

**CHAPTER 813. SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM
EMPLOYMENT AND TRAINING**

ADOPTED RULES TO BE PUBLISHED IN THE *TEXAS REGISTER*. THIS DOCUMENT WILL HAVE NO SUBSTANTIVE CHANGES BUT IS SUBJECT TO FORMATTING CHANGES AS REQUIRED BY THE OFFICE OF THE SECRETARY OF STATE.

ON **APRIL 16, 2024**, THE TEXAS WORKFORCE COMMISSION ADOPTED THE RULES BELOW WITH PREAMBLE TO BE SUBMITTED TO THE *TEXAS REGISTER*.

Publication Date of the Adoption in the *Texas Register*: **May 3, 2024**
The Rules are Effective: **May 6, 2024**

The Texas Workforce Commission (TWC) adopts amendments to the following sections of Chapter 813, relating to Supplemental Nutrition Assistance Program Employment and Training (SNAP E&T):

Subchapter A. General Provisions, §§813.1, 813.2, and 813.5
Subchapter D. Allowable Activities, §813.32

Amended §§813.1, 813.2, 813.5, and 813.32 are adopted *without changes* to the proposal, as published in the February 16, 2024, issue of the *Texas Register* (49 TexReg 849), and, therefore, the adopted rule text will not be published.

PART I. PURPOSE, BACKGROUND, AND AUTHORITY

The purpose of the Chapter 813 rule change is to amend rule language to conform with SNAP provisions of the Fiscal Responsibility Act of 2023, revise references to the case management system, and update the allowable activities for able-bodied adults without dependents (ABAWDs).

Texas Government Code §2001.039 requires that every four years each state agency review and consider for reoption, revision, or repeal each rule adopted by that agency. TWC assessed whether the reasons for adopting the rules in Chapter 813 continue to exist. TWC finds that the chapter is needed and that the reasons for adopting the chapter continue to exist. TWC, therefore, readopts the rules in Chapter 813, Supplemental Nutrition Assistance Program Employment and Training.

PART II. EXPLANATION OF INDIVIDUAL PROVISIONS

(Note: Minor editorial changes are made that do not change the meaning of the rules and, therefore, are not discussed in the Explanation of Individual Provisions.)

SUBCHAPTER A. GENERAL PROVISIONS

TWC adopts the following amendments to Subchapter A:

§813.1. Purpose

Section 813.1 updates the SNAP purpose to align with the Fiscal Responsibility Act of 2023.

§813.2. Definitions

Section 813.2 extends the age range of ABAWDs to align with the Fiscal Responsibility Act of 2023.

§813.5. Documentation, Verification, and Supervision of Work Activities

Section 813.5 updates language related to TWC's case management system.

SUBCHAPTER D. ALLOWABLE ACTIVITIES

TWC adopts the following amendments to Subchapter D:

§813.32. SNAP E&T Activities for ABAWDs

Section 813.32 adds work experience as an allowable activity for ABAWDs.

PART III. PUBLIC COMMENTS

The public comment period closed on March 18, 2024. No comments were received.

PART IV. STATUTORY AUTHORITY

The adopted rules implement provisions of the federal Fiscal Responsibility Act of 2023 by making conforming changes to TWC rules regarding Supplemental Nutrition Assistance Program Employment and Training.

The rules are adopted under Texas Labor Code §301.0015(a)(6) and §302.002(d), which provide TWC with the general authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The adopted rules relate to Title 4, Texas Labor Code, Chapter 302, and Title 10, Texas Government Code, Chapter 2308.

**CHAPTER 813. SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM
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SUBCHAPTER A. GENERAL PROVISIONS

§813.1. Purpose.

The purpose of Supplemental Nutrition Assistance Program Employment and Training (SNAP E&T) activities and support services is to assist SNAP recipients who are not receiving Temporary Assistance for Needy Families in entering employment and increasing their earnings through participation in allowable job search, training, education, or workfare activities that promote self-sufficiency. These rules may be cited as the SNAP E&T rules.

§813.2. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

- (1) ABAWD--a SNAP household member who is determined by the Texas Health and Human Services Commission to be a mandatory work registrant and is:
 - (A) classified as an able-bodied adult;
 - (B) within the age range specified in 7 USC §2015(o)(3);
 - (C) without dependents; and
 - (D) subject to a limitation on the receipt of SNAP benefits for three months out of 36 months if the person does not work at least 20 hours per week or participate in employment and training activities as specified in 7 USC §2015(o)(2)(A) - (B).
- (2) Exempt recipient--an individual who is part of the General Population, is not required to participate in SNAP E&T services, as set forth in 7 USC §2015(d)(2), and shall not be sanctioned for failure to cooperate with SNAP E&T requirements as set forth in §813.12 of this chapter.
- (3) Full-service counties--counties in which Boards ensure that:
 - (A) ABAWDs, who are not working at least 20 hours per week, are outreached and receive SNAP E&T services;
 - (B) the SNAP E&T General Population receives SNAP E&T services based on available funding;

