. COMPLAINTS AND APPEALS**

13 **The Commission adopts the following amendment to Subchapter F:**

14
15 A technical correction is made to the title of Subchapter F, which is changed from "Complaints
16 and Appeals" to "Complaints." Requirements related to appeals previously contained in Chapter
17 813 were removed in 2007 and moved to new Chapter 823, Integrated, Complaints, Hearings,
18 and Appeals.

19
20 NO COMMENTS WERE RECEIVED.

21
22 The Agency hereby certifies that the adoption has been reviewed by legal counsel and found to
23 be within the Agency's legal authority to adopt.

24
25 The rules are adopted under Texas Labor Code §301.0015 and §302.002(d), which provide the
26 Texas Workforce Commission with the authority to adopt, amend, or repeal such rules as it
27 deems necessary for the effective administration of Agency services and activities, and Texas
28 Human Resources Code §44.002, regarding Administrative Rules.

29
30 The adopted rules affect Texas Labor Code, Title 4, particularly Chapters 301 and 302, as well as
31 Texas Government Code, Chapter 2308.

1 **CHAPTER 813. SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM**
2 **EMPLOYMENT AND TRAINING**

3
4 **SUBCHAPTER A. GENERAL PROVISIONS**

5
6 **§813.1. Purpose.**

7
8 The purpose of Supplemental Nutrition Assistance Program Employment and Training
9 (SNAP E&T) activities and support services is to assist SNAP recipients who are not
10 receiving Temporary Assistance for Needy Families in entering employment through
11 participation in allowable job search, training, education, or workfare activities that
12 promote self-sufficiency. These rules may be cited as the SNAP E&T rules.

13
14 **§813.2. Definitions.**

15
16 The following words and terms, when used in this chapter, shall have the following
17 meanings unless the context clearly indicates otherwise.

- 18
19 (1) ABAWD -- a SNAP household member who is determined by the Texas
20 Health and Human Services Commission to be a mandatory work registrant
21 and is:
22
23 (A) classified as an able-bodied adult;
24
25 (B) at least 18 but less than 50 years of age;
26
27 (C) without dependents; and
28
29 (D) subject to a limitation on the receipt of SNAP benefits for three months
30 out of 36 months if the person does not work at least 20 hours per week
31 or participate in employment and training activities as specified in 7
32 U.S.C. §2015(o)(2)(A) - (B).
33
34 (2) Exempt recipient -- an individual who is part of the General Population, is not
35 required to participate in SNAP E&T services, as set forth in 7 U.S.C.
36 §2015(d)(2), and shall not be sanctioned for failure to cooperate with SNAP
37 E&T requirements as set forth in §813.12 of this chapter.
38
39 (3) Full-service counties -- counties in which Boards ensure that:
40
41 (A) ABAWDs, who are not working at least 20 hours per week, are
42 outreached and receive SNAP E&T services;
43
44 (B) the SNAP E&T General Population receives SNAP E&T services based
45 on available funding;
46

- 1 (C) mandatory work registrants shall be sanctioned (i.e., SNAP benefits are
2 denied) for failure to cooperate with SNAP E&T requirements; and
3
- 4 (D) exempt recipients who voluntarily participate in SNAP E&T services
5 shall not be sanctioned for failure to cooperate with SNAP E&T
6 requirements.
7
- 8 (4) General Population -- a mandatory or exempt SNAP household member who
9 is:
10
- 11 (A) at least 16 but less than 60 years of age; and
12
- 13 (B) not classified as an ABAWD.
14
- 15 (5) HHSC -- the Texas Health and Human Services Commission .
16
- 17 (6) Mandatory work registrant -- a SNAP household member who is required to
18 register for SNAP E&T services, and is:
19
- 20 (A) classified as General Population; or
21
- 22 (B) an ABAWD.
23
- 24 (7) Minimum-service counties -- counties in which:
25
- 26 (A) SNAP recipients (i.e., mandatory or exempt) may volunteer to participate
27 in SNAP E&T services;
28
- 29 (B) Boards may provide services to SNAP recipients based on available
30 funds;
31
- 32 (C) outreach is not conducted; and
33
- 34 (D) SNAP recipients (i.e., mandatory or exempt) who voluntarily participate
35 in SNAP E&T services shall not be sanctioned for failure to cooperate
36 with SNAP E&T requirements.
37
- 38 (8) Nonprofit organization -- any corporation, trust, association, cooperative, or
39 other organization that is operated primarily for scientific, educational service,
40 charitable, or similar purpose in the public interest; is not organized primarily
41 for profit; and uses its net proceeds to maintain, improve, or expand its
42 operations.
43
- 44 (9) SNAP E&T activities -- Supplemental Nutrition Assistance Program
45 Employment and Training activities as specified in §813.31 of this chapter.
46

