

## **Chapter 845. TEXAS WORK AND FAMILY CLEARINGHOUSE**

The Texas Workforce Commission (Commission) proposes new §§845.1, 845.2 and 845.11-845.13, relating to the Texas Work and Family Clearinghouse.

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.

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.

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.

Program goals and purpose: 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 Advisory Committee.

Subchapter A contains the rules regarding the general provisions applicable to the chapter. The purpose of §§845.1 and 845.2 is to set forth the provisions relating to the following: the short title and purpose of the chapter, and definitions applicable to the chapter.

Subchapter B contains the rules regarding submission of Dependent Care grant requests. The purpose of §§845.11-845.13 is to set forth provisions regarding grant requests in response to requests for proposals or requests for application, criteria for awarding grants, and cancellation or other corrective action.

Randy Townsend, Chief Financial Officer, has determined that for each year of the first five years the rules will be in effect, the following statements will apply:

There are no additional estimated costs to the state and to local governments expected as a result of enforcing or administering the rules;

There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rules;

There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rules;

There are no foreseeable implications relating to costs or revenue of the state or local governments as a result of enforcing or administering the rules; and

There are no anticipated economic costs to persons required to comply with the rules.

Mr. Townsend has also determined that there is no anticipated adverse impact on small businesses as a result of enforcing or administering the rules, because small businesses are not required to do anything by these rules that is not otherwise required by statute.

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 these rules.

Jean Mitchell, Director of Workforce Development, has determined that for each year of the first five years the rules are in effect, the public benefit anticipated as a result of enforcing the rules will be to provide procedures applicable to the Work and Family Clearinghouse grant request and award process pursuant to Texas Labor Code Chapter 81 for efficient administration of the Clearinghouse.

Ms. Mitchell has also determined that for each year of the first five years the rules are in effect, the public benefit anticipated as a result of enforcing the rules will be to help ensure a more effective use of child care funds to assist Boards in supporting employment, training, and education.

Comments on the proposal may be submitted to Gary Frederick, Texas Workforce Commission Building, 101 East 15th Street, Room 434T, Austin, Texas 78778, (512) 305-9672. Comments may also be submitted via fax to (512) 463-7379 or e-mailed to: Gary.Frederick@twc.state.tx.us. Comments must be received by the Commission within thirty days from the date of the publication in the Texas Register .

Subchapter A. GENERAL PROVISIONS

#### **40 TAC §845.1, §845.2**

The new rules are proposed under Texas Labor Code, Titles 2 and 4, 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 the Commission programs and particularly Texas Labor Code §§ 81.0045 and 81.007. The new rules affect Texas Labor Code, Chapter 302, particularly §302.002, and Texas Labor Code, Chapter 81. §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.

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 November 1, 1999.

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J. Randel (Jerry) Hill

General Counsel

Texas Workforce Commission

Earliest possible date of adoption: December 12, 1999

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

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#### Subchapter B. DEPENDENT CARE GRANTS

#### **40 TAC §§845.11-845.13**

The new rules are proposed under Texas Labor Code, Titles 2 and 4, 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 the Commission programs and particularly Texas Labor Code §§ 81.0045 and 81.007.

The new rules affect Texas Labor Code, Chapter 302, particularly §302.002, and Texas Labor Code, Chapter 81.

#### §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.

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 November 1, 1999.

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