- (C) mandatory work registrants shall be sanctioned (that is, SNAP benefits are denied) for failure to cooperate with SNAP E&T requirements; and
 - (D) exempt recipients who voluntarily participate in SNAP E&T services shall not be sanctioned for failure to cooperate with SNAP E&T requirements.
- (4) General Population--a mandatory or exempt SNAP household member who is:
- (A) at least 16 but less than 60 years of age; and
 - (B) not classified as an ABAWD.
- (5) HHSC--the Texas Health and Human Services Commission.
- (6) Mandatory work registrant--a SNAP household member who is required to register for SNAP E&T services, and is:
- (A) classified as General Population; or
 - (B) an ABAWD.
- (7) Minimum-service counties--counties in which:
- (A) SNAP recipients (that is, mandatory or exempt) may volunteer to participate in SNAP E&T services;
 - (B) Boards may provide services to SNAP recipients based on available funds;
 - (C) outreach is not conducted; and
 - (D) SNAP recipients (that is, mandatory or exempt) who voluntarily participate in SNAP E&T services shall not be sanctioned for failure to cooperate with SNAP E&T requirements.
- (8) Nonprofit organization--any corporation, trust, association, cooperative, or other organization that is operated primarily for scientific, educational service, charitable, or similar purpose in the public interest; is not organized primarily for profit; and uses its net proceeds to maintain, improve, or expand its operations.
- (9) SNAP E&T activities--Supplemental Nutrition Assistance Program Employment and Training activities as specified in §813.31 of this chapter.

- (10) SNAP E&T support services--Supplemental Nutrition Assistance Program Employment and Training support services as specified in §813.41 of this chapter.
- (11) Volunteer--an individual who is not required to participate, but who voluntarily participates, in SNAP E&T services, including:
 - (A) exempt recipients in full-service counties; and
 - (B) exempt recipients and mandatory work registrants in minimum-service counties.
- (12) Workfare--a work-based activity that consists of placement of an ABAWD with a public or private nonprofit entity in an unpaid job assignment for the number of hours per month equal to an ABAWD's monthly household SNAP allotment amount divided by the federal minimum wage.

§813.5. Documentation, Verification, and Supervision of Work Activities.

- (a) A Board shall ensure that all required information related to the documentation and verification of participation in SNAP E&T work activities, as described in this section, is documented in the case management system.
- (b) A Board shall ensure that all participation in SNAP E&T is verified and documented and that self-attestation is not allowed.
- (c) For the activity described in §813.31(5) of this chapter, Boards shall ensure that all participation is verified and documented in the case management system at least monthly.
- (d) For the activities described in §813.31(1) and (4) and §813.32(a)(4) of this chapter, Boards shall ensure that all participation is:
 - (1) supervised daily; and
 - (2) verified and documented in the case management system at least monthly.
- (e) For the activities described in §813.31(2) and (3) of this chapter, Boards shall ensure that:
 - (1) no more than one hour of unsupervised study or homework time per each hour of class time is counted toward participation in SNAP E&T;
 - (2) all study and homework time in excess of one hour per hour of class time is directly monitored, supervised, verified, and documented;

- (3) study or homework time is only counted toward participation in SNAP E&T if:
 - (A) the study or homework time is directly correlated to the demands of the coursework for out-of-class preparation as described by the educational institution; and
 - (B) the educational institution's policy requires a certain number of out-of-class preparation hours for the class;
- (4) good or satisfactory progress, as determined by the educational institution, is verified and documented in the case management system at least monthly;
- (5) all participation in SNAP E&T is supervised daily; and
- (6) all participation in SNAP E&T is verified and documented in the case management system at least monthly.

SUBCHAPTER D. ALLOWABLE ACTIVITIES

§813.32. SNAP E&T Activities for ABAWDs.

- (a) Boards shall ensure that SNAP E&T activities for ABAWDs are limited to participating in the following:
 - (1) Services or activities under the Trade Act of 1974, as amended by the Trade Act of 2002
 - (2) Activities under Workforce Innovation and Opportunity Act (29 USC §3111 et seq.)
 - (3) Education and training, which may include:
 - (A) vocational training as described in §813.31(2) of this subchapter; or
 - (B) nonvocational education as described in §813.31(3) of this subchapter; and
 - (4) Workfare activities that shall:
 - (A) be designed to improve the employability of ABAWDs through actual employment experience or training, or both;
 - (B) be unpaid job assignments based in the public or private nonprofit sectors;

- (C) have hourly requirements based on the ABAWD's monthly household SNAP allotment divided by the number of ABAWDs in the SNAP household, as provided by HHSC and then divided by the federal minimum wage; and
 - (D) include a four-week job search period before placement in a workfare activity.
- (5) Work experience as described in §813.31(4) of this subchapter.
- (b) Boards shall ensure that ABAWDs who are referred to a Workforce Solutions Office and subsequently become engaged in unsubsidized employment for at least 20 hours per week are not required to continue participation in SNAP E&T services because they have fulfilled their work requirement, as described in 7 USC §2015(o)(2)(A). Additionally, Boards shall ensure that HHSC is notified when ABAWDs obtain employment.
 - (c) An employment and training program for veterans operated by the US Department of Labor or the US Department of Veterans Affairs, as tracked by HHSC, is an allowable SNAP E&T activity for ABAWDs.