

1 **CHAPTER 813. FOOD STAMP EMPLOYMENT AND TRAINING**

2
3 **ADOPTED RULES WITH PREAMBLE TO BE SUBMITTED TO THE *TEXAS***
4 ***REGISTER*. THIS DOCUMENT WILL NOT HAVE ANY SUBSTANTIVE CHANGES**
5 **BUT IS SUBJECT TO FORMATTING CHANGES AS REQUIRED BY THE *TEXAS***
6 ***REGISTER*.**

7
8 The Texas Workforce Commission (Commission) adopts the repeal of the following section of
9 Chapter 813 relating to Food Stamp Employment and Training, without changes to the proposed
10 text as published in the December 17, 2004, issue of the *Texas Register* (29 TexReg 11576):

11
12 Subchapter B. Access to Employment and Training Activities and Support Services,
13 §813.13.

14
15 The Commission adopts the following new section to Chapter 813 relating to Food Stamp
16 Employment and Training, with changes to the proposed text as published in the December 17,
17 2004, issue of the *Texas Register* (29 TexReg 11576):

18
19 Subchapter B. Access to Employment and Training Activities and Support Services,
20 §813.13.

21
22 The Commission adopts the following new section to Chapter 813 relating to Food Stamp
23 Employment and Training, without changes to the proposed text as published in the December
24 17, 2004, issue of the *Texas Register* (29 TexReg 11576):

25
26 Subchapter B. Access to Employment and Training Activities and Support Services,
27 §813.14.

28
29 The Commission adopts amendments to the following sections of Chapter 813 relating to Food
30 Stamp Employment and Training, without changes to the proposed text as published in the
31 December 17, 2004, issue of the *Texas Register* (29 TexReg 11576):

32
33 Subchapter A. General Provisions, §813.1

34 Subchapter B. Access to Employment and Training Activities and Support Services, §813.11
35 and §813.12

36 Subchapter D. Allowable Activities, §813.32

37
38 The Commission adopts amendments to the following sections of Chapter 813 relating to Food
39 Stamp Employment and Training, with changes to the proposed text as published in the
40 December 17, 2004, issue of the *Texas Register* (29 TexReg 11576):

41
42 Subchapter A. General Provisions, §813.2 and §813.3

43 Subchapter D. Allowable Activities, §813.31

44 Subchapter E. Support Services for Participants, §813.41

1 **PART I. PURPOSE, BACKGROUND, AND AUTHORITY**
2 **PART II. EXPLANATION OF INDIVIDUAL PROVISIONS**
3 **PART III. COORDINATION ACTIVITIES**
4 **PART IV. PUBLIC COMMENTS AND RESPONSES**
5 **PART V. RULE REPEAL**
6 **PART VI. FINAL RULES**

7
8 **PART I. PURPOSE, BACKGROUND, AND AUTHORITY**

9
10 The purpose of the adopted Chapter 813 rule changes is, in part, to improve Food Stamp
11 Employment and Training (FSE&T) service delivery, based on available funding, by expanding
12 services statewide.

13 Additionally, the adopted rule changes:

- 14 (1) establish monthly eligibility verification requirements for all FSE&T participants;
- 15 (2) require Local Workforce Development Boards (Boards) to coordinate with the Texas Health
16 and Human Services Commission (HHSC) to provide consistent and streamlined FSE&T
17 services;
- 18 (3) establish FSE&T good cause procedures that mirror Choices good cause procedures set forth
19 in 40 TAC Chapter 811; and
- 20 (4) allow Boards the flexibility, based on available funding, to provide services to exempt food
21 stamp recipients who volunteer to participate in FSE&T.

22
23 HHSC determines food stamp eligibility and who will be certified as a food stamp household
24 member, in accordance with federal regulations.

25
26 As part of the food stamp certification process, HHSC also determines whether a food stamp
27 household member will be registered for work and required to participate in FSE&T services or
28 will be exempt from FSE&T participation. HHSC classifies food stamp household members as
29 either:

- 30
31 (1) Mandatory work registrants—individuals who are required to register for work, that include:
32 Able-Bodied Adults Without Dependents (ABAWDs) between 18 and 50 years of age; and
33 food stamp household members who are 16 to 59 years of age, may have dependents, and are
34 not exempt; or
- 35
36 (2) Exempt recipients—individuals who are not required to register for work because they meet
37 federal exemption criteria. Federal exemptions include, but are not limited to, a parent or
38 other household member responsible for the care of a dependent child under six; an
39 individual physically or mentally unfit for employment; a regular participant in a drug
40 addiction or alcohol treatment and rehabilitation program; or an individual who is employed
41 or self-employed at least 30 hours per week.

42
43 Currently, Commission rule classifies food stamp household members who are 16 to 59 years of
44 age, may have dependents, and are not exempt, as FSE&T General Population. The Commission
45 expands the definition of FSE&T General Population to include exempt recipients.

46

1 In Federal Fiscal Year 2004 (FFY'04), Boards were allowed to provide FSE&T services only to
2 mandatory work registrants (i.e., ABAWDs and the FSE&T General Population) in "active"
3 FSE&T counties. In the remaining FSE&T counties, Boards were not allowed to provide
4 FSE&T services. The rules, through the creation of full-service counties (referred to as active
5 counties in current rule) and minimum-service counties, give Boards the flexibility to provide
6 FSE&T services in counties where the services previously were not available. FSE&T services
7 will be provided through Texas Workforce Centers, including satellite offices, in full-service
8 counties and minimum-service counties, based on available funding.

9
10 Full-Service Counties

11 Mandatory work registrants who reside in full-service counties are required to participate in
12 FSE&T services, if outreached. Exempt recipients who reside in full-service counties may
13 voluntarily participate in FSE&T services. Full-service counties are those in which:

- 14 (1) ABAWDs, who are not working at least 20 hours per week, are outreached and receive
15 FSE&T services;
16 (2) the FSE&T General Population receives FSE&T services based on available funding;
17 (3) mandatory work registrants shall be sanctioned (i.e., food stamp benefits are denied) for
18 failure to cooperate with FSE&T requirements; and
19 (4) exempt recipients who voluntarily participate in FSE&T services shall not be sanctioned for
20 failure to cooperate with FSE&T requirements.

21
22 Minimum-Service Counties

23 Mandatory work registrants and exempt recipients who reside in minimum-service counties are
24 not required to participate in FSE&T services; however, they may voluntarily participate.
25 Minimum-service counties are those in which:

- 26 (1) food stamp recipients (i.e., mandatory or exempt) may volunteer to participate in FSE&T
27 services;
28 (2) Boards may provide services to food stamp recipients based on available funds;
29 (3) outreach is not conducted; and
30 (4) food stamp recipients (i.e., mandatory or exempt) who voluntarily participate in FSE&T
31 services shall not be sanctioned for failure to cooperate with FSE&T program requirements.

