

1 **CHAPTER 811. CHOICES**

2
3 **ADOPTED RULES WITH PREAMBLE TO BE SUBMITTED TO THE *TEXAS***
4 ***REGISTER*. THIS DOCUMENT WILL HAVE NO SUBSTANTIVE CHANGES BUT IS**
5 **SUBJECT TO FORMATTING CHANGES AS REQUIRED BY THE *TEXAS REGISTER*.**
6

7 **ON NOVEMBER 12, 2018, THE TEXAS WORKFORCE COMMISSION ADOPTED THE**
8 **RULES BELOW WITH PREAMBLE TO BE SUBMITTED TO THE *TEXAS REGISTER*.**
9

10 Estimated date of publication in the *Texas Register*: **November 30, 2018**

11 The rules will take effect: **December 3, 2018**

12
13 The Texas Workforce Commission (TWC) adopts amendments to the following sections of
14 Chapter 811, relating to the Choices program, without changes, as published in the July 20, 2018,
15 issue of the *Texas Register* (43 TexReg 4827):
16

17 Subchapter A. General Provisions, §§811.1 - 811.4

18 Subchapter B. Choices Services Responsibilities, §811.11 and §811.14

19 Subchapter C. Choices Services, §811.21 and §811.22

20 Subchapter D. Choices Activities, §811.51

21 Subchapter E. Support Services and Other Initiatives, §811.61 and §811.65
22

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

24 **PART II. EXPLANATION OF INDIVIDUAL PROVISIONS**
25

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

27 The purpose of the adopted Chapter 811 rule changes is to reflect the changes made to TWC
28 Chapter 809 Child Care Services rules, and other administrative changes as they relate to the
29 Choices program, TWC's work-first employment and training program for Texans receiving
30 Temporary Assistance for Needy Families (TANF).
31

32 On November 19, 2014, the Child Care and Development Block Grant (CCDBG) Act of 2014
33 was reauthorized for the first time since 1996. The US Department of Health and Human
34 Services Administration for Children and Families initiated its rulemaking process December 24,
35 2015, to amend Child Care and Development Fund (CCDF) regulations based on the changes to
36 the CCDBG Act. The reauthorization and subsequent rules made significant changes to the
37 CCDF program.
38

39 Amendments to TWC's Chapter 809 rules implementing the CCDBG Act changes became
40 effective October 1, 2016. However, the amendments to the rules also affect other programs in
41 which child care services are offered, including Choices. The changes made to Chapter 809
42 require child care to be continued for:

43 --at least three months for Choices participants who fail to meet program requirements; or

44 --the remainder of the initial 12-month eligibility period if the individual resumes cooperation
45 with Choices or begins participation in work, job training, or an education program during the
46 three-month continuation period.

1
2 **PART II. EXPLANATION OF INDIVIDUAL PROVISIONS**

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

5
6 **SUBCHAPTER A. GENERAL PROVISIONS**

7 **TWC adopts the following amendments to Subchapter A:**

8
9 **§811.1. Purpose and Goal**

10 Section 811.1(b) is amended to replace the outdated term "Choices eligible" with the term
11 "Choices-eligible individual."

12
13 **§811.2. Definitions**

14 Section 811.2(2), §811.2(3)(A), §811.2(3)(B), and §811.2(25) are amended to replace the
15 outdated term "Choices eligible" with the term "Choices-eligible individual."

16
17 **§811.3. Choices Service Strategy**

18 Section 811.3(a)(3), §811.3(b)(2)(D), §811.3(b)(2)(D)(i), §811.3(B)(2)(D)(ii), and §811.3(B)(6)
19 are amended to replace the outdated term "Choices eligibles" with the term "Choices-eligible
20 individuals."

21
22 **§811.4. Policies, Memoranda of Understanding, and Procedures**

23 Section 811.4(c)(1), and §811.4(d)(5) are amended to replace the outdated term "Choices
24 eligible" with the term "Choices-eligible individual."

25
26 Section 811.4(c)(2) is removed. This section requires Local Workforce Development Boards
27 (Boards) to establish a local-level memorandum of understanding (MOU) in cooperation with the
28 Texas Health and Human Services Commission (HHSC) for coordinated case management that
29 is consistent with the MOU between HHSC and TWC. However, subsequent reviews of state and
30 federal rules and regulations determined that this MOU is no longer necessary to support
31 program operations.

32
33 Section 811.4(c)(3) is renumbered as §811.4(c)(2) and amended to replace the Texas Department
34 of State Health Services (DSHS) with HHSC as the agency with which an MOU must be in place
35 for providing mental health and substance abuse services to Choices participants. DSHS
36 consolidated with its parent organization, HHSC, in 2016. This update reflects the current
37 structure of the program in which HHSC is the agency responsible for mental health and
38 substance abuse services.

39
40 Section 811.4(c)(4) is renumbered as §811.4(c)(3).

