

1 **CHAPTER 811. CHOICES**

2
3 **PROPOSED RULES WITH PREAMBLE TO BE SUBMITTED TO THE TEXAS**
4 **REGISTER. THIS DOCUMENT WILL HAVE NO SUBSTANTIVE CHANGES BUT IS**
5 **SUBJECT TO FORMATTING CHANGES AS REQUIRED BY THE TEXAS REGISTER.**
6

7 The Texas Workforce Commission (Commission) proposes the following new sections to
8 Chapter 811, relating to Choices:

9
10 Subchapter C, Choices Services, §§811.29 - 811.34

11
12 The Commission proposes amendments to the following sections of Chapter 811, relating to
13 Choices:

14
15 Subchapter A, General Provisions, §§811.1 - 811.3

16 Subchapter B, Choices Services Responsibilities, §§811.11 - 811.16

17 Subchapter C, Choices Services, §§811.21 - 811.28

18 Subchapter D, Choices Work Activities, §§811.41 - 811.51

19 Subchapter E, Support Services and Other Initiatives, §811.61, §811.62, and §§811.65 -
20 811.67

21
22 The Texas Workforce Commission (Commission) proposes the repeal of the following sections
23 of Chapter 811, relating to Choices:

24
25 Subchapter C, Choices Services, §§811.29 - 811.32

26 Subchapter D, Choices Work Activities, §811.52

- 27
28 **PART I. PURPOSE, BACKGROUND, AND AUTHORITY**
29 **PART II. EXPLANATION OF INDIVIDUAL PROVISIONS**
30 **PART III. IMPACT STATEMENTS**
31 **PART IV. COORDINATION ACTIVITIES**

32
33 **PART I. PURPOSE, BACKGROUND, AND AUTHORITY**

34
35 The purpose of this amendment is to implement the regulatory requirements issued by the United
36 States Health and Human Services Department (DHHS). The interim final regulations (interim
37 regulations) issued by DHHS contain new provisions related to Temporary Assistance for Needy
38 Families (TANF) work activities. In addition, technical changes are needed for clarification and
39 consistency throughout Chapter 811.

40
41 In February 2006, the Deficit Reduction Act (DRA) of 2005 reauthorized the TANF program. In
42 addition to providing ongoing funding for TANF, DRA also changes several provisions in law
43 related to TANF work participation. DRA directed DHHS to issue regulations regarding:

- 44 --allowable work activities;
45 --verification, documentation, and internal control procedures; and
46 --inclusion of certain child-only cases in the calculation of work participation rates.

1
2 On June 29, 2006, DHHS issued its interim regulations (*Federal Register*, Volume 71, Number
3 125), which provide definitions for each allowable work activity including additional provisions
4 for supervision, verification, and documentation for each allowable work activity.
5

6 The interim regulations also introduce a new term--*work-eligible individuals*--defined as parents
7 who are included in the calculation of work participation rates. The new definition adds certain
8 child-only cases to the calculation of federal work participation rates. Modification of current
9 definitions and addition of new definitions to identify individuals eligible for or participating in
10 Choices services are proposed to simplify and clarify the Choices service delivery for the Local
11 Workforce Development Boards (Boards).
12

13 The interim regulations became effective on October 1, 2006, and Boards were informed of the
14 major changes affecting Choices services prior to proposed amendments to Chapter 811. Boards
15 have been advised to provide Choices services within the parameters of the interim regulations
16 when provisions of Chapter 811 are not supported by the interim regulations. While there may
17 be more stringent requirements under this chapter, the Commission's intent is to provide the
18 Boards the same flexibility offered under the interim regulations.
19

20 In addition to the changes made to comply with the interim regulations and to align the rules
21 with other current federal regulations, technical changes are made to:

- 22 --simplify and clarify rule language;
 - 23 --update terminology and definitions;
 - 24 --remove obsolete provisions; and
 - 25 --update statutory citations.
- 26
27

28 **PART II. EXPLANATION OF INDIVIDUAL PROVISIONS**

29 (Note: Minor, nonsubstantive, editorial changes are made that do not change the meaning of the
30 rules and, therefore, are not discussed in the Explanation of Individual Provisions.)
31

32 **SUBCHAPTER A. GENERAL PROVISIONS**

33 The Commission proposes amendments to Subchapter A, as follows:
34

35 **§811.2. Definitions**

36 Section 811.2(2), the definition of "TDHS - The Texas Department of Human Services," is
37 removed. TDHS is now named the Texas Health and Human Services Commission (HHSC) and
38 is defined in §811.2(8). References to TDHS are changed throughout this chapter to reflect this
39 name change.
40

41 Section 811.2(2) replaces the term "Choices individual" with "Choices eligible" to clarify which
42 individuals are eligible to receive Choices services.
43

44 New §811.2(3) adds a definition for Choices participant. Section 811.2(3)(A) defines an
45 "exempt Choices participant" as an adult or teen head of household who is not required under
46 Texas Human Resources Code, Chapter 31 and HHSC rules (1 TAC, Chapter 372, Texas Works)

1 to participate in Choices services, but may volunteer to participate. Section 811.2(3)(B) defines
2 a "mandatory Choices participant" as an adult or teen head of household, including extended
3 TANF recipients, conditional applicants, and sanctioned families, as defined in this section, who
4 are required under HHSC rules to participate in Choices services. The intent of consolidating
5 these definitions is to simplify language throughout the rules and to distinguish between those
6 individuals who are eligible for Choices services--i.e., Choices eligibles--and those individuals
7 who are participating in Choices services--i.e., Choices participants.

8
9 New §811.2(5) clarifies the definition of Earned Income Deduction (EID). Individuals who are
10 working and receiving TANF cash assistance can receive the EID regardless of how many hours
11 they work or how much they earn. Current language in Chapter 811 does not differentiate
12 between individuals who receive the EID and are working fewer than 30 hours per week and
13 individuals who are employed 30 hours per week or more. Specific exclusions or responsibilities
14 listed throughout Chapter 811 for "EID individuals" are applicable only to those individuals
15 coded by HHSC as working 30 hours per week, earning at least \$700 per month, and receiving
16 EID.

17
18 Section 811.2(6), the definition of mandatory individual, is removed. Section 811.2(3), the
19 definition of Choices participant, includes mandatory individuals.

20
21 New §811.2(6) clarifies that the 60-month time limit for TANF cash assistance is federally
22 imposed.

23
24 Section 811.2(10) removes references to exempt and mandatory recipients from the definition of
25 "recipient." These references are now found in §811.2(3)(A) and §811.2(3)(B), relating to the
26 definition of a Choices participant. The definition of recipient retains the prior references to an
27 extended TANF recipient or former recipient formerly set forth in §811.2(8)(B) and
28 §811.2(8)(C), which now are separate definitions set forth in §811.2(6) and §811.2(7).

29
30 Certain paragraphs in §811.2 have been renumbered to accommodate additions or deletions.

31 32 **§811.3. Choices Services Strategy**

33 Section 811.3(c)(2)(D)(i) clarifies that Choices eligibles authorized to receive post-employment
34 services include mandatory Choices participants coded by HHSC as working at least 30 hours
35 per week, earning at least \$700 per month, and receiving the EID.

36
37 Section 811.3(c)(7)(B) adds the term "federal" to clarify that the 60-month TANF time limit for
38 TANF cash assistance is federally imposed.

39 40 **SUBCHAPTER B. CHOICES SERVICES RESPONSIBILITIES**

41 The Commission proposes amendments to Subchapter B, as follows:

42 43 **§811.11. Board Responsibilities**

44 Section 811.11(a)(2) specifies that applicants and conditional applicants have 10 days from the
45 date of their eligibility interview to attend a Workforce Orientation for Applicants (WOA).

1 Section 811.11(a)(3)(A) specifies that applicants and conditional applicants are informed of
2 employment services available while attending a WOA.

3
4 Section 811.11(c) replaces the term "recipient status" with the term "a Choices participant's
5 eligibility" for better clarification.

6
7 Section 811.11(f) clarifies that Choices eligibles authorized to receive post-employment services
8 include mandatory Choices participants coded by HHSC as working at least 30 hours per week,
9 earning at least \$700 per month, and receiving the EID.

10
11 Section 811.11(g) adds the phrase "unless otherwise specified in this chapter," to specify that
12 additional criteria for monitoring and tracking work requirements may be specified throughout
13 the chapter.

14
15 Section 811.11(i) adds verification of participation hours in Choices as necessary data to be
16 entered into The Workforce Information System of Texas (TWIST).

17
18 **§811.13. Responsibilities of Choices Participants**

19 Section 811.13(b)(3) clarifies that Choices participants must report "actual" hours of
20 participation as defined in §811.34. In addition, the term "component activities" is replaced with
21 "Choices work activities" to provide consistent terminology throughout the chapter.

22
23 Section 811.13(c) and §811.13(d) replace the term "employment planning appointments" with
24 the term "employment planning sessions" to provide consistent terminology throughout the
25 chapter.

26
27 Section 811.13(e) states that mandatory Choices participants must be coded by HHSC as
28 working at least 30 hours per week, earning at least \$700 per month, and receiving the EID as
29 related to their responsibility of reporting hours and receiving post-employment services.

30
31 **§811.14. Noncooperation**

32 Section 811.14(a)(3) is reorganized as §811.14(b) to specify that for Choices participants who
33 have not cooperated with work requirements and do not have good cause, a Board must ensure
34 that a penalty is requested for mandatory Choices participants or a Board must terminate Choices
35 services, including support services, for exempt Choices participants.

36
37 Section 811.14(d) clarifies that attempts to determine good cause for sanctioned families and
38 conditional applicants must be made upon discovery of noncooperation during their
39 demonstrated cooperation period.

40
41 Certain subsections in §811.14 have been renumbered to accommodate additions or deletions.

42
43 **§811.15. Demonstrated Cooperation**

44 Section 811.15(a) replaces "one month" with "four consecutive weeks," relating to conditional
45 applicants, to provide consistent terminology throughout the chapter.

1
2 **§811.16. Good Cause for Choices Participants**

3 Section 811.16(b)(5) replaces the term "Responsibility Agreement" with "family employment
4 plan" to provide consistent terminology throughout the chapter.
5

6 Section 811.16(c)(2) adds a new good cause reason for Choices participants who participate only
7 to the extent determined able as supported by medical documentation but less than the required
8 hours specified in this chapter.
9

10 Section 811.16(c)(4) replaces the term "household member" with the term "family member."
11 The paragraph also specifies that a disabled family member does not attend school full time and
12 Boards must ensure the need for care is supported by medical documentation.
13

14 Section 811.16(c)(5) adds a new good cause reason for those Choices participants who are caring
15 for a disabled family member who attends school full time. The paragraph also stipulates that
16 Boards must ensure the need for care is supported by medical documentation. Two separate
17 good cause reasons are necessary to determine which Choices participants may be excluded from
18 the calculation of federal work participation rates. Only those participants caring for a disabled
19 family member who does not attend school full-time are disregarded in the calculation of federal
20 work participation rates.
21

22 Section 811.16(c)(7)(B) and §811.16(c)(7)(C) remove the term "formal" to align the description
23 of child care providers with the definition set forth in Chapter 809 of this title.
24

25 Section 811.16(c)(7)(D) replaces the term "formal or informal" with "appropriate" to align the
26 good cause description with federal law.
27

28 Section 811.16(e)(4) is added to clarify that good cause and short-term excused absences are
29 different types of determinations and must be established separately.
30

31 Certain paragraphs in §811.16 have been renumbered to accommodate additions or deletions.
32
33

34 **SUBCHAPTER C. CHOICES SERVICES**

35 The Commission proposes amendments to Subchapter C, as follows:
36

37 **§811.21. General Provisions**

38 Sections 811.21(b)(1) - 811.21(b)(3) are removed and relocated in new §811.29(a)(1) - (3) in
39 order to list all provisions required by the Fair Labor Standards Act (FLSA) in one section.
40

41 **§811.22. Assessment**

42 Section 811.22(b)(5) removes the phrase "or the need for parenting skills training" because
43 HHSC requires Choices eligibles to attend a parenting skills class as part of their eligibility for
44 TANF cash assistance.
45

1 Section 811.22(e)(1)(B) specifies that mandatory Choices participants must be coded by HHSC
2 as employed to be excluded from the literacy assessment. Additionally, the requirement to
3 provide literacy information to HHSC is removed because it is contained in §811.22(e)(2).

4
5 **§811.23. Family Employment Plan**

6 Section 811.23(d)(3)(C) is modified to include substance abuse and mental health treatment as
7 types of referrals for support services, as provided in the interim regulations.

8
9 Section 811.23(d)(4) is modified to state that individuals coded by HHSC as working at least 30
10 hours per week, earning at least \$700 per month, and receiving the EID are not required to sign
11 the family employment plan.

12
13 Section 811.23(e), which instructs Boards to enroll mandatory individuals in specific job
14 readiness activities, is removed. The job readiness activities referenced in this subsection are no
15 longer allowable work activities as defined in the interim regulations.

16
17 Certain subsections in §811.23 have been relettered to accommodate additions or deletions.

18
19 **§811.24. Family Work Requirement Form for Two-Parent Families**

20 Section 811.24(2)(B) is modified to clarify that mandatory Choices participants must be coded
21 by HHSC as employed 30 hours per week, earning at least \$700 per month, and receiving the
22 EID to be excluded from signing the Family Work Requirement.

23
24 **§811.25. TANF Core and TANF Non-Core Activities**

25 Sections 811.25(a)(1)(A) - §811.25(a)(1)(H) are reordered to mirror the order of the activities in
26 the interim regulations.

27
28 Section 811.25(a)(2)(C) is removed because parenting skills training is not an allowable federal
29 work activity as specified in the interim regulations.

30
31 Section 811.25(d)(1) and §811.25(d)(2), the work participation exceptions for two-parent
32 families, are removed because these exclusions are not allowable in the calculation of federal
33 work participation rates. Two-parent families receiving Commission-funded child care must
34 participate in Choices activities an average of fifty-five hours per week regardless of good cause
35 status.

36
37 **§811.26. Special Provisions Regarding Community Service**

38 Section 811.26(a)(2) is removed and relocated in §811.29(b) in order to list all provisions
39 required by FLSA in one section.

