

CHAPTER 813. SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM EMPLOYMENT AND TRAINING

PROPOSED 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 **JANUARY 30, 2024**, THE TEXAS WORKFORCE COMMISSION PROPOSED THE RULES BELOW WITH PREAMBLE TO BE SUBMITTED TO THE *TEXAS REGISTER*.

Estimated Publication Date of the Proposal in the *Texas Register*: **February 16, 2024**
Estimated End of Comment Period: **March 18, 2024**

The Texas Workforce Commission (TWC) proposes 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

PART I. PURPOSE, BACKGROUND, AND AUTHORITY

The purpose of the proposed 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 readoption, revision, or repeal each rule adopted by that agency. TWC has conducted a rule review of Chapter 813, Supplemental Nutrition Assistance Program Employment and Training, and any resulting changes are described in Part II of this preamble.

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 proposes 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 proposes 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. IMPACT STATEMENTS

Chris Nelson, 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 additional estimated costs to the state and to local governments expected as a result of enforcing or administering the rules.

There are no estimated cost reductions 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 are no anticipated economic costs to individuals required to comply with the rules.

There is no anticipated adverse economic impact on small businesses, microbusinesses, or rural communities as a result of enforcing or administering the rules.

Based on the analyses required by Texas Government Code §2001.024, TWC has determined that the requirement to repeal or amend a rule, as required by Texas Government Code §2001.0045, does not apply to this rulemaking.

Takings Impact Assessment

Under Texas Government Code §2007.002(5), "taking" means a governmental action that affects private real property, in whole or in part or temporarily or permanently, in a manner that requires the governmental entity to compensate the private real property owner as provided by the Fifth and Fourteenth Amendments to the US Constitution or the Texas Constitution, §17 or §19, Article I, or restricts or limits the owner's right to the property that would otherwise exist in the absence of the governmental action, and is the producing cause of a reduction of at least 25 percent in the market value of the affected private real property, determined by comparing the market value of the property as if the governmental action is not in effect and the market value of the property determined as if the governmental action is in effect. TWC completed a Takings Impact Assessment for the proposed rulemaking action under Texas Government Code §2007.043. The primary purpose of this proposed rulemaking action, as discussed elsewhere in

this preamble, is to amend the Chapter 813 SNAP E&T rules to conform with the Fiscal Responsibility Act of 2023, revise references to the case management system, and update the allowable activities for ABAWDs.

The proposed rulemaking action will not create any additional burden on private real property or affect private real property in a manner that would require compensation to private real property owners under the US Constitution or the Texas Constitution. The proposal also will not affect private real property in a manner that restricts or limits an owner's right to the property that would otherwise exist in the absence of the governmental action. Therefore, the proposed rulemaking will not cause a taking under Texas Government Code Chapter 2007.

Government Growth Impact Statement

TWC has determined that during the first five years the rules will be in effect, they:

- will not create or eliminate a government program;
- will not require the creation or elimination of employee positions;
- will not require an increase or decrease in future legislative appropriations to TWC;
- will not require an increase or decrease in fees paid to TWC;
- will not create a new regulation;
- will not expand, limit, or eliminate an existing regulation;
- will not change the number of individuals subject to the rules; and
- will not positively or adversely affect the state's economy.

Economic Impact Statement and Regulatory Flexibility Analysis

TWC has determined that the rules will not have an adverse economic impact on small businesses or rural communities, as the proposed rules place no requirements on small businesses or rural communities.

Mariana Vega, Director, Labor Market Information, has determined that there is not a significant negative impact upon employment conditions in the state as a result of the rules.

Courtney Arbour, 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 rules will be to align Chapter 813 rules with federal legislation.

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

PART IV. COORDINATION ACTIVITIES

This rulemaking is in direct response to SNAP provisions added by the Fiscal Responsibility Act of 2023. The federal action made it necessary for TWC to amend Chapter 813 to conform with the updated federal rules.

PART V. PUBLIC COMMENTS

Comments on the proposed rules may be submitted to TWCPolicyComments@twc.texas.gov and must be received no later than March 18, 2024.

PART VI. STATUTORY AUTHORITY

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

The proposed 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.

CHAPTER 813. SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM EMPLOYMENT AND TRAINING

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\(o\)\(3\)](#); ~~at least 18 but less than 50 years of age;~~
 - (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~~[U.S.C.](#) §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~~[U.S.C.](#) §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 i.e.](#), 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 i.e.](#), 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 i.e.](#), 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](#) ~~The Workforce Information System of Texas (TWIST)~~.
- (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](#) ~~TWIST~~ 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](#) ~~TWIST~~ 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](#) ~~TWIST~~ 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](#) ~~TWIST~~ 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.