

CHAPTER 813. FOOD STAMP EMPLOYMENT AND TRAINING

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

ON NOVEMBER 6, 2007, THE TEXAS WORKFORCE COMMISSION ADOPTED THE BELOW RULES WITH PREAMBLE TO BE SUBMITTED TO THE *TEXAS REGISTER*.

Estimated date of publication in the *Texas Register*: **November 23, 2007**

The rules will take effect: **November 26, 2007**

The Texas Workforce Commission (Commission) adopts the repeal of the following sections of Chapter 813 relating to Food Stamp Employment and Training, as published in the July 13, 2007, issue of the *Texas Register* (32 TexReg 4354):

Subchapter F. Complaints and Appeals, §813.51 and §813.52

PART I. PURPOSE, BACKGROUND, AND AUTHORITY

PART II. EXPLANATION OF INDIVIDUAL PROVISIONS WITH COMMENTS AND RESPONSES

PART I. PURPOSE, BACKGROUND, AND AUTHORITY

The purpose of the adopted rule change is to establish detailed and consistent procedures for complaints, hearings, and appeals related to workforce services administered by Local Workforce Development Boards (Boards). Texas Labor Code §302.065 requires that the Commission integrate the administration of multiple federal block grant programs and identify policy changes that support this integration. The Commission expanded this integration to state-funded workforce services, including examining the existing complaints and appeals processes for workforce services administered by the Boards. An absence of unified and integrated rules on complaints, hearings, and appeals related to workforce services makes the existing rules difficult to understand or interpret consistently and works as a barrier to integrating workforce services.

To maintain uniformity and consistency across all Board-administered workforce services and to protect due process rights of Texas Workforce Center customers, in a separate, but concurrent rulemaking, the Commission has adopted the repeal of Chapter 823, General Hearings rules, and has adopted new Chapter 823, Integrated Complaints, Hearings, and Appeals rules. New Chapter 823 requires Boards to establish local policies for filing complaints, to provide opportunities for informal resolutions, and to establish procedures for Board hearings and appeals.

The Commission has reviewed sections of Chapter 813 relating to complaints or grievances, local-level appeals, and state-level hearings. The Commission adopts the repeal of these sections

and incorporates similar processes related to complaints, hearings, and appeals in new Chapter 823.

PART II. EXPLANATION OF INDIVIDUAL PROVISIONS WITH COMMENTS AND RESPONSES

SUBCHAPTER F. COMPLAINTS AND APPEALS

The Commission adopts amendments to Subchapter F, as follows:

Under a separate, but concurrent rulemaking, the Commission has adopted new Chapter 823, Integrated Complaints, Hearings, and Appeals, which comprises the complaint, hearing, and appeal procedures for all Board-administered workforce services, including the information in the following sections.

§813.51. Appeals of Decisions Made on Food Stamp Applications and Benefits

Section 813.51 is repealed and the information is relocated in new Chapter 823.

§813.52. Appeals of E&T Activities and Support Services Decisions

Section 813.52 is repealed and the information is relocated in new Chapter 823.

No comments were received.

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

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

The adopted repeals affect Texas Labor Code, Title 4, particularly Chapters 301 and 302, as well as Texas Government Code, Chapter 2308.

Chapter 813. FOOD STAMP EMPLOYMENT AND TRAINING

SUBCHAPTER F. COMPLAINTS AND APPEALS

~~§813.51. Appeals of Decisions Made on Food Stamp Applications and Benefits.~~

~~Applicants and recipients of Food Stamp benefits may appeal adverse action taken on their application for benefits or the amount of benefits to the Department of Human Services (DHS) in accordance with DHS rules pursuant to 40 TAC §3.2406 of this title (relating to Right to Appeal).~~

~~§813.52. Appeals of E&T Activities and Support Services Decisions.~~

- ~~(a) Boards shall ensure that mandatory work registrants participating in E&T activities are informed of their rights to appeal a decision related to E&T activities and support services and the procedures for requesting a fair hearing.~~
- ~~(b) E&T mandatory work registrants who are dissatisfied with E&T decisions affecting E&T activities or support services may have an informal review of these decisions through procedures established by the Commission or Boards.~~
- ~~(c) Mandatory work registrants may also file an appeal of the decision under the general hearings process as contained in the Commission rules in Chapter 823 of this title (relating to General Hearings). The request must be submitted in writing to the Appeals Department, Texas Workforce Commission Building, 101 East 15th Street, Room 410, Austin, Texas 78778-0001, within 30 calendar days of the date of the decision.~~