

Chapter 800. GENERAL ADMINISTRATION

The Texas Workforce Commission (Commission) proposes the repeal of and new Chapter 800 General Administration §800.2, relating to definitions.

Purpose: The purpose of the amendment is to clarify terms utilized in the Commission's rules which are contained in Title 40, Part 20, Chapter 800 et seq. of the Texas Administrative Code.

More specifically, one purpose of the amendment is to provide clarity regarding the role of the Commission and the role of the Agency in implementing the mission of the Texas Workforce Commission. The rule clarifies that "Agency" refers to the daily operations of the Texas Workforce Commission under the direction of the executive director, and the term "Commission" refers to the three-member body of governance composed of Governor-appointed members.

For the purpose of clarity and conformity with more recent references and terms the following definitions are included in the general definitions section:

Agency, Allocation, Board, Child Care, Choices, Commission, Core Outcome Measures, Executive Director, Food Stamp Employment and Training, One-Stop Service Delivery Network, Performance Measure, Performance Standard, Program Year, TANF, TCWEC, Texas Workforce Center Partner, WIA, and Local Workforce Development Area.

Randy Townsend, Director of Finance, has determined that for each year of the first five years the rule 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 rule;

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

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

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

there are 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 rule because small businesses are not regulated or required to do anything by the rule.

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

Barbara Cigainero, Director of Workforce Development, has determined that the public benefit anticipated as a result of the rules as proposed will be to clarify and improve the state and local partnership in policy making and service delivery that will ensure that recipients of temporary cash assistance receive services to aid them in assuming their responsibility to move quickly into work or work activities leading to self-sufficiency.

Comments on the proposed rules may be submitted to Barbara Cigainero, Director of Workforce Development, Texas Workforce Commission, 101 East 15th Street, Room 504-T, Austin, Texas 78778; Fax Number 512-463-2209; E-mail to Barbara.Cigainero@twc.state.tx.us.

Comments must be received by the Commission no later than thirty days from the date this proposal is published in the *Texas Register*.

Subchapter A. GENERAL PROVISIONS

40 TAC §800.2

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Texas Workforce Commission or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The rule is repealed under Texas Labor Code §§301.061 and 302.002, which provide the Texas Workforce Commission with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of Agency services and activities.

The rule affects Texas Labor Code, Titles 4 as well as Texas Government Code Chapter 2308.

§800.2.Definitions.

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 December 4, 2000.

TRD-200008415

J. Randel (Jerry) Hill

General Counsel
Texas Workforce Commission
Earliest possible date of adoption: January 14, 2001
For further information, please call: (512) 463-8812

The new rule is proposed under Texas Labor Code §§301.061 and 302.002, which provide the Texas Workforce Commission with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of Agency services and activities.

The rule affects Texas Labor Code, Titles 4 as well as Texas Government Code Chapter 2308.

§800.2. Definitions.

The following words and terms, when used in this Part 20, relating to the Texas Workforce Commission, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Agency--The unit of state government established under Texas Labor Code Chapter 301 that is presided over by the Commission and administered by the Executive Director to operate the integrated workforce development system and administer the unemployment compensation insurance program in this state as established under the Texas Unemployment Compensation Act, Texas Labor Code Annotated, Title 4, Subtitle A, as amended. The definition of "Agency" shall apply to all uses of the term in rules contained in this Part 20, or unless otherwise defined, relating to the Texas Workforce Commission that are adopted after February 1, 2001.

(2) Allocation--The amount approved by the Commission for expenditures during a specified period, according to specific state and federal requirements.

(3) Board--A Local Workforce Development Board created pursuant to Texas Government Code §2308.253 and certified by the Governor pursuant to Texas Government Code §2308.261. This includes such a Board when functioning as the Local Workforce Investment Board as described in the Workforce Investment Act §117 (29 U.S.C.A. §2832), including those functions required of a Youth Council, as provided for under the Workforce Investment Act §117(i). The definition of "Board" shall apply to all uses of the term in the rules contained in this Part 20, or unless otherwise defined, relating to the Texas Workforce Commission that are adopted after February 1, 2001.

(4) Child Care--Child care services funded through the Agency, which may include services funded under the Child Care and Development Fund, Welfare-to-Work Formula Grants, WIA, and other funds available to the Agency or a Board to provide quality child care to assist families seeking to become independent from, or who are at risk of becoming dependent on, public assistance while parents are either working or participating in educational or training activities in accordance with state and federal statutes and regulations.

