

1 **CHAPTER 805. JOB TRAINING PARTNERSHIP ACT RULES**

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

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7 The Texas Workforce Commission (Commission) proposes the repeal of the following sections  
8 of Chapter 805, relating to the Job Training Partnership Act (JTPA) rules:

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10 SUBCHAPTER A, GENERAL PROVISIONS:

11 §§805.101, 805.102, 805.103, 805.104, 805.105, AND 805.106

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13 SUBCHAPTER C, JOB TRAINING PLANS:

14 §§805.140, 805.141, 805.142, 805.143, 805.144, 805.145, 805.146, 805.147, 805.148,  
15 805.149, 805.150, 805.151, 805.152, 805.153, 805.154, AND 805.155

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17 SUBCHAPTER D, PERFORMANCE STANDARDS:

18 §§805.160, 805.161, 805.162, 805.163, 805.164, AND 805.165

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20 SUBCHAPTER E, STATE MONITORING AND SANCTIONS POLICIES:

21 §§805.170, 805.171, 805.172, 805.173, 805.174, 805.175, 805.176, 805.177, 805.178,  
22 805.179, 805.180, 805.181, 805.182, 805.183, 805.184, 805.185, 805.186, 805.187, 805.188,  
23 805.189, 805.190, 805.191, 805.192, 805.193, 805.194, 805.195, AND 805.196

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25 SUBCHAPTER F, FINANCIAL MANAGEMENT RULES:

26 §§805.200, 805.201, 805.202, 805.203, 805.204, 805.205, 805.206, 805.207, 805.208,  
27 805.209, 805.210, 805.211, 805.212, 805.213, 805.214, 805.215, 805.216, 805.217, 805.218,  
28 805.219, 805.220, 805.221, 805.222, 805.223, 805.224, 805.225, 805.226, 805.227, 805.228,  
29 805.229, 805.230, 805.231, AND 805.232

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31 SUBCHAPTER G, ELIGIBILITY POLICIES AND PROCEDURES:

32 §§805.240, 805.241, 805.242, 805.243, 805.244, 805.245, 805.246, 805.247, 805.248, and  
33 805.249

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35 SUBCHAPTER I, JTPA GRIEVANCE PROCEDURES:

36 §§805.280, 805.281, 805.282, 805.283, 805.284, 805.285, 805.286, 805.287, 805.288,  
37 805.289, 805.290, 805.291, 805.292, 805.293, 805.294, 805.295, 805.296, 805.297, and  
38 805.298

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40 PART I. PURPOSE, BACKGROUND, AND AUTHORITY

41 PART II. IMPACT STATEMENTS

42 PART III. COORDINATION ACTIVITIES

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

1 The purpose of the proposed repeal is to eliminate Chapter 805, relating to the JTPA rules. The  
2 Workforce Investment Act repealed JTPA and initiated a new delivery system for providing  
3 employment and training services. Therefore, these rules are no longer required.  
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6 **PART II. IMPACT STATEMENTS**  
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8 Randy Townsend, Chief Financial Officer, has determined that for each year of the first five  
9 years the rules will be in effect, the following statements will apply:  
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11 There are no estimated additional costs to the state and to local governments expected as a result  
12 of enforcing or administering the rules.  
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14 There are no estimated reductions in costs to the state and to local governments as a result of  
15 enforcing or administering the rules.  
16

17 There are no estimated losses or increases in revenue to the state or to local governments as a  
18 result of enforcing or administering the rules.  
19

20 There are no foreseeable implications relating to costs or revenue of the state or local  
21 governments as a result of enforcing or administering the rules.  
22

