

1 **CHAPTER 813. FOOD STAMP EMPLOYMENT AND TRAINING**

2
3 **PROPOSED 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 The Texas Workforce Commission (Commission) proposes amending the title of Chapter 813,
8 Food Stamp Employment and Training, to Chapter 813, Supplemental Nutrition Assistance
9 Program Employment and Training.

10
11 The Commission proposes amendments to the following sections of Chapter 813, relating to
12 Supplemental Nutrition Assistance Program Employment and Training:

- 13
- 14 Subchapter A. General Provisions, §§813.1 - 813.3
- 15 Subchapter B. Access to Employment and Training Activities and Support Services,
- 16 §§813.11 - 813.14
- 17 Subchapter C. Expenditure of Funds, §813.22
- 18 Subchapter D. Allowable Activities, §813.31 and §813.32
- 19 Subchapter E. Support Services for Participants, §813.41
- 20

21 The Commission proposes the following new sections to Chapter 813, relating to Supplemental
22 Nutrition Assistance Program Employment and Training:

- 23
- 24 Subchapter A. General Provisions, §813.4 and §813.5
- 25 Subchapter D. Allowable Activities, §813.33 and §813.34
- 26

- 27 PART I. PURPOSE, BACKGROUND, AND AUTHORITY
- 28 PART II. EXPLANATION OF INDIVIDUAL PROVISIONS
- 29 PART III. IMPACT STATEMENTS
- 30 PART IV. COORDINATION ACTIVITIES
- 31

32
33 **PART I. PURPOSE, BACKGROUND, AND AUTHORITY**

34 The purpose of the proposed Chapter 813 rule change is to:
35 --implement new job retention services and support services;
36 --detail the requirements for documentation, verification, and supervision of work activities to
37 further align with Choices services;
38 --specify when good cause must be determined; and
39 --make necessary technical corrections and clarifications, including changing the name of Food
40 Stamp Employment and Training (FSE&T) to Supplemental Nutrition Assistance Program
41 Employment and Training (SNAP E&T).
42

43 The Food, Conservation, and Energy Act of 2008 (FCEA), enacted June 18, 2008, amended the
44 Food Stamp Act of 1977, now named the Food and Nutrition Act of 2008. Among the changes,
45 states have been given the option of providing job retention services and support services.
46

1 In accordance with 7 U.S.C. §2015(d)(4)(B)(vii) and 7 U.S.C. §2025(h)(3), the Commission has
2 amended the Federal Fiscal Year 2009 (FFY'09) FSE&T State Plan to implement job retention
3 services and support services effective FFY'09. The job retention policies outlined in the FFY'09
4 FSE&T State Plan amendment have been approved by the U.S. Department of Agriculture
5 (USDA) Food and Nutrition Service (FNS).

6
7 Guidance received from FNS permits states to provide additional support services not allowed in
8 prior years. Chapter 813 has been amended to include this change.

9
10 Because of the Commission's commitment to align Choices and SNAP E&T to the extent
11 allowed under federal law, requirements for documentation, verification, and supervision of
12 work activities are included in this chapter.

13
14 Also enacted under FCEA, the name of the Food Stamp Program was changed to the
15 Supplemental Nutrition Assistance Program (SNAP). The Texas Health and Human Services
16 Commission (HHSC), which administers the federal Food Stamp Program, has informed the
17 Agency that effective April 1, 2009, it also will change the name of the state food stamp program
18 to SNAP. To align with the federal and state name changes, the Commission will change the
19 name FSE&T to SNAP E&T. This name change is made throughout the proposed rules in
20 addition to other technical corrections and changes made to simplify and clarify rule language.

21 22 23 **PART II. EXPLANATION OF INDIVIDUAL PROVISIONS**

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

26 27 **SUBCHAPTER A. GENERAL PROVISIONS**

28 **The Commission proposes the following amendments to Subchapter A:**

29 30 **§813.4. Board Policies and Local Procedures**

31 New §813.4 sets forth the requirements for the development of Board policies and local
32 procedures.

33
34 To ensure consistency of the methods and amounts of work-related and housing assistance
35 disbursed to SNAP recipients, and assist Boards with the management of SNAP E&T 50/50
36 percent funds, new §813.4(a)(1) - (2) requires Boards to establish policies and procedures
37 regarding the methods and limitations for the provision of support services, specifically work-
38 related expenses and housing assistance.

39
40 New §813.4(b) incorporates the contents of removed §813.11(g), which provides that Boards
41 may establish optional policies that require the use of Eligible Training Provider System (ETPS)
42 and Individual Training Accounts (ITAs), as set forth in Chapter 841 of this title relating to the
43 Workforce Investment Act, to provide SNAP E&T-funded services for SNAP E&T participants.

44
45 New §813.4(c) requires Boards that establish the optional policies described in §813.4(b) to
46 develop corresponding procedures.

1
2 **§813.5. Documentation, Verification, and Supervision of Work Activities**

3 New §813.5 aligns SNAP E&T with Choices requirements for the documentation, verification,
4 and supervision of all SNAP E&T work activities.

5
6 Section 813.5(a) states that all required information related to the documentation and verification
7 of participation in SNAP E&T work activities, as described in the section, must be documented
8 in The Workforce Information System of Texas (TWIST).

9
10 Section 813.5(b) requires that all participation in SNAP E&T must be verified and documented
11 and that self-attestation must not be allowed.

12
13 Section 813.5(c) requires that all participation in the activity described in §813.31(5) must be
14 verified and documented in TWIST at least monthly.

15
16 Section 813.5(d)(1) - (2) requires that all participation in the activities described in §813.31(1)
17 and (4) and §813.32(a)(4) must be supervised daily and verified and documented in TWIST at
18 least monthly.

19
20 Section 813.5(e)(1) - (2) requires that for the activities described in §813.31(2) and (3):
21 --no more than one hour of unsupervised study or homework time per each hour of class time
22 must be counted toward participation in SNAP E&T; and
23 --all study and homework time in excess of one hour per hour of class time must be directly
24 monitored, supervised, verified, and documented.

