

Part 20. TEXAS WORKFORCE COMMISSION
Chapter 800. GENERAL ADMINISTRATION
40 TAC §800.5

The Texas Workforce Commission (Commission) proposes new §800.5, concerning Commission Professional Development Program.

The purpose of the rule is to implement the provisions of Senate Bill 223 of the 76th Legislative Session by setting forth the provisions applicable to the Commission's Professional Development Program for employee training including but not limited to provisions for employee eligibility and reimbursement of expenditures for training under certain circumstances.

It is the Commission's intent to encourage the career development of employees to improve and enrich the quality of staff so that the Commission is successful in the execution of its mission. The mission of the Commission is to promote and support a workforce system that offers individuals, employers and communities the opportunity to achieve and sustain economic prosperity.

Randy Townsend, Chief Financial Officer, 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 no anticipated economic costs to persons required to comply with the rule.

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 by or required to do anything by this rule.

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

Mike Sheridan, Executive Director, has determined that for each year of the first five years the rule is in effect, the public benefit anticipated as a result of enforcing the rule will be to help continue encouraging career track improvement in the Commission's employees thus improving the Commission's ability to meet the goals of the mission of the Commission in supporting families seeking employment, training, and education.

Comments on the proposal may be submitted to Greg Kelly, Legal Counsel, Office of Human Resources Management, Texas Workforce Commission Building, 101 East 15th Street, Room 230, Austin, Texas 78778, (512) 463-8148. Comments may also be submitted via fax to (512) 475-1105 or e-mailed to: Greg.Kelly@twc.state.tx.us. Comments must be received by the Commission within 30 days from the date of the publication in the *Texas Register*.

The new rule is proposed under Texas Labor Code, Title 4, 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 the Commission programs and Texas Government Code Chapter 656.

The new rule affects Texas Labor Code, Title 2 and Title 4 as well as Texas Government Code Chapter 656.

§800.5. Commission Professional Development Program.

(a) Scope and Purpose. The Commission provides training opportunities to enhance job skills and to retain a well qualified, trained, professional workforce dedicated to the Commission's mission. The Professional Development Program training includes instruction, teaching, or other education received by a state employee that is not normally received by other state employees and that is designed to enhance the ability of the employee to perform the employee's job. This section establishes eligibility and related requirements for employee participation in the Commission's Professional Development Program.

(b) Eligibility. The executive director or the executive director's designee will determine an employee's eligibility for the professional development program. Factors to be considered include but are not limited to:

(1) An employee's job performance;

(2) A recommendation from the employee's supervisor;

(3) The relationship of the training to the employee's position; and

(4) Any other factor deemed relevant by the executive director or his designee.

(c) Restitution from Employees for Training Costs. The employee training is conditional upon all of the following:

(1) The employee shall attend and satisfactorily complete the training, including passing tests or other types of performance measures where required.

(2) At the discretion of the executive director or the executive director's designee, the employee shall complete and file with the Commission prior to the commencement of the training, on forms prescribed by the Commission, an employee training agreement that sets forth the terms and conditions of the training assistance, including a provision for working for the agency for a prescribed period of time or paying back the amount of the assistance.

(3) For any training paid for by the Commission, where the employee does not perform the employee's regular duties for three or more months due to the training, the employee shall:

(A) work for the agency following the training for at least one month for each month of the training period, prorated as appropriate; or

(B) pay the Commission for all costs associated with the training that were paid before, during or after the training, including any amounts of the employee's salary that were paid and that were not accounted for as paid vacation or compensation leave.

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 September 23, 1999.

TRD-9906163

J. Ferris Duhon

General Counsel

Texas Workforce Commission

Earliest possible date of adoption: November 7, 1999

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