

Proposed New Rules for Chapter 833. Community Development Initiatives, Subchapter C. Texas Adult Technology Training Pilot Project, Sections 833.31-833.33

ON August 13, 2002, THE TEXAS WORKFORCE COMMISSION PROPOSED THE BELOW RULE WITH PREAMBLE TO BE SUBMITTED TO THE *TEXAS REGISTER*.

Estimated Publication Date of the Proposal in the *Texas Register*: August 30, 2002.

Estimated End of Comment Period: September 30, 2002.

The Texas Workforce Commission (Commission) proposes new §§833.31-833.33, concerning the establishment and operation of the Texas Adult Technology Training Pilot Project.

The purpose of the Texas Adult Technology Training Pilot Project is to provide workers who choose to participate in the pilot project with increased opportunities to engage in bilingual technology training. The rules set out the purpose of the pilot project; the administration of the pilot project; eligibility criteria for the project as established in Texas Labor Code §301.0674; and the requirements for Board coordination with the project.

More specifically, the new Subchapter C, including §§833.31-833.33 is added for the purpose of setting forth the purpose, intent, program design, funding, and selection criteria for the Texas Adult Technology Training Pilot Project.

The pilot project is designed to meet employers' needs for skilled workers by providing limited-English proficient workers with bilingual basic computer training. The training is designed to increase access for trade affected workers to:

- computer-assisted ESL/GED learning opportunities;
- job search opportunities, via the Internet, throughout their training period;
- technology-oriented career training such as Office Technology Assistant; and
- the distance learning opportunities, once they are employed, to facilitate continuous learning and training to prepare for changes in the labor market.

The Commission has determined that the focus of the pilot project should be on trade affected workers since they are identified in the bill as an intended population to serve. Although no funds were appropriated for the implementation of the legislation, the focus of the pilot project on trade affected workers is also consistent with use of existing funding sources and a readily identifiable population for administering the pilot.

The Commission will determine an amount of funds to set aside for the pilot project from a combination of funding sources available to the Agency.

The legislation states that the pilot project "may be established to provide training in an urban community, a rural community, and a community in the region of the state that borders the United Mexican States." Because of limited funding identified for the pilot project at this time, the Commission intends to procure an entity that could serve all three communities rather than three different entities. To encourage responses to the competitive procurement, the terms, "urban" and "rural," communities are interpreted broadly.

Because the pilot project will target training for trade affected workers, it is crucial that there be referrals from the Texas Workforce Centers as defined in 40 TAC Chapter 801, Subchapter B and other sources if applicable. The Commission requires that close coordination be specified in the request for proposal and also recognizes that coordinating with the Boards could be in a number of forms, such as through memoranda of understanding regarding referral of clients or other means. The Boards are not envisioned as the direct grant recipients; however, the Boards play a critical role in the success of the pilot project as one of the primary referring entities for the eligible individuals to become aware of the option to engage in the pilot project. The response to the request for proposal shall contain proof of support by the respective Board of the entity responding to the proposed pilot project.

Randy Townsend, Chief Financial Officer, has determined that for the first five years the rule is 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 this rule;

there are no estimated reductions in costs to the state or to local governments expected as a result of enforcing or administering this rule;

there are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering this rule;

there are no foreseeable implications relating to costs or revenues to the state or to local governments as a result of enforcing or administering this rule; and

there are no anticipated costs to persons who are required to comply with this rule as proposed.

Mr. Townsend has also determined that there is no anticipated adverse impact on small businesses as a result of enforcing or administering this rule because this rule only clarifies what is already required in the statute, or rules governing fiscal and operational accountability of the management of the accounts. Any costs that are required for proper administration of the pilot project are in part funded with the funds awarded in response to the request for proposal.

Luis Macias, Director of Workforce Development, has determined that for each year of the first five years that this rule will be in effect, the public benefit anticipated as a result of the adoption of the proposed rule will be to assist the public in engaging in the Texas Adult Technology Training Pilot Project that will provide a more skilled workforce to meet the needs of employers by improving the technology skills of eligible individuals through bilingual training.

James Barnes, Director of Labor Market Information, has determined that there is no foreseeable negative impact upon employment conditions in this state as a result of this proposed rule.

Comments on the proposed section may be submitted to John Moore, Assistant General Counsel, Texas Workforce Commission, 101 East 15th Street, Room 614, Austin, Texas 78778-0001; Fax Number (512) 463-1426; or E-mail to John.Moore@twc.state.tx.us. Comments must be received by the Texas Workforce Commission no later than thirty (30) days from the date this proposal is published in the *Texas Register*.

The rules are proposed under Texas Labor Code §§301.061, 301.0674, 301.068 and 302.002, which provide the Texas Workforce Commission with the authority to adopt, amend, or repeal such rules as it deems necessary relating to Texas Workforce Commission's services and activities, and particularly the technology training pilot project.

The proposed rules affect Texas Labor Code Title 4.