41
42 **SUBCHAPTER B. CHOICES SERVICES RESPONSIBILITIES**

43 **TWC adopts the following amendments to Subchapter B:**

44
45 **§811.11. Board Responsibilities**

1 Section 811.11(a)(2)(E), §811.11(e), §811.11(g)(1)(A), §811.11(g)(2), and §811.11(i) are
2 amended to replace the outdated term "Choices eligibles" with the term "Choices-eligible
3 individuals."

4
5 **§811.14. Noncooperation**

6 Section 811.14(b)(2) adds language stating that TWC-funded child care is not a service that must
7 be terminated for noncooperation by exempt Choices participants. Section 811.14(b)(3) adds that
8 child care must be provided in accordance with §809.45 of this title.

9
10 **SUBCHAPTER C. CHOICES SERVICES**

11 **TWC adopts the following amendments to Subchapter C:**

12
13 **§811.21. General Provisions**

14 Section 811.21(a) is amended to replace the outdated term "Choices eligibles" with the term
15 "Choices-eligible individuals."

16
17 **§811.22. Assessment**

18 Section 811.22(c) is amended to replace the outdated term "Choices eligibles" with the term
19 "Choices-eligible individuals."

20
21 **SUBCHAPTER D. CHOICES ACTIVITIES**

22 **TWC adopts the following amendments to Subchapter D:**

23
24 **§811.51. Post Employment Services**

25 Section 811.51(c) and §811.51(e)(6) are amended to replace the outdated term "Choices eligible"
26 with the term "Choices-eligible individual."

27
28 **SUBCHAPTER E. SUPPORT SERVICES AND OTHER INITIATIVES**

29 **TWC adopts the following amendments to Subchapter E:**

30
31 **§811.61. Support Services**

32 Section 811.61(b) adds language that stipulates that child care is an exception to this rule, which
33 requires Boards to ensure that support services are *only* provided to Choices participants who are
34 meeting Choices program requirements. This limitation does not apply to child care. The
35 references to Choices program requirements are also updated from §811.16 to §811.13, which is
36 the correct location of the program requirements, and outdated references to §809.45 of this title
37 are removed.

38
39 Section 811.61(c)(1) adds language excepting TWC-funded child care from the support services
40 that Boards must terminate immediately upon a determination of a Choices participant's failure
41 to meet program requirements. The current language in §811.61(c)(2) is removed and replaced
42 with language stating that child care must be provided in accordance with §809.45, as amended
43 in accordance with the CCDBG Act. Section 811.61(c)(3) is no longer applicable and is
44 removed.

45
46 **§811.65. Wheels to Work**

1 Section 811.65(a) and §811.65(b) are amended to replace the outdated term "Choices eligibles"
2 with the term "Choices-eligible individuals."
3

4 No comments were received.
5

6 TWC hereby certifies that the adoption has been reviewed by legal counsel and found to be
7 within TWC's legal authority to adopt.
8

9 The rules are adopted under Texas Labor Code §301.0015 and §302.002(d), which provide TWC
10 with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective
11 administration of TWC services and activities.
12

13 The adopted rules affect Texas Labor Code, Title 4, and Texas Human Resources Code,
14 Chapters 31 and 34.
15
16

1 **CHAPTER 811. CHOICES**

2
3 **SUBCHAPTER A. GENERAL PROVISIONS**

4
5 **§811.1. Purpose and Goal**

6
7 (a) The purposes of Temporary Assistance for Needy Families (TANF), as set forth in
8 Title IV, Social Security Act, §401 (42 USCA §601) are:

- 9
10 (1) provide assistance to needy families so that children may be cared for in their
11 own homes or in the homes of relatives;
12
13 (2) end the dependence of needy parents on government benefits by promoting job
14 preparation, work, and marriage;
15
16 (3) prevent and reduce the incidence of out-of-wedlock pregnancies; and
17
18 (4) encourage the formation and maintenance of two-parent families.
19

20
21 (b) The goal of Choices services is to end the dependence of needy parents on public
22 assistance by promoting job preparation, work, and marriage. A Local Workforce
23 Development Board (Board) may exercise flexibility in providing services to
24 Choices-eligible individuals to meet this Choices goal. A Board is also provided the
25 flexibility and may engage in strategies that promote the prevention and reduction of
26 out-of-wedlock pregnancies and encourage the formation and maintenance of two-
27 parent families if those strategies support the primary goal of Choices services,
28 which is employment and job retention.
29

30 (c) The goal of the Texas Workforce Commission (Commission) is to ensure delivery of
31 the employment and training activities as described in the TANF State Plan and the
32 TANF Work Verification Plan.
33

34 (d) Boards shall identify the workforce needs of local employers and design Choices
35 services to ensure that local employer needs are met and that the services are
36 consistent with the goals and purposes of Choices services as referenced in this
37 section, and as authorized by PRWORA, the applicable federal regulations at 45
38 CFR Parts 260 - 265, the TANF State Plan, the TANF Work Verification Plan, this
39 chapter, and consistent with a Board's approved integrated workforce training and
40 services plan as referenced in §801.17 of this title.
41

42 **§811.2. Definitions**

43
44 The following words and terms, when used in this chapter, shall have the following
45 meanings unless the context clearly indicates otherwise.

