1	CHAPTER	800. GENERAL ADMINISTRATION		
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3		RULES WITH PREAMBLE TO BE SUBMITTED TO THE TEXAS		
4		THIS DOCUMENT WILL HAVE NO SUBSTANTIVE CHANGES BUT		
5		Γ TO FORMATTING CHANGES AS REQUIRED BY THE <i>TEXAS</i>		
6	REGISTER.			
7				
8	The Texas W	The Texas Workforce Commission (Commission) proposes amendments to the following		
9	sections of Chapter 800, relating to General Administration:			
10				
11	Subchap	oter C. Performance and Contract Management, §800.81		
12				
13	Subchap	oter E. Sanctions, §800.151		
14				
15	PART I.	PURPOSE, BACKGROUND, AND AUTHORITY		
16	PART II.	EXPLANATION OF INDIVIDUAL PROVISIONS		
17	PART III.	IMPACT STATEMENTS		
18	PART IV.	COORDINATION ACTIVITIES		
19				
20				
20	PART I.	PURPOSE, BACKGROUND, AND AUTHORITY		
21				
22		e of the proposed rules amendment is to eliminate references in this chapter to		
23	1	, relating to the Job Training Partnership Act Rules. Chapter 805 of this title		
24	is concurren	tly being proposed for repeal in its entirety because the rules are no longer		
25	necessary.			
26				
27				
28		EXPLANATION OF INDIVIDUAL PROVISIONS		
29		or, nonsubstantive, editorial changes are made that do not change the		
30	meaning of the rules and, therefore, are not discussed in the Explanation of Individual			
31	Provisions.)			
32				
33		<b>TER C. PERFORMANCE AND CONTRACT MANAGEMENT</b>		
34	The Commi	ission proposes the following amendment:		
35	8000 04 D			
36	<u>§800.81. Pe</u>			
37		.81(i) is deleted. Based on the concurrent proposed repeal of Chapter 805 of		
38	this title, the	Job Training Partnership Act Rules, this subsection is obsolete.		
39				
40		TER E. SANCTIONS		
41	The Commi	ission proposes the following amendment:		
42	8000 1 = 1 - 0			
43	§800.151. Scope and Purpose			
44		Section 800.151(d) is deleted. Based on the concurrent proposed repeal of Chapter 805 of this title, the Job Training Partnership Act Pulse, this subsection is obsolete.		
45	of this title, t	the Job Training Partnership Act Rules, this subsection is obsolete.		

1	PART III. IMPACT STATEMENTS
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3	Randy Townsend, Chief Financial Officer, has determined that for each year of the first
4 5	five years the rules will be in effect, the following statements will apply:
6	There are no estimated additional costs to the state and to local governments expected as
7	a result of enforcing or administering the rules.
8	
9	There are no estimated reductions in costs to the state and to local governments as a result
10	of enforcing or administering the rules.
11	
12	There are no estimated losses or increases in revenue to the state or to local governments
13	as a result of enforcing or administering the rules.
14	
15	There are no foreseeable implications relating to costs or revenue of the state or local
16	governments as a result of enforcing or administering the rules.
17	
18	There will be no probable economic costs to persons required to comply with this rule,
19	and there will be no adverse economic effect on small businesses.
20	
21	The Agency hereby certifies that the proposal has been reviewed by legal counsel and
22	found to be within the Agency's legal authority to adopt.
23	
24	Mark Hughes, Director of Labor Market Information, has determined that there is no
25	significant negative impact upon employment conditions in the state as a result of the
26	rules.
27	
28	Luis M. Macias, Director, Workforce Development Division, has determined that for
29	each year of the first five years the rules are in effect, the public benefit anticipated as a
30	result of enforcing the proposed rules will be to ensure compliance with federal and state
31	requirements.
32	
33	
34	PART IV. COORDINATION ACTIVITIES
35	
36	In the development of these rules for publication and public comment, the Commission
37	considered all information gathered in order to develop a rule that provides clear and
38	concise direction to all parties involved. Additionally, the Commission provided the
39	policy concept regarding the concurrent proposed repeal of Chapter 805, relating to the
40	Job Training Partnership Act Rules, to the Boards for consideration and review.
41	Comments on the monopoid miles may be submitted to TWC Delies. Comments
42 43	Comments on the proposed rules may be submitted to TWC Policy Comments, Workforce and UI Policy 101 Fact 15th Street Policy Austin Taxas 78778; faxed
	Workforce and UI Policy, 101 East 15th Street, Room 440T, Austin, Texas 78778; faxed
44 45	to 512-475-3577; or e-mailed to TWCPolicyComments@twc.state.tx.us. The Commission must receive comments postmarked no later than 30 days from the date this
45 46	1 · · ·
40	proposal is published in the Texas Register.

