

Chapter 835. SELF-SUFFICIENCY FUND

Subchapter A. GENERAL PROVISIONS REGARDING THE SELF-SUFFICIENCY FUND

40 TAC §835.2

The Texas Workforce Commission proposes an amendment to Chapter 835 Subchapter A General Provisions Regarding the Self-Sufficiency Fund §835.2 relating to Self-Sufficiency Fund Definitions.

The purpose of the amendment is to clarify the definition of a food stamp household and remove the definitions of self-sufficiency and TANF recipient. While eligibility for Self-Sufficiency Fund services is open to TANF recipients as well as individuals who are at risk of becoming dependent on public assistance, the first priority of the Self-Sufficiency Fund is to assist current adult TANF recipients in obtaining the education and skills necessary to enter employment and become independent of public assistance. The Commission intends that the Self-Sufficiency Fund should be available to help low income families with children avoid the risk of becoming dependent on public assistance, as well as assist in making the transition from public assistance into the workforce. In addition, the existing process to determine the eligibility of families with children receiving food stamps may be used to determine eligibility for Self-Sufficiency services. The Commission believes that a statewide definition for individuals at risk is important for consistency and efficiency and that it is the Commission's responsibility to interpret the statute in light of the legislative intent to set the foundation for implementation of the Self-Sufficiency Fund.

Randy Townsend, Director of Finance, has determined that for each year of the first five years the rule 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 rule;

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

there are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule; there are no foreseeable implications relating to costs or revenue of the state or local governments as a result of enforcing or administering the rule; and

there are anticipated economic costs to persons required to comply with the rules.

Mr. Townsend has also determined that there is no anticipated adverse impact on small businesses as a result of enforcing or administering the rule because small businesses are not regulated or required to do anything by the rule.

Mark Hughes, Director of Labor Market Information, has determined that there is no foreseeable negative impact upon employment conditions in this state as a result of the proposed amendment. The result of the rules should be improved education and employment opportunities throughout Texas for persons at risk of becoming dependent on public assistance as well as improved resources of skilled workers from which employers may benefit.

Barbara Cigainero, Director of Workforce Development, has determined that the public benefit anticipated as a result of the rules as proposed will be the clarify and improve the state and local partnership in policy making and service delivery that will ensure that recipients of temporary cash assistance receive services to aid them in assuming their responsibility to move quickly into work or work activities leading to self-sufficiency.

Comments on the proposed rules may be submitted to Barbara Cigainero, Director of Workforce Development, Texas Workforce Commission, 101 East 15th Street, Room 504-T, Austin, Texas 78778; Fax Number 512-463-2209; E-mail to Barbara.Cigainero@twc.state.tx.us.

Comments must be received by the Commission no later than thirty days from the date this proposal is published in the *Texas Register*.

The rule is proposed under Texas Labor Code §§301.061 and 302.002, 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.

The rule affects Texas Labor Code, Titles 4 as well as Texas Government Code Chapter 2308.

§835.2. Definitions.

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

(1) Commission--The Texas Workforce Commission or an employee or employees designated by the Director to administer the Self-Sufficiency Fund.

(2) Community-based organization (CBO)--A private nonprofit organization that is representative of a community or a significant segment of a community and that provides education, vocational education or rehabilitation, job training, or internship services or programs. The term includes a neighborhood group or corporation, union-related organization, employer-related organization, faith-based organization, tribal government, or organization serving Native Americans. The CBO must be certified as a 501(c)(3) nonprofit organization under the IRS Code of 1986, as

amended. A CBO providing services, which are regulated by the state, must provide evidence of required certification, license or registration.

(3) Customized job training project--A project designed by a prospective private partner or trade union in partnership with a public community or technical college, extension service, or community-based organization for the purpose of providing specialized workforce training to prospective employees of the prospective private partner or members of the trade union with the intent of expanding the workforce.

(4) Director--The Executive Director of the Texas Workforce Commission or the Executive Director's designee.

(5) Extension service--A higher education agency and service established by the Board of Regents of the Texas A&M University System.

(6) Grant recipient--A public community or technical college, community-based organization, or the extension service awarded a grant from the Self-Sufficiency Fund.

(7) Individual at risk of becoming dependent on public assistance -- An individual who is a member of a food stamp household with dependent children.

(8) Local Workforce Development Board (Board)--A Local Workforce Development Board as created under the Workforce and Competitiveness Act and certified by the Governor as provided for in Texas Government Code, § 2308.261. In a Local Workforce Development Area for which a Board has not been certified, the Commission or an entity operating a career center in that area may assume the responsibilities of a Board under this chapter.

(9) Prospective private partner--A person, sole proprietorship, partnership, corporation, association, consortium, or private organization which submits a joint proposal for a customized job training project in partnership with a public community or technical college, a community-based organization, or extension service.

(10) Public community college--A state funded two-year educational institution primarily serving its local taxing district and service area in Texas and offering vocational, technical and academic courses for certification or associate degrees.

(11) Public technical college--A state funded coeducational institution of higher education offering courses of study in vocational and technical education, for certification or associate degrees.

(12) Self-Sufficiency--Employment with wages reasonably calculated to make the employee independent of financial assistance under Texas Human Resources Code, Chapters 31 and 33.

(13) TANF recipient--A person who receives financial assistance under Texas Human Resources Code, Chapter 31.

(14) Trade union--An organization, agency or employee committee, in which employees participate and which exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or conditions of work.

(15) Training provider--A public community or technical college, community-based organization, or extension service which provides training.

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

Filed with the Office of the Secretary of State, on December 4, 2000.

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J. Randel (Jerry) Hill

General Counsel

Texas Workforce Commission

Earliest possible date of adoption: January 14, 2001

For further information, please call: (512) 463-8812