- 1 (1) Applicant--An adult, or teen head of household, in a family who applies for
2 TANF cash assistance, who previously did not leave TANF in a sanctioned
3 status.
4
- 5 (2) Choices-eligible individual--An individual eligible to receive Choices services
6 including an adult or teen head of household who is an applicant, conditional
7 applicant, recipient, nonrecipient parent, former recipient, or sanctioned family
8 as defined in this chapter.
9
- 10 (3) Choices participant--A Choices-eligible individual participating in or
11 outreached for Choices services, including:
12
- 13 (A) Exempt Choices participant--A Choices-eligible individual who is not
14 required under Texas Human Resources Code, Chapter 31 or Texas
15 Health and Human Services Commission (HHSC) rules (1 TAC, Chapter
16 372, Temporary Assistance for Needy Families and Supplemental
17 Nutrition Assistance Programs) to participate in Choices services, but
18 who may voluntarily participate in Choices services.
19
- 20 (B) Mandatory Choices participant--A Choices-eligible individual who is
21 required under Texas Human Resources Code, Chapter 31 or HHSC
22 rules (1 TAC, Chapter 372) to participate in Choices services.
23
- 24 (4) Community service--A program that provides employment and training
25 activities to Choices participants through unsalaried, work-based positions in
26 the public or private nonprofit sectors. Community service programs contain
27 structured, supervised activities that are a direct benefit to the community and
28 are designed to improve the employability of Choices participants who have
29 been unable to find employment.
30
- 31 (5) Conditional applicant--An adult or teen head of household who left TANF in a
32 sanctioned status, but who is reapplying for TANF cash assistance and must
33 demonstrate cooperation with Choices program requirements for four
34 consecutive weeks.
35
- 36 (6) Earned Income Deduction (EID)--A standard work-related and income
37 deduction, available for four months through HHSC.
38
- 39 (7) Employment Planning Session (EPS)--A meeting with a TANF recipient to
40 introduce Choices services.
41
- 42 (8) Extended TANF recipient--A recipient who receives TANF cash assistance
43 past the 60-month federal time limit because of a hardship exemption as
44 defined in Texas Human Resources Code, Chapter 31 and HHSC rules (1
45 TAC, Chapter 372).
46

- 1 (9) Former recipient--An adult or teen head of household who no longer receives
2 TANF cash assistance because of employment.
3
- 4 (10) HHSC--Texas Health and Human Services Commission.
5
- 6 (11) Job readiness--Short-term structured activities or a series of activities lasting
7 less than six months designed to prepare a job seeker for unsubsidized
8 employment and increase the job seeker's employability. Activities may
9 include, but are not limited to: interviewing skills, job retention skills, personal
10 maintenance skills, professional conduct skills, and introductory computer
11 skills.
12
- 13 (12) Job search--Acts of seeking or obtaining employment, or preparing to seek or
14 obtain employment, including life skills training, substance abuse treatment,
15 mental health treatment, or rehabilitation activities. Activities may include:
16 information on and referral to available jobs; occupational exploration,
17 including information on local emerging and demand occupations; job fairs;
18 applying or interviewing for job vacancies; and contacting potential employers.
19
- 20 (13) Job skills training--Training or education for job skills required by an
21 employer to provide a Choices participant with the ability to obtain
22 employment or to advance or adapt to the changing demands of the workplace.
23
- 24 (14) Nonrecipient parent--Adults or minor heads of household not receiving TANF
25 cash assistance, but living with their own children who are receiving TANF
26 cash assistance. Nonrecipient parents include parents who are not eligible for
27 TANF cash assistance:
28
- 29 (A) due to a disqualification by the Texas Health and Human Services
30 Commission. These disqualifications include parents who:
31
- 32 (i) refuse to comply with Medicaid third-party resource requirements;
33
- 34 (ii) do not comply with Social Security number requirements;
35
- 36 (iii) are found guilty of an intentional program violation;
37
- 38 (iv) fail to report the temporary absence of a certified child;
39
- 40 (v) are fugitives fleeing to avoid prosecution of, or confinement for, a
41 felony criminal conviction, or are found by a court to be violating
42 federal or state probation or parole;
43
- 44 (vi) are convicted of a felony drug offense (not deferred adjudication)
45 committed on or after April 1, 2002; or
46