32
33 Boards must continue to serve all ABAWDs in full-service counties. In addition, Boards will
34 have the flexibility to serve other mandatory work registrants, or exempt recipients who
35 voluntarily participate, in both full-service counties and minimum service counties. Boards must
36 ensure that mandatory work registrants who do not comply with their FSE&T work requirements
37 and do not have a good cause reason for noncompliance are sanctioned. Exempt recipients who
38 do not comply with their FSE&T work requirements and do not have a good cause reason for
39 noncompliance may not be sanctioned, but Boards should consider whether to continue
40 providing FSE&T services to these exempt individuals who do not participate.

41 The Commission also adopts amendments throughout Chapter 813 to:

- 42 (1) reflect the name change from the Texas Department of Human Services (DHS) to the Texas
43 Health and Human Services Commission (HHSC) as required by House Bill 2292, enacted
44 by the 78th Texas Legislature, Regular Session;

- 1 (2) change all references from E&T to FSE&T to align with other Commission policy; and
- 2 (3) improve clarity.

3
4
5 **PART II. EXPLANATION OF INDIVIDUAL PROVISIONS**

6 **SUBCHAPTER A. GENERAL PROVISIONS**

7 **§813.1. Purpose**

8 The Commission modifies §813.1 by making technical amendments and adding language stating
9 that the rules may be cited as the FSE&T rules.

10 **§813.2. Definitions**

11 The Commission amends §813.2 by clarifying or correcting existing terms and adding
12 definitions for exempt recipient, full-service counties, HHSC, minimum-service counties, and
13 volunteer.

14 Section 813.2(1) clarifies the definition of ABAWD by stating that an ABAWD is a food stamp
15 household member determined by HHSC to be a mandatory work registrant. Section
16 813.2(1)(D) is amended to add the phrase "at least 20 hours per week," in accordance with
17 federal regulations, and corrects the current rule cite of 75 C.F.R. §273.24 to 7 U.S.C.
18 §2015(o)(2)(A) - (B).

19
20 Section 813.2(2) is added to define an exempt recipient as a General Population individual who
21 is not required to participate in FSE&T services. The Commission also clarifies in §813.2(2)
22 that sanctions must not be imposed on exempt recipients who fail to comply with their FSE&T
23 requirements set forth in §813.12, and already addressed in §813.2(5)(D) and §813.2(9)(D).
24 Therefore, the new language in §813.2(2) does not change the scope of the rule but clarifies it.

25
26 Section 813.2(5) is added to define full-service counties (referred to as active counties in
27 §813.11(c) of current rule) as counties in which Boards must ensure that: ABAWDs who are not
28 working at least 20 hours per week are outreached and receive FSE&T services; the FSE&T
29 General Population receives FSE&T services, based on available funding; mandatory work
30 registrants are sanctioned for failure to cooperate with FSE&T requirements; and exempt
31 recipients who voluntarily participate in FSE&T services are not sanctioned for failure to
32 cooperate.

33
34 Section 813.2(6) is amended to clarify the definition of General Population.

35 The Commission removes current §813.2(6), the definition of non-public assistance food stamp
36 recipients, which is no longer relevant in this chapter.

37
38 The Commission adds new §813.2(7) to define HHSC.

39 Section 813.2(8) is amended to clarify the definition of mandatory work registrant.

40 Section 813.2(9) is added to define minimum-service counties as counties in which food stamp
41 recipients (i.e., mandatory or exempt) may volunteer to participate in FSE&T services; Boards
42 may provide services to mandatory or exempt recipients, based on available funding, but are not

1 required to do so; outreach is not conducted; and food stamp recipients (i.e., mandatory or
2 exempt) who voluntarily participate in FSE&T services are not sanctioned for failure to
3 cooperate. A technical change is made to §813.2(9) for consistency.

4
5 The definition of nonprofit organization is unchanged, but renumbered as §813.2(10), in order to
6 be listed in alphabetical order.

7
8 Section 813.2(11) is added to define volunteer as an individual who is not required to participate,
9 but who voluntarily participates, in FSE&T services, and includes exempt recipients in full-
10 service counties and exempt recipients and mandatory work registrants in minimum-service
11 counties.

12 13 **§813.3. General Board Responsibilities**

14 Because the Commission is expanding FSE&T services statewide, it is imperative that
15 individuals receiving services are eligible food stamp recipients. Therefore, the Commission
16 adds §813.3(a)(1) to require that Boards verify food stamp eligibility for mandatory work
17 registrants and exempt recipients who voluntarily participate in FSE&T services before
18 providing access to services in order to ensure that only food stamp recipients receive FSE&T-
19 funded services. Currently, Texas Workforce Center staff is required to verify food stamp
20 eligibility on a monthly basis for ABAWDs only and is not required to conduct such monthly
21 verification for FSE&T General Population participants. Allowing General Population
22 participants to continue receiving services without verifying eligibility can result in disallowed
23 costs being incurred for providing services to an ineligible population. Therefore, the
24 Commission requires verification of any participant's eligibility for food stamp benefits during
25 the month in which FSE&T services are provided. Section 813.3(a)(2) is added to require that
26 Boards ensure that mandatory work registrants, and exempt recipients who volunteer, participate
27 in approved FSE&T activities. These activities must meet the needs and demands of local
28 employers and prepare the participants for unsubsidized employment.

29
30 The reference in §813.3(b) to Texas Government Code Section 2308.251 et seq. is corrected to
31 reference Texas Government Code Sections 2308.301 - 2308.3165.

32
33 The Commission amends §813.3(c) by adding the words "employment" and "educational" for
34 improved clarity and to align with §813.3 (a) and (b). The Commission also adds the words
35 "that meet the needs of employers" to emphasize that Board management of employment,
36 training, and educational services must focus on the expressed needs of local employers.

37
38 Section 813.3(d) is added to require that Boards coordinate with HHSC regarding referrals, good
39 cause, sanction procedures, and fair hearings or appeals, on a regular and ongoing basis, as
40 determined by the Boards. For example, Boards may coordinate with HHSC on special
41 circumstances or service delivery models that HHSC hearing officers must be aware of for
42 appeal determinations; the appeals process and the transfer of client information, including
43 documentation and justification of a sanction request; the process for HHSC to take action on
44 sanction requests submitted by the Boards; or the process for Board submission of

1 reconsiderations and the HHSC process for changing the mandatory work code to exempt status.
2 Technical amendments are made to 813.3(d) for consistency.