40
41 Certain subsections in §811.26 have been relettered to accommodate additions or deletions.

42
43 **§811.27. Special Provisions Regarding Job Search and Job Readiness**

44 Section 811.27(b) removes the reference to job readiness activities in §811.41(d)(3)(A)(D)
45 relating to activities associated with the health, safety, and welfare of families because these
46 activities are no longer allowable under the interim regulations.

1
2 Section 811.27(d), which requires Boards to ensure Choices participants are continuously
3 enrolled in specific job readiness activities listed in §811.41(d)(3), is removed. These job
4 readiness activities related to the health, safety, and welfare of families are no longer allowable
5 under the interim regulations.

6
7 Certain subsections in §811.27 have been relettered to accommodate additions or deletions.

8
9 **§811.29. Special Provisions Regarding the Fair Labor Standards Act**

10 New §811.29(a) is added in order to list all provisions required by FLSA in one section. These
11 provisions are relocated, with minor modifications, from removed §811.21(b)(1) - §811.21(b)(3).

12
13 New §811.29(b) is added in order to list all provisions for FLSA-covered activities in one
14 section. These provisions are relocated, with minor modifications, from removed §811.26(a)(2).
15 In addition, new language is added stating that if a Choices participant's hours of community
16 service or other unpaid work activity do not meet the core work activity requirement in
17 §811.25(b) - (d), Boards must:

- 18 (1) enroll the Choices participant in additional core activities; or
19 (2) deem the remaining core hours as having met the core work activity requirement.

20
21 The Commission adds new §811.29(b)(2) to give Boards the option to deem core participation
22 hours for Choices participants who cannot participate for their full core work activity hours in
23 FLSA-covered activities. For example, a two-parent family with one child receives a maximum
24 TANF benefit of \$250 per month and a maximum Food Stamp benefit of \$399 per month. The
25 total TANF and Food Stamp benefits divided by the minimum wage allows the family to
26 participate only 29 hours per week in FLSA-covered activities.

27
28 Two-parent families have a 30-hour per week core activity requirement if they do not receive
29 subsidized child care; the requirement increases to 50 hours per week if they do receive
30 subsidized child care. Under the current calculation of Choices participation, the two-parent
31 family, if not receiving subsidized child care, must participate in an additional hour of core
32 activities and five hours of non-core work activities to be counted as meeting the work
33 participation requirement. If the two-parent family receives subsidized child care, the family
34 must participate an additional 21 hours in core activities and five hours in non-core activities to
35 be counted as meeting the work participation requirement.

36
37 Under the new deeming option, this two-parent family will count as meeting its core work
38 participation requirement--with or without receiving subsidized child care--by participating the
39 maximum of 29 hours allowed by FLSA requirements and participating 5 hours in non-core
40 activities.

41
42 The deeming provision is allowed by the interim regulations as long as a state operates a mini-
43 Simplified Food Stamp Program (mini-SFSP). Under the mini-SFSP, states must notify the
44 Food and Nutrition Service (FNS) only of their *intent* to combine Food Stamp and TANF
45 benefits when calculating participation hours for FLSA-covered activities. In previous guidance
46 issued by the U.S. Department of Labor, states were given the option of combining Food Stamp

1 and TANF benefits in the calculation of FLSA-covered work activities. Because this option
2 always has been available in the Choices rules, the Commission submitted a letter to FNS
3 requesting recognition as a state that operates a mini-SFSP in order to employ the deeming
4 provision. FNS recently approved the Commission's request.

5
6 **§811.30. Special Provisions for Teen Heads of Household**

7 New §811.30 sets out the provisions, with minor modifications, previously located in repealed
8 §811.29.

9
10 **§811.31. Special Provisions for Choices Participants in Single-Parent Families with**
11 **Children under Age Six**

12 New §811.31 sets out the provisions, with minor modifications, previously located in repealed
13 §811.30.

14
15 **§811.32. Special Provisions Regarding Exempt Choices Participants and Choices**
16 **Participants with Reduced Work Requirements**

17 New §811.32(a) and §811.32(b)(1) set out the provisions, with minor modifications, previously
18 located in repealed §811.31(a) and §811.31(b).

19
20 New §811.32(b)(2) provides that Boards should not request a penalty for Choices participants
21 with disabilities who participate to the extent determined able, as supported by medical
22 documentation, but less than the required hours specified in the chapter.

23
24 New §811.32(b)(3) provides that Boards should not request a penalty for Choices participants
25 caring for a disabled family member, as supported by medical documentation when the Choices
26 participant participates to the extent able but less than the required hours specified in the chapter.

27
28 **§811.33. Other Special Provisions**

29 New §811.33 sets out the provisions, without modifications, previously located in repealed
30 §811.32(b) and §811.32(c). The provisions previously located in repealed §811.32(a), regarding
31 counting participation hours for mandatory participants with disabilities or mandatory
32 participants caring for a disabled family member, are no longer included in this chapter because
33 this method of calculating work participation hours is not consistent with the federal calculation
34 of work participation hours. Section 811.16 and new §811.32 provide good cause provisions and
35 penalty exceptions for Choices participants with reduced work requirements.

36
37 **§811.34. Participation Provisions**

38 New §811.34 is added to provide guidance on counting actual participation hours for all work
39 activities, along with the exceptions to this provision, as required by the interim regulations.

40
41 New §811.34(1) provides that Boards may count holidays or other paid leave as actual
42 participation hours for paid work activities.

43
44 New §811.34(2) provides that Boards may count short-term excused absences as actual
45 participation hours for unpaid work activities.

1 New §811.34(2)(A) states that the short-term excused absence must be because of a holiday, or
2 total a maximum of 10 additional days within a 12-month period and not exceed two excused
3 absences per month.

4
5 New §811.34(2)(B) provides that the Choices participant must have been scheduled to
6 participate in an unpaid work activity during the time period in which the holiday or excused
7 absence falls. In addition, Boards must ensure credited participation hours do not exceed the
8 number of hours the Choices participant was scheduled to participate.

9
10 New §811.34(3) states that Boards may project participation hours in paid work activities based
11 on an average of four weeks of current, documented actual hours.

12
13 New §811.34(3)(A) provides that a Board may project participation hours in self-employment for
14 up to six months using an average of three months of current, documented actual hours.

15
16 New §811.34(3)(B) states that a Board may not count more hours toward the work participation
17 rate for self-employed Choices participants than the number derived by dividing the Choices
18 participant's net self-employment income (gross self-employment wages minus business
19 expenses) by the federal minimum wage.

20
21
22 **SUBCHAPTER D. CHOICES WORK ACTIVITIES**

23 The Commission proposes amendments to Subchapter D, as follows:

24
25 **§811.41. Job Search and Job Readiness Assistance**

26 Section 811.41(b)(1)(C) replaces the term "client-directed" with the term "customer-directed";
27 replaces the word "significant" with the word "direct"; and removes the requirement for
28 customers to engage in activities addressing the health, safety, and welfare of their families.
29 These changes are made to align with the definition of allowable job readiness activities
30 provided in the interim regulations.

31
32 Section 811.41(b)(1)(C)(i) and §811.41(b)(1)(C)(ii) are added to inform Boards about how to
33 verify and count participation hours in customer-directed job search. Daily contact with Choices
34 participants must be maintained to document the contact, verify participation, and discuss the
35 progress of the participant's job search. Each job contact made by the Choices participant while
36 participating in customer-directed job search counts as two hours of participation. The hours of
37 participation may be increased if it is documented and verified that the job contact took more
38 than two hours because of travel time or other reasonable explanations.

39
40 Section 811.41(b)(4) is added to require daily supervision of job search and job readiness
41 activities, as required by the interim regulations.

42
43 Section 811.41(b)(5) is added to require daily documentation in TWIST of job search and job
44 readiness activities. This section requires Boards to document daily participation hours, as
45 opposed to weekly hours, in TWIST. For example, documentation for participation in job search
46 may reflect eight hours for Monday, eight hours for Wednesday, and eight hours for Friday,

1 instead of 24 hours of job search for the entire week. This requirement does not apply to the
2 frequency of data entry. Boards retain the flexibility to determine how often data entry occurs,
3 as long as it is within the parameters set forth in §811.21. Automation changes in TWIST will be
4 made to accommodate this new requirement.

5
6 Section 811.41(b)(6) is added to include the allowance for counting substance abuse treatment,
7 mental health treatment, or rehabilitation activities as allowable job readiness activities as
8 provided by the interim regulations.

9
10 Section 811.41(c) is modified to define job search activities as acts of seeking and obtaining
11 employment, as specified in the interim regulations.

12
13 Section 811.41(c)(1), §811.41(c)(3), §811.41(c)(6), and §811.41(c)(7), specifying certain types
14 of job search activities, are deleted. These activities do not meet the new definition of job search
15 but do meet the new definition of job readiness. Therefore, these activities are moved to
16 §811.41(d).

17
18 Section 811.41(c)(5), "applying or interviewing for job vacancies," and §811.41(c)(6), "making
19 contacts with potential employers," are added as allowable activities related to job search, as
20 provided in the interim regulations.

21
22 Sections 811.41(d)(3) - 811.41(d)(9) are added to specify other options for job readiness
23 activities such as substance abuse treatment, rehabilitation activities, and job search activities
24 that meet the new definition of job readiness, as defined in the interim regulations.

25
26 Sections 811.41(d)(3)(A) - 811.41(d)(3)(D), specifying activities essential to the health, safety,
27 and welfare of families as a job readiness activity, are removed. The interim regulations
28 specifically prohibit these types of activities to be counted under any work category.

29
30 Certain paragraphs in §811.41 have been renumbered to accommodate additions or deletions.

31
32 **§811.43. Subsidized Employment**

33 Section 811.43(d) is added to provide that subsidized placements must prepare customers for
34 unsubsidized employment, as required by the interim regulations.

35
36 Section 811.43(e) is added to provide that subsidized placements must be made with employers
37 that expect to offer unsubsidized employment to Choices participants after the placement has
38 ended.

39
40 **§811.44. On-the-Job Training**

41 Section 811.44(d) is added to require Boards to ensure that Choices participants enrolled in on-
42 the-job training are supervised daily, as required by the interim regulations.

43
44 Section 811.44(e) is added to require Boards to ensure on-the-job training is documented in
45 TWIST at least every two weeks.

1 **§811.45. Work Experience**

2 Section 811.45(b) removes the requirement that work experience positions are offered only in the
3 private for-profit sector. The interim regulations do not place this restriction on work experience
4 and this change aligns the work experience definition in this chapter with the definition of work
5 experience in the interim regulations.

6
7 Section 811.45(d)(3) specifies that supervision for work experience activities must be on a daily
8 basis, as required by the interim regulations.

9
10 Section 811.45(f) is added to require that documentation for work experience activities be
11 entered into TWIST as least every two weeks.

12
13 **§811.46. Community Service**

14 Section 811.46(b) is modified to require that Boards must not allow Choices participants to
15 arrange their own community service placements because the placements must meet more
16 stringent criteria, as required by the interim regulations, to be counted as participation.
17 Additionally, the subsection incorporates the definition of community service programs to align
18 with the definition in the interim regulations. Community service programs are defined in the
19 interim regulations as structured, supervised programs that provide a direct benefit to the
20 community and improve the employability of the Choices participant.

21
22 Section 811.46(d) is added to specify examples of allowable placement sites for community
23 service activities.

24
25 Section 811.46(e) is added to list examples of allowable fields for community service activities,
26 as provided in the interim regulations.

27
28 Section 811.46(f) is added to require that Choices participants in community service programs
29 must be supervised on a daily basis, as required by the interim regulations.

30
31 Section 811.46(g) is added to require that community service activities must be documented in
32 TWIST at least every two weeks.

33
34 **§811.47. Child Care Services to Choices Participants in Community Service**

35 Section 811.47(b) removes the reference that states providing child care is a core activity. This
36 statement is duplicative because it is found in §811.47(a).

37
38 Section 811.47(b)(3), which gives Boards the flexibility to set local policies for determining
39 participation hours in child care activities, is removed. The interim regulations emphasize the
40 need for consistency in the calculation of participation hours. Therefore, the Commission has
41 provided additional guidance in §811.47(f) on calculating participation hours for this activity.

42
43 Section 811.47(c) is added to require that placement in a child care activity must aid the Choices
44 participant in becoming self-sufficient.

1 Section 811.47(d) is added to require that Choices participants who provide child care services
2 are supervised on a daily basis, as required by the interim regulations.

3
4 Section 811.47(e) is added to require that child care services provided by Choices participants
5 are documented at least every two weeks.

6
7 Section 811.47(f) is added to require that Boards must count only actual hours of participation in
8 child care activities as allowable work participation hours.

9
10 **§811.48. Vocational Educational Training**

11 Section 811.48(b) removes the statement that services provided by the Texas Rehabilitation
12 Commission (now the Department of Assistive and Rehabilitative Services [DARS]) may be
13 counted as vocational education training. The interim regulations provide a more narrow
14 definition of vocational education and what types of institutions may provide the training.
15 Services provided by DARS are no longer allowable as vocational educational training under this
16 definition. However, if DARS contracts out vocational educational training to an education or
17 training organization, Boards have the flexibility to determine whether that activity meets the
18 allowable definition for vocational educational training. In addition, other activities offered
19 through DARS may meet the new definitions of the other allowable Choices activities. Boards
20 are encouraged to coordinate with DARS to provide services for Choices participants with
21 disabilities within the parameters of this chapter.

22
23 Section 811.48(c)(1), §811.48(c)(2), and §811.48(c)(7) are added to incorporate the interim
24 regulation's definition of vocational educational training. These sections specify that vocational
25 educational training is directly related to a specific occupation, trade, or vocation and list the
26 types of organizations that may provide vocational educational training.

27
28 Section 811.48(c)(3) clarifies that vocational educational training must relate to current or
29 emerging occupations, as provided in the interim regulations.

30
31 Section 811.48(d), which relates to counting study or homework hours for vocational educational
32 training, is modified to align with the interim regulations. The interim regulations allow only
33 supervised study or homework hours to count as participation. The Commission removes the
34 five hour per week limit on study or homework time. If study or homework time must be
35 supervised, a limit on countable participation hours is not necessary because hours can be
36 verified.