- 1 (10) SNAP E&T support services -- Supplemental Nutrition Assistance Program
2 Employment and Training support services as specified in §813.41 of this
3 chapter.
4
5 (11) Volunteer -- an individual who is not required to participate, but who
6 voluntarily participates, in SNAP E&T services, including:
7
8 (A) exempt recipients in full-service counties; and
9
10 (B) exempt recipients and mandatory work registrants in minimum-service
11 counties.
12
13 (12) Workfare -- a work-based activity that consists of placement of an ABAWD
14 with a public or private nonprofit entity in an unpaid job assignment for the
15 number of hours per month equal to an ABAWD's monthly household SNAP
16 allotment amount divided by the federal minimum wage.
17

18 **§813.3. General Board Responsibilities.**
19

- 20 (a) Role of Boards. A Board shall:
21
22 (1) ensure that SNAP eligibility is verified monthly before providing SNAP E&T
23 services for mandatory work registrants and exempt recipients who voluntarily
24 participate in SNAP E&T services; and
25
26 (2) ensure that mandatory work registrants, and exempt recipients who volunteer,
27 participate in allowable SNAP E&T activities. The allowable activities shall
28 meet the needs of employers and prepare the mandatory work registrants and
29 exempt recipients who voluntarily participate in SNAP E&T services for
30 unsubsidized employment.
31
32 (b) Board Planning. A Board shall develop, amend, and modify its integrated workforce
33 training and services plan to incorporate and coordinate the design and management
34 of the delivery of SNAP E&T activities and support services with the delivery of
35 other workforce employment, training, and educational services identified in Texas
36 Government Code §§2308.301 - 2308.3165 as well as other training and services
37 included in the One-Stop Service Delivery Network as set forth in Chapter 801 of
38 this title (relating to Local Workforce Development Boards).
39
40 (c) Board Management. Pursuant to this chapter, and Chapter 801 of this title (relating
41 to Local Workforce Development Boards), a Board shall coordinate workforce
42 employment, training, and educational services that meet the needs of employers for
43 its local workforce development area and shall incorporate and coordinate the
44 management and strategy for SNAP E&T activities and support services into the
45 comprehensive One-Stop Service Delivery Network provided to help low-income
46 families as they move toward self-sufficiency.

- 1
2 (d) Coordination with HHSC. A Board shall coordinate with HHSC on a regular and
3 ongoing basis, as determined by the Board, regarding referrals, good cause, sanction
4 procedures, and fair hearings or appeals.
5

6 **§813.4. Board Policies and Local Procedures.**
7

- 8 (a) A Board shall establish policies and procedures regarding the methods and
9 limitations for the provision of the following:
10
11 (1) Work-related expenses; and
12
13 (2) Housing assistance.
14
15 (b) A Board may establish optional policies that require the use of the Eligible Training
16 Provider System and Individual Training Accounts, as set forth in Chapter 841 of
17 this title (relating to the Workforce Investment Act), to provide SNAP E&T-funded
18 services for SNAP E&T participants.
19
20 (c) If a Board establishes the optional policies described in subsection (b) of this section,
21 the Board shall ensure that corresponding procedures are developed for the policies.
22

23 **§813.5. Documentation, Verification, and Supervision of Work Activities.**
24

