

Chapter 845 Texas Work and Family Clearinghouse

The following new rules will be effective January 25, 2000.

The Texas Workforce Commission (Commission) adopts new §§845.1, 845.2, and 845.11-845.13, relating to the Texas Work & Family Clearinghouse, without changes to the proposed text as published in the November 12, 1999, issue of the *Texas Register* (24 TexReg 9985).

The purpose of the rules is to set forth the procedures applicable to the Work and Family Clearinghouse (Clearinghouse) grant request and award process pursuant to Texas Labor Code Chapter 81. The process incorporated in the rules is based on methods found to be efficient in administering grants and programs similar to the Clearinghouse grants.

Background: The Clearinghouse provides technical assistance and information on dependent care and other employment-related family issues to public and private employers, state agencies, policymakers, and individuals. The Clearinghouse also conducts research on child care and other employment-related family issues based on the recommendations of the Work and Family Policy Advisory Committee.

The statute provides that the Clearinghouse may establish a grant program to provide funds to public or private persons to conduct demonstration dependent care projects. The Code Construction Act provides that a person includes a corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal entity. Therefore, a private or public person may include faith-based organizations, community-based organizations and employers. A demonstration dependent care project includes community-level initiatives that improve support for working families and is not limited to model or start-up type projects.

The rules outline criteria for the awarding of grants authorized under the statute. The rules also provide for cancellation of a grant if the Commission determines that the grant recipient has failed to perform or to substantially comply with the terms in the request for proposal, request for application, contract, or agreement. The rules also allow the Commission to take corrective action in lieu of cancellation of the grant.

Comments were received from the South Plains Local Workforce Development Board (Board) and the Upper Rio Grande Board.

Comment: The commenter stated that it was appropriate for Boards to be given priority consideration for any funds from the Clearinghouse that could be used to

expand employer and individual participation in the local workforce development system.

Response: The Commission disagrees that Boards should receive a priority for Clearinghouse funds as the Commission must observe the state law which requires the Commission to initiate a fair, public, competitive bid process for all initiatives funded by the Clearinghouse. Prioritizing applicants in advance would violate that statutory requirement. However, Boards may apply for funds from the Clearinghouse and will receive the earliest possible notice of fund availability.

Comment: One commenter supported the proposed rules and stated that the program appears to be a good one. The commenter also alluded to a need for guidelines to be in place to identify what would qualify as a dependent care program.

Response: The Commission appreciates the commenter's support of the proposed rules and agrees that dependent care demonstration projects provide valuable support to working families with dependent care needs. The Commission also wants to call attention to the definition of Dependent Care found at §845.2 in the rules as published. As the preamble to the proposed rules indicated, demonstration dependent care projects include community-level initiatives that improve support for working families and are not limited to model or start-up type activities.

Subchapter A. General Provisions

The new rules are adopted under Texas Labor Code, §301.061 which provides the Commission with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of the Commission's programs and Texas Labor Code §§ 81.004, 81.0045 and 81.007.

§845.1. Goals and Purpose.

(a) The purpose of the Work and Family Clearinghouse (Clearinghouse) is to provide technical assistance and information on dependent care and other employment-related family issues to public and private employers, state agencies, policymakers, and individuals.

(b) The Clearinghouse also conducts research on child care and other employment-related family issues based on the recommendations of the Advisory Committee and compiles the results of that research.

§845.2. Definitions.

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

- (1) Advisory Committee -- The Work and Family Policies Advisory Committee established under Texas Labor Code §81.002.
- (2) Commission -- The Texas Workforce Commission.
- (3) Clearinghouse -- The Texas Work and Family Clearinghouse established under Texas Labor Code Chapter 81, relating to Work and Family Policies.
- (4) Dependent care -- Care for a child, adult, or disabled relative, that is claimed as a dependent for federal income tax purposes, that has an impact on employment-related family issues.
- (5) Grant applicant -- A public or private person as defined in the request for proposal or request for application published by the Commission.
- (6) Grant recipient -- A public or private person awarded a grant from the Clearinghouse.

Subchapter B. Dependent Care Grants

The new rules are adopted under Texas Labor Code, §301.061 which provides the Commission with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of the Commission's programs and Texas Labor Code §§ 81.004, 81.0045 and 81.007.

§845.11. Submission of Grant Requests.

- (a) A grant applicant may submit a grant request to the Commission in response to requests for proposals or requests for applications.
- (b) The Request for Proposal or Request for Application will include a deadline for submission if applicable, a statement of work related to the use of the funds, any information related to the use of the funds and any other requirements established by the Commission.

§845.12. Criteria for Awarding Grants.

The Commission may consider the following factors in awarding grants:

- (1) the purpose for which the specific grant is intended;
- (2) coordination requirements with employer organizations, employee organizations, child health agencies, and the category of dependent care to be addressed;
- (3) reporting and monitoring requirements;

- (4) the appeal process applicable to the grant; and
- (5) other criteria included by the Commission.

§845.13. Cancellation or Other Corrective Action.

(a) Cancellation. The Commission may cancel a grant if the Commission determines that the grant recipient has failed to perform as required in the grant request or award, or for circumstances that lead the Commission to believe the grant recipient will fail to substantially comply with the terms set forth in the request for proposal, request for application, contract, or interagency agreement. Grounds for cancellation may also include: failure to ensure a program's intended results; waste, fraud or abuse of resources; and failure to timely capture, report, or use information to improve decision making.

(b) Corrective Action. The Commission may take corrective action in lieu of cancellation if it is determined by the Commission to be the best course of action to facilitate the maximum use of funds.