37
38 Section 811.48(d)(3) is modified to state that study or homework time must be directly
39 monitored, supervised, and documented.

40
41 Section 811.48(d)(4) is removed because the requirement that a Choices participant is making
42 good progress is no longer limited only to counting study or homework time. Under the interim
43 regulations, a Choices participant's "good or satisfactory" progress must be verified in order to
44 count as participation.

1 Section 811.48(e) is added to require that Boards must verify a Choices participant's good or
2 satisfactory progress in vocational educational training, as determined by the educational
3 institution.

4
5 Section 811.48(f) is added to require that Choices participants enrolled in vocational educational
6 training are supervised on a daily basis, as required by the interim regulations.

7
8 Section 811.48(g) is added to require that vocational educational training is documented in
9 TWIST at least every two weeks.

10
11 Certain paragraphs in §811.48 have been renumbered to accommodate additions or deletions.

12
13 **§811.49. Job Skills Training**

14 Section 811.49(e)(1) removes Adult Basic Education (ABE) as job skills training. The interim
15 regulations state that this type of activity is considered an educational service for Choices
16 participants who have not completed secondary school or received a General Educational
17 Development credential. This reclassification of ABE is reflected in §811.50(b)(2).

18
19 Section 811.49(e)(1) also is modified to broaden the specific references to "English as a Second
20 Language (ESL)" as "language instruction" and "Workforce Adult Literacy services" as "literacy
21 instruction." These changes are made to align with terminology contained in the interim
22 regulations. However, ESL and Workforce Adult Literacy services are included under the
23 meaning of the broader terms.

24
25 Section 811.49(f), relating to counting study or homework hours for job skills training, is
26 modified by removing the five hour per week limit on study or homework time. The interim
27 regulations allow only supervised study or homework hours to count as participation. If study or
28 homework time must be supervised, a limit on countable participation hours is not necessary
29 because hours can be verified.

30
31 Section 811.49(f)(3) is modified to clarify that study or homework time must be directly
32 monitored, supervised, and documented.

33
34 Section 811.49(f)(4) is removed because the requirement that a Choices participant is making
35 good progress is no longer limited only to counting study or homework time. Under the interim
36 regulations, a Choices participant's "good or satisfactory" progress must be verified in order to
37 count as participation.

38
39 Section 811.49(g) is added to require that Boards must verify a Choices participant's good or
40 satisfactory progress in job skills training.

41
42 Section 811.49(h) is added to require that Choices participants enrolled in job skills training are
43 supervised on a daily basis, as required by the interim regulations.

44
45 Section 811.49(i) is added to require that job skills training is documented in TWIST at least
46 every two weeks.

1
2 Certain paragraphs in §811.49 have been renumbered to accommodate additions or deletions.
3

4 **§811.50. Educational Services for Choices Participants Who Have Not Completed**
5 **Secondary School or Received a General Educational Development Credential**

6 Section 811.50(b)(1) clarifies that Choices participants age twenty and older are to be enrolled in
7 educational services only if it is required for the job position.
8

9 Section 811.50(b)(2) is modified to add ABE and ESL instruction as allowable educational
10 services. The interim regulations reclassified ABE from job skills training to an allowable
11 educational service.
12

13 Section 811.50(b)(2) also is modified to broaden the specific references to "English as a Second
14 Language (ESL)" as "language instruction" and "Workforce Adult Literacy services" as "literacy
15 instruction." These changes are made to align with terminology contained in the interim
16 regulations. However, ESL and Workforce Adult Literacy services are included under the
17 meaning of these broader terms.
18

19 Section 811.50(c) is added to clarify that educational services must provide skills and knowledge
20 directly related to specific occupations or work settings.
21

22 Section 811.50(d), which relates to counting study or homework hours for educational services,
23 is modified by removing the five hour per week limit on study or homework time. The interim
24 regulations only allow supervised study or homework hours to count as participation. If study or
25 homework time must be supervised, a limit on countable participation hours is not necessary
26 because hours can be verified.
27

28 Section 811.50(d)(3) clarifies that study or homework time must be directly monitored,
29 supervised, and documented.
30

31 Section 811.50(e)(4) is removed because the requirement that a Choices participant is making
32 good progress is no longer limited only to counting study or homework time. Under the interim
33 regulations, a Choices participant's "good or satisfactory" progress must be verified in order to
34 count as participation.
35

36 Section 811.50(e) is added to require that Boards must verify a Choices participant's good or
37 satisfactory progress in educational services, as determined by the educational institution.
38

39 Section 811.50(f) is added to require that Choices participants enrolled in educational services be
40 supervised on a daily basis, as required by the interim regulations.
41

42 Section 811.50(g) is added to require that educational services are documented in TWIST at least
43 every two weeks.
44

45 Certain subsections in §811.50 have been relettered to accommodate additions or deletions.
46

1 **§811.51. Post-Employment Services**

2 Section 811.51(a) clarifies who is eligible for post-employment services and adds conditional
3 applicants to the list of individuals who are offered post-employment services. It is the
4 Commission's intent to help employed Choices eligibles to retain employment and achieve self-
5 sufficiency.

6
7 Section 811.51(e)(2) replaces the reference to "one month of demonstrated cooperation" with the
8 more general term, "demonstrated cooperation period," because sanctioned families and
9 conditional applicants have different time frames in which to demonstrate cooperation.

10
11 **§811.52. Parenting Skills Training**

12 Section 811.52, which lists parenting skills training as a Choices work activity, is repealed. The
13 interim regulations define work activities as those activities that are work or direct preparation
14 for work. While parenting skills training is important for Choices participants, it is not an
15 allowable work activity defined in the interim regulations. Recipients are required to attend
16 parenting skills training as part of their eligibility for TANF cash assistance. Frequently, HHSC
17 has agreements with the local Women, Infants and Children offices or other community
18 organizations to provide parenting skills training.

19
20 **SUBCHAPTER E. SUPPORT SERVICES AND OTHER INITIATIVES**

21 The Commission proposes amendments to Subchapter E, as follows:

22
23 **§811.61. Support Services**

24 Section 811.61(d)(2) replaces the reference to "one month of demonstrated cooperation" with the
25 more general term, "demonstrated cooperation period," because sanctioned families and
26 conditional applicants have different time frames in which to demonstrate cooperation.

27
28
29 **PART III. IMPACT STATEMENTS**

30 Randy Townsend, Chief Financial Officer, has determined that for each year of the first five
31 years the rules will be in effect, the following statements will apply:

32
33 There are no additional estimated costs to the state and local governments expected as a result of
34 enforcing or administering the rules. Boards were surveyed regarding their Choices service
35 delivery practices and the Boards' local policies were found to be consistent with, if not more
36 demanding than, requirements in the interim regulations and in the proposed Chapter 811 rules.

37
38 There are no estimated reductions in costs to the state and to local governments as a result of
39 enforcing or administering the rules.

40
41 There are no estimated losses or increases in revenue to the state or to local governments as a
42 result of enforcing or administering the rules.

43
44 There are no foreseeable implications relating to costs or revenue of the state or local
45 governments as a result of enforcing or administering the rules.

1 There are no anticipated economic costs to persons required to comply with the rules.

2
3 There is no anticipated adverse economic impact on small or microbusinesses as a result of
4 enforcing or administering the rules.

5
6 The Agency hereby certifies that the proposal has been reviewed by legal counsel and found to
7 be within the Agency's legal authority to adopt.

8
9 Mark Hughes, Director of Labor Market Information, has determined that there is no significant
10 negative impact upon employment conditions in the state as a result of the rules.

11
12 Luis M. Macias, Director, Workforce Development Division, has determined that for each year
13 of the first five years the rules are in effect, the public benefit anticipated as a result of enforcing
14 the proposed rules will be to provide activities and support services in a more consistent manner
15 to meet the needs of TANF recipients in order to help them become self-sufficient and
16 independent of public assistance, and to provide employers with a skilled workforce.
17 Additionally, failure to align Choices work activities with the interim regulations may ultimately
18 result in a financial penalty for the Choices program.

19
20
21 **PART IV. COORDINATION ACTIVITIES**

22
23 In the development of these rules for publication and public comment, the Commission sought
24 the involvement of Texas' 28 Boards. The Commission provided the concept paper regarding
25 these rule amendments to the Boards for consideration and review. The Commission also
26 conducted a conference call with Board executive directors and Board staff on September 1,
27 2006, to discuss the concept paper. During the rulemaking process, the Commission considered
28 all information gathered in order to develop rules that provide clear and concise direction to all
29 parties involved.

30
31 Comments on the proposed rules may be submitted to TWC Policy Comments, Workforce and
32 UI Policy, 101 East 15th Street, Room 440T, Austin, Texas 78778; faxed to 512-475-3577; or e-
33 mailed to TWCPolicyComments@twc.state.tx.us. The Commission must receive comments
34 postmarked no later than 30 days from the date this proposal is published in the *Texas Register*.

35
36 The rules are proposed under Texas Labor Code §301.0015 and §302.002(d), which provide the
37 Texas Workforce Commission with the authority to adopt, amend, or repeal such rules as it
38 deems necessary for the effective administration of Agency services and activities; and Texas
39 Human Resources Code, Chapters 31 and 34.

40
41 The proposed rules affect Texas Labor Code, Title 4 and Texas Human Resources Code,
42 Chapters 31 and 34.

1 CHAPTER 811. CHOICES

2
3 SUBCHAPTER A. GENERAL PROVISIONS

4 §811.1. Purpose and Goal.

- 5 (a) The purposes of Temporary Assistance for Needy Families (TANF), as set forth in
6 Title IV, Social Security Act, §401 (42 U.S.C.A. §601) are:
- 7 (1) provide assistance to needy families so that children may be cared for in their
8 own homes or in the homes of relatives;
 - 9 (2) end the dependence of needy parents on government benefits by promoting job
10 preparation, work, and marriage;
 - 11 (3) prevent and reduce the incidence of out-of-wedlock pregnancies; and
 - 12 (4) encourage the formation and maintenance of two-parent families.
- 13 (b) The goal of Choices services is to end the dependence of needy parents on public
14 assistance by promoting job preparation, work, and marriage. A Board may exercise
15 flexibility in providing services to Choices ~~eligibles individuals~~ to meet this Choices
16 goal. A Board is also provided the flexibility and may engage in strategies that
17 promote the prevention and reduction of out-of-wedlock pregnancies and encourage
18 the formation and maintenance of two-parent families if those strategies support the
19 primary goal of Choices services, which is employment and job retention.
- 20 (c) The goal of the Commission is to ensure delivery of the employment and training
21 activities as described in the TANF State Plan.
- 22 (d) Boards shall identify the workforce needs of local employers and design Choices
23 services to ensure that local employer needs are met and that the services are
24 consistent with the goals and purposes of Choices services as referenced in this
25 section, and as authorized by PRWORA, the applicable federal regulations at 45
26 C.F.R. Part 260 - 265, the TANF State Plan, this chapter, and consistent with a
27 Board's approved integrated workforce training and services plan as referenced in
28 §801.17 of this title.

29 §811.2. Definitions.

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

- 32 (1) Applicant -- An adult, or teen head of household, in a family who applies for
33 Temporary Assistance for Needy Families (TANF) ~~temporary~~ cash assistance,
34 who previously did not leave TANF in a sanctioned status.
- 35 ~~(2) TDHS -- The Texas Department of Human Services.~~
- 36 ~~(3) Earned Income Deduction (EID) -- A standard work related and income~~
37 ~~deduction, available through the TDHS for four months, as defined in TDHS~~
38 ~~Rules, §3.1003 of this title to recipients who are employed at least 30 hours a~~
39 ~~week and earn at least \$700 a month.~~

1
2 ~~(2)(4)~~ Choices eligible Individual - ~~--- An individual eligible to receive Choices~~
3 services including an ~~An~~ adult, or teen head of household, ~~in a family~~ who is an
4 applicant, conditional applicant, recipient, former recipient, or sanctioned
5 family as defined in this chapter.

6 (3) Choices participant -- A Choices eligible participating in or outreached for
7 Choices services, including:

8 (A) Exempt Choices participant -- An adult or teen head of household who is
9 not required under Texas Human Resources Code, Chapter 31 or Texas
10 Health and Human Services Commission (HHSC) rules (1 TAC, Chapter
11 372, Texas Works), to participate in Choices services, but who may
12 voluntarily participate in Choices services.

13 (B) Mandatory Choices participant -- An adult or teen head of household,
14 including an extended TANF recipient, conditional applicant, and
15 sanctioned family, as defined in this section, who is required under Texas
16 Human Resources Code, Chapter 31 or HHSC rules (1 TAC, Chapter 372,
17 Texas Works), to participate in Choices services.

18 ~~(4)(5)~~ Conditional applicant ~~Applicant~~ -- An adult, or teen head of household, ~~in~~
19 ~~a family~~ who left TANF in a sanctioned status, but who is reapplying for
20 TANF temporary cash assistance.

21 (5) Earned Income Deduction (EID) -- A standard work-related and income
22 deduction, available for four months through HHSC.

23 (6) Extended TANF recipient -- A recipient who receives TANF cash assistance
24 past the 60-month federal time limit because of a hardship exemption as
25 defined in Texas Human Resources Code, Chapter 31 and HHSC rules
26 (1 TAC, Chapter 372, Texas Works).

27 (7) Former recipient -- An adult or teen head of household who no longer receives
28 TANF cash assistance because of employment.

29 (8) HHSC -- Texas Health and Human Services Commission.

30 ~~(6) Mandatory Individual -- An adult, or teen head of household, in a family who~~
31 ~~is a conditional applicant, mandatory recipient, or sanctioned family as defined~~
32 ~~in this chapter, who is required to participate in Choices services.~~

33 ~~(9)(7)~~ PRWORA -- The Personal Responsibility and Work Opportunity
34 Reconciliation Act of 1996, Pub. L. No. 104-193, 110 Stat. 2105, as amended.

