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Amendments to Chapter 813
Supplemental Nutrition Assistance Program
Employment and Training
Agriculture Improvement Act of 2018 and Good Cause Changes
Policy Concept

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Background

The Agriculture Improvement Act of 2018 (the Act) (P.L. 115-334), passed on December 20, 2018, reauthorized the Supplemental Nutrition Assistance Program (SNAP). Changes made to §4005 of the Act affect the SNAP Employment and Training (E&T) program. The Act contains provisions that affect program administration, including changes mandated by the law and provisions that give additional flexibility to states. Some provisions of the Act require immediate implementation, and other provisions require rulemaking by the US Department of Agriculture Food and Nutrition Service (FNS) before implementation. Once FNS completes rulemaking required by the Act, the Texas Workforce Commission (TWC) will revise Chapter 813 as needed.

The FNS SNAP E&T Management Evaluation Review is conducted annually by FNS to evaluate states' SNAP E&T operations and compliance with established policies, regulatory requirements, and quality standards. Each year from 2015 to 2019, FNS has found that Texas' good cause determination process did not fully comply with federal law and regulations. FNS has emphasized that, as the state agency responsible for administering SNAP, the Texas Health and Human Services Commission (HHSC) is responsible for making good cause determinations. To come into full compliance with federal requirements, HHSC, with input from TWC, is developing a new good cause process targeted for implementation in Fiscal Year 2021. Once HHSC implements the new good cause process, TWC will revise Chapter 813 as needed.

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Issue

To comply with the Act, TWC must incorporate the following relevant provisions of §4005 into Chapter 813:

- Clarify case management services in the E&T program
- Expand the definition of a work program, for purposes of meeting the work requirement for Able Bodied Adults Without Dependents (ABAWD), to include E&T programs for veterans operated by the Department of Labor or the Department of Veterans Affairs
- Replace job search programs with supervised job search programs
- Remove job skills assessment and job finding clubs as allowable activities under a job skills training program and add employability assessment as an allowable activity
- Clarify that Boards must provide job retention services

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Under the guidance of FNS, TWC continues to clarify the role of the E&T provider in the good cause determination process. Therefore, it is necessary to amend the Chapter 813 rules to:

- remove any implication that an E&T provider is responsible for determining whether a good cause claim is legitimate; and
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- 1 • add that HHSC must be notified of an E&T participant’s noncompliance with E&T
2 requirements within 7 days.

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4 TWC must amend, at a minimum, the following sections of Chapter 813:

- 5 • Section 813.11. Board Responsibilities Regarding Access to SNAP E&T Activities
6 and Support Services
7 • Section 813.13. Good Cause for Mandatory Work Registrants Who Participate in
8 SNAP E&T Services
9 • Section 813.31. Activities for Mandatory Work Registrants and Exempt Recipients
10 Who Voluntarily Participate in SNAP E&T Services
11 • Section 813.32. SNAP E&T Activities for ABAWDs
12 • Section 813.33. Job Retention Activities
13 • Section 813.34. Job Retention Support Services

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15 **Decision Point**

16 Staff seeks direction on amending Chapter 813 rules to:

- 17 • incorporate relevant provisions of the Agriculture Improvement Act of 2018 into
18 TWC rules; and
19 • clarify good cause determination requirements as they pertain to E&T providers.