- 25 (a) A Board shall ensure that all required information related to the documentation and
26 verification of participation in SNAP E&T work activities, as described in this
27 section, is documented in The Workforce Information System of Texas (TWIST).
28
29 (b) A Board shall ensure that all participation in SNAP E&T is verified and documented
30 and that self-attestation is not allowed.
31
32 (c) For the activity described in §813.31(5) of this chapter, Boards shall ensure that all
33 participation is verified and documented in TWIST at least monthly.
34
35 (d) For the activities described in §813.31(1) and (4) and §813.32(a)(4) of this chapter,
36 Boards shall ensure that all participation is:
37
38 (1) supervised daily; and
39
40 (2) verified and documented in TWIST at least monthly.
41
42 (e) For the activities described in §813.31(2) and (3) of this chapter, Boards shall ensure
43 that:
44
45 (1) no more than one hour of unsupervised study or homework time per each hour
46 of class time is counted toward participation in SNAP E&T;

- 1
2 (2) all study and homework time in excess of one hour per hour of class time is
3 directly monitored, supervised, verified, and documented;
4
5 (3) study or homework time is only counted toward participation in SNAP E&T if:
6
7 (A) the study or homework time is directly correlated to the demands of the
8 coursework for out-of-class preparation as described by the educational
9 institution; and
10
11 (B) the educational institution's policy requires a certain number of out-of-
12 class preparation hours for the class;
13
14 (4) good or satisfactory progress, as determined by the educational institution, is
15 verified and documented in TWIST at least monthly;
16
17 (5) all participation in SNAP E&T is supervised daily; and
18
19 (6) all participation in SNAP E&T is verified and documented in TWIST at least
20 monthly.
21

22 **SUBCHAPTER B. ACCESS TO EMPLOYMENT AND TRAINING ACTIVITIES AND SUPPORT SERVICES**
23

24 **§813.11. Board Responsibilities Regarding Access to SNAP E&T Activities and**
25 **Support Services.**
26

- 27 (a) A Board shall ensure that allowable SNAP E&T activities and support services, as
28 set forth in Subchapters D and E, respectively, of this chapter, are provided as
29 specified in the annual state plan of operations approved by the United States
30 Department of Agriculture (USDA), to individuals who are:
31
32 (1) classified as the General Population; or
33
34 (2) ABAWDs.
35
36 (b) A Board shall ensure that the monitoring of SNAP E&T requirements and participant
37 activities is ongoing and frequent, as determined appropriate by the Board, and
38 consists of:
39
40 (1) tracking and reporting SNAP E&T participation hours;
41
42 (2) tracking and reporting support services hours;
43
44 (3) determining and arranging for any intervention needed to assist the individual
45 in complying with SNAP E&T service requirements;
46

- 1 (4) ensuring progress toward achieving the goals and objectives in the
2 employment plan; and
3
- 4 (5) monitoring all other requirements.
5
- 6 (c) A Board shall ensure that all ABAWDs in full-service SNAP E&T counties are
7 provided with an offer of a work activity within 10 calendar days from the date of
8 referral from HHSC.
9
- 10 (d) A Board shall ensure that HHSC is notified in a timely manner if a mandatory work
11 registrant fails to comply with participant responsibilities, as set forth in §813.12 of
12 this subchapter.
13
- 14 (e) A Board shall ensure that employment and training activities are conducted in
15 compliance with the Fair Labor Standards Act (FLSA) (29 U.S.C. §201 et seq.) as
16 follows:
17
- 18 (1) the amount of time per week that a mandatory work registrant or exempt
19 recipient who voluntarily participates in SNAP E&T services may be required
20 to participate in activities that are not exempt from minimum wage and
21 overtime under the FLSA shall be determined by the SNAP benefits amount
22 being divided by the minimum wage, so that the amount paid to the mandatory
23 work registrant or exempt recipient who voluntarily participates in SNAP E&T
24 services would be equal to or more than the amount required for payment of
25 wages, including minimum wage and overtime; and
26
- 27 (2) if a Board provides activities that meet all the following criteria set forth in this
28 paragraph, the activity is considered "training" under FLSA and minimum
29 wage and overtime are not required:
30
- 31 (A) The training is similar to that given in a vocational school.
32
- 33 (B) The training is for the benefit of the trainees.
34
- 35 (C) Trainees do not displace currently employed workers.
36
- 37 (D) Employers derive no immediate advantage from trainees' activities.
38
- 39 (E) Trainees are not entitled to a job after training is completed.
40
- 41 (F) Employers and trainees understand that trainees are not paid.
42
- 43 (f) A Board shall ensure that placement in work-based services does not result in the
44 displacement of currently employed workers or impair existing contracts for services
45 or collective bargaining agreements.
46