35 ~~(10)(8)~~ Recipient -- An adult, or teen head of household, ~~in a family~~ who receives
36 TANF temporary cash assistance, ~~and includes:~~

37 ~~(A) Exempt Recipient -- A recipient who is not required to participate in~~
38 ~~Choices services, as defined by TDHS Rules, §3.1101 of this title;~~

1 ~~(B) Extended TANF Recipient—A recipient who receives TANF cash~~
2 ~~assistance past the 60-month time limit because of a hardship exemption~~
3 ~~as defined in TDHS Rules, §3.6001 of this title;~~

4 ~~(C) Former Recipient—an adult, or teen head of household, in a family who~~
5 ~~no longer receives temporary cash assistance because of employment; or~~

6 ~~(D) Mandatory Recipient—An adult, or teen head of household, in a family,~~
7 ~~including extended TANF recipients who are required as defined by~~
8 ~~TDHS Rules, §3.1101 and §3.6001 of this title, to participate in Choices~~
9 ~~services.~~

10 (11)(9) Sanctioned family ~~Family~~ -- An adult, or teen head of household, ~~in a~~
11 ~~family~~ who must demonstrate cooperation for one month in order to reinstate
12 TANF cash assistance.

13 (12)(10) TANF Temporary cash assistance -- The cash grant provided through
14 HHSC ~~TDHS~~ to individuals who meet certain residency, income, and resource
15 criteria as provided under federal and state statutes and regulations, including
16 the PRWORA, the TANF block grant statutes, the TANF State Plan, TANF
17 ~~temporary~~ cash assistance provided under Texas Human Resources Code,
18 Chapters 31 and ~~or~~ 34, and other related regulations. ~~The term is also referred~~
19 ~~to as "TANF cash assistance."~~

20 (11) ~~Work Requirement—For the purpose of 45 U.S.C. §607 and 45 CFR §261.10,~~
21 ~~a Choices individual is deemed to be engaged in work by cooperating with:~~

22 ~~(A) all requirements set forth in the family employment plan, as set forth in~~
23 ~~this chapter; and~~

24 ~~(B) all TANF Core and Non-Core activities, as set forth in this chapter.~~

25 (13)(12) Work-Based Services -- Includes those employment programs ~~services~~
26 defined in Texas Human Resources Code §31.0126.

27 (14)(13) Work ready ~~Ready~~ -- A Choices eligible individual ~~individual~~ is considered work
28 ready if he or she has the skills that are required by employers in the local
29 workforce development area. A Board must ensure immediate access to the
30 labor market to determine whether the Choices eligible individual ~~individual~~ has those
31 necessary skills to obtain employment.

32 (15) Work requirement -- For the purposes of 45 U.S.C. §607 and 45 C.F.R.
33 §261.10, a Choices eligible is deemed to be engaged in work by cooperating
34 with:

35 (A) all requirements set forth in the family employment plan, as described in
36 this chapter; and

37 (B) all TANF core and non-core activities, as set forth in this chapter.

38
39
40 **§811.3. Choices Service Strategy.**

- 1 (a) A Board shall ensure that its strategic planning process includes an analysis of the
2 local labor market to:
- 3 (1) determine employers' needs;
- 4 (2) determine emerging and demand occupations; and
- 5 (3) identify employment opportunities, which includes those with a potential for
6 career advancement that may assist ~~a~~ an Choices eligible's ~~individual's~~
7 progression towards self-sufficiency.
- 8 (b) A Board shall set local policies for a Choices service strategy that coordinates
9 various service delivery approaches to:
- 10 (1) assist applicants and conditional applicants in gaining employment as an
11 alternative to public assistance;
- 12 (2) utilize a work first design as referenced in ~~paragraph (2) of subsection (e)~~
13 subsection (c)(2) of this section to provide Choices participants ~~mandatory~~
14 ~~individuals, and exempt recipients who voluntarily participate in Choices~~
15 ~~services,~~ access to the labor market; and
- 16 (3) assist former recipients in job retention and career advancement to remain
17 independent of TANF ~~temporary~~ cash assistance.
- 18 (c) The Choices service strategy shall include:
- 19 (1) Workforce Orientation for Applicants (WOA). As a condition of eligibility,
20 applicants and conditional applicants are required to attend a workforce
21 orientation that includes information on options available to allow them to
22 enter the Texas workforce.
- 23 (2) Work First Design.
- 24 (A) The work first design:
- 25 (i) allows Choices participants ~~individuals~~ to take immediate advantage
26 of the labor market and secure employment, which is critical due to
27 individual time-limited benefits; and
- 28 (ii) meets the needs of employers by linking Choices participants
29 ~~individuals~~ with skills that match those job requirements identified
30 by the employer.
- 31 (B) Boards shall provide Choices participants ~~individuals~~ access to other
32 services and activities available through the One-Stop Service Delivery
33 Network, which includes the WOA, to assist with employment in the labor
34 market before certification for TANF ~~temporary~~ cash assistance.
- 35 (C) Post-employment services shall be provided in order to assist ~~a~~ an Choices
36 participant's ~~individual's~~ progress ~~toward~~ towards self-sufficiency as
37 described in subsection (b)(3) ~~paragraph (3) of subsection (e)~~ of this
38 section and §811.51 ~~of this chapter~~.
- 39 (D) In order to assist a Choices eligible's ~~an individual's~~ progress toward self-
40 sufficiency:

- (i) Boards shall provide Choices ~~eligibles individuals~~ who are employed, including mandatory Choices participants coded by HHSC as working at least 30 hours per week, earning at least \$700 per month, and ~~those~~ receiving the EID, with information on available post-employment services; or
- (ii) Boards may provide Choices ~~eligibles individuals~~ with post-employment services as determined by Board policy. The length of time these services may be provided is subject to §811.51 ~~of this chapter~~.

(E) In order to assist employers, Boards shall coordinate with local employers to address needs related to:

- (i) employee post-employment education or training;
- (ii) employee child care, transportation or other support services available to obtain and retain employment; and
- (iii) employer tax credits.

(F) ~~A~~ Boards shall ensure that a family employment plan is based on employer needs, individual skills and abilities, and individual time limits for TANF ~~temporary~~ cash assistance.

(3) Post-Employment Services. A Board shall ensure that post-employment services are designed to assist Choices participants ~~individuals~~ with job retention, career advancement, and reemployment, as defined in §811.51 ~~of this chapter~~. Post-employment services are a continuum in the Choices service strategy to support ~~a an~~ Choices participant's ~~individual's~~ job retention, wage gains, career progression, and progression to self-sufficiency.

(4) Adult Services. A Board shall ensure that services for adults shall include activities individually designed to lead to employment and self-sufficiency as quickly as possible.

(5) Teen Services. A Board shall ensure that services for teen heads of household shall include assistance with completion of secondary school or a General Educational Development (GED) credential ~~certificate of general equivalence~~ and making the transition from school to employment, as described in §~~811.30~~ ~~811.29~~ and §811.50 ~~of this chapter~~.

(6) Choices Eligibles ~~Individuals~~ with Disabilities. A Board shall ensure that services for Choices eligibles ~~individuals~~ with disabilities include reasonable accommodations to allow the Choices eligibles ~~individuals~~ to access and participate in services, where applicable by law. A Board shall ensure that Memoranda of Understanding (MOUs) ~~(MOU)~~ are established with the appropriate agencies to serve Choices eligibles ~~individuals~~ with disabilities, and that referrals are made, as appropriate, to allow Choices eligibles ~~people~~ with disabilities to maximize their potential for success in employment.

- 1 (7) Target Populations. A Board shall ensure that services are concentrated, as
 2 further defined in §811.11-(d) and §~~811.11~~(e)~~-of this chapter~~, on the needs of
 3 the following:
- 4 (A) recipients who have ~~six~~6 months or less remaining of their state TANF
 5 time limit, irrespective of any extension of time due to a hardship
 6 exemption;
- 7 (B) recipients who have ~~12 twelve~~ months or less remaining of their 60-month
 8 federal TANF time limit, irrespective of any extension of time due to a
 9 hardship exemption; and
- 10 (C) recipients who are ~~extended Extended~~-TANF ~~recipients~~Recipients.
- 11 (8) Local Flexibility. ~~-~~A Board may develop additional service strategies that are
 12 consistent with the goal and purpose of this chapter and the One-Stop Service
 13 Delivery Network.
- 14 (9) Local-Level MOU. A Board shall ensure the development of a local-level
 15 MOU in cooperation with ~~HHSC TDHS~~ for coordinated case management that
 16 is consistent with the MOU between ~~HHSC TDHS~~ and the Commission.
- 17 (10) Housing Partnerships. A Board shall establish a collaborative partnership with
 18 housing authorities and sponsors of local housing programs and services to
 19 address the unmet housing needs of recipients.
- 20

21 **SUBCHAPTER B. CHOICES SERVICES RESPONSIBILITIES**

22 **§811.11. Board Responsibilities.**

- 23 (a) A Board shall ensure that:
- 24 (1) procedures are developed, in conjunction with ~~HHSC TDHS~~, to notify
 25 applicants and conditional applicants on the availability of ~~-regularly scheduled~~
 26 Workforce Orientations for Applicants (~~WOAs~~WOA) and alternative WOAs;
- 27 (2) the WOA is offered frequently enough to allow applicants and conditional
 28 applicants to comply with the ~~HHSC TDHS~~ requirement that gives applicants
 29 and conditional applicants 10~~ten~~ calendar days from the date of their
 30 eligibility interview to attend a WOA;
- 31 (3) during a regularly scheduled WOA or alternative WOA, applicants and
 32 conditional applicants are informed of:
- 33 (A) employment services available through the One-Stop Service Delivery
 34 Network to assist applicants and conditional applicants in achieving self-
 35 sufficiency without the need for ~~TANF temporary~~ cash assistance;
- 36 (B) benefits of becoming employed;
- 37 (C) impact of time-limited benefits;
- 38 (D) individual and parental responsibilities; and

- 1 (E) other services and activities, including education and training, available
2 through the One-Stop Service Delivery Network, including services and
3 referrals for services available to Choices eligibles ~~people~~-with
4 disabilities;-
- 5 (4) alternative WOAs are developed that allow applicants and conditional
6 applicants with extraordinary circumstances to receive the information listed in
7 paragraph (3) ~~§811.11(a)(3)~~ of this subsection;
- 8 (5) procedures are developed to notify HHSC ~~TDHS~~ of applicants and conditional
9 applicants who contacted a Texas Workforce Center ~~the Board's workforce~~
10 ~~centers~~ to request alternative WOAs;
- 11 (6) verification that applicants and conditional applicants attend a scheduled or
12 alternative WOA is completed and HHSC ~~TDHS~~ is notified in accordance with
13 HHSC rules (1 TAC, Chapter 372, Texas Works) ~~TDHS rule, §3.7301 of this~~
14 ~~title~~; and
- 15 (7) applicants and conditional applicants are provided with an appointment to
16 develop a family employment plan.
- 17 (b) A Board shall ensure that:
- 18 (1) Choices services are offered to applicants who attend a WOA; and;
19 (2) ~~c~~Conditional applicants who attend a WOA are immediately scheduled to
20 begin Choices services.
- 21 (c) A Board shall ensure that a Choices participant's eligibility ~~recipient status~~ is verified
22 monthly.
- 23 (d) A Board shall develop policies and procedures to ensure that services are
24 concentrated on Choices eligibles ~~individuals~~ approaching their state or federal time
25 limit, as identified in §811.3(c)(7)(A) and §811.3(c)(7)(B) ~~of this chapter~~.
26 Concentrated services may include targeted outreach, enhanced analysis of
27 circumstances that may limit a Choices eligible's ~~recipient's~~ ability to participate, and
28 targeted job development.
- 29 (e) A Board shall ensure that all extended ~~Extended~~ TANF recipients ~~Recipients~~ are
30 outreached and offered the opportunity to participate in Choices activities.
- 31 (f) A Board shall ensure that post-employment services, including job retention and
32 career advancement services, are available to Choices eligibles ~~individuals~~ including
33 mandatory Choices participants coded by HHSC as working at least 30 hours per
34 week, earning at least \$700 per month, and ~~those~~ receiving EID.
- 35 (g) A Board shall ensure that the monitoring of work requirements is ongoing and
36 frequent, as determined by a Board, unless otherwise specified in this chapter, and
37 consists of the following:
- 38 (1) ensuring receipt of support services;
39 (2) tracking and reporting ~~of~~ support services;

- (3) tracking and reporting actual hours of participation, at least monthly, unless otherwise specified in this chapter;
 - (4) determining and arranging for any intervention needed to assist the Choices participant individual in complying with work requirements;
 - (5) ensuring that the Choices participant individual is progressing toward achieving the goals and objectives in the family employment plan; and
 - (6) monitoring all other work requirements.
- (h) A Board shall ensure that:
- (1) no less than four hours of training regarding family violence is provided to staff who:
 - (A) provide information to Choices eligibles individuals;
 - (B) request recommend penalties or grant good cause; or
 - (C) provide employment planning or employment retention services; and
 - (2) Choices eligibles individuals who are identified as being victims of family violence are referred to an individual or an agency that specializes in issues involving family violence.
- (i) A Board shall ensure that documentation is obtained and maintained regarding all contact with Choices participants individuals, including verification of participation hours, and data is entered into The Workforce Information System of Texas (TWIST).
- (j) A Board shall ensure that a referral program is developed to provide Choices eligibles individuals facing with higher than average barriers to employment, as described in this chapter, with referrals to pre-employment and post-employment services offered by community-based and other organizations.

§811.12. Applicant and Conditional Applicant Responsibilities.

Applicants and conditional applicants are required to attend a scheduled or an alternative WOA, in accordance with HHSC rules (1 TAC, Chapter 372, Texas Works) ~~TDHS rule 40 T.A.C. §§3.7301-3.7302.~~

§811.13. Responsibilities of- Choices Participants ~~Mandatory Individuals, and Exempt Recipients Who Voluntarily Participate.~~

- (a) A Board shall ensure that Choices participants ~~mandatory individuals, and exempt recipients who voluntarily participate in Choices services,~~ comply with the provisions contained in this section.
- (b) Choices participants ~~Mandatory individuals, and exempt recipients who voluntarily participate in Choices services,~~ shall:
 - (1) accept a job offer at the earliest possible opportunity;
 - (2) participate in or receive ancillary services necessary to enable Choices participants ~~mandatory individuals~~ to work or participate in employment-

1 related activities, including counseling, treatment, vocational or physical
2 rehabilitation, and medical or health services;

- 3 (3) report actual hours of participation in Choices work ~~component~~ activities,
4 including hours of employment; and
5 (4) attend scheduled appointments.