3
4 **SUBCHAPTER B. ACCESS TO EMPLOYMENT AND TRAINING ACTIVITIES AND SUPPORT**
5 **SERVICES**

6 **§813.11. Board Responsibilities Regarding Access to FSE&T Activities and Support**
7 **Services**

8 The provisions regarding the Fair Labor Standards Act (FLSA) are related to this section on
9 Board Responsibilities and, therefore, are moved from §813.12, Participant Responsibilities.

10
11 In §813.11(b)(4), the Commission deletes the word "family" from the term "family employment
12 plan" because this terminology is not applicable to the entire FSE&T population, specifically
13 ABAWDs.

14
15 Section 813.11(b)(5) removes the term "mandatory work registrant" because Boards are required
16 to monitor program requirements and activities for all food stamp recipients, including exempt
17 recipients who voluntarily participate.

18
19 The Commission amends §813.11(c) to delete the obsolete reference to "active Food Stamp
20 E&T" counties and replace it with the term "full-service FSE&T" counties.

21
22 The Commission also amends §813.11 by adding subsections (e) - (g) to specify Board
23 requirements for ensuring that employment and training activities comply with FLSA. Other
24 adopted amendments to §813.11(e) - (g) remove references to "temporary cash assistance"
25 because temporary cash assistance is not used to determine the number of hours of participation
26 under FLSA.

27 **§813.12. Participant Responsibilities**

28 Amendments are made to include exempt recipients who voluntarily participate, as well as to
29 delete provisions regarding FLSA, which were relocated to §813.11.

30 The Commission amends §813.12 by including exempt recipients who voluntarily participate in
31 FSE&T services. Section 813.12(2) is amended to change the reference to §813.13 to new
32 §813.14. Additionally, §813.12(5) is amended by replacing the term "component activity" with
33 the word "activity" to better align with Choices terminology in 40 TAC Chapter 811. The
34 Commission further amends §813.12 by removing §813.12(b) - (d) regarding Board compliance
35 with FLSA, which is incorrectly placed in current rule under Participant Responsibilities. The
36 Commission redesignates it as §813.11(e) - (g) under Board Responsibilities Regarding Access
37 to FSE&T Activities and Support Services.

38
39 **§813.13. Good Cause for Mandatory Work Registrants and Exempt Recipients Who**
40 **Voluntarily Participate in FSE&T Services**

41 In order to provide consistency and support integration of workforce services, the Commission
42 allows for good cause exceptions in certain situations for food stamp recipients who are unable
43 to participate in FSE&T services because of circumstances that preclude participation. The

1 Commission adopts the repeal of current §813.13 and adopts new §813.13 to establish good
2 cause procedures for FSE&T participants. Federal regulations give states authority to determine
3 and grant good cause when a food stamp recipient fails or refuses to comply with Food Stamp
4 Program work requirements. Likewise, Temporary Assistance for Needy Families (TANF)
5 regulations give states the authority to grant good cause when a TANF recipient fails or refuses
6 to comply with TANF/Choices work requirements. Currently, FSE&T participants receive
7 individual exemptions (i.e., long-term circumstances that prevent participation in FSE&T) or
8 temporary exemptions (i.e., temporary circumstances that prevent participation for up to 60
9 days). The FSE&T good cause requirements are closely aligned with the current Choices good
10 cause procedures in 40 TAC Chapter 811, and will eliminate temporary and individual
11 exemptions. Technical amendments are made to §813.13(b)(3) and §813.13(c)(7)(B) to improve
12 clarity.

13
14 **§813.14. Special Provisions Regarding Sanctions for Noncooperation**

15
16 To better align with Choices terminology in 40 TAC Chapter 811, the Commission adds new
17 §813.14, Special Provisions Regarding Sanctions for Noncooperation, to replace proposed
18 repealed §813.13, Special Provisions Regarding Penalties for Noncompliance.

19 **SUBCHAPTER D. ALLOWABLE ACTIVITIES**

20 **§813.31. Activities for Mandatory Work Registrants and Exempt Recipients Who**
21 **Voluntarily Participate in FSE&T Services**

22 The Commission amends §813.31 by adding exempt recipients who voluntarily participate in
23 FSE&T services.

24 The Commission further amends §813.31(1)(B)(i) by changing the redundant term "ABAWD
25 mandatory work registrant" to "ABAWD," and by changing the word "may" to "shall" in
26 §813.31(1)(B)(i) and (ii). Additionally, to better align with Choices terminology in 40 TAC
27 Chapter 811, the term "component activity" is changed to "activity" in §813.31(1)(B)(i).

28 The Commission also removes current §813.31(1)(B)(iii) regarding Project Reintegration of
29 Offenders (Project RIO) because Project RIO services no longer use FSE&T funds as a method
30 of finance. However, Project RIO participants are still eligible to be co-enrolled in FSE&T, and
31 if so, must meet all applicable FSE&T requirements.

32 In renumbered §813.31(1)(B)(iii), the term "components" is changed to "activities."

33 Section 813.31(2)(B) is modified by deleting the word "family" from the term "family
34 employment plan" because this terminology is not applicable to the entire FSE&T population,
35 specifically ABAWDs.

36 Section 813.31(3)(D) is modified to change the obsolete reference to "proprietary school" to
37 "career school or college," in accordance with Senate Bills 280 and 1343, 78th Texas
38 Legislature, Regular Session.

39
40 Section 813.31(4) adds a reference to 7 U.S.C. §2015(d)(4)(B)(iv), which delineates work
41 experience. A technical amendment is made to properly cite the Code of Federal Regulations as
42 C.F.R.

1 Section 813.31(6) references the term "FSE&T state plan of operations" to provide consistent
2 terminology throughout the chapter.

3
4 **§813.32. FSE&T Activities for ABAWDs**

5 The Commission adopts technical amendments to §813.32(a) to improve clarity. Section
6 813.32(b) clarifies that ABAWDs who become employed at least 20 hours per week have
7 fulfilled their work requirement under 7 U.S.C. §2015(o)(2)(A) and are no longer required to
8 participate in FSE&T services. Additionally, subsection (b) adds the requirement that Boards
9 shall ensure that HHSC is notified when an ABAWD obtains employment.

10
11 **SUBCHAPTER E. SUPPORT SERVICES FOR PARTICIPANTS**

12 **§813.41. Provision of FSE&T Support Services**

13 Amendments are made to this section to include exempt recipients who voluntarily participate in
14 FSE&T services, the provision of support services for exempt recipients who volunteer for
15 FSE&T services, and to adhere to guidance from United States Department of Agriculture, Food
16 and Nutrition Service (USDA-FNS).

17
18 Based on guidance received from the USDA-FNS, the Commission adds §813.41(a)(1)(A) - (B)
19 and §813.41(a)(2)(A) - (B) to clarify that FSE&T funds may not be used to pay for support
20 services for retaining employment. USDA-FNS has notified states that FSE&T funds may be
21 used only for support services to help a participant get a job, but not keep a job. The
22 Commission amends §813.41 to include §813.41(a)(2)(C)(i) - (ii) that details the provision of
23 support services for exempt recipients who voluntarily participate in FSE&T services.