23 There will be no probable economic costs to persons required to comply with this rule, and there  
24 will be no adverse economic effect on small businesses.  
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26 The Agency hereby certifies that the proposal has been reviewed by legal counsel and found to  
27 be within the Agency's legal authority to adopt.  
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29 Mark Hughes, Director of Labor Market Information, has determined that there is no significant  
30 negative impact upon employment conditions in the state as a result of the rules.  
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32 Luis M. Macias, Director, Workforce Development Division, has determined that for each year  
33 of the first five years the rules are in effect, the public benefit anticipated as a result of enforcing  
34 the proposed repeal will be to ensure compliance with federal and state requirements.  
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36 **PART III. COORDINATION ACTIVITIES**  
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38 In the development of these rules for publication and public comment, the Commission sought  
39 the involvement of each of Texas' 28 Boards. The Commission provided the policy concept  
40 regarding the proposed repeal to the Boards for consideration and review.  
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42 Comments on the proposed repeal may be submitted to TWC Policy Comments, Workforce and  
43 UI Policy, 101 East 15th Street, Room 440T, Austin, Texas 78778; faxed to 512-475-3577; or e-  
44 mailed to TWCPolicyComments@twc.state.tx.us. The Commission must receive comments  
45 postmarked no later than 30 days from the date this proposal is published in the *Texas Register*.  
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1 The repeal is proposed under Texas Labor Code §301.0015 and §302.002(d), which provide the  
2 Texas Workforce Commission with the authority to adopt, amend, or repeal such rules as it  
3 deems necessary for the effective administration of Agency services and activities.

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5 The repeal affects Title 4, Texas Labor Code, particularly Chapters 301 and 302.

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7 **SUBCHAPTER A. GENERAL PROVISIONS**

8 §805.101. Short Title and Purpose

9 §805.102. General Definitions

10 §805.103. General Duties of Governor's Office

11 §805.104. General Duties of the Texas Workforce Commission

12 §805.105. The Texas Council on Workforce and Economic Competitiveness

13 §805.106. Implementation of USDOL Final Rule

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15 **SUBCHAPTER C. JOB TRAINING PLANS**

16 §805.140. Plan Submission for Review and Approval

17 §805.141. Standards for Plan Approval or Disapproval

18 §805.142. Plan Modification or Amendment

19 §805.143. Criteria for Plan Modification

20 §805.144. Criteria for Plan Amendment

21 §805.145. Competency System Development and Approval

22 §805.146. Submission for State Approval

23 §805.147. Elements of a Sufficiently Developed Competency System

24 §805.148. Substate Plans

25 §805.149. Carry-Over Funds

26 §805.150. Services to Displaced Homemakers

27 §805.151. Rapid Response Grants

28 §805.152. Certificate of Continuing Eligibility

29 §805.153. Allotment of Dislocated Worker State Reserve Funds

30 §805.154. Discretionary Fund Distribution Process

31 §805.155. Waiver of Expenditures for Retraining Services

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33 **SUBCHAPTER D. PERFORMANCE STANDARDS**

34 §805.160. Definitions

35 §805.161. Variations to DOL Performance Standards

36 §805.162. State Performance Standards

37 §805.163. Incentive Grants for Exceeding DOL Performance Standards

38 §805.164. Incentive Grants for Exceeding State Standards

39 §805.165. Distribution of Any Remaining Incentive Funds

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41 **SUBCHAPTER E. STATE MONITORING AND SANCTIONS POLICIES**

42 §805.170. Purpose and Authority

43 §805.171. Definitions

44 §805.172. State Monitoring

45 §805.173. The Monitoring Report

46 §805.174. Responses to Monitoring Reports

- 1 §805.175. Local Monitoring Plan Development
- 2 §805.176. Subrecipient Roles and Responsibilities
- 3 §805.177. Assessment of Subrecipient Monitoring Functions
- 4 §805.178. PIC Oversight Standards
- 5 §805.179. State Sanctions Policy and Procedures
- 6 §805.180. Sanctions Procedures
- 7 §805.181. Repeated Problems or Findings
- 8 §805.182. Imposition of Sanctions
- 9 §805.183. Technical Assistance and Reorganization
- 10 §805.184. Failure To Meet Performance Standards
- 11 §805.185. Technical Assistance Plan
- 12 §805.186. SDA/SSA Reorganization Plan Due to Consecutive Failure
- 13 §805.187. Sanctions for Continued Violations
- 14 §805.188. Subrecipient Annual Audit Requirement
- 15 §805.189. Audit Costs
- 16 §805.190. Competitive Bidding To Procure Auditor
- 17 §805.191. Contents of Audit Report
- 18 §805.192. Subrecipient Annual Audit Plan
- 19 §805.193. Audit Submissions
- 20 §805.194. Informal Resolution Process
- 21 §805.195. Failure To Submit Audit
- 22 §805.196. Appeals from Final Determinations