6 (c) Within two-parent families, Choices participants ~~mandatory individuals, and exempt~~
7 ~~recipients who voluntarily participate in Choices services~~, shall participate in
8 assessment and family employment planning sessions ~~appointments~~ and assigned
9 employment and training activities as follows:

- 10 (1) participate in Choices employment and training as specified in §811.25(c)-(d)
11 ~~of this chapter~~;
12 (2) comply with requirements regarding core and non-core activities, as specified
13 in §§811.25 - 811.34 ~~§811.25 - 811.32 of this chapter~~;
14 (3) comply with all requirements specified in the family employment plan; and
15 (4) sign a form that contains all the information identified in the Commission's
16 Family Work Requirement form, as described in §811.24 ~~of this chapter~~.

17 (d) Within single-parent families, Choices participants ~~mandatory individuals, and~~
18 ~~exempt recipients who voluntarily participate in Choices services~~, shall participate in
19 assessment and employment planning sessions ~~appointments~~ and assigned
20 employment and training activities as follows:

- 21 (1) participate in Choices employment and training activities as specified in
22 §811.25(b) ~~of this chapter~~;
23 (2) comply with requirements regarding core and non-core activities, as specified
24 in §§811.25 - 811.34 ~~§811.25 - 811.32 of this chapter~~; and
25 (3) comply with all requirements specified in the family employment plan.

26 (e) A Board shall ensure that mandatory Choices participants coded by HHSC as
27 working at least 30 hours per week, earning at least \$700 per month, and receiving
28 the EID ~~recipients who elect to receive the EID through TDHS~~:

- 29 (1) report to the Board actual hours of work ~~to a Board, as defined in §811.34~~; and
30 (2) are provided with information on available post-employment services.

31 **§811.14. Noncooperation.**

32 (a) A Board shall ensure that cooperation by Choices participants ~~mandatory individuals~~
33 ~~with work requirements~~ is verified each month to ensure that the Choices
34 participants ~~individuals~~:

- 35 (1) comply with work requirements as set forth in the family employment plan;
36 ~~unless the recipient is exempted by TDHS~~; or
37 (2) have good cause as described in this chapter; ~~or~~
38 ~~(3) have not cooperated with work requirements and a penalty is requested.~~

1 (b) If Choices participants have not cooperated with work requirements and do not have
2 good cause, a Board shall ensure that:

3 (1) a penalty is requested for mandatory Choices participants; or

4 (2) Choices services, including support services, are terminated for exempt
5 Choices participants.

6 (c)(b) A Board shall ensure that timely and reasonable attempts, as defined by the Board,
7 are made to contact a mandatory Choices participant recipient prior to requesting
8 initiating a penalty to:

9 (1) determine the reason for noncooperation and whether good cause is applicable,
10 as described in §811.16(c) ~~of this subchapter~~;

11 (2) inform the mandatory Choices participant recipient of:

12 (A) the violation, if good cause has not been determined;

13 (B) the right to appeal; and

14 (C) the necessary procedures to demonstrate cooperation.

15 (d)(e) A Board shall ensure that timely and reasonable attempts, as defined by the Board,
16 are made to contact a sanctioned family and conditional applicants upon discovery of
17 noncooperation during their demonstrated cooperation period to determine if good
18 cause exists.

19 (e)(d) A Board shall ensure that the reasonable attempts to contact a mandatory Choices
20 participant individual are documented.

21 (f)(e) A Board shall ensure that ~~TDHS is notified of~~:

22 (1) HHSC is notified of a mandatory Choices participant's recipient's failure to
23 comply with work requirements; and

24 (2) ~~that~~ the notification of noncooperation is submitted as early as possible in the
25 same month in which the noncooperation occurs.

26 **§811.15. Demonstrated Cooperation.**

27 (a) Conditional applicants are required to demonstrate four consecutive weeks ~~one~~
28 ~~month~~ of cooperation to become eligible for reinstatement of TANF cash assistance.

29 (b) Sanctioned families are required to demonstrate one month of cooperation as a
30 condition of eligibility for TANF cash assistance.

31 (c) A Board shall ensure that HHSC ~~TDHS~~ is immediately notified if:

32 (1) a sanctioned family denied TANF cash assistance because of one month of
33 noncooperation has demonstrated full cooperation with work requirements for
34 the program month immediately following the program month in which the
35 family noncooperated;

36 (2) a conditional applicant whose TANF case is closed because of two or more
37 months of noncooperation has demonstrated full cooperation with work
38 requirements for four consecutive weeks; or

- 1 (3) a sanctioned family or conditional applicant has been granted good cause
2 during the demonstrated cooperation period.

3 **§811.16. Good Cause for- Choices Participants ~~Mandatory Individuals, and Exempt~~
4 ~~Recipients Who Voluntarily Participate.~~**

- 5 (a) Good cause applies ~~only to-~~ Choices participants ~~mandatory individuals, and exempt~~
6 ~~recipients who voluntarily participate in Choices services.~~ A Board shall ensure that
7 good cause is determined as provided in this chapter.
- 8 (b) A Board shall ensure that a good cause determination:
- 9 (1) is based on individual and family circumstances;
- 10 (2) is based on face-to-face or telephone contact;
- 11 (3) covers a temporary period when Choices participants ~~mandatory individuals,~~
12 ~~or exempt recipients who voluntarily participate in Choices services,~~ may be
13 unable to attend scheduled appointments or participate in ongoing work
14 activities;
- 15 (4) is made at the time the change in circumstances is made known to the Board's
16 service provider; and
- 17 (5) is conditional upon efforts to address circumstances that limit the ability to
18 participate in Choices services as required in the- family employment
19 plan ~~Responsibility Agreement.~~
- 20 (c) The following reasons may constitute good cause for purposes of this chapter:
- 21 (1) Temporary ~~temporary~~ illness or incapacitation;
- 22 (2) Choices participants with disabilities or caring for a disabled family member
23 who participate to the extent determined able, as supported by medical
24 documentation, but less than the required participation hours, as set forth in
25 §811.25(b) - (d) and §811.31(b);
- 26 (3)(2) Court ~~court~~ appearance;
- 27 (4)(3) Caring ~~caring~~ for a ~~physically or mentally~~ disabled family household
28 member who does not attend school full time and requires the Choices
29 participant's ~~recipient's~~ presence in the home. Boards shall ensure the need for
30 such care is supported by medical documentation;
- 31 (5) Caring for a disabled family member who attends school full time and requires
32 the Choices participant's presence in the home. Boards shall ensure the need
33 for such care is supported by medical documentation;
- 34 (6)(4) A ~~a~~ demonstration that there is:
- 35 (A) no available transportation and the distance prohibits walking; or
- 36 (B) no available job within reasonable commuting distance, as defined by the
37 Board;
- 38 (7)(5) An ~~an~~ inability to obtain needed child care, as defined by the Board and
39 based on the following reasons:

- 1 (A) Informal ~~informal~~ child care by a relative or under other arrangements is
2 unavailable or unsuitable, and based on, where applicable, Board policy
3 regarding child care as specified in §811.47 ~~of this chapter~~. Informal
4 child care may also be determined unsuitable by the parent;
- 5 (B) Eligible ~~eligible formal~~ child care providers are unavailable, as defined in
6 Chapter 809 of this title;
- 7 (C) Affordable ~~affordable formal~~ child care arrangements within maximum
8 rates established by the Board are unavailable; and
- 9 (D) Appropriate ~~formal or informal~~ child care within a reasonable distance
10 from home or the work site is unavailable;
- 11 ~~(8)(6)~~ An ~~an~~ absence of other support services necessary for participation;
- 12 ~~(9)(7)~~ Receipt ~~receipt~~ of a job referral that results in an offer below the federal
13 minimum wage, except when a lower wage is permissible under federal
14 minimum wage law;
- 15 ~~(10)(8)~~ An ~~an~~ individual or family crisis or a family circumstance that may
16 preclude participation, including substance abuse, mental health, and
17 disability-related issues, provided the Choices participant ~~mandatory~~
18 ~~individual, or exempt recipient who voluntarily participates in Choices~~
19 ~~services~~, engages in problem resolution through appropriate referrals for
20 counseling and support services; or
- 21 ~~(11)(9)~~ A ~~an~~ Choices participant ~~individual~~ is a victim of family violence.
- 22 (d) A Board shall promulgate policies and procedures for determining a family's
23 inability to obtain child care and shall ensure that mandatory Choices participants
24 ~~individuals~~ in single-parent families caring for children under age six are informed
25 of:
- 26 (1) the penalty exception to the family work requirement, including the criteria
27 and applicable definitions for determining whether a mandatory Choices
28 participant ~~individual~~ has demonstrated an inability to obtain needed child
29 care, as defined in subsection (c)(7)(A) - (D) ~~§811.16(e)(5)(A) - (D)~~ of this
30 section.
- 31 (2) a Board's policy and procedures for determining a family's inability to obtain
32 needed child care, and any other requirements or procedures, such as fair
33 hearings, associated with this provision, as required by 45 C.F.R. ~~CFR~~ §261.56.
- 34 (e) A Board shall ensure that good cause:
- 35 (1) is reevaluated at least on a monthly basis;
- 36 (2) is extended if the circumstances giving rise to the good cause exception are not
37 resolved after available resources to remedy the situation have been
38 considered; ~~and~~
- 39 (3) that is based on the existence of family violence does not exceed a total of
40 twelve consecutive months per occurrence; and ~~-~~

1 (4) is determined separately from granting Choices participants short-term excused
2 absences from participation, as defined in §811.34(2).

3
4 **SUBCHAPTER C. CHOICES SERVICES**

5 **§811.21. General Provisions.**

6 (a) A Board shall ensure that services are available to assist Choices eligibles
7 ~~individuals~~ with obtaining employment as quickly as possible and, if employed, with
8 retaining employment. These services may include:

- 9 (1) job readiness and job search-related services;
10 (2) work-based services;
11 (3) post-employment services;
12 (4) education and training services as described in this chapter; and
13 (5) support services.

14 (b) A Board shall ensure that employment and training activities are conducted in
15 compliance with the Fair Labor Standards Act (FLSA) as specified in
16 §811.29 follows:

17 ~~(1) the amount of time per week that a recipient may be required to participate in~~
18 ~~activities that are not exempt from minimum wage and overtime under the~~
19 ~~FLSA shall be determined by the temporary cash assistance and food stamp~~
20 ~~benefits amount being divided by the minimum wage so that the amount paid~~
21 ~~to the recipient would be equal to or more than the amount required for~~
22 ~~payment of wages, including minimum wage and overtime; or~~

23 ~~(2) the amount of time per week that a sanctioned family or conditional applicant~~
24 ~~may be required to participate in activities that are not exempt from minimum~~
25 ~~wage and overtime under the FLSA shall be determined by the food stamp~~
26 ~~benefits amount being divided by the minimum wage so that the amount paid~~
27 ~~to the sanctioned individual would be equal to or more than the amount~~
28 ~~required for payment of wages, including minimum wage and overtime; and~~

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

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

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

34 ~~(C) trainees do not displace regular employees;~~

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

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

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

- 1 (c) A Board shall ensure that placement in work-based services does not result in the
2 displacement of currently employed workers or impair existing contracts for services
3 or collective bargaining agreements.
- 4 (d) A Board may, through local policies and procedures, require the use of the Eligible
5 Training Provider Certification System (ETPS) and Individual Training Account
6 (ITA) systems as described in ~~40 T.A.C.~~ Chapter 841 [of this title](#) to provide for
7 Choices services for [Choices participants](#) ~~individuals participating in Choices~~
8 ~~services~~ and paid for with TANF funds.
- 9 (e) A Board shall, through local policies and procedures, make available job
10 development services, which include:
- 11 (1) contacting local employers or industry associations to request that job openings
12 be listed with Texas Workforce Centers, and other entities in the One-Stop
13 Service Delivery Network selected by the Board;
- 14 (2) identifying the hiring needs of employers;
- 15 (3) assisting the employer in creating new positions for [Choices participants](#) ~~job~~
16 ~~seekers~~ based on the job developer's and employer's analysis of the employer's
17 business needs; or
- 18 (4) finding opportunities with an employer for a specific [Choices participant](#) ~~job~~
19 ~~seeker~~ or a group of [Choices participants](#) ~~job-seekers~~.
- 20 (f) A Board shall ensure that job development services identify, at a minimum, job
21 openings for current mandatory [Choices participants](#) ~~individuals~~.
- 22 (g) A Board shall, through local policies and procedures, make available job placement
23 services. Job placement services shall include:
- 24 (1) identifying employers' workforce needs;
- 25 (2) identifying [Choices participants](#) ~~job-seekers~~ who have sufficient skills and
26 abilities to be successfully linked with employment; and
- 27 (3) matching the skills of the [Choices participant](#) ~~job-seeker~~ pool to the hiring
28 needs of local employers.

29 **§811.22. Assessment.**

- 30 (a) A Board shall ensure that initial and ongoing assessments are performed to
31 determine the employability and retention needs, including wage advancement and
32 career development needs, of Choices [participants](#) ~~individuals~~ as follows:
- 33 (1) An assessment is required for [Choices participants](#) ~~mandatory individuals, and~~
34 ~~for exempt recipients who voluntarily participate in Choices services, and~~ who
35 are:
- 36 (A) at least age 18; or
- 37 (B) heads of household, as determined by ~~HHSC-TDHS~~, who are not yet age
38 18, have not completed secondary school or received a [GED](#)
39 [credential](#) ~~certificate of general equivalency~~, and are not attending
40 secondary school.