24
25 Current §813.41(b)(1) and (2) are renumbered as §813.41(a)(1)(C)(i) - (ii) and detail the
26 provision of support services for mandatory work registrants. Current §813.41(c) is renumbered
27 as §813.41(b) and is amended to add exempt recipients who voluntarily participate in FSE&T
28 services and requires Boards to ensure that costs to provide transportation services are reasonable
29 and necessary for participation in FSE&T activities and paid for based on methods and amounts
30 determined by each Board.

31
32
33 **PART III. COORDINATION ACTIVITIES**

34
35 In the development of these rules for publication and public comment, the Commission sought
36 the involvement of each of Texas' 28 Boards and the Texas Association of Workforce Boards, in
37 addition to discussing the proposed changes at five regional workshops.

38 The Commission provided the concept brief to each of these groups for consideration and
39 review. During the rulemaking process, the Commission considered all information gathered in
40 order to develop a rule that provides clear and concise direction to all parties involved.

41
42 **PART IV. PUBLIC COMMENTS AND RESPONSES**

43
44 Public comments were received from:
45 United States Department of Agriculture, Food and Nutrition Service

1 Rick Allgeyer, Texas Health and Human Services Commission
2 Marsha Lindsey, Workforce Texoma Board
3 Esperanza Rocha, Lower Rio Grande Valley Workforce Development Board

4
5 The comment summaries and responses are as follows:

6
7 COMMENT: One commenter thanked the Commission for the opportunity to review and
8 comment on the proposed rules.

9
10 RESPONSE: The Commission appreciates the commenter's support of its rulemaking process.

11
12 COMMENT: One commenter applauded the changes that align FSE&T with other welfare
13 programs. However, the commenter believes that the addition of §813.33 gives a false
14 impression to the general public that post-employment services will be provided to FSE&T
15 customers when there are not sufficient funds given to the Boards to provide these services.

16
17 RESPONSE: The Commission appreciates the commenter's support of the intent to align
18 FSE&T services with Choices.

19
20 The Commission agrees that proposed §813.33(a) could have been read to mean that post-
21 employment services would be available in all local workforce development areas, although
22 proposed §813.33(b) clearly stated that "Boards *may* provide post-employment support services .
23 . ." (emphasis added), which was the Commission's intent, to permit Boards to design their
24 service plan based on available funding.

25
26 However, because of recent guidance from the United States Department of Agriculture, Food
27 and Nutrition Service (USDA-FNS), the Commission is striking proposed §813.33 in its entirety.
28 USDA-FNS does not currently recognize post-employment as an allowable category of service
29 for FSE&T. USDA-FNS notified states that they may not spend FSE&T funds to provide
30 support services such as vehicle repair, tools, clothing, or transportation, to support continued
31 employment. It is clear that the law allows the use of FSE&T funds for support services that
32 assist individuals in obtaining employment. Based on this guidance, the Commission deletes
33 proposed §813.33 on post-employment services and amends §813.41(a)(1)(A) - (B) and
34 §813.41(a)(2)(A) - (B) by specifying that support services may only be provided to assist
35 FSE&T participants in obtaining employment, not to support continued employment.

36
37 COMMENT: One commenter requested clarification of the FSE&T outreach process and the
38 "intent" of the 10-day outreach requirement. The commenter asked if Boards are in compliance
39 as long as they notify the customer within 10 days of appearing in the outreach pool that they are
40 scheduled to attend an employment planning session (EPS).

41
42 RESPONSE: The Commission does not believe that a change in rule to redefine the term
43 outreach is necessary, but believes that clarification would be beneficial and provides the
44 following explanation of the outreach process and the intent of the 10-day notification
45 requirement.

1 The outreach process requires Texas Workforce Center staff to send a letter to all ABAWDs in
2 full-service counties within 10 days of the ABAWD appearing in the Agency's automated
3 reporting system's outreach pool. The intent of the 10-day notification is to ensure that ABAWDs
4 are served as quickly as possible, not merely to notify them that they are scheduled to be served
5 at some point in the distant future. The Commission will issue a WD Letter to provide further
6 guidance on the outreach process.
7
8

9 **PART V. RULE REPEAL**

10
11 The repeal is adopted under Texas Labor Code §301.0015 and §302.002(d), which provide the
12 Texas Workforce Commission with the authority to adopt, amend, or repeal such rules as it
13 deems necessary for the effective administration of Agency services and activities.
14

15 The repeal affects Title 4, Texas Labor Code, and Texas Human Resources Code, Chapter 33,
16 regarding nutrition assistance.
17

18 **SUBCHAPTER B. ACCESS TO EMPLOYMENT AND TRAINING ACTIVITIES AND**
19 **SUPPORT SERVICES**

20 §813.13. Special Provisions Regarding Penalties for Noncompliance.
21

22 **PART VI. FINAL RULES**

23
24 The new rules are adopted under Texas Labor Code §301.0015 and §302.002(d), which provide
25 the Texas Workforce Commission with the authority to adopt, amend, or repeal such rules as it
26 deems necessary for the effective administration of Agency services and activities.
27

28 The rules affect Title 4, Texas Labor Code, and Texas Human Resources Code, Chapter 33,
29 regarding nutrition assistance.
30

1 **CHAPTER 813. FOOD STAMP EMPLOYMENT AND TRAINING**
2

3 **SUBCHAPTER A. GENERAL PROVISIONS**

4 **§813.1. Purpose.**

5 The purpose of Food Stamp Employment and Training ~~(FSE&T) (E&T)~~ activities and
6 support services is to assist ~~non-public assistance~~ food stamp recipients who are not
7 receiving Temporary Assistance for Needy Families in entering employment through
8 participation in allowable job search, training, education, or workfare activities that
9 ~~which~~ promote self-sufficiency. These rules may be cited as the FSE&T rules.

10 **§813.2. Definitions.**

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

13 (1) ABAWD -- a ~~non-exempt~~ food stamp household member who is determined by
14 the Texas Health and Human Services Commission to be a mandatory work
15 registrant and is:

16 (A) classified as an able-bodied adult;

17 (B) at least 18~~eighteen (18)~~ but less than 50~~fifty (50)~~ years of age;

18 (C) without dependents; and

19 (D) subject to a limitation on the receipt of food stamp ~~Food Stamp~~ benefits for
20 three months out of 36 ~~thirty-six~~ months if the person does not work at least
21 20 hours per week or participate in employment and training activities as
22 specified in 7 U.S.C. §2015(o)(2)(A) - (B). ~~75 CFR, §273.24.~~

23 (2) Exempt recipient -- an individual who is part of the General Population, and is
24 not required to participate in FSE&T services, as set forth in 7 U.S.C.
25 §2015(d)(2), and shall not be sanctioned for failure to cooperate with
26 FSE&T requirements as set forth in §813.12.