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2	The rules are proposed under Texas Labor Code §301.0015 and §302.002(d), which
3	provide the Texas Workforce Commission with the authority to adopt, amend, or repeal
4	such rules as it deems necessary for the effective administration of Agency services and
5	activities.
6	
7	The proposed rules affect Title 4, Texas Labor Code, particularly Chapters 301 and 302.
8	
9	
10	

1	CHAPTER 800. GENERAL ADMINISTRATION			
2 3	Subchapte	r C. Performance and Contract Management		
4 5	§800.8	1. Performance.		
6 7 8 9	(a)	A Board shall meet or exceed performance targets as referenced in contracts with the Agency.		
9 10 11 12 13 14 15 16 17	(b)	The Commission shall determine the performance targets based on federal and state performance standards and by using factors that may be necessary to achieve the mission of the Commission and reflect local conditions. The Commission approves individual Board performance targets annually, which may be adjusted based on local conditions including, but not limited to, specific economic conditions and demographic characteristics of the workforce area.		
18 19 20 21 22 23	(c)	A Board and other <u>subrecipients</u> <u>subrecipient</u> shall comply with all Commission rules, Workforce Development (WD) Letters, the <u>Financial</u> <u>Manual for Grants and Contracts</u> , <u>Grants and Contracts Manual</u> , the <u>Financial</u> <u>Manual</u> and guidance letters of the Agency, including rules contained in other chapters of Part 20 of this title applicable to specific services and activities performed by a Board and other subrecipients.		
24 25 26 27	(d)	A Board's achievement of high levels of performance may result in the Commission providing incentives for the Board.		
28 29 30 31	(e)	A Board's failure to meet minimum levels of performance as referenced in the Board's contract may result in corrective actions, penalties, or sanctions as specified in:		
32 33 34		(1) Part 20 of this title (relating to the Texas Workforce Commission), including Chapter 800, Subchapter E, relating to Sanctions;		
35 36		(2) the Board's contract with the Commission; or		
37 38		(3) as otherwise provided for by federal or state statute or rule.		
39 40 41	(f)	A Board may submit to the Commission a request for an adjustment to the minimum levels of performance.		
42 43 44 45 46	(g)	The Commission may determine what constitutes a necessary adjustment to local performance targets and may consider specific economic conditions and demographic characteristics to be served in the local-workforce development area and other factors the Commission deems appropriate including the anticipated impact of the adjustment on the state's performance.		

1		
2	(h)	The Governor may adopt additional performance incentives and sanctions
3	( )	provisions as provided in WIA.
4		
5	(i)	A Board shall comply with and remain subject to the provisions contained in
6	(1)	Chapter 805 effective on July 1, 2001, relating to performance or any other
7		matters addressed in Chapter 805 regarding any funds granted by the
8		Secretary of Labor under the JTPA regulations or Act, including NRA and
9		other funds.
10		outer runds.
11	Subchante	r E. Sanctions
12	Suscinupic	
13	8800.1	51. Scope and Purpose.
14	300011	
15	(a)	The purpose of this subchapter is to:
16		
17		(1) ensure accountability of <b>Boards</b> Local Workforce Development Boards
18		(Boards) and other subrecipients of the Agency, in meeting the needs of
19		employers and job seekers;
20		······································
$\frac{20}{21}$		(2) ensure performance in reaching outcome measures; $$
22		(-)
23		(3) ensure adequate returns on state investments: $\frac{1}{27}$ and
24		
25		(4) support the state in achieving its goals.
26		
27	(b)	The Agency may review financial, administrative, and performance data to
28		evaluate a Board and subrecipients subrecipient of the Agency to determine
29		the need for sanctions.
30		
31	(c)	To accomplish the purposes of this <u>subchapter</u> , the Agency may
32		require at any point during the year that a Board or subrecipients subrecipient
33		of the Agency cooperate with remedial actions, including, but not limited to,
34		entering into a Performance Improvement Plan and other performance review
35		and assistance activities.
36		
37	<del>(d)</del>	This rule incorporates by reference the existing rule for the Job Training
38		Partnership Act Program cited in §805.170 §805.196 of this title.
39		