

## **Chapter 800. GENERAL ADMINISTRATION**

ADOPTED 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 **AUGUST 29, 2006**, THE TEXAS WORKFORCE COMMISSION ADOPTED THE BELOW RULES WITH PREAMBLE TO BE SUBMITTED TO THE *TEXAS REGISTER*.

Estimated date of publication in the *Texas Register*: **September 15, 2006**  
The rules will take effect: **September 18, 2006**

The Texas Workforce Commission (Commission) adopts amendments to the following sections of Chapter 800, relating to General Administration, without changes, as published in the July 7, 2006, issue of the *Texas Register* (31 TexReg 5443):

Subchapter C. Performance and Contract Management, §800.81

Subchapter E. Sanctions, §800.151

PART I. PURPOSE, BACKGROUND, AND AUTHORITY  
PART II. EXPLANATION OF INDIVIDUAL PROVISIONS  
PART III. COMMENTS

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

The purpose of the adopted rule amendments is to eliminate references in this chapter to Chapter 805, relating to the Job Training Partnership Act Rules. Chapter 805 of this title is being concurrently repealed in its entirety because the rules are no longer necessary.

### **PART II. EXPLANATION OF INDIVIDUAL PROVISIONS**

#### **SUBCHAPTER C. PERFORMANCE AND CONTRACT MANAGEMENT**

**The Commission adopts the following amendment:**

##### **§800.81. Performance**

Section 800.81(i) is deleted. Based on the concurrent repeal of Chapter 805 of this title, the Job Training Partnership Act Rules, this subsection is obsolete.

#### **SUBCHAPTER E. SANCTIONS**

**The Commission adopts the following amendment:**

**§800.151. Scope and Purpose**

Section 800.151(d) is deleted. Based on the concurrent repeal of Chapter 805 of this title, the Job Training Partnership Act Rules, this subsection is obsolete.

**PART III. COMMENTS**

No comments were received on the proposed rules.

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

The rules are adopted under Texas Labor Code §301.0015 and §302.002(d), 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 adopted rules affect Title 4, Texas Labor Code, particularly Chapters 301 and 302.

## **Chapter 800. GENERAL ADMINISTRATION**

### **Subchapter C. Performance and Contract Management**

#### **§800.81. Performance**

- (a) A Board shall meet or exceed performance targets as referenced in contracts with the Agency.
- (b) The Commission shall determine the performance targets based on federal and state performance standards and by using factors that may be necessary to achieve the mission of the Commission and reflect local conditions. The Commission approves individual Board performance targets annually, which may be adjusted based on local conditions including, but not limited to, specific economic conditions and demographic characteristics of the workforce area.
- (c) A Board and other subrecipients shall comply with all Commission rules, Workforce Development (WD) Letters, the Financial Manual for Grants and Contracts, and guidance letters of the Agency, including rules contained in other chapters of Part 20 of this title applicable to specific services and activities performed by a Board and other subrecipients.
- (d) A Board's achievement of high levels of performance may result in the Commission providing incentives for the Board.
- (e) A Board's failure to meet minimum levels of performance as referenced in the Board's contract may result in corrective actions, penalties, or sanctions as specified in:
  - (1) Part 20 of this title (relating to the Texas Workforce Commission), including Chapter 800, Subchapter E, relating to Sanctions;
  - (2) the Board's contract with the Commission; or
  - (3) federal or state statute or rule.
- (f) A Board may submit to the Commission a request for an adjustment to the minimum levels of performance.
- (g) The Commission may determine what constitutes a necessary adjustment to local performance targets and may consider specific economic conditions and demographic characteristics to be served in the workforce area and other factors the Commission deems appropriate including the anticipated impact of the adjustment on the state's performance.

- (h) The Governor may adopt additional performance incentives and sanctions provisions as provided in WIA.

## **Subchapter E. Sanctions**

### **§800.151. Scope and Purpose**

- (a) The purpose of this subchapter is to:
  - (1) ensure accountability of Boards and other subrecipients of the Agency, in meeting the needs of employers and job seekers;
  - (2) ensure performance in reaching outcome measures;
  - (3) ensure adequate returns on state investments; and
  - (4) support the state in achieving its goals.
- (b) The Agency may review financial, administrative, and performance data to evaluate a Board and subrecipients of the Agency to determine the need for sanctions.
- (c) To accomplish the purposes of this subchapter, the Agency may require at any point during the year that a Board or subrecipients of the Agency cooperate with remedial actions, including, but not limited to, entering into a Performance Improvement Plan and other performance review and assistance activities.