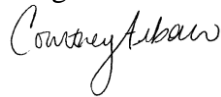


TEXAS WORKFORCE COMMISSION
Workforce Development Letter

ID/No:	WD 07-17, Change 1
Date:	March 18, 2024
Keyword:	Administration; Child Care; SNAP E&T; TAA; TANF/Choices; WIOA
Effective:	April 15, 2024

To: Local Workforce Development Board Executive Directors
Commission Executive Offices
Integrated Service Area Managers



From: Courtney Arbour, Director, Workforce Development Division

Subject: **Local Workforce Development Board Transportation Policies to Safeguard against the Misuse of Funds—Update**

PURPOSE:

The purpose of this WD Letter is to provide Local Workforce Development Boards (Boards) with updated information and guidance on developing transportation policies that simplify transportation support across all programs and promote safeguards against the misuse of transportation funds, and include:

- personal and vehicular components; and
- specified minimum standards.

This updated WD Letter provides clarification relating to the implementation of WorkInTexas.com as the Texas Workforce Commission’s (TWC) workforce case management system.

RESCISSIONS:

WD Letter 07-17

BACKGROUND:

A prior TWC review of Boards’ transportation policies showed great disparity in the scope, language, limits, and safeguards against misuse of funds. Some policies were too vague, while others simply referenced TWC rules or directed Workforce Solutions Offices to develop transportation policies that are in “compliance” with TWC rules. Other policies were too specific to address the transportation needs of eligible participants across all programs.

The following TWC rules provide the general directives and framework for Boards to develop written policies and procedures that provide necessary and reasonable transportation support services to all eligible participants:

- Chapter 801, Local Workforce Development Boards
- Chapter 811, Choices
- Chapter 813, Supplemental Nutrition Assistance Program Employment and Training (SNAP E&T)
- Chapter 849, Employment and Training Services for Dislocated Workers Eligible for Trade Benefits

Technical Assistance Bulletin 293, issued January 14, 2020, and titled “Transportation Services—Update,” provides further guidance on the provision of transportation services with specific examples of allowable transportation expenses and general information on best practices for transportation policies.

PROCEDURES:

No Local Flexibility (NLF): This rating indicates that Boards must comply with the federal and state laws, rules, policies, and required procedures set forth in this WD Letter and have no local flexibility in determining whether and/or how to comply. All information with an NLF rating is indicated by “must.”

Local Flexibility (LF): This rating indicates that Boards have local flexibility in determining whether and/or how to implement guidance or recommended practices set forth in this WD Letter. All information with an LF rating is indicated by “may” or “recommend.”

Personal and Vehicular Components

NLF: Boards must ensure transportation policies address the following:

- Personal:
 - Bus passes
 - Gas cards
- Vehicular:
 - Repair
 - Insurance*
 - Registration
 - Inspection
 - Consumables (for example, tires)

Minimum Standards

NLF: Boards must ensure that all transportation policies meet the following minimum standards:

- All expenses must be reasonable and necessary to assist participants in achieving the goals and objectives of their WorkInTexas.com Individual Employment Plan/Service Strategy (IEP/ISS).
- Boards must establish financial caps based on:
 - type of support—vehicle repair, prepaid gas cards, bus passes, etc.; and
 - time period—week, month, or quarter.

* SNAP E&T funds must not be used for car insurance, vehicle registration, or vehicle inspection.

LF: It is recommended that Boards keep the specified cap consistent across programs. A discretionary override of the cap is allowed, as long as a specific process and safeguard for the override—that is, director signature, two signatures, etc.—is detailed in the transportation policy.

LF: Boards are encouraged to develop a structural framework in their policies and procedures that aid in identifying routine transactions from those that rise to the level of suspicious activity.

Example: A Board allows participants a maximum of \$40 per week for gas cards. The Board-established safeguard for exceeding \$40 a week requires three signatures—participant, specialist, and manager. The reconciliation process then identifies any staff member or participant who exceeds the limit, and an audit verifies whether the safeguard was followed, that is, if the three signatures are in place.

NLF: Boards must require receipts for all reimbursements.

NLF: Boards must develop consistent policies to monitor and maintain receipts.

NLF: Boards must require participants to demonstrate ownership of a vehicle before any payment of expenses for repairs, insurance, or registration.

NLF: Boards must ensure the following safeguards are in place, if Board policy allows for the vehicle to be owned by another individual:

- Before inclusion of the vehicle's use in a WorkInTexas.com IEP/ISS, a signed statement indicating that the participant has use of the vehicle for employment-related purposes, along with a copy of supporting ownership documentation, must be provided.
- Before repairing a third-party vehicle, a hold harmless agreement or other protection is signed by the vehicle owner and maintained in the participant's case file.

NLF: Boards must ensure that prepayment for a participant's vehicle repairs is prohibited. Larger and more involved expenses can require bids and are payable directly to the vendor after completion of repairs and receipt of invoice.

NLF: Boards must be aware that payments for car insurance, tires, registration, and other transportation-related expenses other than repairs also are payable directly to the vendor after receipt of invoice.

NLF: Boards must be aware that Trade Adjustment Assistance (TAA) participants who are coenrolled in WIOA are eligible for dislocated worker-funded support services. However, if a Trade-affected worker lacks the job skills required to secure suitable employment and is required to commute more than 50 miles round trip for occupational training, federal regulations dictate that TAA-funded transportation and subsistence payments:

- are not subject to any caps; and
- must not be used for expenses such as vehicle repairs, car insurance, registration or consumables.

Specific TAA guidance on the reasonable cost standard and transportation can be found in the Trade Adjustment Assistance Guide.

NLF: As set forth in WIOA §809.20(f), Boards must establish a policy that states whether the Board will reimburse child care providers that offer transportation.

INQUIRIES:

Send inquiries regarding this WD Letter to wfpolicy.clarifications@twc.texas.gov.

ATTACHMENTS:

Attachment 1: Revisions to WD Letter 07-17 Shown in Track Changes

REFERENCES:

20 CFR Part 618.640, Supplemental Assistance
Federal Trade and Globalization Adjustment Assistance Act of 2009
Texas Labor Code §301.063
Transportation Equity Act for the 21st Century (Public Law 105-178 §3037)
Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users
(Public Law 109-59 §3018)
Texas Workforce Commission Local Workforce Development Boards Rules
§§801.25(b)(7) and 801.28(a)(10)
Texas Workforce Commission Choices Rule §811.63
Texas Workforce Commission Supplemental Nutrition Assistance Program Employment
and Training Rules §§813.22, 813.34, and 813.41
Texas Workforce Commission Employment and Training Services for Dislocated
Workers Eligible for Trade Benefits Rules §849.41
WD Letter 10-07, issued February 2, 2007, and titled “Adoption of Local Workforce
Development Board Policies in Open Meetings”
Technical Assistance Bulletin 293, issued January 14, 2020, and titled “Transportation
Services—Update”