- 1 (vii) refuse to cooperate with the program integrity assessment process;
2
3 (B) because they are receiving Supplemental Security Income (SSI) or
4 Social Security Disability Insurance (SSDI); or
5
6 (C) because they have exhausted their TANF state time limit.
7
8 (15) PRWORA--The Personal Responsibility and Work Opportunity Reconciliation
9 Act of 1996, Pub. L. No. 104-193, 110 Stat. 2105, as amended.
10
11 (16) Recipient--An adult or teen head of household who receives TANF cash
12 assistance.
13
14 (17) Sanctioned family--An adult or teen head of household who must demonstrate
15 cooperation for one month in order to reinstate TANF cash assistance.
16
17 (18) Secondary school--Educational activities including middle school, high school
18 leading to a high school diploma, or classes leading to the completion of a
19 GED credential.
20
21 (19) TANF cash assistance--The cash grant provided through HHSC to individuals
22 who meet certain residency, income, and resource criteria as provided under
23 federal and state statutes and regulations, including the PRWORA, the TANF
24 block grant statutes, the TANF State Plan, TANF cash assistance provided
25 under Texas Human Resources Code, Chapters 31 and 34, and other related
26 regulations.
27
28 (20) The Workforce Information System of Texas (TWIST)--the Agency's
29 automated data processing and case management system for the Texas
30 workforce system.
31
32 (21) Vocational educational training--Organized educational programs directly
33 related to preparing Choices participants for employment in current or
34 emerging occupations.
35
36 (22) Work-based services--Includes those employment programs defined in Texas
37 Human Resources Code §31.0126.
38
39 (23) Work eligible individual--Work eligible individuals are adults or minor heads
40 of household receiving TANF cash assistance, and nonrecipient parents--with
41 the following exceptions:
42
43 (A) Noncitizens who are ineligible to receive cash assistance because of their
44 immigration status;
45

1 (B) Parents caring for a disabled family member who lives in the home
2 (provided the need for such care is supported by medical
3 documentation), on a case-by-case basis; and
4

5 (C) Recipients of SSI or SSDI, on a case-by-case basis.
6

7 (24) Work experience--Unpaid training in the public or private sector designed to
8 improve the employability of Choices participants who have been unable to
9 find employment.
10

11 (25) Work ready--A Choices-eligible individual is considered work ready if he or
12 she has the skills that are required by employers in the local workforce
13 development area. A Board must ensure immediate access to the labor market
14 to determine whether the Choices-eligible individual has those necessary skills
15 to obtain employment.
16

17 (26) Work requirement--For the purposes of 42 USC §607 and 45 CFR §261.10, a
18 Choices participant is deemed to be engaged in work by participating in:
19

20 (A) unsubsidized employment;
21

22 (B) subsidized employment;
23

24 (C) on-the-job training (OJT); or
25

26 (D) educational services for Choices participants who have not completed
27 secondary school or received a GED credential as provided in §811.30.
28

29 **§811.3. Choices Service Strategy** 30

31 (a) A Board shall ensure that its strategic planning process includes an analysis of the
32 local labor market to:
33

34 (1) determine employers' needs;
35

36 (2) determine emerging and demand occupations; and
37

38 (3) identify employment opportunities, which include those with a potential for
39 career advancement that may assist a Choices-eligible individual's progression
40 toward self-sufficiency.
41

42 (b) The Choices service strategy shall include:
43

44 (1) Workforce Orientation for Applicants (WOA). As a condition of eligibility,
45 applicants and conditional applicants are required to attend a workforce

1 orientation that includes information on options available to allow them to
2 enter the Texas workforce.

3
4 (2) Work First Design.

5
6 (A) The work first design:

7
8 (i) allows Choices participants to take immediate advantage of the
9 labor market and secure employment, which is critical due to
10 individual time-limited benefits; and

11
12 (ii) meets the needs of employers by linking Choices participants with
13 skills that match those job requirements identified by the employer.

14
15 (B) Boards shall provide Choices participants access to other services and
16 activities available through the One-Stop Service Delivery Network,
17 which includes the WOA, to assist with employment in the labor market
18 before certification for TANF cash assistance.

19
20 (C) Post-employment services shall be provided in order to assist a Choices
21 participant's progress toward self-sufficiency as described in
22 §811.4(a)(1) and §811.51.

23
24 (D) In order to assist a Choices-eligible individual's progress toward self-
25 sufficiency:

26
27 (i) Boards shall provide Choices-eligible individuals who are
28 employed, including mandatory Choices participants coded by
29 HHSC as working at least 30 hours per week, earning at least \$700
30 per month, and receiving the EID, with information on available
31 post-employment services; or

32
33 (ii) Boards may provide Choices-eligible individuals with post-
34 employment services as determined by Board policy. The length of
35 time these services may be provided is subject to §811.51.