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#### 24 SUBCHAPTER F. FINANCIAL MANAGEMENT RULES

- 25 §805.200. Purpose and Authority
- 26 §805.201. General Cash Management
- 27 §805.202. Subrecipient Bonding
- 28 §805.203. Repayment of Disallowed Costs
- 29 §805.204. Historically Underutilized Businesses (HUBs)
- 30 §805.205. Insurance Requirements
- 31 §805.206. Refund Policy
- 32 §805.207. Allowable and Unallowable Costs
- 33 §805.208. Definition of an Obligation
- 34 §805.209. Reporting Obligations
- 35 §805.210. Voluntary Deobligation
- 36 §805.211. Contractor Code of Conduct
- 37 §805.212. JTPA Records and Files
- 38 §805.213. Methods of Procurement
- 39 §805.214. Competitive Negotiation Method
- 40 §805.215. Request for Proposal (RFP) Process
- 41 §805.216. Statement of Work
- 42 §805.217. Noncompetitive Negotiation (Sole Source) Method
- 43 §805.218. Processing of Noncompetitive Procurements
- 44 §805.219. Cost/Price Analysis
- 45 §805.220. Contract Payments
- 46 §805.221. Contract Budgets

- 1 §805.222. Fixed-unit Price Contracts
- 2 §805.223. Nonexpendable Personal Property Management
- 3 §805.224. Subrecipient Property Inventory
- 4 §805.225. Property Maintenance and Security
- 5 §805.226. Shared Use of JTPA Property
- 6 §805.227. Disposition of Excess Nonexpendable JTPA Property
- 7 §805.228. Reporting Requirements
- 8 §805.229. The Close-out Process
- 9 §805.230. Resolution of Questioned Costs
- 10 §805.231. Subrecipient Time Limitations
- 11 §805.232. Variance from Uniform Grant and Contract Management Standards

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### 13 SUBCHAPTER G. ELIGIBILITY POLICIES AND PROCEDURES

- 14 §805.240. Purpose and Authority
- 15 §805.241. Definitions
- 16 §805.242. Record of Documentation To Verify Eligibility
- 17 §805.243. Basic Forms for Eligibility Documentation
- 18 §805.244. Information To Establish Income Eligibility
- 19 §805.245. Verification by Telephone or Document Inspection
- 20 §805.246. Verification by an Applicant Statement
- 21 §805.247. Title III/EDWAA Eligibility Definitions
- 22 §805.248. Additional Categories of "Terminated" or "Laid Off"
- 23 §805.249. Defense Conversion Adjustment Program

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### 25 SUBCHAPTER I. JTPA GRIEVANCE PROCEDURES

- 26 §805.280. Purpose and Coverage
- 27 §805.281. Definitions
- 28 §805.282. Grievance Filing Procedures at the Local Level
- 29 §805.283. Time Limitations at Local Level
- 30 §805.284. JTPA Contractor Responsibilities
- 31 §805.285. Orientation to Complaint Procedure
- 32 §805.286. Local Level Informal Conference Procedure
- 33 §805.287. Opportunity and Request for a Hearing
- 34 §805.288. Notice of Hearing at Local Level
- 35 §805.289. Hearing Officer
- 36 §805.290. Local Level Hearing Procedure
- 37 §805.291. Written Decision
- 38 §805.292. Request for Review of a Written Decision
- 39 §805.293. Procedure for Review by the Texas Workforce Commission
- 40 §805.294. Final Written Decision
- 41 §805.295. Optional Forms Available
- 42 §805.296. Appeal of a Commission Action or Decision
- 43 §805.297. Formal Hearing Procedure at State Level
- 44 §805.298. Final State Action