25
26 Section 813.5(e)(3)(A) - (B) requires that study or homework time must only count toward
27 participation in SNAP E&T if:
28 --the study or homework time is directly correlated to the demands of the coursework for out-of-
29 class preparation as described by the educational institution; and
30 --the educational institution's policy requires a certain number of out-of-class preparation hours
31 for the class.

32
33 Section 813.5(e)(4) requires that good or satisfactory progress, as determined by the educational
34 institution, must be verified and documented in TWIST at least monthly.

35
36 Section 813.5(e)(5) requires that all participation in SNAP E&T must be supervised daily.

37
38 Section 813.5(e)(6) requires that all participation in SNAP E&T must be verified and
39 documented in TWIST at least monthly.

40
41 Certain paragraphs in this subchapter have been renumbered to accommodate the name change
42 to SNAP E&T.

43
44 **SUBCHAPTER B. ACCESS TO EMPLOYMENT AND TRAINING ACTIVITIES AND**
45 **SUPPORT SERVICES**

46 **The Commission proposes the following amendments to Subchapter B:**

1
2 **§813.11. Board Responsibilities Regarding Access to SNAP E&T Activities and Support**
3 **Services**

4 Section 813.11(g), providing Boards the option to require the use of ETPS and ITAs, is removed
5 and incorporated in §813.4(b).
6

7 **§813.13. Good Cause for Mandatory Work Registrants and Exempt Recipients Who**
8 **Voluntarily Participate in SNAP E&T Services**

9 During the policy concept phase of the rulemaking process, the Commission received a comment
10 noting that SNAP *Employment and Training: A Comprehensive Guide* states that mandatory
11 work registrants can claim good cause before or after a penalty has been initiated in TWIST, as
12 long as the penalty has not been imposed by HHSC.
13

14 The Commission agrees and appreciates the comment. To ensure clarity of the Commission's
15 intent that good cause be determined before SNAP benefits are denied, §813.13(a)(1) - (2) adds
16 language to specify that good cause must be determined when:

17 --mandatory work registrants state that they have a legitimate reason for failing to respond to the
18 outreach notification; and

19 --mandatory work registrants and exempt recipients who voluntarily participate in SNAP E&T
20 services have legitimate reasons for failing to participate in SNAP E&T activities.
21
22

23 **SUBCHAPTER C. EXPENDITURE OF FUNDS**

24 **The Commission proposes the following amendments to Subchapter C:**
25

26 **§813.22. Use of Funds**

27 Section 813.22(1)(A) - (B) is reorganized for better clarity and adds the phrase "exempt
28 recipients who voluntarily participate" to specify that SNAP E&T funds also can be used to
29 provide SNAP E&T services to volunteers. In March 2005, the Commission amended Chapter
30 813 to allow Boards the flexibility to expand SNAP E&T services statewide to include
31 volunteers. However, the Commission postponed amending this section until certain 50/50
32 funding issues were resolved.
33

34 Section 813.22(2) clarifies that only SNAP E&T 50/50 funds can be used to provide SNAP E&T
35 support services listed in §813.41.
36

37 New §813.22(3) provides that job retention services for SNAP recipients who participated in
38 SNAP E&T activities and obtained full-time employment may be provided for no more than 90
39 days and must be funded with 100 percent funds or 50/50 funds, or both. USDA guidance
40 allows states that elect to provide job retention services to use their 100 percent and 50/50 funds
41 to administer these services.
42

43 New §813.22(4) provides that job retention support services for SNAP recipients who
44 participated in SNAP E&T activities and obtained full-time or part-time employment may be
45 provided for no more than 90 days and must be funded with 50/50 funds.
46

1
2 **SUBCHAPTER D. ALLOWABLE ACTIVITIES**

3 **The Commission proposes the following amendments to Subchapter D:**

4
5 **§813.33. Job Retention Activities**

6 New §813.33(a)(1) - (3) allows Boards to provide job retention activities:

7 --similar to the SNAP E&T activities in §813.31(1) - (3), and as specified in the annual SNAP
8 E&T state plan of operations, and any subsequent amendments, approved by USDA;

9 --for up to 90 days to SNAP recipients who participated in SNAP E&T activities and obtained
10 full-time employment; and

11 --in full-service or minimum-service counties as funding permits.

12
13 New §813.33(b) requires Boards to ensure that SNAP eligibility is verified each month that job
14 retention activities are provided.

15
16 **§813.34. Job Retention Support Services**

17 New §813.34(1) - (2) allows Boards to provide job retention support services for up to 90 days to
18 assist:

19 --mandatory work registrants who obtain part-time employment while participating, or after
20 successfully participating, in SNAP E&T activities; and

21 --exempt recipients who participated in SNAP E&T activities and obtained full-time
22 employment.

23
24
25 **SUBCHAPTER E. SUPPORT SERVICES FOR PARTICIPANTS**

26 **The Commission proposes the following amendments to Subchapter E:**

27
28 **§813.41. Provision of SNAP E&T Support Services**

29 Section 813.41(a)(1)(B), prohibiting the provision of support services to mandatory work
30 registrants for the purpose of retaining employment, is removed. As provided in new
31 §813.34(a)(1), Boards may provide job retention support services for up to 90 days to assist
32 mandatory work registrants with retaining employment.

33
34 Section 813.41(a)(2)(B), prohibiting the provision of support services to exempt recipients for
35 the purpose of retaining employment, is removed. As provided in new §813.34(a)(2), Boards
36 may provide job retention support services for up to 90 days to assist exempt recipients with
37 retaining employment.

38
39 Section 813.41(b)(3) removes the term "work" and incorporates it into new §813.41(b)(4).

40
41 New §813.41(b)(4)(A) - (B) adds that support services include payment or reimbursement for
42 work-related expenses that are:

43 --reasonable, necessary, and directly related to accepting or retaining employment; and

44 --paid for based on methods and amounts established in Boards' local policies and procedures.