36
37 (E) In order to assist employers, Boards shall coordinate with local
38 employers to address needs related to:

39
40 (i) employee post-employment education or training;

41
42 (ii) employee child care, transportation or other support services
43 available to obtain and retain employment; and

44
45 (iii) employer tax credits.
46

1 (F) Boards shall ensure that a family employment plan is based on employer
2 needs, individual skills and abilities, and individual time limits for TANF
3 cash assistance.
4

5 (3) Post-Employment Services. A Board shall ensure that post-employment
6 services are designed to assist Choices participants with job retention, career
7 advancement, and reemployment, as defined in §811.51. Post-employment
8 services are a continuum in the Choices service strategy to support a Choices
9 participant's job retention, wage gains, career progression, and progression to
10 self-sufficiency.
11

12 (4) Adult Services. A Board shall ensure that services for adults shall include
13 activities individually designed to lead to employment and self-sufficiency as
14 quickly as possible.
15

16 (5) Teen Services. A Board shall ensure that services for teen heads of household
17 shall include secondary school, as defined in §811.2(13), and making the
18 transition from school to employment, as described in §811.30 and §811.50.
19

20 (6) Choices-Eligible Individuals with Disabilities. A Board shall ensure that
21 services for Choices-eligible individuals with disabilities include reasonable
22 accommodations to allow the Choices-eligible individuals to access and
23 participate in services, where applicable by law.
24

25 (7) Target Populations. A Board shall ensure that services are concentrated, as
26 further defined in §811.4(d)(5) and §811.11(d), on the needs of the following:
27

28 (A) recipients who have six months or less remaining of their state TANF
29 time limit, irrespective of any extension of time due to a hardship
30 exemption;
31

32 (B) recipients who have 12 months or less remaining of their 60-month
33 federal TANF time limit, irrespective of any extension of time due to a
34 hardship exemption; and
35

36 (C) recipients who are extended TANF recipients.
37

38 (8) Local Flexibility. A Board may develop additional service strategies that are
39 consistent with the goal and purpose of this chapter and the One-Stop Service
40 Delivery Network.
41

42 **§811.4. Policies, Memoranda of Understanding, and Procedures.**
43

44 (a) A Board shall establish policies regarding the following:
45

- 1 (1) A Choices service strategy, as defined in §811.3, that coordinates various
2 service delivery approaches to:
3
4 (A) assist applicants and conditional applicants in gaining employment as an
5 alternative to public assistance;
6
7 (B) use a work first design as referenced in §811.3(b)(2) to provide Choices
8 participants access to the labor market; and
9
10 (C) assist former recipients with job retention and career advancement in
11 order to remain independent of TANF cash assistance;
12
13 (2) Limits on the amount of funds per Choices participant and the maximum
14 duration for subsidized employment and OJT placements; and
15
16 (3) The methods and limitations for provision of work-related expenses.
17
18 (b) A Board may establish optional policies that:
19
20 (1) require the use of the Eligible Training Provider Certification System (ETPS)
21 and Individual Training Account (ITA) systems as described in Chapter 841 of
22 this title to provide for Choices services for Choices participants and paid for
23 with TANF funds; and
24
25 (2) make post-employment services available to:
26
27 (A) former recipients who are denied TANF cash assistance because of
28 earnings; and
29
30 (B) sanctioned families and conditional applicants who obtain employment
31 during their demonstrated cooperation period.
32
33 (c) A Board shall ensure that the following memoranda of understanding (MOUs) and
34 collaborative partnerships are developed:
35
36 (1) Local-level MOUs with the appropriate agencies to serve Choices-eligible
37 individuals with disabilities to maximize their potential for success in
38 employment;
39
40
41
42 (2) A local-level MOU with HHSC for providing mental health and substance
43 abuse services to Choices participants; and
44

- 1 (3) A collaborative partnership with housing authorities and sponsors of local
2 housing programs and services to address the unmet housing needs of
3 recipients.
4
- 5 (d) A Board shall ensure that procedures are developed:
6
- 7 (1) to ensure that job development services are available to Choices participants.
8 These services include:
9
- 10 (A) contacting local employers or industry associations to request that job
11 openings be listed with Workforce Solutions Offices, and other entities
12 in the One-Stop Service Delivery Network selected by the Board;
13
- 14 (B) identifying the hiring needs of employers;
15
- 16 (C) assisting an employer in creating new positions for Choices participants
17 based on the job developer's and employer's analysis of the employer's
18 business needs; or
19
- 20 (D) finding opportunities with an employer for a specific Choices participant
21 or a group of Choices participants;
22
- 23 (2) to ensure that job placement services are available to Choices participants. Job
24 placement services shall include:
25
- 26 (A) identifying employers' workforce needs;
27
- 28 (B) identifying Choices participants who have sufficient skills and abilities to
29 be successfully linked with employment; and
30
- 31 (C) matching the skills of the Choices participant pool to the hiring needs of
32 local employers;
33
- 34 (3) to notify applicants and conditional applicants--in conjunction with HHSC--on
35 the availability of regularly scheduled Workforce Orientations for Applicants
36 (WOAs) and alternative WOAs;
37
- 38 (4) to notify HHSC of applicants and conditional applicants who contacted a
39 Workforce Solutions Office to request alternative WOAs;
40
- 41 (5) to ensure that services are concentrated on Choices-eligible individuals
42 approaching their state or federal time limit, as identified in §811.3(b)(7)(A)
43 and (B). Concentrated services may include targeted outreach, enhanced
44 analysis of circumstances that may limit a Choices-eligible individual's ability
45 to participate, and targeted job development; and
46

1 (6) to determine a family's inability to obtain child care.