(5) Choices--The employment and training activities created under §31.0126 of the Human Resources Code and funded under TANF (42 U.S.C.A. 601 et seq.) to assist persons who are receiving temporary cash assistance, transitioning off, or at risk of becoming dependent on temporary cash assistance or other public assistance in obtaining and retaining employment. Formerly known as Job Opportunities and Basic Skills Training (JOBS).

(6) Commission--The body of governance of the Texas Workforce Commission composed of three members appointed by the Governor as established under Texas Labor Code §301.002 that includes one representative of labor, one representative of employers and one representative of the public. The definition of "Commission" shall apply to all uses of the term in rules contained in this Part 20, or unless otherwise defined, relating to the Texas Workforce Commission that are adopted after February 1, 2001.

(7) Core Outcome Measures--Workforce development services performance measures adopted by the Governor and developed and recommended through the Texas Council on Workforce and Economic Competitiveness (TCWEC). The Core Outcome Measures have been adjusted to allow for a follow-up period of six months in lieu of the one-year period established by TCWEC.

(8) Executive Director--The individual appointed by the Commission to administer the daily operations of the Agency, which may include a person delegated by the Executive Director to perform a specific function on behalf of the Executive Director.

(9) Food Stamp Employment and Training (FSE&T) Activities--The activities authorized and engaged in as specified by federal Food Stamp Employment and Training statutes and regulations (7 U.S.C.A. 2011), and Chapter 813 of this title relating to Food Stamp Employment and Training.

(10) One-Stop Service Delivery Network--A one-stop-based network under which entities responsible for administering separate workforce investment, educational and other human resources programs and funding streams collaborate to create a seamless network of service delivery that shall enhance availability of services through the use of all available access and coordination methods, including telephonic and electronic methods. Also referred to as the Texas Workforce Network.

- (11) Performance Measure--An expected performance outcome or result.
- (12) Performance Standard--A contracted numerical value setting the acceptable and expected performance outcome or result to be achieved for a performance measure, including Core Outcome Measures.
- (13) Program Year--The twelve-month period applicable to the following as specified:
- (A) Child Care: September 1--August 31;
- (B) Choices: September 1--August 31;
- (C) Welfare-to-Work: September 1--August 31;
- (D) Food Stamp Employment and Training: September 1--August 31;
- (E) WIA Adult: July 1--June 30;
- (F) WIA Dislocated Worker: July 1--June 30; and
- (G) WIA Youth: July 1--June 30.
- (14) TANF - Temporary Assistance for Needy Families, which may include temporary cash assistance and other temporary assistance for eligible individuals, as defined in the Personal Responsibility and Work Opportunities Reconciliation Act of 1996, as amended (7 U.S.C.A. §201.1 et seq.) and the Temporary Assistance for Needy Families statutes and regulations. (42 U.S.C.A. §601 et seq., 45 C.F.R. Parts 260-265) Formerly named Aid to Families with Dependent Children (AFDC).
- (15) TCWEC--Texas Council on Workforce and Economic Competitiveness appointed by the Governor pursuant to Texas Government Code § 2308.052 and functioning as the State Workforce Investment Board (SWIB), as provided for under the Workforce Investment Act §111(e) (29 U.S.C.A. §2821(e)). In addition, pursuant to the Workforce Investment Act §194(a)(5) (29 U.S.C.A. §2944(a)(5)), TCWEC maintains the duties, responsibilities, powers and limitations as provided in Texas Government Code §§2308.101-2308.105.
- (16) Texas Workforce Center Partner--an entity which carries out a workforce investment, educational or other human resources program or activity, and which participates in the operation of the One-Stop Service Delivery Network in a local workforce development area consistent with the terms of a memorandum of understanding entered into between the entity and the Board.
- (17) WIA--Workforce Investment Act, Public Law 105-220, 29 U.S.C.A. §2801 et seq.
- (18) Local Workforce Development Area--Workforce development areas designated by the Governor pursuant to Texas Government Code § 2308.252 and functioning as a Local Workforce Investment Area, as provided for under the Workforce Investment Act §116 and §189(i)(2) (29 U.S.C.A. §§2831 and 2939).

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 December 4, 2000.

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