1 New §813.41(b)(5) adds that support services include payment or reimbursement for housing
2 expenses that are:

- 3 --reasonable, necessary, and directly related to SNAP E&T participation or retaining
- 4 employment; and
- 5 --paid for based on methods and amounts established in Boards' local policies and procedures.

6
7 Certain subparagraphs in this subchapter have been renumbered to accommodate additions or
8 deletions.

9 10 11 **SUBCHAPTER F. COMPLAINTS AND APPEALS**

12 **The Commission proposes the following amendment to Subchapter F:**

13
14 A technical correction is made to the title of Subchapter F, which is changed from "Complaints
15 and Appeals" to "Complaints." Requirements related to appeals previously contained in Chapter
16 813 were removed in 2007 and moved to new Chapter 823, Integrated, Complaints, Hearings,
17 and Appeals.

18 19 20 **PART III. IMPACT STATEMENTS**

21 Randy Townsend, Chief Financial Officer, has determined that for each year of the first five
22 years the rules will be in effect, the following statements will apply:

23
24 There are no additional estimated costs to the state and local governments expected as a result of
25 enforcing or administering the rules.

26
27 There are no estimated reductions in costs to the state and to local governments as a result of
28 enforcing or administering the rules.

29
30 There are no estimated losses or increases in revenue to the state or to local governments as a
31 result of enforcing or administering the rules.

32
33 There are no foreseeable implications relating to costs or revenue of the state or local
34 governments as a result of enforcing or administering the rules.

35
36 There are no anticipated economic costs to persons required to comply with the rules.
37 There is no anticipated adverse economic impact on small or microbusinesses as a result of
38 enforcing or administering the rules.

39 40 **Economic Impact Statement and Regulatory Flexibility Analysis**

41 The Agency has determined that the proposed rules will not have an adverse economic impact on
42 small businesses as these proposed rules place no requirements on small businesses, including
43 child care providers.

44
45 The reasoning that led to these conclusions for the following changes is as follows:
46

1 In authorizing and implementing new job retention services and support services; detailing the
2 requirements for documentation, verification, and supervision of work activities; and making
3 various other specifications and technical corrections and clarifications, these rules are not
4 imposing on Boards or service providers such requirements or mandates that will require
5 significant increased costs over current levels. Indeed, various clarifications and specification of
6 documentation, verification, and supervision required in program regulations, as well as
7 expansion of authority to provide job retention services will keep the program functioning in
8 concert with the federal program requirements and should enhance the effectiveness of the
9 program.

10
11 Mark Hughes, Director of Labor Market Information, has determined that there is no significant
12 negative impact upon employment conditions in the state as a result of the rules.

13
14 Laurence M. Jones, Director, Workforce Development Division, has determined that for each
15 year of the first five years the rules are in effect, the public benefit anticipated as a result of
16 enforcing the proposed rules will be to provide activities and support services in a more
17 consistent manner to meet the needs of SNAP recipients in order to help them become self-
18 sufficient and independent of public assistance, and to provide employers with a skilled
19 workforce.

20
21 The Agency hereby certifies that the proposal has been reviewed by legal counsel and found to
22 be within the Agency's legal authority to adopt.

23 24 25 **PART IV. COORDINATION ACTIVITIES**

26 In the development of these rules for publication and public comment, the Commission sought
27 the involvement of Texas' 28 Boards. The Commission provided the concept paper regarding
28 these rule amendments to the Boards for consideration and review on January 6, 2009. The
29 Commission also conducted a conference call with Board executive directors and Board staff on
30 January 9, 2009, to discuss the concept paper. During the rulemaking process, the Commission
31 considered all information gathered in order to develop rules that provide clear and concise
32 direction to all parties involved.

33
34 Comments on the proposed rules may be submitted to TWC Policy Comments, Workforce
35 Policy and Service Delivery, attn: Workforce Editing, 101 East 15th Street, Room 440T, Austin,
36 Texas 78778; faxed to (512) 475-3577; or e-mailed to TWCPolicyComments@twc.state.tx.us.
37 The Commission must receive comments postmarked no later than 30 days from the date this
38 proposal is published in the *Texas Register*.

39
40 The rules are proposed under Texas Labor Code §301.0015 and §302.002(d), which provide the
41 Texas Workforce Commission with the authority to adopt, amend, or repeal such rules as it
42 deems necessary for the effective administration of Agency services and activities, and Texas
43 Human Resources Code §44.002, regarding Administrative Rules.

44
45 The proposed rules affect Texas Labor Code, Title 4, particularly Chapters 301 and 302, as well
46 as Texas Government Code, Chapter 2308.

1 **CHAPTER 813. ~~FOOD STAMP EMPLOYMENT AND TRAINING~~ SUPPLEMENTAL**
2 **NUTRITION ASSISTANCE PROGRAM EMPLOYMENT AND TRAINING**
3

4 **SUBCHAPTER A. GENERAL PROVISIONS**
5

6 **§813.1. Purpose.**
7

8 The purpose of Supplemental Nutrition Assistance Program Employment and Training
9 (SNAP E&T) ~~Food Stamp Employment and Training (FSE&T)~~ activities and support
10 services is to assist SNAP-food-stamp recipients who are not receiving Temporary
11 Assistance for Needy Families in entering employment through participation in allowable
12 job search, training, education, or workfare activities that promote self-sufficiency.
13 These rules may be cited as the SNAP E&T ~~FSE&T~~ rules.
14

15 **§813.2. Definitions.**
16

17 The following words and terms, when used in this chapter, shall have the following
18 meanings unless the context clearly indicates otherwise.
19