- 1 (2) An assessment shall be provided to applicants who choose to participate in
2 Choices services.
- 3 (3) Ongoing assessments shall be provided to former recipients who choose to
4 participate in Choices services.
- 5 (b) Assessments shall include evaluations of strengths and potential barriers to obtaining
6 and retaining employment, such as:
- 7 (1) skills and abilities, employment, and educational history in relation to
8 employers' workforce needs in the local labor market;
- 9 (2) pre- and post-employment skills development needs to determine the necessity
10 for job-specific training;
- 11 (3) unmet housing needs and whether those needs are a barrier to full participation
12 in the workforce and progression to self-sufficiency;
- 13 (4) support services needs; and
- 14 (5) individual and family circumstances that may affect participation, including
15 the existence of family violence, substance abuse, mental health, or disability-
16 related issues, ~~or the need for parenting skills training,~~ as one of the factors
17 considered in evaluating employability.
- 18 (c) A Board shall ensure that the assessment identifies Choices eligibles ~~individuals~~ with
19 higher than average barriers to employment, as defined by the Board.
- 20 (d) A Board shall ensure that if the skills assessment indicates that a Choices participant
21 ~~an individual~~ requires job-specific training for placement in a job paying wages that
22 equal or exceed the Board's identified self-sufficiency wage, the Board shall, to the
23 extent funds are available and to the extent allowed under this chapter, place the
24 Choices participant individual in vocational educational training activities or job
25 skills training activities that are designed to improve employment and wage
26 outcomes and job retention; and
- 27 (e) For mandatory Choices participants ~~individuals~~ who are at least age 18, or who are
28 heads of household but are not yet age 18 and have not completed secondary school
29 or received a GED credential ~~certificate of general equivalence~~ and are not attending
30 secondary school:
- 31 (1) The assessments shall also include evaluations of the mandatory Choices
32 participants' ~~individuals'~~:
- 33 (A) vocational and educational skills, experience, and needs; and
- 34 (B) literacy level by using a statewide standard literacy assessment instrument
35 ~~with the following exception:—~~ unless the Choices participants are
36 mandatory Choices participants coded by HHSC as working at least 30
37 hours per week, earning at least \$700 per month, and recipients receiving
38 the EID ~~are excluded from the literacy assessment. A Board shall ensure~~
39 ~~that the grade level results or other literacy information is provided to~~
40 ~~TDHS for use in determining the appropriateness of the initial state time—~~

1 ~~limit designation for temporary cash assistance as described in the Texas~~
2 ~~Human Resources Code §31.0065, relating to state time-limited benefits.~~

3 (2) A Board shall ensure that the~~The~~ grade-level results or other literacy
4 information are provided to HHSC~~TDHS~~ for use in determining the
5 appropriateness of the initial state time-limit designation for TANF~~temporary~~
6 cash assistance as described in the Texas Human Resources Code §31.0065,
7 relating to state time-limited benefits.

8 (f) Assessment Outcome. Assessments shall result in the development of a family
9 employment plan, as described in §811.23 ~~of this subchapter~~.

10 **§811.23. Family Employment Plan.**

11 (a) Boards must ensure that prior to the development of a family employment plan,
12 Choices participants~~mandatory individuals, and exempt recipients who voluntarily~~
13 ~~participate,~~ receive general information about services provided through the One-
14 Stop Service Delivery Network that will assist them in obtaining employment, if the
15 Choices participants~~recipient~~ did not receive this information during the WOA.

16 (b) Family employment plans are required for all Choices participants~~mandatory~~
17 ~~individuals, and exempt recipients who voluntarily participate in Choices services.~~

18 (c) Family employment plans shall be developed with applicants and former recipients
19 who choose to participate in Choices services.

20 (d) A Board shall ensure that a family employment plan is developed during the
21 assessment and:

22 (1) is based on assessments, as described in §811.22 ~~of this subchapter~~;

23 (2) contains the goal of self-sufficiency through employment to meet the needs of
24 the local labor market;

25 (3) contains the steps and services to achieve the goal, including:

26 (A) connecting the Choices participant~~job-seeker~~ immediately to the local
27 labor market;

28 (B) addressing potential barriers that limit the Choices participant's~~job~~
29 ~~seeker's~~ ability to work or participate in activities;

30 (C) arranging support services for the Choices participant~~job-seeker~~ or the
31 family to address circumstances that limit the Choices participant's
32 ~~individual's~~ ability to work or participate, including services for substance
33 abuse, mental health, family violence, and disability-related issues;

34 (D) developing specific post-employment service strategies with methods and
35 time frames for reaching the goal of an identified self-sufficiency wage;
36 and

37 (E) requiring Choices participants~~mandatory individuals~~ to notify the Board's
38 service provider of changes in family circumstances that may preclude
39 participation in Choices services;

- 1 (4) is signed by the Choices- ~~participant individual~~--unless the Choices
 2 participant individual is a mandatory Choices participant coded by HHSC as
 3 working at least 30 hours per week, earning at least \$700 per month, recipient
 4 and receiving the EID--~~;~~ and a Board's service provider; ~~and~~
- 5 (5) assigns required hours and sets forth the participation agreement for
 6 compliance with work requirements. Family employment plans for two-parent
 7 families must include a description of how the required hours of participation
 8 will be distributed between one or both adults in the two-parent household;
 9 and-
- 10 (6) provides information about the penalty process, good cause process, right of
 11 appeal, and the importance of immediately contacting a case manager worker
 12 should individual or family circumstances arise that prevent participation.
- 13 ~~(e) A Board shall ensure that mandatory individuals are notified of their responsibility to~~
 14 ~~participate in job readiness activities as set forth in § 811.41(d) of this chapter.~~
- 15 ~~(e)(f)~~ (e) A Board shall ensure that progress towards meeting the goals of the family
 16 employment plan is evaluated and the family employment plan is modified as
 17 appropriate to meet employer needs in the local labor market.

18 **§811.24. Family Work Requirement Form for Two-Parent Families.**

19 A Board shall ensure that a Family Work Requirement form is developed for all two-
 20 parent families that:

- 21 (1) contains an agreement by both adults in the family to comply with the family
 22 work requirements through distribution of required hours of participation
 23 between one or both adults in the two-parent family; and
- 24 (2) is signed by the adults in the household that are required to participate in
 25 Choices services, unless the Choices participants ~~except for the following~~:
- 26 (A) are mandatory Choices participants ~~individuals~~ who are temporarily
 27 unable to sign the form, such as a Choices participant ~~recipient~~ who is
 28 temporarily unavailable; or
- 29 (B) are mandatory Choices participants coded by HHSC as working at least 30
 30 hours per week, earning at least \$700 per month, recipients ~~and~~ receiving
 31 the EID whose only participation requirement is to report their hours of
 32 employment.

35 **§811.25. TANF Core and TANF Non-Core Activities.**

36 (a) Participation hours are subject to the restrictions regarding TANF core and TANF
 37 non-core activities as set forth in ~~4245~~ U.S.C. §607, 45 C.F.R. §261.10, §261.12,
 38 §261.31, §261.32, and §261.33, ~~and~~ as set forth in this section, and as set forth in
 39 §811.26, §811.27, and §811.28 ~~of this subchapter.~~

- 40 (1) TANF core activities are:

1 ~~(A) job search and job readiness assistance, as described in §811.41 of this~~
2 ~~chapter;~~

3 ~~(A)(B)~~ unsubsidized employment, as described in §811.42 ~~of this chapter;~~

4 ~~(B)(C)~~ subsidized employment, as described in §811.43 ~~of this chapter;~~

5 (C) work experience, as described in §811.45;

6 (D) on-the-job training, as described in §811.44 ~~of this chapter;~~

7 (E) job search and job readiness assistance, as described in §811.41;

8 ~~(E) work experience, as described in §811.45 of this chapter;~~

9 (F) community service, as described in §811.46 ~~of this chapter;~~

10 (G) vocational educational training, as described in §811.48 ~~of this chapter;~~ or

11 (H) child care services to a Choices participant mandatory individual, or
12 ~~exempt recipient who voluntarily participates in Choices services, who is~~
13 ~~participating in community service, as described in §811.47 of this~~
14 ~~chapter.~~

15 (2) TANF non-core activities are:

16 (A) job skills training, as described in §811.49 ~~of this chapter;~~ or

17 (B) educational services for Choices participants mandatory individuals, and
18 ~~exempt recipients who voluntarily participate in Choices services,~~ who
19 have not completed secondary school or received a GED
20 credential certificate of general equivalance, as described in §811.50 ~~of this~~
21 ~~chapter.~~

22 ~~(C) parenting skills training, as described in §811.52 of this chapter.~~

23 (b) Choices participants ~~Mandatory individuals, and exempt recipients who voluntarily~~
24 ~~participate in Choices services,~~ in a single-parent family are required to participate
25 for at least a minimum weekly average of 30 ~~thirty~~ hours. An average of 20 ~~twenty~~
26 hours per week must be derived from participation in core activities. Up to an
27 average of 10 ~~ten~~ hours per week may be derived from participation in non-core
28 activities.

29 (c) Choices participants ~~Mandatory individuals, and exempt recipients who voluntarily~~
30 ~~participate in Choices services,~~ in two-parent families who are not receiving
31 Commission-funded child care, are required to have one or both adults in the family
32 participate for at least a minimum weekly average of 35 ~~thirty five~~ hours. An
33 average of 30 ~~thirty~~ hours per week must be derived from participation in core
34 activities. Up to an average of five hours per week may be derived from
35 participation in non-core activities.

36 (d) Choices participants ~~Mandatory individuals, and exempt recipients who voluntarily~~
37 ~~participate in Choices services,~~ in two-parent families who are receiving
38 Commission-funded child care, are required to have one or both adults in the family
39 participate for at least a minimum weekly average of 55 ~~fifty five~~ hours. An average
40 of 50 ~~fifty~~ hours per week must be derived from participation in core activities. Up

1 to an average of five hours per week may be derived from participation in non-core
2 activities. ~~The following work participation exceptions apply to two-parent families~~
3 ~~who are receiving Commission-funded child care:~~

4 ~~(1) two-parent families with one adult in good cause status are deemed to be~~
5 ~~engaged in work during the month if the adult who is not in good cause status~~
6 ~~participates for at least a minimum weekly average of thirty-five hours. An~~
7 ~~average of thirty hours per week must be derived from participation in core~~
8 ~~activities. Up to an average of five hours per week may be derived from~~
9 ~~participation in non-core activities; or~~

10 ~~(2) two-parent families with both adults in good cause status for whom no penalty~~
11 ~~will be requested for failure to meet the minimum weekly average hours based~~
12 ~~on the good cause determination.~~

13 §811.26. Special Provisions Regarding Community Service.

14 (a) ~~Choices participants~~ Mandatory recipients, with the exception of those described in
15 ~~§811.30~~ 811.29 and ~~§811.33~~ 811.32 of this subchapter, who are not in an
16 employment activity ~~after four weeks of participation in Choices services~~, must be
17 placed into community service after four weeks of participation in Choices services.
18 ~~Choices participants~~ Mandatory recipients who are not in an employment activity
19 after reaching their six-week limit per federal fiscal year in job search and job
20 readiness activities must be placed into community service. An employment activity
21 is defined as:

22 (1) unsubsidized employment, as described in §811.42;

23 (2) subsidized employment, as described in §811.43;

24 (3) on-the-job training, as described in §811.44; or

25 (4) work experience, as described in §811.45.

26 (b) ~~Choices participants~~ Mandatory recipients required to participate in a community
27 service activity must be scheduled to participate no less than the minimum weekly
28 average hours calculated as specified in §811.21(b) ~~of this subchapter~~.

29 ~~(1) An employment activity is defined as:~~

30 ~~(A) unsubsidized employment, as described in §811.42 of this chapter;~~

31 ~~(B) subsidized employment, as described in §811.43 of this chapter;~~

32 ~~(C) on-the-job training, as described in §811.44 of this chapter; or~~

33 ~~(D) work experience, as described in §811.45 of this chapter.~~

34 ~~(2) The number of hours that a recipient is required to participate in community~~
35 ~~service or another unpaid work activity, must be determined in compliance~~
36 ~~with the FSLA as described in §811.21(b) of this subchapter. If a recipient's~~
37 ~~hours of community service or other unpaid work activity are not sufficient to~~
38 ~~meet the core work activities requirement as set forth in §811.25 (b) (d) of this~~
39 ~~subchapter, the recipient must be enrolled in additional core activities.~~

1 ~~(c)(b)~~ Exempt recipients who voluntarily participate in Choices services are not subject
2 to the requirements set forth in subsection (a)~~§811.26(a)~~ of this section.

3 **§811.27. Special Provisions Regarding Job Search and Job Readiness.**

4 (a) Choices participants ~~Recipients participating~~ in unsubsidized employment as defined
5 in §811.42, §811.26(a)(1)(A) of this subchapter who lose that employment, may
6 participate in job search activities as defined in §811.41(c) ~~of this chapter~~ and job
7 readiness activities as defined in §811.41(d) ~~(1) (2)~~ unless they have reached the six-
8 week limit per federal fiscal year.

9 (b) Job search and job readiness activities as defined in §811.41 ~~of this chapter, with the~~
10 ~~exception of the job readiness activities set forth in §811.41(d)(3)(A) (D), of this~~
11 ~~chapter,~~ are limited as follows:

12 (1) Choices participants ~~mandatory recipients, and exempt recipients who~~
13 ~~voluntarily participate in Choices services~~ may not be enrolled for more than
14 four~~4~~ weeks of consecutive activity;

15 (2) Choices participants ~~mandatory recipients, and exempt recipients who~~
16 ~~voluntarily participate in Choices services,~~ may not be enrolled for more than
17 six~~6~~ weeks of total activity in a federal fiscal year;

18 (3) in order for a Choices participants ~~mandatory recipient~~ to qualify for their
19 remaining two~~2~~ weeks of job search and job readiness, they must first comply
20 with §811.26(a) ~~of this subchapter~~, which requires that ~~the~~ Choices participants
21 ~~mandatory recipient~~ be engaged in an employment activity or in community
22 service; and

23 (c) only once per federal fiscal year, may a partial week count as a full week of
24 participation, per- Choices participant~~recipient~~.

25 ~~(d) A Board shall ensure that mandatory individuals:~~

26 ~~(1) are continuously enrolled in the job readiness activities set forth in~~
27 ~~§811.41(d)(3) of this chapter; and~~

28 ~~(2) receive a three-hour participation credit per week for such activities.~~

29
30
31 **§811.28. Special Provisions Regarding Vocational Educational Training and**
32 **Educational Services.**

33 (a) Choices participants ~~Mandatory individuals, and exempt recipients who voluntarily~~
34 ~~participate in Choices services~~ may not be enrolled in vocational educational
35 ~~education~~ training, as defined in §811.48 ~~of this chapter~~, for more than a cumulative
36 total of 12 months.