1
2
3 **§813.12. Participant Responsibilities.**
4

5 Mandatory work registrants and exempt recipients who voluntarily participate in SNAP
6 E&T services shall:

- 7
8 (1) attend scheduled appointments;
9
10 (2) participate in assigned SNAP E&T activities for at least a minimum weekly
11 average of 30 hours, within the restrictions set forth in §813.14 of this
12 subchapter;
13
14 (3) report to an employer to whom they are referred;
15
16 (4) accept a job offer; and
17
18 (5) report activity hours, including hours of employment.
19

20 **§813.13. Good Cause for Mandatory Work Registrants and Exempt Recipients Who**
21 **Voluntarily Participate in SNAP E&T Services.**
22

- 23 (a) Good cause applies only to mandatory work registrants and exempt recipients who
24 voluntarily participate in SNAP E&T services. A Board shall ensure that good cause
25 is determined before SNAP benefits are denied when:
26
27 (1) mandatory work registrants state that they have a legitimate reason for failing
28 to respond to the outreach notification; and
29
30 (2) mandatory work registrants and exempt recipients who voluntarily participate
31 in SNAP E&T services have legitimate reasons for failing to participate in
32 SNAP E&T activities.
33
34 (b) A Board shall ensure that a good cause determination:
35
36 (1) is based on individual and family circumstances;
37
38 (2) is based on face-to-face or telephone contact;
39
40 (3) includes a temporary period when mandatory work registrants or exempt
41 recipients who voluntarily participate in SNAP E&T services may be unable to
42 attend scheduled appointments or participate in ongoing work activities; and
43

- 1 (4) is made at the time the change in circumstances is made known to the Board's
2 service provider.
3
- 4 (c) For purposes of this chapter, the following reasons constitute good cause:
5
- 6 (1) temporary illness or incapacitation;
7
- 8 (2) court appearance;
9
- 10 (3) caring for a physically or mentally disabled household member who requires
11 the recipient's presence in the home;
12
- 13 (4) no available transportation and the distance prohibits walking; or no available
14 job within reasonable commuting distance, as defined by the Board;
15
- 16 (5) distance from the home of the mandatory work registrant, or exempt recipient
17 who voluntarily participates in SNAP E&T services, to the Texas Workforce
18 Center or employment service provider requires commuting time of more than
19 two hours a day (not including taking a child to and from a child care facility),
20 and the distance prohibits walking and there is no available transportation;
21
- 22 (6) farmworkers who are away from their permanent residence or home base, who
23 travel to work in an agriculture or related industry during part of the year, and
24 are under contract or similar agreement with an employer to begin work within
25 30 days of the date the individual notified the Board of his or her seasonal
26 farmwork assignment;
27
- 28 (7) an inability to obtain needed child care, as defined by the Board and based on
29 the following reasons:
30
- 31 (A) informal child care by a relative or child care provided under other
32 arrangements is unavailable or unsuitable, and based on, where applicable,
33 Board policy regarding child care. Informal child care may also be
34 determined unsuitable by the parent;
35
- 36 (B) eligible formal child care providers, as defined in Chapter 809 of this title
37 (relating to Child Care Services), are unavailable;
38
- 39 (C) affordable formal child care arrangements within maximum rates
40 established by the Board are unavailable; and
41
- 42 (D) formal or informal child care within a reasonable distance from home or
43 the work site is unavailable;
44
- 45 (8) an absence of other support services necessary for participation;
46