- 20 (1) ABAWD -- a SNAP-food-stamp household member who is determined by the
21 Texas Health and Human Services Commission to be a mandatory work
22 registrant and is:
23
24 (A) classified as an able-bodied adult;
25
26 (B) at least 18 but less than 50 years of age;
27
28 (C) without dependents; and
29
30 (D) subject to a limitation on the receipt of SNAP-food-stamp benefits for
31 three months out of 36 months if the person does not work at least 20
32 hours per week or participate in employment and training activities as
33 specified in 7 U.S.C. §2015(o)(2)(A) - (B).
34
35 (2) Exempt recipient -- an individual who is part of the General Population, is not
36 required to participate in SNAP E&T ~~FSE&T~~ services, as set forth in 7 U.S.C.
37 §2015(d)(2), and shall not be sanctioned for failure to cooperate with SNAP
38 E&T ~~FSE&T~~ requirements as set forth in §813.12 of this chapter.
39
40 ~~(3) FSE&T activities -- Food Stamp Employment and Training activities as~~
41 ~~specified in §813.31 of this chapter.~~
42
43 ~~(4) FSE&T support services -- Food Stamp Employment and Training support~~
44 ~~services as specified in §813.41 of this chapter.~~
45
46 (3)(5) Full-service counties -- counties in which Boards ensure that:

- 1
2 (A) ABAWDs, who are not working at least 20 hours per week, are
3 | outreached and receive SNAP E&T ~~FSE&T~~ services;
4
5 | (B) the SNAP E&T ~~FSE&T~~ General Population receives SNAP E&T
6 | ~~FSE&T~~ services based on available funding;
7
8 | (C) mandatory work registrants shall be sanctioned (i.e., SNAP food stamp
9 | benefits are denied) for failure to cooperate with SNAP E&T
10 | ~~FSE&T~~ requirements; and
11
12 | (D) exempt recipients who voluntarily participate in SNAP E&T
13 | ~~FSE&T~~ services shall not be sanctioned for failure to cooperate with
14 | SNAP E&T ~~FSE&T~~ requirements.
15

16 | ~~(4)(6)~~ General Population -- a mandatory or exempt SNAP food stamp
17 | household member who is:

- 18
19 | (A) at least 16 but less than 60 years of age; and
20
21 | (B) not classified as an ABAWD.
22

23 | ~~(5)(7)~~ HHSC -- the Texas Health and Human Services Commission.
24

25 | ~~(6)(8)~~ Mandatory work registrant -- a SNAP food stamp household member who
26 | is required to register for SNAP E&T ~~FSE&T~~ services, and is:

- 27
28 | (A) classified as General Population; or
29
30 | (B) an ABAWD.
31

32 | ~~(7)(9)~~ Minimum-service counties -- counties in which:

- 33
34 | (A) SNAP food stamp recipients (i.e., mandatory or exempt) may volunteer
35 | to participate in SNAP E&T ~~FSE&T~~ services;
36
37 | (B) Boards may provide services to SNAP food stamp recipients based on
38 | available funds;
39
40 | (C) outreach is not conducted; and
41
42 | (D) SNAP food stamp recipients (i.e., mandatory or exempt) who voluntarily
43 | participate in SNAP E&T ~~FSE&T~~ services shall not be sanctioned for
44 | failure to cooperate with SNAP E&T ~~FSE&T~~ requirements.
45

1 ~~(8)(10)~~ Nonprofit organization -- any corporation, trust, association, cooperative,
2 or other organization that is operated primarily for scientific, educational
3 service, charitable, or similar purpose in the public interest; is not organized
4 primarily for profit; and uses its net proceeds to maintain, improve, or expand
5 its operations.

6
7 (9) SNAP E&T activities -- Supplemental Nutrition Assistance Program
8 Employment and Training activities as specified in §813.31 of this chapter.

9
10 (10) SNAP E&T support services -- Supplemental Nutrition Assistance Program
11 Employment and Training support services as specified in §813.41 of this
12 chapter.

13
14 (11) Volunteer -- an individual who is not required to participate, but who
15 voluntarily participates, in SNAP E&T ~~FSE&T~~ services, including:

16
17 (A) exempt recipients in full-service counties; and

18
19 (B) exempt recipients and mandatory work registrants in minimum-service
20 counties.

21
22 (12) Workfare -- a work-based activity that consists of placement of an ABAWD
23 with a public or private nonprofit entity in an unpaid job assignment for the
24 number of hours per month equal to an ABAWD's monthly household SNAP
25 ~~food stamp~~ allotment amount divided by the federal minimum wage.

26
27 **§813.3. General Board Responsibilities.**

28
29 (a) Role of Boards. A Board shall:

30
31 (1) ensure that SNAP ~~food stamp~~ eligibility is verified monthly before providing
32 SNAP E&T ~~FSE&T~~ services for mandatory work registrants and exempt
33 recipients who voluntarily participate in SNAP E&T ~~FSE&T~~ services; and

34
35 (2) ensure that mandatory work registrants, and exempt recipients who volunteer,
36 participate in allowable SNAP E&T ~~FSE&T~~ activities. The allowable activities
37 shall meet the needs of employers and prepare the mandatory work registrants
38 and exempt recipients who voluntarily participate in SNAP E&T
39 ~~FSE&T~~ services for unsubsidized employment.

40
41 (b) Board Planning. A Board shall develop, amend, and modify its integrated workforce
42 training and services plan to incorporate and coordinate the design and management
43 of the delivery of SNAP E&T ~~FSE&T~~ activities and support services with the
44 delivery of other workforce employment, training, and educational services
45 identified in Texas Government Code §§2308.301 - 2308.3165 as well as other

1 training and services included in the One-Stop Service Delivery Network as set forth
2 in Chapter 801 of this title (relating to Local Workforce Development Boards).

- 3
- 4 (c) Board Management. Pursuant to this chapter, and Chapter 801 of this title (relating
5 to Local Workforce Development Boards), a Board shall coordinate workforce
6 employment, training, and educational services that meet the needs of employers for
7 its local workforce development area and shall incorporate and coordinate the
8 management and strategy for SNAP E&T ~~FSE&T~~ activities and support services into
9 the comprehensive One-Stop Service Delivery Network provided to help low-income
10 families as they move toward self-sufficiency.
- 11
- 12 (d) Coordination with HHSC. A Board shall coordinate with HHSC on a regular and
13 ongoing basis, as determined by the Board, regarding referrals, good cause, sanction
14 procedures, and fair hearings or appeals.

