

Chapter 839. Welfare to Work
40 TAC §§839.1-839.3

The Texas Workforce Commission (Commission) proposes new §§839.1-839.3 relating to the Welfare to Work program.

Section 839.1 states the requirements for Local Workforce Development Boards (Boards), private industry councils (PICs), or other approved entities administering the Welfare to Work program to comply with the federal statutes and regulations.

Section 839.2 states that the Boards, PICs, or other approved entities administering the Welfare to Work program must comply with the state plan as approved by the U.S. Department of Labor.

Section 839.3 states under what conditions the Commission will reimburse funds. The Balanced Budget Act of 1997 authorized the U.S. Department of Labor (DOL) to provide Welfare- to-Work (WtW) Formula Grants to states and local communities to create additional job opportunities for hard-to-employ recipients of Temporary Assistance for Needy Families (TANF). These grants will provide many welfare recipients with job placement services, transitional employment, and other support services that they need to make the successful progression into long-term unsubsidized employment. The State Welfare to Work plan is an addendum to the State's TANF plan.

Under the WtW Formula Grant Program, Texas will allocate 85 percent of its funding from DOL to the Boards. If a Local Workforce Development Area does not have a certified Board, the funds for that area will be allocated to the PIC for that area. Federal law requires that the allocation of funding to Boards be based on a formula in which allocation of at least half of the funds is based on the relative percentage of the Local Workforce Development Area's (LWDA) residents who are poor, i.e. the number of poor individuals living in the area in excess of 7.5 percent of the total population of the area. Not more than half of the funds may be distributed based on one or both of two additional factors: (1) the number of adults in the LWDA receiving TANF for 30 months or more (long-term TANF factor), and/or (2) the number of unemployed individuals in the LWDA (unemployment factor). Boards have the jurisdiction and the authority to develop local policy, to determine which segments of the eligible population to target, to determine service delivery practices and procedures, to set the services and activities available in each local workforce development area, to demonstrate collaboration with other local partners, and to provide in-kind matching funds for the program. These activities and services are to be delivered consistent with federal and state regulations, rules, and policies.

Randy Townsend, Director of Finance, has determined that for each year of the first five years the rules as proposed will be in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the rules.

Mike Sheridan, Executive Director of the Commission, has determined that the public benefit anticipated as a result of the rules as proposed will be to assist hard-to-employ welfare recipients living in high poverty areas transition into unsubsidized employment and economic self-sufficiency. There is no cost to small businesses to comply with the new rules as proposed. There is no economic cost to persons required to comply with the rules.

Mark Hughes, Director of Labor Market Information, has determined that there is no significant negative impact upon employment conditions in this state as a result of the proposed rules.

Comments on the proposed rules may be submitted to Larry Temple, Welfare Reform Division, Texas Workforce Commission, 101 East 15th Street, Room 440T, Austin, Texas 78778; Fax Number 512-463- 7379; or E-mail to larry.temple@twc.state.tx.us.

Comments must be received by the Commission no later than thirty (30) days from

the date this proposal is published in the Texas Register.
The rules are proposed under Texas Labor Code §301.061 which provides the Texas Workforce Commission with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of Texas Workforce Commission programs.

The proposal affects the Texas Labor Code, Title 4.

<nl>§839.1. Compliance with Federal Statute and Regulations.

(a) Each local workforce development board, private industry council, or other entity administering the Welfare to Work program must comply with federal statutory requirements, located at 42 U.S.C.A. §403 et seq.

(b) Each local workforce development board, private industry council, or other entity administering the Welfare to Work program must comply with federal regulatory requirements, located at 20 CFR Part 645.

<nl>§839.2. Compliance with the State Plan.

Each local workforce development board, private industry council, or other entity administering the Welfare to Work program must comply with the State Welfare to Work Plan, as approved by the U.S. Department of Labor.

<nl>§839.3. Reimbursement of Funds.

The Texas Workforce Commission (Commission) will not reimburse for any expenses incurred by the local workforce development boards, private industry councils, or other entities administering the Welfare to Work program except in compliance with the terms of the contract between the Commission and that entity.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State, on April 29, 1998.

TRD-9806036

J. Randel (Jerry) Hill

General Counsel

Texas Workforce Commission

Earliest possible date of adoption: June 14, 1998

For further information, please call: (512) 463-8812