- 1 (9) receipt of a job referral that results in an offer below the federal minimum
2 wage, except when a lower wage is permissible under federal minimum wage
3 law;
- 4
- 5 (10) an individual or family crisis or a family circumstance that may preclude
6 participation, including substance abuse and mental health and disability -
7 related issues, provided the mandatory work registrant or exempt recipient who
8 voluntarily participates in SNAP E&T services, engages in problem resolution
9 through appropriate referrals for counseling and support services; or
- 10
- 11 (11) an individual is a victim of family violence.
- 12

13 (d) A Board shall ensure that good cause:

- 14
- 15 (1) is reevaluated at least on a monthly basis;
- 16
- 17 (2) is extended if the circumstances giving rise to the good cause exception are not
18 resolved after available resources to remedy the situation have been
19 considered; and based on the existence of family violence, does not exceed a
20 total of 12 consecutive months per occurrence.
- 21

22 **§813.14. Special Provisions Regarding Sanctions for Noncooperation.**

23
24 General population mandatory work registrants who are scheduled to participate more
25 than 120 hours per month may not be sanctioned for noncooperation after 120 hours have
26 been reached, as described in the Food and Nutrition Act , 7 U.S.C. §2015(d)(4)(F)(ii).
27 The 120 hours include hours in all SNAP E&T activities, including any hours worked for
28 paid or unpaid compensation.

29
30 **SUBCHAPTER C. EXPENDITURE OF FUNDS**

31
32 **§813.22. Use of Funds.**

33
34 Boards shall ensure that the following funding provisions are followed:

- 35
- 36 (1) The following SNAP E&T grant funds shall be expended on SNAP E&T
37 activities for mandatory work registrants and exempt recipients who
38 voluntarily participate in SNAP E&T activities listed in §813.31 and §813.32
39 of this chapter:
- 40
- 41 (A) 100 percent federal SNAP E&T grant and 100 percent federal ABAWD-
42 only grant (100 percent funds)
- 43
- 44 (B) 50 percent federal SNAP E&T grant and 50 percent state SNAP E&T
45 grant (50/50 funds)

- 1 (2) SNAP E&T-funded support services, listed in §813.41 of this chapter, shall be
2 funded only with 50/50 funds.
3
4 (3) Job retention services for SNAP recipients who participated in SNAP E&T
5 activities and obtained full-time employment may be provided for no more
6 than 90 days and shall be funded with one or both of the following:
7
8 (A) 100 percent funds
9
10 (B) 50/50 funds
11
12 (4) Job retention support services for SNAP recipients who participated in SNAP
13 E&T activities and obtained full-time or part-time employment may be
14 provided for no more than 90 days and shall be funded with 50/50 funds.
15

16 **SUBCHAPTER D. ALLOWABLE ACTIVITIES**
17

18 **§813.31. Activities for Mandatory Work Registrants and Exempt Recipients Who**
19 **Voluntarily Participate in SNAP E&T Services.**
20

21 The following activities may be provided for SNAP E&T mandatory work registrants
22 and exempt recipients who voluntarily participate in SNAP E&T services, subject to the
23 limitations specified in §813.32 of this subchapter:
24

- 25 (1) job search services that shall:
26
27 (A) incorporate job readiness, job search training, directed job search, and
28 group job search, and may include the following:
29
30 (i) job skills assessment;
31
32 (ii) counseling;
33
34 (iii) job search skills training;
35
36 (iv) information on available jobs;
37
38 (v) occupational exploration, including information on local emerging
39 and demand occupations;
40
41 (vi) interviewing skills and practice interviews;
42
43 (vii) assistance with applications and resumes;
44
45 (viii) job fairs;
46

