

Chapter 839. WELFARE TO WORK PROGRAM

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

ON NOVEMBER 12, 2008, THE TEXAS WORKFORCE COMMISSION PROPOSED THE BELOW RULES WITH PREAMBLE TO BE SUBMITTED TO THE *TEXAS REGISTER*.

Estimated Publication Date of the Proposal in the *Texas Register*: **November 28, 2008**
Estimated End of Comment Period: **December 29, 2008**

The Texas Workforce Commission (Commission) proposes the repeal of Chapter 839 in its entirety, relating to the Welfare to Work Program rules:

Subchapter A. General Provisions, §§839.1–839.3

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

Subchapter C. Welfare to Work Grievance Procedures, §§839.31–839.36 and §§839.38–839.47

PART I. PURPOSE, BACKGROUND, AND AUTHORITY
PART II. IMPACT STATEMENTS
PART III. COORDINATION ACTIVITIES

PART I. PURPOSE, BACKGROUND, AND AUTHORITY

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

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 The Act rescinded unexpended Federal Fiscal Year 1999 (FFY'99) Welfare to Work (WtW) formula funds as of that date, except for those funds needed to carry out closeout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

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

PART II. IMPACT STATEMENTS

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

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

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

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

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

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

Economic Impact Statement and Regulatory Flexibility Analysis

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

The reasoning that led to these conclusions is as follows:

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

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

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

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

PART III. COORDINATION ACTIVITIES

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

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

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

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SUBCHAPTER A. GENERAL PROVISIONS

- §839.1. Compliance with Federal Statute and Regulations
- §839.2. Compliance with the State Plan
- §839.3. Reimbursement of Funds

SUBCHAPTER B. NONDISCRIMINATION AND EQUAL OPPORTUNITY

- §839.11. Applicability
- §839.12. Gender Discrimination Excluded

SUBCHAPTER C. WELFARE TO WORK GRIEVANCE PROCEDURES

- §839.31. Purpose and Coverage
- §839.32. Optional Forms Available
- §839.33. Definitions
- §839.34. Grievance Filing Procedures at the Local Level
- §839.35. Time Limitations at Local Level
- §839.36. Welfare to Work Provider Responsibilities
- §839.38. Local Level Informal Conference Procedure
- §839.39. Opportunity and Request for a Hearing
- §839.40. Notice of Hearing
- §839.41. Hearing Officer
- §839.42. Hearing Procedure
- §839.43. Written Decision
- §839.44. Request for Review of a Written Decision
- §839.45. Procedure for Review by SOAH
- §839.46. Final Written Decision
- §839.47. Remedies