CHAPTER 833. COMMUNITY DEVELOPMENT INITIATIVES

<new>SUBCHAPTER C. TEXAS ADULT TECHNOLOGY TRAINING PILOT PROJECT

<new>§833.31. Purpose and Intent.

- (a) Purpose. The purpose of the Texas Adult Technology Training Pilot Project is to meet the needs of employers for a skilled and trained workforce by implementing Texas Labor Code §301.0674, and by providing eligible trade affected displaced workers with an opportunity to improve technology skills.
- (b) Intent. The Commission's intent is for those entities awarded funds under this pilot project to maximize the use of public and private funds to the fullest extent feasible, and to collaborate and coordinate service strategies with any and all available resources in the pilot area to assist eligible displaced workers to develop technology skills and attain economic self-sufficiency.

<new>§833.32. Program Design and Funding.

- (a) The design for the Texas Adult Technology Training Pilot Project consists of the issuance of a request for proposals from qualifying private, public, nonprofit or for-profit organizations for the administration of the pilot project for trade affected workers as defined in this subchapter. The pilot project shall be designed to meet the needs of employers for skilled workers by providing bilingual basic computer training designed to increase workers' access to: computer-assisted learning opportunities; job search opportunities, via the Internet, throughout their training; technology-oriented career training such as Office Technology Assistant; and the distance learning opportunities once they are employed to facilitate continuous learning and training to prepare for changes in the labor market. The pilot project continues through 2005 pursuant to Texas Labor Code §301.0674.
- (b) The Commission may determine the amount of funds for use in the pilot project during the annual budget process or as funds may be identified for use on the pilot project.
- (c) The Commission may designate the pilot area.
 - (1) The pilot area shall be a definable region of the state, such as a local workforce development area or county.
 - (2) The pilot area may be one or more of the following communities:

- (A) an urban community;
 - (B) a rural community; or
 - (C) a community in the region of the state that borders the United Mexican States (border community).
- (3) Unless otherwise determined by the Commission, for the first year of the pilot project, the pilot area shall include one pilot area that has all three communities referenced in paragraph (2) of this subsection, including an urban, rural and a border community.
- (d) Eligible individuals shall consist of individuals that have been determined eligible by the Agency for NAFTA-TAA or Trade Adjustment Assistance. The eligible individuals include those individuals determined eligible under the Trade Act of 1974 (19 USC 101 et seq.), as amended, and including but not limited to, the modifications as applicable under the Trade Act of 2002 signed August 6, 2002. Eligible individuals will be referred to as "trade affected workers."
- (e) An eligible educational institution for providing the training under the pilot project shall include one or more of the following:
- (1) an Eligible Training Provider as defined in 40 TAC Chapter 841 relating to the Workforce Investment Act;
 - (2) an "institution of higher education" as described in Higher Education Act of 1965 §481(a)(1) or §1201(a) (20 U.S.C.A. §1088(a)(1) or §1141(a)), as such sections were in effect on August 21, 1996;
 - (3) a "postsecondary vocational education school" that is an area vocational education school as defined in Carl D. Perkins Vocational and Applied Technology Education Act §521(4) subparagraph (C) or (D) (20 U.S.C.A. §2471(4)) that is in any State (as defined in 20 U.S.C.A. §2471(33), as such sections were in effect on August 21, 1996 as may be amended; or
 - (4) any other institute or entity able to provide training consistent with the applicable funding sources for the Adult Technology Training Pilot Project.
- (f) The request for proposal shall set forth additional requirements related to the delivery of training services consistent with the pilot project design set forth in this subchapter.
- (g) An entity eligible for administering the pilot project may include but shall not be limited to the following:
- (1) an employer;

- (2) an Eligible Training Provider;
 - (3) a nonprofit organization that is incorporated under Internal Revenue Code §501(c)(3);
 - (4) a local government entity; or
 - (5) any other entity that is an eligible education institution as defined in this section.
- (h) The entity for administering the pilot project shall:
- (1) submit a complete proposal in response to the requirements listed and discussed in the request for proposal package for the Texas Adult Technology Training Pilot Project;
 - (2) have linkages with the applicable Board;
 - (3) have or develop a procedure to ensure that referrals of eligible trade affected workers as set forth in this subchapter are made from referral entities that shall include the Texas Workforce Centers as defined in 40 TAC Chapter 801;
 - (4) demonstrate other collaborative relationships and/or agreements with local support service entities and eligible training providers that would enhance the pilot; and
 - (5) have or demonstrate the ability to meet the requirements, policies, and procedures that may be defined in the request for proposal.
- (i) The Commission may also consider the entity's ability to leverage pilot project funds with any other public or private funds for the pilot project, as long as the uses of those funds meet the requirements of any applicable federal or state statutes and regulations and meet the requirements of the pilot project as defined in the request for proposal and subsequent agreement.

<new>§833.33. Administration and Performance

The administrator of the pilot project shall submit reports and information to the Commission as required for appropriate monitoring and evaluation as determined by the Commission or set forth in the agreement between the Commission and the administrator of the pilot project.