

Sections 839.35, 839.36 Welfare to Work Grievance Procedures

The Texas Workforce Commission (Commission) adopts new §§839.35 and 839.36, relating to grievance procedures for the Welfare to Work program without changes to the proposed text as published in the June 11, 1999, issue of the *Texas Register* (24 TexReg 4357).

The purpose of §839.35 is to set forth the time limitations at the local level applicable to complaints of violations as described in §839.31 of this title (relating to Purpose and Coverage) and time limits for complaint resolution as specified in 20 CFR Part 645. The purpose of §839.36 is to set forth the Welfare to Work Provider responsibilities relating to the Welfare to Work Grievance Procedure.

These sections were originally published in the February 12, 1999, issue of the *Texas Register* (24 TexReg 932). As the Commission revised these sections, the Commission re-proposed these sections for an additional 30-day comment period. The Commission received no comments on the proposed rules.

The new sections are proposed under Texas Labor Code §301.061 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 Texas Workforce Commission programs.

The proposal affects the Texas Labor Code, Title 4.

§839.35. Time Limitations at Local Level.

(a) All complaints of violations as described in §839.31 of this title (relating to Purpose and Coverage) must be made within 180 days of the alleged action. The time limitations for complaint resolution specified in 20 CFR §645.270(g) shall begin to run upon the date of receipt by the Welfare to Work contractor of a properly completed written grievance according to the requirements of §839.34 of this title (relating to Grievance Filing Procedures at the Local Level).

(b) All of the complainant's outstanding and unresolved allegations under this subchapter against the respondent must be described and consolidated into a single complaint, at the time of filing. Any allegation not consolidated into the filed complaint prior to a hearing shall be deemed waived.

§839.36. Welfare to Work Provider Responsibilities.

Each Welfare to Work contractor shall maintain at their principal places of business and at all intake centers a copy of the Welfare to Work grievance procedure rules and shall post notice that a copy of the rules is available upon request. Each Welfare to Work subrecipient shall maintain at each facility where a Welfare to Work participant performs work a copy of the Welfare to Work grievance procedure rules and shall post notice that a copy of the rules is available upon request. The Welfare to Work contractor shall also:

- (1) designate a staff person as EO Officer who shall:
 - (A) ensure that the Welfare to Work contractor's staff informs each Welfare to Work applicant about the existence of the Welfare to Work grievance procedure;
 - (B) obtain the signature of the applicant stating that the applicant is aware of the existence of the Welfare to Work grievance procedure and retain a copy of the signed form in each participant's official record;
 - (C) handle all complaint correspondence and maintain complete and accurate records of all complaint proceedings;
 - (D) coordinate each step of the Welfare to Work grievance procedure occurring prior to any appeal to SOAH, including forwarding the request for hearing to the hearing officer, pursuant to §839.40 of this title (relating to notice of hearing);
 - (E) forward a copy of all complaints to the Commission; and
- (2) prepare and maintain all records, transcripts and other documentation required by the Welfare to Work grievance procedure to ensure that the Welfare to Work contractor is fully complying with the terms of the Welfare to Work grievance procedure.