2
3 (e) If a Board elects to establish one or more of the optional policies described in
4 subsection (b) of this section, the Board must ensure that corresponding procedures
5 are developed for those policies.
6

7 **SUBCHAPTER B. CHOICES SERVICES RESPONSIBILITIES**

8
9 **§811.11 Board Responsibilities**

10
11 (a) A Board shall ensure that:

12
13 (1) the WOA is offered frequently enough to allow applicants and conditional
14 applicants to comply with the HHSC requirement that gives applicants and
15 conditional applicants 10 calendar days from the date of their eligibility
16 interview to attend a WOA;

17
18 (2) during a regularly scheduled WOA or alternative WOA, applicants and
19 conditional applicants are informed of:

20
21 (A) employment services available through the One-Stop Service Delivery
22 Network to assist applicants and conditional applicants in achieving self-
23 sufficiency without the need for TANF cash assistance;

24
25 (B) benefits of becoming employed;

26
27 (C) impact of time-limited benefits;

28
29 (D) individual and parental responsibilities; and

30
31 (E) other services and activities, including education and training, available
32 through the One-Stop Service Delivery Network, including services and
33 referrals for services available to Choices-eligible individuals with
34 disabilities;

35
36 (3) alternative WOAs are developed that allow applicants and conditional
37 applicants with extraordinary circumstances to receive the information listed in
38 paragraph (2) of this subsection;

39
40 (4) verification that applicants and conditional applicants attend a scheduled or
41 alternative WOA is completed and HHSC is notified in accordance with HHSC
42 rules (1 TAC, Chapter 372, Temporary Assistance for Needy Families and
43 Supplemental Nutrition Assistance Programs); and

44
45 (5) applicants and conditional applicants are provided with an appointment to
46 develop a family employment plan (FEP).

1
2 (b) A Board shall ensure that:

- 3
4 (1) Choices services are offered to applicants who attend a WOA; and
5
6 (2) conditional applicants who attend a WOA are immediately scheduled to begin
7 Choices services.

8
9 (c) A Board shall ensure that a Choices participant's eligibility is verified monthly.

10
11 (d) A Board shall ensure that all extended TANF recipients are outreached and offered
12 the opportunity to participate in Choices activities.

13
14 (e) A Board shall ensure that post-employment services, including job retention and
15 career advancement services, are available to Choices-eligible individuals, including
16 mandatory Choices participants coded by HHSC as working at least 30 hours per
17 week, earning at least \$700 per month, and receiving EID.

18
19 (f) A Board shall ensure that monitoring of Choices program requirements is ongoing
20 and frequent, as determined by the Board, unless otherwise specified in this chapter,
21 and consists of the following:

- 22
23 (1) ensuring receipt of support services;
24
25 (2) tracking and reporting all support services and entering them into TWIST at
26 least monthly;
27
28 (3) tracking and reporting actual hours of participation in Choices work activities,
29 at least monthly, unless otherwise specified in this chapter;
30
31 (4) determining and arranging for any intervention needed to assist the Choices
32 participant in complying with Choices program requirements; and
33
34 (5) ensuring that the Choices participant is progressing toward achieving the goals
35 and objectives in the FEP.

36
37 (g) A Board shall ensure that:

- 38
39 (1) no fewer than four hours of training regarding family violence is provided to
40 staff who:
41
42 (A) provide information to Choices-eligible individuals;
43
44 (B) request penalties or grant good cause; or
45
46 (C) provide employment planning or employment retention services; and

1
2 (2) Choices-eligible individuals who are identified as being victims of family
3 violence are referred to an individual or an agency that specializes in issues
4 involving family violence.
5

6 (h) A Board shall ensure that documentation is obtained and maintained regarding all
7 contact with Choices participants, including verification of participation hours, and
8 data is entered into TWIST.
9

10 (i) A Board shall ensure that a referral program is developed to provide Choices-eligible
11 individuals facing higher than average barriers to employment, as described in this
12 chapter, with referrals to pre-employment and post-employment services offered by
13 community-based and other organizations.
14

15 **§811.14. Noncooperation.**
16

17 (a) A Board shall ensure that cooperation by Choices participants is verified each month
18 to ensure that the Choices participants:
19

20 (1) comply with Choices program requirements as set forth in the FEP, as
21 specified in §811.23; or
22