15

16 **§813.4. Board Policies and Local Procedures.**

17

18 (a) A Board shall establish policies and procedures regarding the methods and
19 limitations for the provision of the following:

20

21 (1) Work-related expenses; and

22

23 (2) Housing assistance.

24

25 (b) A Board may establish optional policies that require the use of the Eligible Training
26 Provider System and Individual Training Accounts, as set forth in Chapter 841 of
27 this title (relating to the Workforce Investment Act), to provide SNAP E&T-funded
28 services for SNAP E&T participants.

29

30 (c) If a Board establishes the optional policies described in subsection (b) of this section,
31 the Board shall ensure that corresponding procedures are developed for the policies.

32

33 **§813.5. Documentation, Verification, and Supervision of Work Activities.**

34

35 (a) A Board shall ensure that all required information related to the documentation and
36 verification of participation in SNAP E&T work activities, as described in this
37 section, is documented in The Workforce Information System of Texas (TWIST).

38

39 (b) A Board shall ensure that all participation in SNAP E&T is verified and documented
40 and that self-attestation is not allowed.

41

42 (c) For the activity described in §813.31(5) of this chapter, Boards shall ensure that all
43 participation is verified and documented in TWIST at least monthly.

44

45 (d) For the activities described in §813.31(1) and (4) and §813.32(a)(4) of this chapter,
46 Boards shall ensure that all participation is:

1
2 (1) supervised daily; and

3
4 (2) verified and documented in TWIST at least monthly.

5
6 (e) For the activities described in §813.31(2) and (3) of this chapter, Boards shall ensure
7 that:

8
9 (1) no more than one hour of unsupervised study or homework time per each hour
10 of class time is counted toward participation in SNAP E&T;

11
12 (2) all study and homework time in excess of one hour per hour of class time is
13 directly monitored, supervised, verified, and documented;

14
15 (3) study or homework time is only counted toward participation in SNAP E&T if:

16
17 (A) the study or homework time is directly correlated to the demands of the
18 coursework for out-of-class preparation as described by the educational
19 institution; and

20
21 (B) the educational institution's policy requires a certain number of out-of-
22 class preparation hours for the class;

23
24 (4) good or satisfactory progress, as determined by the educational institution, is
25 verified and documented in TWIST at least monthly;

26
27 (5) all participation in SNAP E&T is supervised daily; and

28
29 (6) all participation in SNAP E&T is verified and documented in TWIST at least
30 monthly.

31
32 **SUBCHAPTER B. ACCESS TO EMPLOYMENT AND TRAINING ACTIVITIES AND SUPPORT SERVICES**

33
34 **§813.11. Board Responsibilities Regarding Access to SNAP E&T ~~FSE&T~~ Activities and**
35 **Support Services.**

36
37 (a) A Board shall ensure that allowable SNAP E&T ~~FSE&T~~ activities and support
38 services, as set forth in Subchapters D and E, respectively, of this chapter, are
39 provided as specified in the annual state plan of operations approved by the United
40 States Department of Agriculture (USDA), to individuals who are:

41
42 (1) classified as the General Population; or

43
44 (2) ABAWDs.
45

- 1 (b) A Board shall ensure that the monitoring of SNAP E&T ~~FSE&T~~ requirements and
2 participant activities is ongoing and frequent, as determined appropriate by the
3 Board, and consists of:
4
- 5 (1) tracking and reporting SNAP E&T ~~FSE&T~~ participation hours;
 - 6
 - 7 (2) tracking and reporting support services hours;
 - 8
 - 9 (3) determining and arranging for any intervention needed to assist the individual
10 in complying with SNAP E&T ~~FSE&T~~ service requirements;
 - 11
 - 12 (4) ensuring progress toward achieving the goals and objectives in the
13 employment plan; and
 - 14
 - 15 (5) monitoring all other requirements.
 - 16
- 17 (c) A Board shall ensure that all ABAWDs in full-service SNAP E&T ~~FSE&T~~ counties
18 are provided with an offer of a work activity within 10 calendar days from the date
19 of referral from HHSC.
20
- 21 (d) A Board shall ensure that HHSC is notified in a timely manner if a mandatory work
22 registrant fails to comply with participant responsibilities, as set forth in §813.12 of
23 this subchapter.
24
- 25 (e) A Board shall ensure that employment and training activities are conducted in
26 compliance with the Fair Labor Standards Act (FLSA) (29 U.S.C. §201 et seq.) as
27 follows:
28
- 29 (1) the amount of time per week that a mandatory work registrant or exempt
30 recipient who voluntarily participates in SNAP E&T ~~FSE&T~~ services may be
31 required to participate in activities that are not exempt from minimum wage
32 and overtime under the FLSA shall be determined by the SNAP ~~food stamp~~
33 benefits amount being divided by the minimum wage, so that the amount paid
34 to the mandatory work registrant or exempt recipient who voluntarily
35 participates in SNAP E&T ~~FSE&T~~ services would be equal to or more than the
36 amount required for payment of wages, including minimum wage and
37 overtime; and
 - 38
 - 39 (2) if a Board provides activities that meet all the following criteria set forth in this
40 paragraph, the activity is considered "training" under FLSA and minimum
41 wage and overtime are not required:
42
 - 43 (A) The training is similar to that given in a vocational school.
 - 44
 - 45 (B) The training is for the benefit of the trainees.
 - 46

1 (C) Trainees do not displace currently employed workers.

2
3 (D) Employers derive no immediate advantage from trainees' activities.

4
5 (E) Trainees are not entitled to a job after training is completed.

6
7 (F) Employers and trainees understand that trainees are not paid.

8
9 (f) A Board shall ensure that placement in work-based services does not result in the
10 displacement of currently employed workers or impair existing contracts for services
11 or collective bargaining agreements.