27
28 (3) ~~(2) FSE&T~~ ~~E&T~~ activities -- ~~the~~ Food Stamp Employment and Training activities
29 as specified in §813.31 of this chapter. ~~§§ 800.31 and 813.32.~~

30 (4) ~~(3) FSE&T~~ ~~E&T~~ support services -- ~~the~~ Food Stamp Employment and Training
31 support services as specified in §813.41 of this chapter.

32 (5) Full-service counties -- counties in which Boards ensure that:

33 (A) ABAWDs, who are not working at least 20 hours per week, are outreached
34 and receive FSE&T services;

35 (B) the FSE&T General Population receives FSE&T services based on available
36 funding;

1 (C) mandatory work registrants shall be sanctioned (i.e., food stamp benefits are
2 denied) for failure to cooperate with FSE&T requirements; and

3 (D) exempt recipients who voluntarily participate in FSE&T services shall not be
4 sanctioned for failure to cooperate with FSE&T requirements.

5
6 (6)~~(4)~~ General Population -- a mandatory or exempt ~~non-exempt~~ food stamp
7 household member who is:

8 (A) at least 16~~sixteen (16)~~ but less than 60~~sixty (60)~~ years of age; and

9 (B) not classified as an ABAWD.

10 (7) HHSC -- the Texas Health and Human Services Commission

11 (8)~~(5)~~ Mandatory work registrant -- a ~~non-exempt~~ food stamp household member who
12 is required to register for FSE&T employment services, and is either:

13 (A) ~~a person~~ classified as General Population; or

14 (B) an ABAWD.

15 (9) Minimum-service counties -- counties in which:

16 (A) food stamp recipients (i.e., mandatory or exempt) may volunteer to
17 participate in FSE&T services;

18 (B) Boards may provide services to food stamp recipients based on available
19 funds;

20 (C) outreach is not conducted; and

21 (D) food stamp recipients (i.e., mandatory or exempt) who voluntarily participate
22 in FSE&T services shall not be sanctioned for failure to cooperate with
23 FSE&T **program** requirements.

24 (10) Nonprofit organization -- any corporation, trust, association, cooperative, or other
25 organization that is operated primarily for scientific, educational service,
26 charitable, or similar purpose in the public interest; is not organized primarily for
27 profit; and uses its net proceeds to maintain, improve, or expand its operations.

28 ~~(6) Non-public assistance food stamp recipients -- a classification by the Department~~
29 ~~of Human Services for a food stamp household in which all or some of its~~
30 ~~members do not receive Temporary Assistance for Needy Families (TANF) or~~
31 ~~Refugee Cash Assistance.~~

32 ~~(7) Nonprofit organization -- any corporation, trust, association, cooperative, or other~~
33 ~~organization that is operated primarily for scientific, educational service,~~
34 ~~charitable, or similar purpose in the public interest; is not organized primarily~~
35 ~~for profit; and uses its net proceeds to maintain, improve, or expand its~~
36 ~~operations.~~

37 (11) Volunteer -- an individual who is not required to participate, but who voluntarily
38 participates, in FSE&T services, including:

39 (A) exempt recipients in full-service counties; and

1 (B) exempt recipients and mandatory work registrants in minimum-service
2 counties.

3
4 ~~(8)~~ (12) Workfare -- a work-based activity that consists of ~~which is~~ placement of an
5 ABAWD with a public or private nonprofit entity in an unpaid job assignment
6 for the number of hours per month equal to an ABAWD's monthly household
7 food stamp ~~monthly~~ allotment amount divided by the federal minimum wage.

8 **§813.3. General Board Responsibilities.**

9 (a) Role of Boards. A Board shall:

10 (1) ensure that food stamp eligibility is verified monthly before providing FSE&T
11 services for mandatory work registrants and exempt recipients who voluntarily
12 participate in FSE&T services; and

13 (2) ensure that mandatory work registrants, and exempt recipients who volunteer,
14 participate in allowable FSE&T activities. The allowable activities shall meet
15 the needs of employers and prepare the mandatory work registrants and exempt
16 recipients who voluntarily participate in FSE&T services for unsubsidized
17 employment.

18
19 ~~(a) Role of Boards. A Board shall ensure that mandatory work registrants participate in~~
20 ~~approved E&T activities. The approved activities should meet the needs of local~~
21 ~~employers and prepare the mandatory work registrants for unsubsidized~~
22 ~~employment.~~

23 (b) Board Planning. A Board shall develop, amend, and modify its integrated workforce
24 training and services plan to incorporate and coordinate the design and management
25 of the delivery of ~~FSE&T~~ E&T activities and support services with the delivery of
26 other workforce employment, training, and educational services identified in Texas
27 Government Code §§ ~~Section 2308.301 - 2308.3165~~ 2308.251 ~~et seq.~~, as well as other
28 training and services included in the One-Stop Service Delivery Network as set forth
29 in Chapter 801 of this title (relating to Local Workforce Development Boards).

30
31 (c) Board Management. Pursuant to this chapter, and Chapter ~~Chapters~~ 801 ~~and 813~~ of
32 this title (relating to Local Workforce Development Boards), a Board shall
33 coordinate workforce employment, training, and educational services that meet the
34 needs of employers for ~~its~~ ~~the Board's~~ local workforce development area and shall
35 incorporate and coordinate the management and strategy for ~~FSE&T~~ E&T activities
36 and support services into the comprehensive One-Stop Service Delivery Network
37 provided to help low-income families as they move toward self-sufficiency.

38
39 (d) Coordination with HHSC. A Board ~~Boards~~ shall coordinate with HHSC on a
40 regular and ongoing basis, as determined by the Board ~~Boards~~, regarding referrals,
41 good cause, sanction procedures, and fair hearings or appeals.

1 SUBCHAPTER B. ACCESS TO EMPLOYMENT AND TRAINING ACTIVITIES AND SUPPORT
2 SERVICES

3 §813.11. Board Responsibilities Regarding Access to ~~FSE&T~~E&T Activities and
4 Support Services.

5 (a) A Board shall ensure that allowable ~~FSE&T~~ activities and support services, as set
6 forth in Subchapters D and E, respectively, of this chapter, are provided as specified
7 in the annual state plan of ~~operations~~ ~~operation~~ approved by the United States
8 Department of Agriculture, to individuals who are:

9 (1) classified as the General Population; ~~or~~~~and~~

10 (2) ABAWDs.