37 (b) No more than 30% ~~thirty percent~~ of Choices participants ~~mandatory individuals, and~~
38 ~~exempt recipients who voluntarily participate in Choices services,~~ engaged in work
39 activities in a month may be included in the Board's numerator because they are:

40 (1) participating in vocational educational training; and

1 (2) teen heads of household participating in educational activities as described in
2 §811.30~~§811.29 of this subchapter.~~

3 (c) ~~Choices participants Mandatory individuals, and exempt recipients who voluntarily~~
4 ~~participate in Choices services,~~ shall ~~only~~ be enrolled only in core and non-core
5 activities.

6 **§811.29. Special Provisions Regarding the Fair Labor Standards Act.**

7 (a) A Board shall ensure that employment and training activities are conducted in
8 compliance with FLSA as follows.

9 (1) The amount of time per week that a Choices participant may be required to
10 participate in activities that are not exempt from minimum wage and overtime
11 under FLSA shall be determined by the TANF cash assistance and Food Stamp
12 benefits amount being divided by the minimum wage, so that the amount paid
13 to the Choices participant is equal to or more than the amount required for
14 payment of wages, including minimum wage and overtime; or

15 (2) The amount of time per week that a sanctioned family or conditional applicant
16 may be required to participate in activities that are not exempt from minimum
17 wage and overtime under FLSA shall be determined by the Food Stamp
18 benefits amount being divided by the minimum wage, so that the amount paid
19 to the sanctioned family is equal to or more than the amount required for
20 payment of wages, including minimum wage and overtime; and

21 (3) If a Board provides activities that meet all of the following categories, the
22 activity is considered training under FLSA and minimum wage and overtime
23 are not required:

24 (A) The training is similar to that given in a vocational school;

25 (B) The training is for the benefit of the trainees;

26 (C) The trainees do not displace regular employees;

27 (D) The employers derive no immediate advantage from trainees' activities;

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

29 (F) The employers and trainees understand that trainees are not paid.

30 (b) The number of hours that a Choices participant is required to participate in
31 community service or another unpaid work activity shall be determined in
32 compliance with FLSA as described in subsection (a) of this section. If a Choices
33 participant's hours of community service or other unpaid work activity are not
34 sufficient to meet the core work activity requirement as set forth in §811.25(b) - (d):

35 (1) the Choices participant shall be enrolled in additional core activities; or

36 (2) Boards shall deem the remaining core hours as having met the core work
37 activity requirement.

38 **§811.30. Special Provisions for Teen Heads of Household.**

1 (a) A Board shall ensure that teen heads of household who have not completed
2 secondary school or received a GED credential are enrolled in educational activities
3 as defined in §811.50.

4 (b) Teen heads of household who have not completed secondary school or received a
5 GED credential count as engaged in work if they:

6 (1) maintain satisfactory attendance at a secondary school or the equivalent during
7 months in which school is in session;

8 (2) participate in allowable activities, as described in §811.25, during months in
9 which school is not in session;

10 (3) participate in education directly related to employment for at least an average
11 of 20 hours per week during the month; or

12 (4) participate in Choices employment and training activities as specified in
13 §811.25.

14 **§811.31. Special Provisions for Choices Participants in Single-Parent Families with**
15 **Children under Age Six.**

16 (a) A Board shall ensure that Choices participants in single-parent families with children
17 under age six are notified of the penalty exception to Choices participation as
18 described in §811.16(d).

19 (b) A Choices participant in a single-parent family with children under age six shall
20 count as engaged in work if he or she participates in core activities for at least an
21 average of 20 hours per week.

22 **§811.32. Special Provisions Regarding Exempt Choices Participants and Choices**
23 **Participants with Reduced Work Requirements.**

24 (a) A Board shall not provide Choices services or support services as set forth in
25 §§811.25 - 811.33 to exempt Choices participants who fail to meet work
26 requirements.

27 (b) A Board shall ensure that a penalty is not requested for:

28 (1) exempt Choices participants;

29 (2) Choices participants with disabilities who participate to the extent determined
30 able, as supported by medical documentation, but less than the required
31 participation hours, as specified in §-811.25(b) - (d) and §811.31(b); or

32 (3) Choices participants who are caring for a disabled family member, as
33 supported by medical documentation, when the Choices participant participates
34 to the extent determined able, but less than the required participation hours, as
35 specified in §811.25(b) - (d) and §811.31(b).

36 **§811.33. Other Special Provisions.**

1 (a) Conditional Applicants. A Board shall ensure that conditional applicants enrolled in
2 job search activities, as described in this chapter, receive staff-assisted services as
3 defined in §811.41(b)(1)(B).

4 (b) Sanctioned Families. A Board shall ensure that sanctioned families enrolled in job
5 search activities, as described in this chapter, receive staff-assisted services as
6 defined in §811.41(b)(1)(B).

7 **§811.34. Participation Provisions.**

8 A Board shall count only actual hours of participation in TANF core and non-core
9 activities as allowable work participation hours with the following exceptions, unless
10 otherwise specified in this chapter:

11 (1) For paid work activities set forth in §§811.42 - 811.44, Boards may count paid
12 holidays or other paid leave as actual participation hours.

13 (2) For unpaid work activities set forth in §811.41 and §§811.45 - 811.50, Boards
14 may count short-term excused absences as actual participation if they meet the
15 following conditions:

16 (A) A short-term excused absence:

17 (i) is because of a holiday; or

18 (ii) totals a maximum of 10 additional days within a 12-month period
19 and does not exceed two excused absences per month.

20 (B) The Choices participant must have been scheduled to participate in an
21 unpaid work activity during the time period in which the holiday or
22 excused absence falls. Boards shall ensure credited participation hours do
23 not exceed the number of hours the Choices participant was scheduled to
24 participate.

25 (3) A Board may project participation hours in unsubsidized employment (except
26 self-employment), subsidized employment, and on-the-job training, up to six
27 months at a time, using an average of four weeks of current, documented actual
28 hours. For self-employment, a Board:

29 (A) may project participation hours in self-employment, up to six months at a
30 time, using an average of three months of current, documented actual
31 hours.

32 (B) may not count more hours toward the work participation rate for self-
33 employed Choices participants than the number derived by dividing the
34 Choices participant's net self-employment income (gross self-employment
35 wages minus business expenses) by the federal minimum wage.

36
37
38 **§811.29. Special Provisions for Teen Heads of Household.**

- 1 ~~(a) A Board must ensure that teen heads of household who have not completed~~
2 ~~secondary school or received a certificate of general equivalence are enrolled in~~
3 ~~educational activities as defined in §811.50 of this chapter.~~
- 4 ~~(b) Teen heads of household who have not completed secondary school or received a~~
5 ~~certificate of general equivalence will count as engaged in work if they:~~
- 6 ~~(1) maintain satisfactory attendance at a secondary school or the equivalent during~~
7 ~~the month as follows;~~
- 8 ~~(A) during months in which school is in session, maintains satisfactory~~
9 ~~attendance;~~
- 10 ~~(B) in months in which school is not in session, participates in allowable~~
11 ~~activities as described in §811.25 of this subchapter; or~~
- 12 ~~(2) participate in education directly related to employment for an average of at~~
13 ~~least 20 hours per week during the month; or~~
- 14 ~~(3) participate in Choices employment and training activities as specified in~~
15 ~~§811.25 of this subchapter.~~

16 **~~§811.30. Special Provisions for Mandatory Individuals, and Exempt Recipients Who~~**
17 **~~Voluntarily Participate in Choices Services, in Single Parent Families with~~**
18 **~~Children Under Age Six.~~**

- 19 ~~(a) A Board shall ensure that mandatory individuals, and exempt recipients who~~
20 ~~voluntarily participate in Choices services, in single parent families with children~~
21 ~~under age six are notified of the penalty exception to Choices participation as~~
22 ~~described in §811.16(d) of this chapter.~~
- 23 ~~(b) A mandatory individual, and exempt recipient who voluntarily participates in~~
24 ~~Choices services, in a single parent family with children under age six will count as~~
25 ~~engaged in work if he or she participates for at least an average of twenty hours per~~
26 ~~week in core activities.~~

27 **~~§811.31. Special Provisions Regarding Exempt Recipients Who Voluntarily~~**
28 **~~Participate.~~**

- 29 ~~(a) Boards are not required to provide Choices services as set forth in §§811.25-811.32~~
30 ~~of this subchapter to exempt recipients who fail to meet work requirements.~~
- 31 ~~(b) Boards shall ensure that a penalty is not requested for exempt recipients who~~
32 ~~voluntarily participate in Choices.~~

33 **~~§811.32. Other Special Provisions.~~**

- 34 ~~(a) Persons with Disabilities.~~
- 35 ~~(1) Mandatory individuals, who are disabled shall count as engaged in work to the~~
36 ~~extent that the individuals:~~
- 37 ~~(A) participate in Choices employment and training activities for the time~~
38 ~~period and to the extent determined able as specified by a physician; or~~

1 ~~(B) participate in activities as directed by the Texas Rehabilitation~~
2 ~~Commission or similar organization.~~

3 ~~(2) Mandatory individuals, needed at home to care for a disabled adult in the~~
4 ~~household shall count as engaged in work if the recipient participates in~~
5 ~~Choices services for a time period and to the extent determined able as~~
6 ~~specified by a physician.~~

7 ~~(3) Mandatory individuals, who are needed at home to care for an ill or disabled~~
8 ~~child in the household shall count as engaged in work if the recipient~~
9 ~~participates in Choices services for a time period and to the extent determined~~
10 ~~able as specified by a physician.~~

11 ~~(b) Conditional Applicants. A Board shall ensure that conditional applicants enrolled in~~
12 ~~job search activities, as described in this chapter, receive staff-assisted services as~~
13 ~~defined in §811.41(b)(1)(B) of this chapter.~~

14 ~~(c) Sanctioned Families. A Board shall ensure that sanctioned families enrolled in job~~
15 ~~search activities, as described in this chapter, receive staff-assisted services as~~
16 ~~defined in §811.41(b)(1)(B) of this chapter.~~

18 SUBCHAPTER D. CHOICES WORK ACTIVITIES

19 §811.41. Job Search and Job Readiness Assistance.

20 (a) Job search and job readiness are core activities as defined in §811.25(a)(1) ~~of this~~
21 ~~chapter.~~

22 (b) A Board shall ensure that job search and job readiness- activities ~~services~~:

23 (1) incorporate the following:

24 (A) individual and group activities;

25 (B) staff-assisted services in which Texas Workforce Center staff provide
26 direction and guidance to- Choices participants ~~job seekers~~, including
27 appropriate referrals based on their skills and abilities to pre-scheduled job
28 interviews; and preparatory activities that are essential to obtaining and
29 retaining employment; and

30 (C) customer-client directed activities that do not require direct significant
31 staff involvement, and include activities in which Choices participants
32 ~~clients~~ independently identify employment opportunities based upon their
33 employment strengths, and perform preparatory activities that are essential
34 to obtaining and retaining employment, ~~and activities that address the~~
35 ~~health, safety, and welfare of their families.~~

36 (i) A Board shall ensure that daily contact with the Choices participant
37 is maintained to document contact, verify participation, and to
38 discuss the progress of the job search.

39 (ii) A Board shall count two hours of participation for each job contact
40 made while participating in customer-directed job search, unless it is

1 documented and verified that the job contact required more than two
2 hours of participation due to travel time or another reasonable
3 explanation. A Board shall ensure that all exceptions for customer-
4 directed job search are documented daily in TWIST.

5 (2) are limited to activities necessary for Choices participants ~~individuals~~ to secure
6 immediate employment.

7 (3) provide individual assistance or coordinated, planned, and supervised activities
8 that prepare Choices participants ~~individuals~~ for seeking employment.

9 (4) are supervised daily.

10 (5) are documented daily in TWIST.

11 (6) are allowable treatment or therapy activities that include substance abuse
12 treatment, mental health treatment, or rehabilitation activities determined to be
13 necessary to assist Choices participants with seeking, obtaining, or retaining
14 employment. Boards shall ensure treatment and therapy activities are certified
15 by a qualified medical or mental health professional.

16 (c) Job search activities are defined as acts of seeking and obtaining employment,
17 including ~~include~~:

18 ~~(1) job skills assessment;~~

19 ~~(1)(2)~~ job referrals ~~placement~~;

20 ~~(3) counseling;~~

21 ~~(2)(4)~~ information on available jobs;

22 ~~(3)(5)~~ occupational exploration, including information on local emerging and
23 demand occupations;

24 ~~(6) interviewing skills and practice interviews;~~

25 ~~(7) assistance with applications and resumes;~~

26 ~~(4)(8)~~ job fairs;

27 (5) applying or interviewing for job vacancies; and

28 (6) making contacts with potential employers.

29 (d) Job readiness activities are designed to assist Choices participants ~~individuals~~ with
30 addressing issues that will aid them in seeking, obtaining, and retaining employment,
31 including:

32 (1) life skills;

33 (2) guidance and motivation for development of positive work behaviors necessary
34 for the labor market; ~~or~~

35 (3) job skills assessment;

36 (4) substance abuse treatment;

37 (5) mental health treatment;

1 (6) rehabilitation activities;

2 (7) job counseling;

3 (8) interviewing skills and practice interviews; and

4 (9) assistance with applications and resumes.

5 ~~(3) activities essential to the health, safety, and welfare of their families, as~~
6 ~~follows:~~

7 ~~(A) activities associated with maintenance of their children's health and dental~~
8 ~~checkups, as required by §3.301 of this title;~~

9 ~~(B) activities associated with maintenance of their children's immunizations,~~
10 ~~as required by §3.301 of this title;~~

11 ~~(C) activities necessary to ensure their children's school attendance, as~~
12 ~~required by §3.301 of this title; and~~

13 ~~(D) activities necessary to abstain from the use, possession, or sale of~~
14 ~~controlled substances, and to abstain from alcohol abuse, including~~
15 ~~participation in counseling.~~

16 (e) Job search and job readiness activities are time-limited as defined in §811.27 ~~of this~~
17 ~~chapter.~~

18 **§811.42. Unsubsidized Employment.**

19 (a) Unsubsidized employment is a core activity as defined in §811.25(a)(1) ~~of this~~
20 ~~chapter.~~

21 (b) Unsubsidized employment includes the following:

22 (1) full-time or part-time employment, in which wages are paid in full by the
23 employer;

24 (2) unsubsidized internship with wages paid by the internship employer; and

25 (3) self-employment.