12
13 ~~(g) A Board may, through local policies and procedures, require the use of the Eligible~~
14 ~~Training Provider Certification System and Individual Training Accounts as~~
15 ~~described in Chapter 841 of this title (relating to Workforce Investment Act) to~~
16 ~~provide services for individuals participating in FSE&T and which are funded by~~
17 ~~FSE&T.~~

18
19 **§813.12. Participant Responsibilities.**

20
21 Mandatory work registrants and exempt recipients who voluntarily participate in [SNAP](#)
22 [E&T](#) ~~FSE&T~~ services shall:

- 23
24 (1) attend scheduled appointments;
- 25
26 (2) participate in assigned [SNAP E&T](#) ~~FSE&T~~ activities for at least a minimum
27 weekly average of 30 hours, within the restrictions set forth in §813.14 of this
28 subchapter;
- 29
30 (3) report to an employer to whom they are referred;
- 31
32 (4) accept a job offer; and
- 33
34 (5) report activity hours, including hours of employment.

35
36 **§813.13. Good Cause for Mandatory Work Registrants and Exempt Recipients Who**
37 **Voluntarily Participate in [SNAP E&T](#) ~~FSE&T~~ Services.**

38
39 (a) Good cause applies only to mandatory work registrants and exempt recipients who
40 voluntarily participate in [SNAP E&T](#) ~~FSE&T~~ services. A Board shall ensure that
41 good cause is determined [before SNAP benefits are denied when](#) ~~as provided in this~~
42 ~~chapter.~~

1 (1) mandatory work registrants state that they have a legitimate reason for failing
2 to respond to the outreach notification; and

3
4 (2) mandatory work registrants and exempt recipients who voluntarily participate
5 in SNAP E&T services have legitimate reasons for failing to participate in
6 SNAP E&T activities.

7
8 (b) A Board shall ensure that a good cause determination:

9
10 (1) is based on individual and family circumstances;

11
12 (2) is based on face-to-face or telephone contact;

13
14 (3) includes a temporary period when mandatory work registrants or exempt
15 recipients who voluntarily participate in SNAP E&T ~~FSE&T~~ services may be
16 unable to attend scheduled appointments or participate in ongoing work
17 activities; and

18
19 (4) is made at the time the change in circumstances is made known to the Board's
20 service provider.

21
22 (c) For purposes of this chapter, the following reasons constitute good cause:

23
24 (1) temporary illness or incapacitation;

25
26 (2) court appearance;

27
28 (3) caring for a physically or mentally disabled household member who requires
29 the recipient's presence in the home;

30
31 (4) no available transportation and the distance prohibits walking; or no available
32 job within reasonable commuting distance, as defined by the Board;

33
34 (5) distance from the home of the mandatory work registrant, or exempt recipient
35 who voluntarily participates in SNAP E&T ~~FSE&T~~ services, to the Texas
36 Workforce Center or employment service provider requires commuting time of
37 more than two hours a day (not including taking a child to and from a child
38 care facility), and the distance prohibits walking and there is no available
39 transportation;

40
41 (6) farmworkers who are away from their permanent residence or home base, who
42 travel to work in an agriculture or related industry during part of the year, and
43 are under contract or similar agreement with an employer to begin work within
44 30 days of the date the individual notified the Board of his or her seasonal
45 farmwork assignment;

1 (7) an inability to obtain needed child care, as defined by the Board and based on
2 the following reasons:

3
4 (A) informal child care by a relative or child care provided under other
5 arrangements is unavailable or unsuitable, and based on, where applicable,
6 Board policy regarding child care. Informal child care may also be
7 determined unsuitable by the parent;

8
9 (B) eligible formal child care providers, as defined in Chapter 809 of this title
10 (relating to Child Care ~~Services and Development~~), are unavailable;

11
12 (C) affordable formal child care arrangements within maximum rates
13 established by the Board are unavailable; and

14
15 (D) formal or informal child care within a reasonable distance from home or
16 the work site is unavailable;

17
18 (8) an absence of other support services necessary for participation;

19
20 (9) receipt of a job referral that results in an offer below the federal minimum
21 wage, except when a lower wage is permissible under federal minimum wage
22 law;

23
24 (10) an individual or family crisis or a family circumstance that may preclude
25 participation, including substance abuse and mental health and disability -
26 related issues, provided the mandatory work registrant or exempt recipient who
27 voluntarily participates in ~~SNAP E&T FSE&T~~ services, engages in problem
28 resolution through appropriate referrals for counseling and support services; or

29
30 (11) an individual is a victim of family violence.

31
32 (d) A Board shall ensure that good cause:

33
34 (1) is reevaluated at least on a monthly basis;

35
36 (2) is extended if the circumstances giving rise to the good cause exception are not
37 resolved after available resources to remedy the situation have been
38 considered; and based on the existence of family violence, does not exceed a
39 total of 12 consecutive months per occurrence.

40
41 **§813.14. Special Provisions Regarding Sanctions for Noncooperation.**

42
43 General population mandatory work registrants who are scheduled to participate more
44 than 120 hours per month may not be sanctioned for noncooperation after 120 hours have
45 been reached, as described in the ~~Food and Nutrition Act Food Stamp Act~~, 7 U.S.C.

1 §2015(d)(4)(F)(ii). The 120 hours include hours in all SNAP E&T ~~FSE&T~~ activities,
2 including any hours worked for paid or unpaid compensation.
3

4 **SUBCHAPTER C. EXPENDITURE OF FUNDS**
5

6 **§813.22. Use of Funds.**
7

8 Boards shall ensure that the following funding provisions are followed:
9

- 10 (1) ~~Regarding the 100% federal E&T grant (100% funds) and the 50% federal and~~
11 ~~50% state E&T grant (50/50 funds), federal E&T grant funds shall be~~
12 ~~expended on E&T activities for mandatory work registrants to participate in~~
13 ~~E&T activities listed in §813.31 and §813.32 of this chapter. The following~~
14 SNAP E&T grant funds shall be expended on SNAP E&T activities for
15 mandatory work registrants and exempt recipients who voluntarily participate
16 in SNAP E&T activities listed in §813.31 and §813.32 of this chapter:
17