11
12 (b) A Board shall ensure that the monitoring of ~~FSE&T~~ ~~program~~ requirements and
13 participant activities is ongoing and frequent, as determined appropriate by the
14 Board, and consists of: ~~the following:~~

15 (1) tracking and reporting ~~FSE&T~~ ~~component activities~~ participation hours;

16 (2) tracking and reporting support services hours;

17 (3) determining and arranging for any intervention needed to assist the individual in
18 complying with ~~FSE&T~~ ~~the E&T~~ service requirements;

19 (4) ensuring progress toward achieving the goals and objectives in the ~~family~~
20 employment plan; and

21 (5) monitoring all other ~~mandatory work registrant~~ requirements.

22 (c) A Board shall ensure that all ABAWDs in ~~full-service FSE&T~~ ~~active Food Stamp~~
23 ~~E&T~~ counties are provided with an offer of a work activity within 10 calendar days
24 from the date of referral from ~~HHSC~~ ~~the Department of Human Services~~.

25 (d) A Board shall ensure that ~~HHSC is notified~~ ~~notification is made~~ in a timely manner, ~~;~~
26 ~~to the Department of Human Services~~ if a mandatory work registrant fails to comply
27 with participant responsibilities, ~~Participant Responsibilities~~ as set forth in §813.12
28 of this subchapter.

29 (e) A Board shall ensure that employment and training activities are conducted in
30 compliance with the Fair Labor Standards Act (FLSA) (29 U.S.C. §201 et seq.) as
31 follows:

32 (1) the amount of time per week that a mandatory work registrant or exempt
33 recipient who voluntarily participates in FSE&T services may be required to
34 participate in activities that are not exempt from minimum wage and overtime
35 under the FLSA shall be determined by the food stamp benefits amount being
36 divided by the minimum wage, so that the amount paid to the mandatory work
37 registrant or exempt recipient who voluntarily participates in FSE&T services
38 would be equal to or more than the amount required for payment of wages,
39 including minimum wage and overtime; and

1 (2) if a Board provides activities that meet all the following criteria set forth in this
2 paragraph, the activity is considered "training" under FLSA and minimum wage
3 and overtime are not required:

4 (A) The training is similar to that given in a vocational school.

5 (B) The training is for the benefit of the trainees.

6 (C) Trainees do not displace currently employed workers.

7 (D) Employers derive no immediate advantage from trainees' activities.

8 (E) Trainees are not entitled to a job after training is completed.

9 (F) Employers and trainees understand that trainees are not paid.

10 (f) A Board shall ensure that placement in work-based services does not result in the
11 displacement of currently employed workers or impair existing contracts for services
12 or collective bargaining agreements.

13 (g) A Board may, through local policies and procedures, require the use of the Eligible
14 Training Provider Certification System and Individual Training Accounts as
15 described in Chapter 841 of this title (relating to Workforce Investment Act) to
16 provide services for individuals participating in FSE&T and which are funded by
17 FSE&T.

18
19 **§813.12. Participant Responsibilities.**

20 ~~(a) —~~ Mandatory E&T mandatory work registrants and exempt recipients who
21 voluntarily participate in FSE&T services shall:

- 22 (1) attend scheduled appointments;
- 23 (2) participate in assigned ~~FSE&T~~ FSE&T activities for at least a minimum weekly
24 average of 30 ~~thirty~~ hours, within the restrictions set forth ~~outlined~~ in §813.14
25 ~~§813.13~~ of this subchapter;
- 26 (3) report to an employer to whom they are referred;
- 27 (4) accept a job offer; and
- 28 (5) report ~~component~~ activity hours, including hours of employment.

29 ~~(b) — A Board shall ensure that employment and training activities are conducted in~~
30 ~~compliance with the Fair Labor Standards Act (FLSA) as follows:~~

- 31 ~~(1) — the amount of time per week that a mandatory work registrant may be required to~~
32 ~~participate in activities that are not exempt from minimum wage and overtime~~
33 ~~under the FLSA shall be determined by the temporary cash assistance and food~~
34 ~~stamp benefits amount being divided by the minimum wage so that the amount~~
35 ~~paid to the mandatory work registrant would be equal to or more than the amount~~
36 ~~required for payment of wages, including minimum wage and overtime; and~~

1 ~~(2) if a Board provides activities that meet all of the following categories set forth in~~
2 ~~this paragraph, the activity is considered "training" under the FLSA and~~
3 ~~minimum wage and overtime is not required;~~

4 ~~(A) the training is similar to that given in a vocational school;~~

5 ~~(B) the training is for the benefit of the trainees;~~

6 ~~(C) trainees do not displace currently employed workers;~~

7 ~~(D) employers derive no immediate advantage from trainees' activities;~~

8 ~~(E) trainees are not entitled to a job after training is completed; and~~

9 ~~(F) employers and trainees understand that trainee is not paid.~~

10 ~~(e) A Board shall ensure that placement in work based services does not result in the~~
11 ~~displacement of currently employed workers or impair existing contracts for services~~
12 ~~or collective bargaining agreements.~~

13 ~~(d) A Board may, through local policies and procedures, require the use of the Eligible~~
14 ~~Training Provider Certification System (ETPS) and Individual Training Account~~
15 ~~(ITA) systems as described in 40 T.A.C. Chapter 841 to provide for E&T services~~
16 ~~for individuals participating in E&T services and paid for with Food Stamp E&T~~
17 ~~funds.~~

18 **§813.13. Good Cause for Mandatory Work Registrants and Exempt Recipients Who**
19 **Voluntarily Participate in FSE&T Services.**

20 (a) Good cause applies only to mandatory work registrants and exempt recipients who
21 voluntarily participate in FSE&T services. A Board shall ensure that good cause is
22 determined as provided in this chapter.

23 (b) A Board shall ensure that a good cause determination:

24 (1) is based on individual and family circumstances;

25 (2) is based on face-to-face or telephone contact;

26 (3) ~~includes covers~~ a temporary period when mandatory work registrants or exempt
27 recipients who voluntarily participate in FSE&T services may be unable to attend
28 scheduled appointments or participate in ongoing work activities; and

29 (4) is made at the time the change in circumstances is made known to the Board's
30 service provider.