- 1 (ix) life skills; or
2
3 (x) guidance and motivation for development of positive work
4 behaviors necessary for the labor market; and
5
6 (B) limit the number of weeks a mandatory work registrant or exempt
7 recipient who voluntarily participates in SNAP E&T services can spend as
8 follows:
9
10 (i) ABAWDs shall not be enrolled for more than four weeks, and the
11 job search activity shall be provided in conjunction with the
12 workfare activity, as described in §813.32(a)(4)(D) of this
13 subchapter.
14
15 (ii) General Population mandatory work registrants and exempt
16 recipients who voluntarily participate in SNAP E&T services shall
17 not be enrolled:
18
19 (I) for more than four weeks of consecutive activity under this
20 paragraph;
21
22 (II) for more than six weeks of total activity in a federal fiscal
23 year.
24
25 (iii) Job search, when offered as part of other SNAP E&T activities, is
26 allowed for more time than the limitations set forth in clauses (i) and
27 (ii) of this subparagraph if the job search activities comprise less
28 than half of the required time spent in other activities.
29
30 (2) vocational training that shall:
31
32 (A) relate to the types of jobs available in the labor market;
33
34 (B) be consistent with employment goals identified in the employment plan,
35 when possible; and
36
37 (C) be provided only if there is an expectation that employment will be
38 secured upon completion of the training.
39
40 (3) nonvocational education that shall increase employability, such as:
41
42 (A) enrollment and satisfactory attendance in:
43
44 (i) a secondary school; or
45

1 (ii) a course of study leading to a high school diploma or a certificate of
2 general equivalence;

3
4 (B) basic skills and literacy;

5
6 (C) English proficiency; or

7
8 (D) postsecondary education, leading to a degree or certificate awarded by a
9 training facility, career school or college, or other educational institution
10 that prepares individuals for employment in current and emerging
11 occupations that do not require baccalaureate or advanced degrees;

12
13 (4) work experience, as authorized by 7 U.S.C. §2015(d)(4)(B)(iv) and by the
14 Workforce Investment Act in 20 C.F.R. §663.200(b), for mandatory work
15 registrants who need assistance in becoming accustomed to basic work skills,
16 that shall:

17
18 (A) occur in the workplace for a limited period of time;

19
20 (B) be made in either the private for-profit, the nonprofit, or the public sectors;
21 and

22
23 (C) be paid or unpaid;

24
25 (5) unsubsidized employment; or

26
27 (6) other activities approved in the current SNAP E&T state plan of operations.

28
29 **§813.32. SNAP E&T Activities for ABAWDs.**

30
31 (a) Boards shall ensure that SNAP E&T activities for ABAWDs are limited to
32 participating in the following:

33
34 (1) services or activities under the Trade Act of 1974, as amended by the Trade
35 Act of 2002;

36
37 (2) activities under the Workforce Investment Act (29 U.S.C. §2801, et seq.);

38
39 (3) education and training, which may include:

40
41 (A) vocational training as described in §813.31(2) of this subchapter; or
42

1 (B) nonvocational education as described in §813.31(3) of this subchapter;
2 and

3
4 (4) workfare activities that shall:

5
6 (A) be designed to improve the employability of ABAWDs through actual
7 employment experience or training, or both;

8
9 (B) be unpaid job assignments based in the public or private nonprofit
10 sectors;

11
12 (C) have hourly requirements based on the ABAWD's monthly household
13 SNAP allotment divided by the number of ABAWDs in the SNAP
14 household, as provided by HHSC and then divided by the federal
15 minimum wage; and

16
17 (D) include a four-week job search period prior to placement in a workfare
18 activity.

19
20 (b) Boards shall ensure that ABAWDs who are referred to a Texas Workforce Center
21 and subsequently become engaged in unsubsidized employment for at least 20 hours
22 per week are not required to continue participation in SNAP E&T services because
23 they have fulfilled their work requirement, as described in 7 U.S.C. §2015(o)(2)(A).
24 In addition, Boards shall ensure that HHSC is notified when ABAWDs obtain
25 employment.

26
27 **§813.33. Job Retention Activities.**

28
29 (a) Boards may provide job retention activities:

30
31 (1) similar to the SNAP E&T activities described in §813.31(1) - (3) of this
32 subchapter, and as specified in the annual SNAP E&T state plan of operations
33 and any subsequent amendments approved by USDA;

34
35 (2) for up to 90 days to SNAP recipients who participated in SNAP E&T activities
36 and obtained full-time employment; and

37
38 (3) in full-service or minimum-service counties as funding permits and as
39 specified in paragraphs (1) and (2) of this subsection.