18 (A) 100 percent federal SNAP E&T grant and 100 percent federal ABAWD-
19 only grant (100 percent funds)
20

21 (B) 50 percent federal SNAP E&T grant and 50 percent state SNAP E&T
22 grant (50/50 funds)
23

- 24 (2) SNAP E&T-funded ~~Food Stamp E&T-funded~~ support services, listed in §813.41
25 of this ~~chapter~~ title, ~~shall may only~~ be funded only with 50/50 funds ~~and not~~
26 ~~100% funds.~~
27

- 28 (3) Job retention services for SNAP recipients who participated in SNAP E&T
29 activities and obtained full-time employment may be provided for no more
30 than 90 days and shall be funded with one or both of the following:
31

32 (A) 100 percent funds
33

34 (B) 50/50 funds
35

- 36 (4) Job retention support services for SNAP recipients who participated in SNAP
37 E&T activities and obtained full-time or part-time employment may be
38 provided for no more than 90 days and shall be funded with 50/50 funds.
39

40 **SUBCHAPTER D. ALLOWABLE ACTIVITIES**
41

42 **§813.31. Activities for Mandatory Work Registrants and Exempt Recipients Who**
43 **Voluntarily Participate in SNAP E&T ~~FSE&T~~ Services.**
44

1 The following activities may be provided for SNAP E&T ~~FSE&T~~ mandatory work
2 registrants and exempt recipients who voluntarily participate in SNAP E&T ~~FSE&T~~
3 services, subject to the limitations specified in §813.32 of this subchapter:
4

5 (1) job search services that shall:
6

7 (A) incorporate job readiness, job search training, directed job search, and
8 group job search, and may include the following:
9

10 (i) job skills assessment;
11

12 (ii) counseling;
13

14 (iii) job search skills training;
15

16 (iv) information on available jobs;
17

18 (v) occupational exploration, including information on local emerging
19 and demand occupations;
20

21 (vi) interviewing skills and practice interviews;
22

23 (vii) assistance with applications and resumes;
24

25 (viii) job fairs;
26

27 (ix) life skills; or
28

29 (x) guidance and motivation for development of positive work
30 behaviors necessary for the labor market; and
31

32 (B) limit the number of weeks a mandatory work registrant or exempt
33 recipient who voluntarily participates in SNAP E&T ~~FSE&T~~ services can
34 spend as follows:
35

36 (i) ABAWDs shall not be enrolled for more than four weeks, and the
37 job search activity shall be provided in conjunction with the
38 workfare activity, as described in §813.32(a)(4)(D) of this
39 subchapter.
40

41 (ii) General Population mandatory work registrants and exempt
42 recipients who voluntarily participate in SNAP E&T
43 ~~FSE&T~~ services shall not be enrolled:
44

45 (I) for more than four weeks of consecutive activity under this
46 paragraph;

1
2 (II) for more than six weeks of total activity in a federal fiscal
3 year.

4
5 (iii) Job search, when offered as part of other [SNAP E&T](#)
6 ~~FSE&T program~~ activities, is allowed for more time than the
7 limitations set forth in clauses (i) and (ii) of this subparagraph if the
8 job search activities comprise less than half of the required time
9 spent in other activities.

10
11 (2) vocational training that shall:

12 (A) relate to the types of jobs available in the labor market;

13 (B) be consistent with employment goals identified in the employment plan,
14 when possible; and

15 (C) be provided only if there is an expectation that employment will be
16 secured upon completion of the training.

17
18 (3) nonvocational education that shall increase employability, such as:

19 (A) enrollment and satisfactory attendance in:

20 (i) a secondary school; or

21 (ii) a course of study leading to a high school diploma or a certificate of
22 general equivalence;

23 (B) basic skills and literacy;

24 (C) English proficiency; or

25 (D) postsecondary education, leading to a degree or certificate awarded by a
26 training facility, career school or college, or other educational institution
27 that prepares individuals for employment in current and emerging
28 occupations that do not require baccalaureate or advanced degrees;

29
30 (4) work experience, as authorized by 7 U.S.C. §2015(d)(4)(B)(iv) and by the
31 Workforce Investment Act in 20 C.F.R. §663.200(b), for mandatory work
32 registrants who need assistance in becoming accustomed to basic work skills,
33 that shall:

34 (A) occur in the workplace for a limited period of time;

- 1 (B) be made in either the private for-profit, the nonprofit, or the public sectors;
- 2 and
- 3
- 4 (C) be paid or unpaid;
- 5
- 6 (5) unsubsidized employment; or
- 7
- 8 (6) other activities approved in the current SNAP E&T ~~FSE&T~~ state plan of
- 9 operations.
- 10

11 **§813.32. SNAP E&T ~~FSE&T~~ Activities for ABAWDs.**

- 12
- 13 (a) Boards shall ensure that SNAP E&T ~~FSE&T~~ activities for ABAWDs are limited to
- 14 participating in the following:
- 15
- 16 (1) services or activities under the Trade Act of 1974, as amended by the Trade
- 17 Act of 2002;
- 18
- 19 (2) activities under the Workforce Investment Act (29 U.S.C. §2801, et seq.);
- 20
- 21 (3) education and training, which may include:
- 22
- 23 (A) vocational training as described in §813.31(2) of this subchapter; or
- 24
- 25 (B) nonvocational education as described in §813.31(3) of this subchapter;
- 26 and
- 27
- 28 (4) workfare activities that shall:
- 29
- 30 (A) be designed to improve the employability of ABAWDs through actual
- 31 employment experience or training, or both;
- 32
- 33 (B) be unpaid job assignments based in the public or private nonprofit
- 34 sectors;
- 35
- 36 (C) have hourly requirements based on the ABAWD's monthly household
- 37 SNAP ~~food stamp~~ allotment divided by the number of ABAWDs in the
- 38 SNAP ~~food stamp~~ household, as provided by HHSC and then divided by
- 39 the federal minimum wage; and
- 40