23 (2) have good cause as described in this chapter.
24

25 (b) If Choices participants have not cooperated with Choices program requirements and
26 do not have good cause, a Board shall ensure that:
27

28 (1) a penalty is requested for mandatory Choices participants; or
29

30 (2) Choices services and support services, except Commission-funded child care,
31 are terminated for exempt Choices participants; and
32

33 (3) Choices child care is provided as needed, as specified in §809.45 of this title.
34

35 (c) A Board shall ensure that timely and reasonable attempts, as defined by the Agency,
36 are made to contact a mandatory Choices participant prior to requesting a penalty to:
37

38 (1) determine the reason for noncooperation and whether good cause is applicable,
39 as described in §811.16(c);
40

41 (2) inform the mandatory Choices participant of:
42

43 (A) the violation, if good cause has not been determined;
44

45 (B) the right to appeal; and
46

1 (C) the necessary procedures to demonstrate cooperation.
2

3 (d) A Board shall ensure that timely and reasonable attempts, as defined by the Agency,
4 are made to contact a sanctioned family and conditional applicants upon discovery of
5 noncooperation during their demonstrated cooperation period to determine if good
6 cause exists.
7

8 (e) A Board shall ensure that the reasonable attempts to contact a mandatory Choices
9 participant are documented in TWIST.
10

11 (f) A Board shall ensure that:

12 (1) HHSC is notified of a mandatory Choices participant's failure to comply with
13 Choices program requirements; and
14

15 (2) the notification of noncooperation is submitted as early as possible in the same
16 month in which the noncooperation occurs.
17
18

19 **SUBCHAPTER C. CHOICES SERVICES**

20 **§811.21. General Provisions.**

21 (a) A Board shall ensure that services are available to assist Choices-eligible individuals
22 with obtaining employment as quickly as possible and, if employed, with retaining
23 employment. These services may include:
24

25 (1) job readiness and job search-related services;
26

27 (2) work-based services;
28

29 (3) post-employment services;
30

31 (4) education and training services as described in this chapter; and
32

33 (5) support services.
34

35 (b) A Board shall ensure that employment and training activities are conducted in
36 compliance with the Fair Labor Standards Act (FLSA) as specified in §811.29.
37

38 (c) A Board shall ensure that placement in work-based services does not result in the
39 displacement of currently employed workers or impair existing contracts for services
40 or collective bargaining agreements.
41
42
43

- 1 (d) A Board shall ensure that job development services identify, at a minimum, job
2 openings for current mandatory Choices participants.
3

4 **§811.22. Assessment.**
5

- 6 (a) A Board shall ensure that initial and ongoing assessments are performed to
7 determine the employability and retention needs, including wage advancement and
8 career development needs, of Choices participants as follows:
9

- 10 (1) An assessment is required for Choices participants who are:
11

12 (A) at least age 18; or
13

14 (B) heads of household, as determined by HHSC, who are not yet age 18,
15 have not completed secondary school or received a GED credential, and
16 are not attending secondary school.
17

- 18 (2) An assessment shall be provided to applicants who choose to participate in
19 Choices services.
20

- 21 (3) Ongoing assessments shall be provided to former recipients who choose to
22 participate in Choices services.
23

- 24 (b) Assessments shall include evaluations of strengths and potential barriers to obtaining
25 and retaining employment, such as:
26

27 (1) skills and abilities, employment, and educational history in relation to
28 employers' workforce needs in the local labor market;
29

30 (2) pre- and post-employment skills development needs to determine the necessity
31 for job-specific training;
32

33 (3) unmet housing needs and whether those needs are a barrier to full participation
34 in the workforce and progression to self-sufficiency;
35

36 (4) support services needs; and
37

38 (5) individual and family circumstances that may affect participation, including
39 the existence of family violence, substance abuse, mental health, or disability -
40 related issues, as one of the factors considered in evaluating employability.
41

- 42 (c) A Board shall ensure that the assessment identifies Choices-eligible individuals with
43 higher-than-average barriers to employment, as defined by the Board.
44

- 45 (d) A Board shall ensure that if the skills assessment indicates that a Choices participant
46 requires job-specific training for placement in a job paying wages that equal or

1 exceed the Board's identified self-sufficiency wage, the Board shall, to the extent
2 funds are available and to the extent allowed under this chapter, place the Choices
3 participant in vocational educational training activities or job skills training activities
4 that are designed to improve employment and wage outcomes and job retention; and
5

6 (e) For mandatory Choices participants who are at least age 18, or who are heads of
7 household but are not yet age 18 and have not completed secondary school or
8 received a GED credential and are not attending secondary school:

9
10 (1) The assessments shall also include evaluations of the mandatory Choices
11 participants':

12
13 (A) vocational and educational skills, experience, and needs; and

14
15 (B) literacy level by using a statewide standard literacy assessment
16 instrument unless the Choices participants are mandatory Choices
17 participants coded by HHSC as working at least 30 hours per week,
18 earning at least \$700 per month, and receiving the EID.
19