31 (c) For purposes of this chapter, the following reasons constitute good cause:

32 (1) temporary illness or incapacitation;

33 (2) court appearance;

34 (3) caring for a physically or mentally disabled household member who requires the
35 recipient's presence in the home;

36 (4) no available transportation and the distance prohibits walking; or no available job
37 within reasonable commuting distance, as defined by the Board;

1 (5) distance from the home of the mandatory work registrant, or exempt recipient
2 who voluntarily participates in FSE&T services, to the Texas Workforce Center
3 or employment service provider requires commuting time of more than two hours
4 a day (not including taking a child to and from a child care facility), and the
5 distance prohibits walking and there is no available transportation;

6 (6) farmworkers who are away from their permanent residence or home base, who
7 travel to work in an agriculture or related industry during part of the year, and are
8 under contract or similar agreement with an employer to begin work within 30
9 days of the date the individual notified the Board of his or her seasonal farmwork
10 assignment;

11
12 (7) an inability to obtain needed child care, as defined by the Board and based on the
13 following reasons:

14 (A) informal child care by a relative or child care provided under other
15 arrangements is unavailable or unsuitable, and based on, where applicable,
16 Board policy regarding child care. Informal child care may also be
17 determined unsuitable by the parent;

18 (B) eligible formal child care providers ~~are unavailable~~, as defined in Chapter
19 809 of this title (relating to Child Care and Development), **are unavailable;**

20 (C) affordable formal child care arrangements within maximum rates established
21 by the Board are unavailable; and

22 (D) formal or informal child care within a reasonable distance from home or the
23 work site is unavailable;

24 (8) an absence of other support services necessary for participation;

25 (9) receipt of a job referral that results in an offer below the federal minimum wage,
26 except when a lower wage is permissible under federal minimum wage law;

27 (10)an individual or family crisis or a family circumstance that may preclude
28 participation, including substance abuse and mental health and disability-related
29 issues, provided the mandatory work registrant or exempt recipient who
30 voluntarily participates in FSE&T services, engages in problem resolution
31 through appropriate referrals for counseling and support services; or

32 (11)an individual is a victim of family violence.

33 (d) A Board shall ensure that good cause:

34 (1) is reevaluated at least on a monthly basis;

35 (2) is extended if the circumstances giving rise to the good cause exception are not
36 resolved after available resources to remedy the situation have been considered;
37 and

38 (3) based on the existence of family violence, does not exceed a total of 12
39 consecutive months per occurrence.

40

1 **~~§813.13. Special Provisions Regarding Penalties for Noncompliance.~~**

2 ~~General population mandatory work registrants who are scheduled to participate more~~
3 ~~than 120 hours per month may not be penalized for nonparticipation after 120 hours have~~
4 ~~been reached, as described in the Food Stamp Act, 7 U.S.C., 2015, § 6 (d)(1)(F)(ii). The~~
5 ~~120 hours include hours in all E&T activities, including any hours worked for~~
6 ~~compensation, either paid or unpaid.~~

7 **§813.14. Special Provisions Regarding Sanctions for Noncooperation.**

8 General population mandatory work registrants who are scheduled to participate more
9 than 120 hours per month may not be sanctioned for noncooperation after 120 hours have
10 been reached, as described in the Food Stamp Act, 7 U.S.C. §2015(d)(4)(F)(ii). The 120
11 hours include hours in all FSE&T activities, including any hours worked for paid or
12 unpaid compensation.

13
14 **SUBCHAPTER D. ALLOWABLE ACTIVITIES**

15 **§813.31. Activities for ~~Any E&T~~ Mandatory Work Registrants and Exempt Recipients**
16 **Who Voluntarily Participate in FSE&T Services.**

17 The following activities may be provided for ~~any FSE&T~~ mandatory work
18 registrants and exempt recipients who voluntarily participate in FSE&T services, ~~which~~
19 ~~include both General Population and ABAWDs~~, subject to the limitations specified in
20 §813.32 of this subchapter:

21 (1) job search services that shall:

- 22 (A) incorporate job readiness, job search training, directed job search, and group
23 job search, and may include the following:
- 24 (i) job skills assessment;
 - 25 (ii) counseling;
 - 26 (iii) job search skills training;
 - 27 (iv) information on available jobs;
 - 28 (v) occupational exploration, including information on local emerging and
29 demand occupations;
 - 30 (vi) interviewing skills and practice interviews;
 - 31 (vii) assistance with applications and resumes;
 - 32 (viii) job fairs;
 - 33 (ix) life skills; or
 - 34 (x) guidance and motivation for development of positive work behaviors
35 necessary for the labor market; and
- 36 (B) limit are limited in the number of weeks a mandatory work registrant or
37 exempt recipient who voluntarily participates in FSE&T services can spend
38 as follows:
- 39 (i) ABAWDs ~~mandatory work registrants shall may~~ not be enrolled for
40 more than four ~~4~~ weeks, and the job search activity shall ~~must~~ be

1 provided in conjunction with the workfare ~~activity component~~, as
2 described in §813.32(4)(D) of this subchapter.;

3 (ii) General Population mandatory work registrants and exempt recipients
4 who voluntarily participate in FSE&T services shall ~~may~~ not be
5 enrolled:

- 6
7 (I) for more than four ~~4~~ weeks of consecutive activity under paragraph
8 (1) of this subsection ~~job search services~~;
- 9 (II) for more than six ~~6~~ weeks of total activity in a federal fiscal year.

10
11 ~~(iii) Project Re-Integration of Offenders (Project RIO) participants are~~
12 ~~exempt from the job search limitations outlined in §813.31(1)(B)(i) (ii):~~
13 ~~and~~

14 ~~(iii+)~~ Job search, when offered as part of other FSE&T E&T program
15 activities ~~components~~, is allowed for more time than the limitations set
16 forth ~~outlined~~ in clauses (1)(B)(i) and (ii) of this subsection if the job
17 search activities comprise less than half of the required time spent in
18 other activities ~~components~~.

19
20 (2) vocational training that shall:

- 21 (A) relate to the types of jobs available in the labor market;
- 22 (B) be consistent with employment goals identified in the ~~family~~ employment
23 plan, when possible; and
- 24 (C) be provided only if there is an expectation that employment will be secured
25 upon completion of the training.

26 (3) nonvocational ~~non-vocational~~ education that shall increase employability, such
27 as:

- 28 (A) enrollment and satisfactory attendance in:
- 29 (i) a secondary school; or
30 (ii) a course of study leading to a high school diploma or a certificate of
31 general equivalence;
- 32 (B) basic skills and literacy;
- 33 (C) English proficiency; or
- 34 (D) postsecondary education, leading to a degree or certificate awarded by a
35 training facility, career school or college, ~~proprietary school~~, or other
36 educational institution that prepares individuals for employment in current
37 and emerging occupations that do not require baccalaureate or advanced
38 degrees;

39
40 (4) work experience, as authorized by 7 U.S.C. §2015(d)(4)(B)(iv) and defined by
41 the Workforce Investment Act in 20 C.F.R. CFR §663.200(b), ~~Part 652 et al.~~, for

1 mandatory work registrants who need assistance in becoming accustomed to
2 basic work skills, ~~that and~~ shall:

- 3 (A) occur in the workplace for a limited period of time;
- 4 (B) be made in either the private for-profit, the nonprofit, or the public sectors;
5 and
- 6 (C) be paid or unpaid;
- 7 (5) unsubsidized employment; or
- 8 (6) other activities approved in the current FSE&T state plan of operations. ~~Food~~
9 ~~Stamp Employment and Training State Plan.~~

