

1 **CHAPTER 839. WELFARE TO WORK PROGRAM**

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3 **PROPOSED RULES WITH PREAMBLE TO BE SUBMITTED TO THE TEXAS**
4 **REGISTER. THIS DOCUMENT WILL HAVE NO SUBSTANTIVE CHANGES BUT IS**
5 **SUBJECT TO FORMATTING CHANGES AS REQUIRED BY THE TEXAS REGISTER.**
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7 The Texas Workforce Commission (Commission) proposes the repeal of Chapter 839 in its
8 entirety, relating to the Welfare to Work Program rules:

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10 Subchapter A. General Provisions, §§839.1 - 839.3

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12 Subchapter B. Nondiscrimination and Equal Opportunity, §839.11 and §839.12

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14 Subchapter C. Welfare to Work Grievance Procedures, §§839.31 - 839.36 and §§839.38 -
15 839.47

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

18 **PART II. IMPACT STATEMENTS**

19 **PART III. COORDINATION ACTIVITIES**

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

22 The purpose of the proposed repeal is to eliminate Chapter 839, relating to the Welfare to Work
23 Program rules.

24
25 On January 23, 2004, Congress enacted the Consolidated Appropriations Act for 2004. The Act
26 rescinded unexpended Federal Fiscal Year 1999 (FFY'99) Welfare to Work (WtW) formula
27 funds as of that date, except for those funds needed to carry out closeout activities.

28
29 On February 27, 2004, the U.S. Department of Labor (DOL) issued Training and Employment
30 Guidance Letter 19-03 to provide policy and procedures relating to program termination,
31 transition of participants, and closeout pursuant to the rescission of the FFY'99 WtW formula
32 funds. The closeout activities have been completed and the formula funds expended, therefore,
33 these rules are no longer required.

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35 **PART II. IMPACT STATEMENTS**

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

38
39 There are no estimated additional costs to the state and to local governments expected as a result
40 of enforcing or administering the rules.

41
42 There are no estimated reductions in costs to the state and to local governments as a result of
43 enforcing or administering the rules.

44
45 There are no estimated losses or increases in revenue to the state or to local governments as a
46 result of enforcing or administering the rules.

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

3
4 There will be no probable economic costs to persons required to comply with this rule, and there
5 will be no adverse economic effect on small businesses.

6 Economic Impact Statement and Regulatory Flexibility Analysis

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9 The Agency has determined that the proposed repeal will not have an adverse economic impact
10 on small businesses as the proposed repeal places no requirements on small businesses.

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12 The reasoning that led to these conclusions is as follows:

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14 The Consolidated Appropriations Act of 2004 rescinded unexpended FFY'09 WtW formula
15 funds as of that date, except for those funds needed to carry out closeout activities. Closeout
16 activities were completed and the formula funds expended. As there have been no
17 appropriations during the intervening period and program authorization has expired, there will be
18 no fiscal impact associated with eliminating the rules.

19
20 Mark Hughes, Director of Labor Market Information, has determined that there is no significant
21 negative impact upon employment conditions in the state as a result of the rules.

22
23 Laurence M. Jones, Director, Workforce Development Division, has determined that for each
24 year of the first five years the rules are in effect, the public benefit anticipated as a result of
25 enforcing the proposed repeal will be to ensure compliance with federal and state requirements.

26
27 The Agency hereby certifies that the proposal has been reviewed by legal counsel and found to
28 be within the Agency's legal authority to adopt.

29 30 31 **PART III. COORDINATION ACTIVITIES**

32 Comments on the proposed repeal may be submitted to TWC Policy Comments, Workforce
33 Policy and Service Delivery, attn: Workforce Editing, 101 East 15th Street, Room 440T, Austin,
34 Texas 78778; faxed to (512) 475-3577; or e-mailed to TWCPolicyComments@twc.state.tx.us.
35 The Commission must receive comments postmarked no later than 30 days from the date this
36 proposal is published in the *Texas Register*.

37
38 The repeal is proposed under Texas Labor Code §301.0015 and §302.002(d), which provide the
39 Commission with the authority to adopt, amend, or repeal such rules as it deems necessary for
40 the effective administration of Agency services and activities, and the Texas Human Resources
41 Code §44.002, regarding Administrative Rules.

42
43 The proposed repeal affects Texas Labor Code, Title 4, and Texas Government Code, Chapter
44 2308.

1 **CHAPTER 839. WELFARE TO WORK PROGRAM**

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3 **SUBCHAPTER A. GENERAL PROVISIONS**

4 §839.1. Compliance with Federal Statute and Regulations

5 §839.2. Compliance with the State Plan

6 §839.3. Reimbursement of Funds

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8 **SUBCHAPTER B. NONDISCRIMINATION AND EQUAL OPPORTUNITY**

9 §839.11. Applicability

10 §839.12. Gender Discrimination Excluded

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12 **SUBCHAPTER C. WELFARE TO WORK GRIEVANCE PROCEDURES**

13 §839.31. Purpose and Coverage

14 §839.32. Optional Forms Available

15 §839.33. Definitions

16 §839.34. Grievance Filing Procedures at the Local Level

17 §839.35. Time Limitations at Local Level

18 §839.36. Welfare to Work Provider Responsibilities

19 §839.38. Local Level Informal Conference Procedure

20 §839.39. Opportunity and Request for a Hearing

21 §839.40. Notice of Hearing

22 §839.41. Hearing Officer

23 §839.42. Hearing Procedure

24 §839.43. Written Decision

25 §839.44. Request for Review of a Written Decision

26 §839.45. Procedure for Review by SOAH

27 §839.46. Final Written Decision

28 §839.47. Remedies

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