20 (2) A Board shall ensure that the grade-level results or other literacy information
21 are provided to HHSC for use in determining the appropriateness of the initial
22 state time-limit designation for TANF cash assistance as described in the Texas
23 Human Resources Code §31.0065, relating to state time-limited benefits.
24

25 (f) Assessment Outcome. Assessments shall result in the development of a family
26 employment plan, as described in §811.23.
27

28 **SUBCHAPTER D. CHOICES ACTIVITIES**

29 **§811.51. Post-Employment Services.**

30
31
32 (a) A Board shall ensure that post-employment services, which include job retention,
33 career advancement, and reemployment services, are offered to Choices participants
34 who are employed, and to applicants, conditional applicants, and former recipients
35 who have obtained employment but require additional assistance in retaining
36 employment and achieving self-sufficiency.
37

38 (b) A Board shall ensure that post-employment services are monitored, and ensure that
39 hours of employment are required and reported by Choices participants for at least
40 the length of time the Choices participants receive TANF cash assistance.
41

42 (c) A Board shall ensure that ongoing contact is established with Choices-eligible
43 individuals receiving post-employment services at least monthly.
44

45 (d) A Board may include mentoring techniques as part of a post-employment strategy.
46

- 1 (e) The post-employment services may include the following:
2
3 (1) assistance and support for the transition into employment through direct
4 services or referrals to resources available in the workforce area;
5
6 (2) child care, if needed, as specified in rules at Chapter 809 of this title;
7
8 (3) work-related expenses, including those identified in §811.64;
9
10 (4) transportation, if needed;
11
12 (5) job search, job placement, and job development services to help a former
13 recipient who loses a job to obtain employment;
14
15 (6) referrals to available education or training resources to increase an employed
16 Choices-eligible individual's skills or to help the individual qualify for
17 advancement and long-term employment goals;
18
19 (7) additional career planning and counseling; or
20
21 (8) referral to support services available in the community.
22
23 (f) The maximum length of time a former recipient, conditional applicant, and
24 sanctioned family may receive services under this section is dependent upon:
25
26 (1) family circumstances;
27
28 (2) the risk of returning to public assistance. A person is considered at risk of
29 returning to TANF cash assistance if he or she is a SNAP recipient, or receives
30 Commission-funded child care;
31
32 (3) the ongoing need for these services; and
33
34 (4) the availability of funds for these services.
35
36 (g) Post-employment service providers may include employers, community colleges,
37 technical colleges, career schools and colleges, faith-based and community-based
38 organizations.
39

40 **SUBCHAPTER E. SUPPORT SERVICES AND OTHER INITIATIVES**

41 **§811.61. Support Services.**

- 42
43
44 (a) A Board shall ensure that support services as specified in this subchapter are
45 provided, if needed, to Choices participants to address barriers to employment or
46 participation in Choices services, subject to availability of resources and funding. A

1 Board shall ensure that support services provided to Choices participants are
2 coordinated with the employer, when appropriate.
3

4 (b) A Board shall ensure that support services, except Commission-funded child care,
5 are not provided to Choices participants who fail to meet Choices program
6 requirements set forth in §811.13, Subchapter B of this chapter. Commission-funded
7 child care must be provided as set forth in §809.45 of this title. In applying this
8 provision, a Board shall ensure that support services are provided to Choices
9 participants if it is determined that support services are needed to comply with
10 Choices program requirements set forth in §811.13, Subchapter B of this chapter.
11

12 (c) A Board shall ensure that:

13
14 (1) support services, except Commission-funded child care, are terminated
15 immediately upon a determination of failure to meet Choices program
16 requirements by Choices participants unless otherwise determined by the
17 Board's service provider as referenced in subsection (b) of this section; and
18

19 (2) Choices child care is provided as needed, as specified in §809.45 of this title.
20

21 (d) A Board shall ensure that support services, classified as cash assistance, for:

22
23 (1) applicants and former recipients do not extend beyond four months for those
24 who are unemployed and not receiving TANF cash assistance; and
25

26 (2) unemployed conditional applicants and sanctioned families do not extend
27 beyond their demonstrated cooperation period.
28

29 **§811.65. Wheels to Work.**
30

31 (a) The Commission may develop a Wheels to Work initiative in which local nonprofit
32 organizations provide automobiles for Choices-eligible individuals who have
33 obtained employment but are unable to accept or retain the employment solely
34 because of a lack of transportation.
35

36 (b) A Board may, through local policies and procedures, establish services to assist
37 Choices-eligible individuals who verify the need for an automobile to accept or
38 retain employment by referring them to available providers.
39

40 (c) Persons or organizations donating automobiles under a Wheels to Work initiative shall
41 receive a charitable donation receipt for federal income tax purposes.
42