40
41 (b) Boards shall ensure that SNAP eligibility is verified each month that job retention
42 activities are provided.
43

1 **§813.34. Job Retention Support Services.**

2
3 Boards may provide job retention support services for up to 90 days to assist:

- 4
5 (1) mandatory work registrants who obtain part-time employment while
6 participating, or after successfully participating, in SNAP E&T activities; and
7
8 (2) exempt recipients who participated in SNAP E&T activities and obtained full-
9 time employment.

10
11 **SUBCHAPTER E. SUPPORT SERVICES FOR PARTICIPANTS**

12
13 **§813.41. Provision of SNAP E&T Support Services.**

- 14
15 (a) Boards shall ensure that SNAP E&T support services are provided to mandatory
16 work registrants and exempt recipients who voluntarily participate in SNAP E&T
17 services, if the support services are reasonable, necessary, and directly related to
18 participation in SNAP E&T activities, as follows:
19
20 (1) **Mandatory Work Registrants.** Boards shall ensure that:
21
22 (A) support services are provided to assist mandatory work registrants with
23 participation in SNAP E&T activities and in obtaining employment; and
24
25 (B) if the monthly expenses directly related to participation by a mandatory
26 work registrant exceed available funds, the mandatory work registrant is:
27
28 (i) exempted from further participation in an assigned SNAP E&T
29 activity; or
30
31 (ii) reassigned to a SNAP E&T activity that will not require the provision
32 of support services.
33
34 (2) **Exempt Recipients Who Voluntarily Participate in SNAP E&T Activities.**
35 Boards shall ensure that:
36
37 (A) support services are provided to assist exempt recipients with participation
38 in SNAP E&T activities and in obtaining employment; and
39
40 (B) if the monthly expenses directly related to participation for an exempt
41 recipient who voluntarily participates in SNAP E&T services exceed
42 available funds, the exempt recipient is:
43
44 (i) informed that assigned activities will be discontinued; or
45 (ii) reassigned to a SNAP E&T activity that will not require the
46 provision of support services.

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- (b) Support services include payment or reimbursement for:
 - (1) child care services governed by Chapter 809 of this title;
 - (2) transportation services that may be provided for participating mandatory work registrants and exempt recipients who voluntarily participate in SNAP E&T services, if alternative transportation resources are not available to the participants. Boards shall ensure that costs to provide the transportation services are:
 - (A) reasonable and necessary for participation in SNAP E&T activities; and
 - (B) paid for based on the methods and amounts determined by each Board to be consistent with state policy that requires use of the most economical means of transportation to meet the SNAP E&T participant's needs;
 - (3) training or education-related items:
 - (A) including, but not limited to, costs for uniforms, personal safety items, or other necessary equipment, and books or training manuals provided; and
 - (B) excluding the cost of meals away from home;
 - (4) work-related expenses that are:
 - (A) reasonable, necessary, and directly related to accepting or retaining employment such as tools, uniforms, equipment, transportation, and car repairs; and
 - (B) paid for based on methods and amounts established in Boards' local policies and procedures; and
 - (5) housing expenses that are:
 - (A) reasonable, necessary, and directly related to participation in SNAP E&T activities or retaining employment such as assistance with rent or utility payments; and
 - (B) paid for based on methods and amounts established in Boards' local policies and procedures.

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SUBCHAPTER F. COMPLAINTS

§813.53. Discrimination Complaints.

- (a) A mandatory work registrant alleging discrimination on the basis of age, race, color, national origin, or physical or mental disability has a right to file a written complaint of alleged discriminatory acts within 180 calendar days from the date of the alleged discriminatory act. Complaints must be submitted to the Texas Workforce Commission Equal Opportunity Department, 101 East 15th Street, Room 220, Austin, TX 78778-0001.

- (b) Boards shall ensure that the Board or the Board's service providers advise individuals who express an interest in filing a discrimination complaint of their right to file a complaint and the complaint procedures.