10
11 **§813.32. FSE&T ~~E&T~~ Activities for ABAWDs.**

- 12 (a) Boards shall ensure that FSE&T ~~E&T~~ activities for ABAWDs are limited to
13 participating in the following:
 - 14 (1) services or activities under the Trade Act of 1974, as amended by the Trade Act
15 of 2002; ~~services or activities;~~
 - 16 (2) activities under the Workforce Investment Act ~~activities~~ (29 U.S.C. §2801, et
17 seq.); ~~et seq.~~;
 - 18 (3) education and training, which may include:
 - 19 (A) vocational training as described in §813.31(2) ~~§813.31(a)(2)~~ of this
20 subchapter; or
 - 21 (B) nonvocational ~~non-vocational~~ education as described in §813.31(3)
22 ~~§813.31(a)(3)~~ of this subchapter; and
 - 23 (4) workfare activities that shall:
 - 24 (A) be designed to improve the employability of ABAWDs through actual
25 employment experience or training, or both;
 - 26 (B) be unpaid job assignments based in the public or private nonprofit sectors;
 - 27 (C) have hourly requirements based on the ABAWD's monthly household food
28 stamp allotment divided by the number of ABAWDs in the food stamp
29 household, as provided by HHSC ~~the Department of Human Services~~ and
30 then divided by the federal minimum wage; and
 - 31 (D) include a four-week job search period prior to placement in a workfare
32 activity.
- 33 (b) Boards shall ensure that ABAWDs who are referred to a Texas Workforce Center ~~as~~
34 ~~a mandatory work registrant~~ and subsequently become engaged in unsubsidized
35 employment for at least 20 hours per week are not required to continue participation
36 in FSE&T services because they have fulfilled their work requirements ~~are exempt~~
37 ~~from E&T services~~, as described in 7 U.S.C. §2015(o)(2)(A). In addition, Boards

1 shall ensure that HHSC is notified when ABAWDs obtain employment. ~~7 CFR~~
2 ~~§273.24, and must be referred to the Department of Human Services.~~

3
4 §813.33. Post-Employment Services.

5 ~~(a) Mandatory and exempt food stamp recipients may volunteer to receive post-~~
6 ~~employment services through participation in an FSE&T activity, which may~~
7 ~~include:~~

8
9 ~~(1) Job Search. Individuals may volunteer to participate in activities that will~~
10 ~~increase their employability and assist them in obtaining better jobs to~~
11 ~~progress up a career ladder. Such activities include job skills assessments,~~
12 ~~job finding clubs, training in techniques for employability, and educational~~
13 ~~programs to expand job search abilities or employability;~~

14
15 ~~(2) Education. Individuals may volunteer to participate in programs or~~
16 ~~activities to improve basic skills or improve employability, which include a~~
17 ~~direct link between the education and job readiness of the individual; and~~

18
19 ~~(3) Training. Individuals may volunteer to participate in post-employment~~
20 ~~training services that will increase their skills.~~

21 ~~(b) Boards may provide post-employment support services to food stamp recipients~~
22 ~~(mandatory and exempt recipients who voluntarily participate in FSE&T~~
23 ~~services), if the support services are reasonable, necessary, and directly related~~
24 ~~to participation in FSE&T activities described in subsection (a) of this section.~~
25 ~~Support services may include those specified in §813.41 of this chapter.~~

26
27 ~~(c) Boards shall ensure that post-employment services are monitored, and that~~
28 ~~ongoing contact is established at least monthly with the individual receiving~~
29 ~~post-employment services.~~

30
31
32 **SUBCHAPTER E. SUPPORT SERVICES FOR PARTICIPANTS**

33 **§813.41. Provision of FSE&T ~~E&T~~ Support Services.**

34 (a) Boards shall ensure that FSE&T ~~E&T~~ support services are provided to ~~an E&T~~
35 ~~mandatory work registrants and exempt recipients who voluntarily participate in~~
36 ~~FSE&T services,~~ if the support services are reasonable, necessary, and directly
37 related to participation in FSE&T ~~E&T~~ activities, as follows:-

38 (1) Mandatory Work Registrants. Boards shall ensure that:

39 (A) support services are only provided to assist mandatory work registrants
40 with participation in FSE&T activities and in obtaining employment;

1 (B) support services shall not be provided to assist mandatory work
2 registrants in retaining employment; and

3
4 (C) if the monthly expenses directly related to participation by a mandatory work
5 registrant exceed available funds, the mandatory work registrant is:

6 (i)(A) _____ exempted from further participation in an assigned FSE&T
7 activity; or

8 (ii)(B) _____ reassigned to an FSE&T activity that will not require the provision
9 of support services.

10
11 (2) Exempt Recipients Who Voluntarily Participate in FSE&T Services. Boards
12 shall ensure that:

13 (A) support services are only provided to assist exempt recipients with
14 participation in FSE&T activities and in obtaining employment;

15
16 (B) support services shall not be provided to assist exempt recipients in
17 retaining employment; and

18
19 (C) if the monthly expenses directly related to participation for an exempt
20 recipient who voluntarily participates in FSE&T services exceed available
21 funds, the exempt recipient is:

22 (i)(A) _____ informed that assigned activities will be discontinued; or

23
24 (ii)(B) _____ reassigned to an FSE&T activity that will not require the provision
25 of support services.

26
27 ~~(b) Boards shall ensure that if a mandatory work registrant's monthly expenses directly~~
28 ~~related to participation exceed available funds, the mandatory work registrant is~~
29 ~~either:~~

30 ~~(1) exempted from further participation in an assigned E&T activity; or~~

31 ~~(2) reassigned to an E&T activity that will not require the provision of support~~
32 ~~services.~~

33 (be) Support services include payment or reimbursement for:

34 (1) child care services ~~that are~~ governed by ~~rules contained in~~ Chapter 809 of this
35 title;

36 (2) transportation services that may be provided for participating mandatory work
37 registrants and exempt recipients who voluntarily participate in FSE&T services,
38 if alternative transportation resources are not available to the participants.
39 Boards shall ensure that ~~if the~~ costs to provide the transportation services are:

40 (A) reasonable and necessary for participation in FSE&T ~~E&T~~ activities; and

1 (B) paid for based on the methods and amounts determined by each Board to be
2 consistent with state policy that requires use of the most economical means of
3 transportation to meet the FSE&T~~E&T~~ participant's needs; and

4 (3) work, training, or education-related items:

5 (A) including, but not limited to, costs for uniforms, personal safety items, or
6 other necessary equipment, and books or training manuals provided; and

7 (B) excluding the cost of meals away from home.
8