

Section 800.5 Commission Professional Development Program

The following rule amendments will be effective December 13, 1999.

The Texas Workforce Commission (Commission) adopts new §800.5, concerning the Commission's Professional Development Program, without changes to the proposed text as published in the October 8, 1999, issue of the *Texas Register* (24 TexReg 8729).

The purpose of the rule is to implement the provisions of Senate Bill 223 of the 76th Legislative Session by setting forth the provisions applicable to the Commission's Professional Development Program for employee training including, but not limited to, provisions for employee eligibility and reimbursement of expenditures for training under certain circumstances.

It is the Commission's intent to encourage the career development of employees to improve and enrich the quality of staff so that the Commission is successful in the execution of its mission. The mission of the Commission is to promote and support a workforce system that offers individuals, employers and communities the opportunity to achieve and sustain economic prosperity.

The Commission received no comments on the proposed rule.

The new rule is adopted under Texas Labor Code, Title 4, which provides the Texas Workforce Commission with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of the Commission's programs, and Texas Government Code Chapter 656.

§800.5. Commission Professional Development Program.

(a) **Scope and Purpose.** The Commission provides training opportunities to enhance job skills and to retain a well qualified, trained, professional workforce dedicated to the Commission's mission. The Professional Development Program training includes instruction, teaching, or other education received by a state employee that is not normally received by other state employees and that is designed to enhance the ability of the employee to perform the employee's job. This section establishes eligibility and related requirements for employee participation in the Commission's Professional Development Program.

(b) **Eligibility.** The executive director or the executive director's designee will determine an employee's eligibility for the professional development program. Factors to be considered include but are not limited to:

- (1) An employee's job performance;
 - (2) A recommendation from the employee's supervisor;
 - (3) The relationship of the training to the employee's position; and
 - (4) Any other factor deemed relevant by the executive director or his designee.
- (c) Restitution from Employees for Training Costs. The employee training is conditional upon all of the following:
- (1) The employee shall attend and satisfactorily complete the training, including passing tests or other types of performance measures where required.
 - (2) At the discretion of the executive director or the executive director's designee, the employee shall complete and file with the Commission prior to the commencement of the training, on forms prescribed by the Commission, an employee training agreement that sets forth the terms and conditions of the training assistance, including a provision for working for the agency for a prescribed period of time or paying back the amount of the assistance.
 - (3) For any training paid for by the Commission, where the employee does not perform the employee's regular duties for three or more months due to the training, the employee shall:
 - (A) work for the agency following the training for at least one month for each month of the training period, prorated as appropriate; or
 - (B) pay the Commission for all costs associated with the training that were paid before, during or after the training, including any amounts of the employee's salary that were paid and that were not accounted for as paid vacation or compensation leave.