1 (D) include a four-week job search period prior to placement in a workfare
2 activity.
3

4 (b) Boards shall ensure that ABAWDs who are referred to a Texas Workforce Center
5 and subsequently become engaged in unsubsidized employment for at least 20 hours
6 per week are not required to continue participation in SNAP E&T ~~FSE&T~~ services
7 because they have fulfilled their work requirement, as described in 7 U.S.C.
8 §2015(o)(2)(A). In addition, Boards shall ensure that HHSC is notified when
9 ABAWDs obtain employment.
10

11 **§813.33. Job Retention Activities.**
12

13 (a) Boards may provide job retention activities:

14
15 (1) similar to the SNAP E&T activities described in §813.31(1) - (3) of this
16 subchapter, and as specified in the annual SNAP E&T state plan of operations
17 and any subsequent amendments approved by USDA;

18
19 (2) for up to 90 days to SNAP recipients who participated in SNAP E&T activities
20 and obtained full-time employment; and

21
22 (3) in full-service or minimum-service counties as funding permits and as
23 specified in paragraphs (1) and (2) of this subsection.
24

25 (b) Boards shall ensure that SNAP eligibility is verified each month that job retention
26 activities are provided.
27

28 **§813.34. Job Retention Support Services.**
29

30 Boards may provide job retention support services for up to 90 days to assist:

31
32 (1) mandatory work registrants who obtain part-time employment while
33 participating, or after successfully participating, in SNAP E&T activities; and

34
35 (2) exempt recipients who participated in SNAP E&T activities and obtained full-
36 time employment.
37
38

39 **SUBCHAPTER E. SUPPORT SERVICES FOR PARTICIPANTS**
40

41 **§813.41. Provision of SNAP E&T ~~FSE&T~~ Support Services.**
42

43 (a) Boards shall ensure that SNAP E&T ~~FSE&T~~ support services are provided to
44 mandatory work registrants and exempt recipients who voluntarily participate in

1 SNAP E&T ~~FSE&T~~ services, if the support services are reasonable, necessary, and
2 directly related to participation in SNAP E&T ~~FSE&T~~ activities, as follows:
3

4 (1) Mandatory Work Registrants. Boards shall ensure that:
5

6 (A) support services are ~~only~~ provided to assist mandatory work registrants
7 with participation in SNAP E&T ~~FSE&T~~ activities and in obtaining
8 employment; and
9

10 ~~(B) support services shall not be provided to assist mandatory work registrants in~~
11 ~~retaining employment; and~~
12

13 (B) ~~(C)~~ if the monthly expenses directly related to participation by a mandatory
14 work registrant exceed available funds, the mandatory work registrant is:
15

16 (i) exempted from further participation in an assigned SNAP E&T
17 ~~FSE&T~~ activity; or
18

19 (ii) reassigned to a SNAP E&T ~~FSE&T~~ activity that will not require the
20 provision of support services.
21

22 (2) Exempt Recipients Who Voluntarily Participate in SNAP E&T
23 Activities ~~FSE&T Services~~. Boards shall ensure that:
24

25 (A) support services are ~~only~~ provided to assist exempt recipients with
26 participation in SNAP E&T ~~FSE&T~~ activities and in obtaining
27 employment; and
28

29 ~~(B) support services shall not be provided to assist exempt recipients in retaining~~
30 ~~employment; and~~
31

32 (B) ~~(C)~~ if the monthly expenses directly related to participation for an exempt
33 recipient who voluntarily participates in SNAP E&T ~~FSE&T~~ services
34 exceed available funds, the exempt recipient is:
35

36 (i) informed that assigned activities will be discontinued; or
37

38 (ii) reassigned to a SNAP E&T ~~FSE&T~~ activity that will not require the
39 provision of support services.
40

41 (b) Support services include payment or reimbursement for:
42

43 (1) child care services governed by Chapter 809 of this title;
44

45 (2) transportation services that may be provided for participating mandatory work
46 registrants and exempt recipients who voluntarily participate in SNAP E&T
~~FSE&T~~ services, if alternative transportation resources are not available to the

1 participants. Boards shall ensure that costs to provide the transportation
2 services are:

3
4 (A) reasonable and necessary for participation in SNAP E&T~~FSE&T~~
5 activities; and

6
7 (B) paid for based on the methods and amounts determined by each Board to
8 be consistent with state policy that requires use of the most economical
9 means of transportation to meet the SNAP E&T~~FSE&T~~ participant's
10 needs; ~~and~~

11
12 (3) ~~work,~~ training, or education-related items:

13
14 (A) including, but not limited to, costs for uniforms, personal safety items, or
15 other necessary equipment, and books or training manuals provided; and

16
17 (B) excluding the cost of meals away from home;

18
19 (4) work-related expenses that are:

20
21 (A) reasonable, necessary, and directly related to accepting or retaining
22 employment such as tools, uniforms, equipment, transportation, and car
23 repairs; and

24
25 (B) paid for based on methods and amounts established in Boards' local
26 policies and procedures; and

27
28 (5) housing expenses that are:

29
30 (A) reasonable, necessary, and directly related to participation in SNAP E&T
31 activities or retaining employment such as assistance with rent or utility
32 payments; and

33
34 (B) paid for based on methods and amounts established in Boards' local
35 policies and procedures.

36
37 **SUBCHAPTER F. COMPLAINTS**~~AND APPEALS~~

38
39 **§813.53. Discrimination Complaints.**

- 40
41 (a) A mandatory work registrant alleging discrimination on the basis of age, race, color,
42 national origin, or physical or mental disability has a right to file a written complaint
43 of alleged discriminatory acts within 180 calendar days from the date of the alleged
44 discriminatory act. Complaints must be submitted to the Texas Workforce
45 Commission Equal Opportunity Department, 101 East 15th Street, Room 220,
46 Austin, TX 78778-0001.

1
2
3
4

(b) Boards shall ensure that the Board or the Board's service providers advise individuals who express an interest in filing a discrimination complaint of their right to file a complaint and the complaint procedures.