26 **§811.43. Subsidized Employment.**

27 (a) Subsidized employment is a core activity as defined in §811.25(a)(1) ~~of this chapter.~~

28 (b) Subsidized employment is full-time or part-time employment that is subsidized in
29 full or in part and complies with this section. Subsidized employment may occur in
30 either the private sector or public sector. A Board shall not be the employer of
31 record for Choices participants ~~individuals~~ enrolled in a subsidized employment
32 activity. Subsidized employment includes but is not limited to the following:

33 (1) subsidized internship with a portion of the Choices participant's ~~individual's~~
34 wages subsidized;

35 (2) subsidized employment with a staffing agency acting as the employer of
36 record; and

1 (3) subsidized employment with the actual employer acting as the employer of
2 record.

3 (c) Wages.

4 (1) Wages shall be at least federal or State minimum wage, whichever is higher.
5 Boards must set a policy to establish the amount of the wage that is subsidized.

6 (2) Employers must provide the same wages and benefits to subsidized employees
7 as for unsubsidized employees with similar skills, experience, and position.

8 (d) Boards shall ensure subsidized employment placements prepare and move Choices
9 participants into unsubsidized employment.

10 (e) Boards shall ensure subsidized employment placements are allotted to employers
11 who expect to retain Choices participants as regular unsubsidized employees once
12 the subsidized placement has ended.

13 **§811.44. On-the-Job Training.**

14 (a) On-the-job training is a core activity as defined in §811.25(a)(1) ~~of this chapter.~~

15 (b) A Board shall ensure that a determination is made on a case-by-case basis whether to
16 authorize, arrange, or refer a Choices ~~participant individual~~ for subsidized, time-
17 limited training activities, to assist the Choices ~~participant individual~~ with obtaining
18 knowledge and skills that are essential to the workplace while in a job setting. On-
19 the-job training is training by an employer that is provided to a Choices ~~participant~~
20 ~~individual~~ while engaged in productive work in a job that:

21 (1) provides knowledge or skills essential to the full and adequate performance of
22 the job;

23 (2) provides reimbursement to the employer of a percent of the wage rate of the
24 Choices ~~participant individual~~ for the extraordinary costs of providing the
25 training and additional supervision related to the training;

26 (3) is limited in duration as appropriate to the occupation for which the Choices
27 ~~participant individual~~ is being trained, taking into account the content of the
28 training, the prior work experience of the Choices- ~~participant individual~~, and
29 the service strategy of the Choices- ~~participant individual~~, as appropriate; and

30 (4) includes training specified by the employer.

1 (c) Unsubsidized employment after satisfactory completion of the training is expected.
2 A Board shall not contract with employers who have previously exhibited a pattern
3 of failing to provide Choices ~~participants individuals~~ in on-the-job training with
4 continued long-term employment, which provides wages, benefits, and working
5 conditions that are equal to those that are provided to regular employees who have
6 worked a similar length of time and are doing a similar type of work.

7 (d) A Board shall ensure Choices participants enrolled in on-the-job training are
8 supervised daily.

9 (e) A Board shall ensure on-the-job training is documented in TWIST at least every two
10 weeks.

11 **§811.45. Work Experience.**

12 (a) Work experience is a core activity as defined in §811.25(a)(1)~~of this chapter.~~

13 (b) A Board shall ensure that a determination is made on a case-by-case basis whether to
14 authorize, arrange, or refer Choices participants ~~mandatory individuals, and exempt~~
15 ~~recipients who voluntarily participate in Choices services,~~ for unsalaried, work-based
16 training positions ~~in the private for profit sector~~ to improve the employability of
17 Choices participants ~~a mandatory individual~~ who have ~~has~~ been unable to find
18 unsubsidized employment.

19 (c) A Board shall ensure that all Choices participants ~~mandatory individuals, and exempt~~
20 ~~recipients who voluntarily participate in Choices services,~~ who are unemployed after
21 completing job search services are evaluated on an individual basis to determine if
22 enrollment in work experience shall be required, based on available resources and
23 the local labor market.

24 (d) A Board shall ensure that each work experience placement:

25 (1) is time-limited;

26 (2) is designed to move Choices participants ~~the mandatory individuals, and~~
27 ~~exempt recipients who voluntarily participate in Choices services,~~ quickly into
28 regular employment; and

29 (3) has designated hours, tasks, skills attainment objectives, and daily staff
30 supervision.

31 (e) A Board shall ensure that entities that enter into non-financial agreements with a
32 Board, identify work experience positions and provide job training and work
33 experience within their organization. These positions shall enable Choices
34 participants ~~mandatory individuals, and exempt recipients who voluntarily~~
35 ~~participate in Choices services,~~ to gain the skills necessary to compete for positions
36 within the entity as well as positions in the labor market.

37 (f) A Board shall ensure work experience activities are documented in TWIST at least
38 every two weeks.

1 **§811.46. Community Service.**

- 2 (a) Community service is a core activity as defined in §811.25(a)(1) ~~of this chapter.~~
- 3 (b) A Board shall ensure that a determination is made, on a case-by-case basis, whether
4 to authorize, arrange, or refer Choices participants ~~mandatory individuals, and~~
5 ~~exempt recipients who voluntarily participate in Choices services,~~ to a community
6 service program that provides employment or training activities to Choices
7 participants ~~recipients~~ through unsalaried, work-based positions in the public or
8 private nonprofit sectors. A Board shall not allow Choices participants to arrange
9 their own community service placements. A Board shall ensure community service
10 programs contain structured, supervised activities that are a direct benefit to the
11 community and are designed to improve the employability of Choices participants
12 ~~recipients~~ who have been unable to find employment.
- 13 (c) A Board shall ensure that all mandatory Choices participants ~~recipients~~ subject to
14 §811.26(a) ~~of this chapter~~ are referred to a community service program.
- 15 (d) Community service positions may include, but are not limited to, work performed in:
- 16 (1) a school or Head Start program;
- 17 (2) a church;
- 18 (3) a government or nonprofit agency; or
- 19 (4) Americorps, VISTA, or other volunteer organizations.
- 20 (e) A Board shall ensure community service placements are limited to positions that
21 serve a useful community purpose in fields such as health, social service,
22 environmental protection, education, urban and rural redevelopment, welfare,
23 recreation, public facilities, public safety, and child care.
- 24 (f) A Board shall ensure Choices participants in community service programs are
25 supervised daily.
- 26 (g) A Board shall ensure community service activities are documented in TWIST at least
27 every two weeks.

28 **§811.47. Child Care Services to Choices Participants ~~a Mandatory Individual, or~~**
29 ~~Exempt Recipient Who Voluntarily Participates in Choices Services, Participating~~
30 **in Community Service.**

- 31 (a) Child care services to Choices participants ~~a mandatory individual, or exempt~~
32 ~~recipient who voluntarily participates in Choices services, participating in~~
33 community service are ~~is~~ a core activity as defined in §811.25 ~~of this chapter.~~
- 34 (b) A Choices participant ~~mandatory individual, or exempt recipient who voluntarily~~
35 ~~participates in Choices services,~~ may provide child care services for another recipient
36 who is engaged in a community service activity, as described in §811.46 ~~of this~~
37 ~~subchapter. The hours spent by the recipient providing child care are considered a~~
38 ~~core activity.~~ Boards that elect to allow this activity must set local policies that ~~which~~
39 include:
- 40 (1) ensuring the health, safety, and well-being of the children in care; and

- 1 (2) limiting limits on the maximum number of children that may be cared for ~~;~~ and
2 ~~(3) the methodology and mechanism for reporting hours of participation by~~
3 ~~recipients.~~

4 (c) A Board shall ensure an assignment to provide child care services is effective in
5 moving the provider toward self-sufficiency.

6 (d) A Board shall ensure Choices participants providing child care services are
7 supervised daily.

8 (e) A Board shall ensure child care services provided by Choices participants are
9 documented at least every two weeks.

10 (f) A Board shall count only actual hours of participation in child care activities as
11 allowable work participation hours. Actual hours cannot exceed the number of hours
12 in which Choices participants for whom they are providing child care participate in
13 community service activities plus two additional hours per day for the time the
14 children are in the participant's care while the parent is traveling to and from the
15 child care location. Any exceptions to the two-hour travel time must be documented
16 in TWIST.

17 **§811.48. Vocational Educational Training.**

18 (a) Vocational educational training is a core activity as defined in §811.25(a)(1) ~~of this~~
19 ~~chapter.~~

20 (b) A Board shall ensure that a determination is made, on a case-by-case basis, whether
21 to authorize, arrange, or refer Choices participants ~~individuals~~ for vocational
22 educational training. ~~Services provided by the Texas Rehabilitation Commission~~
23 ~~may be counted as vocational education training if the service provided to the~~
24 ~~Choices individual leads to employment.~~

25 (c) The vocational educational training shall:

26 (1) prepare Choices participants for a specific trade, occupation, or vocation that
27 requires training other than a baccalaureate or advanced degree;

28 (2) include activities that provide Choices participants with the knowledge and
29 skills to perform a specific trade, occupation, or vocation;

30 ~~(3)(1)~~ relate to current or emerging occupations ~~the types of jobs available in the~~
31 ~~labor market;~~

32 ~~(4)(2)~~ be consistent with employment goals identified in the family employment
33 plan, when possible;

34 ~~(5)(3)~~ be provided only if there is an expectation that employment will be
35 secured upon completion of the training; and

36 ~~(6)(4)~~ be subject to the time limitations as detailed in this subchapter; and -

37 (7) be provided by education or training organizations, including but not limited
38 to, vocational or technical schools, community colleges, postsecondary
39 institutions, career schools and colleges, nonprofit organizations, and
40 secondary schools offering vocational education.

1 (d) Boards may count supervised ~~up to 5 hours per week of~~ study or homework time
2 toward a Choices participant's ~~mandatory individual, and exempt recipient who~~
3 ~~voluntarily participates in Choices services,~~ family participation requirement if:

4 (1) study or homework time is directly correlated to the demands of the course
5 work for out-of-class preparation as described by the educational institution;

6 (2) the educational institution's policy requires a certain number of out-of-class
7 preparation hours for the class; and

8 (3) study or homework time ~~is has been~~ directly monitored, supervised, and
9 documented. ~~verified from the educational institution; and~~

10 ~~(4) the mandatory individual, or exempt recipient who voluntarily participates in~~
11 ~~Choices services, is making progress as determined by the educational~~
12 ~~institution.~~

13 (e) A Board shall verify whether the Choices participant is making good or satisfactory
14 progress as determined by the educational institution.

15 (f) A Board shall ensure Choices participants enrolled in vocational educational training
16 are supervised daily.

17 (g) A Board shall ensure vocational educational training is documented in TWIST at
18 least every two weeks.

19 **§811.49. Job Skills Training.**

20 (a) Job skills training is a non-core activity as defined in §811.25(a)(2) ~~of this chapter.~~

21 (b) Job skills training services are designed to increase a Choices participant's
22 ~~individual's~~ employability. Job skills training may also include activities ensuring
23 that Choices participants ~~individuals~~ become familiar with workplace expectations
24 and exhibit work behavior and attitudes necessary to compete successfully in the
25 labor market. Various types of activities, which are directly related to employment,
26 may qualify, such as personal development and preemployment classes.

27 (c) A Board shall ensure that a determination is made on a case-by-case basis whether to
28 authorize, arrange, or refer Choices participants ~~individuals~~ for job skills training as
29 set forth in the family employment plan.

30 (d) Job skills training shall be:

31 (1) directly related to employment; and

32 (2) consistent with employment goals identified in the family employment plan,
33 when possible.

34 (e) Job skills training includes:

35 (1) language instruction ~~Adult Basic Education (ABE), English as a Second~~
36 ~~Language (ESL), or~~ literacy instruction ~~Workforce Adult Literacy services;~~

37 (2) entrepreneurial training provided prior to business start up; and

38 (3) self-employment assistance:

- 1 (A) ~~for to~~ Choices participants ~~individuals~~ currently engaged in operating a
2 small business;
- 3 (B) ~~for to~~ Choices participants ~~individuals~~ based upon an objective assessment
4 process that identifies Choices participants ~~individuals~~ who are likely to
5 succeed; and
- 6 (C) ~~that which~~ may include microenterprise services such as:
7 (i) business counseling;
8 (ii) financial assistance; and
9 (iii) technical assistance.
- 10 (f) Boards may count supervised ~~up to 5 hours per week of~~ study or homework time
11 toward a Choices participant's ~~mandatory individual, and exempt recipient who~~
12 ~~voluntarily participates in Choices services,~~ family participation requirement if:
13 (1) study or homework time is directly correlated to the demands of the course
14 work for out-of-class preparation as described by the educational institution;
15 (2) the educational institution's policy requires a certain number of out-of-class
16 preparation hours ~~for the class;~~ and
17 (3) study or homework time ~~is has been~~ directly monitored, supervised, and
18 documented. ~~verified from the educational institution; and~~
19 ~~(4) the mandatory individual, or exempt recipient who voluntarily participates in~~
20 ~~Choices services, is making progress as determined by the educational~~
21 ~~institution.~~
- 22 (g) A Board shall verify whether the Choices participant is making good or satisfactory
23 progress as determined by the job skills training provider.
- 24 (h) A Board shall ensure Choices participants enrolled in job skills training are
25 supervised daily.
- 26 (i) A Board shall ensure job skills training is documented in TWIST at least every two
27 weeks.

28 **§811.50. Educational Services for Choices Participants ~~Mandatory Individuals, and~~
29 ~~Exempt Recipients Who Voluntarily Participate in Choices Services,~~ Who Have
30 Not Completed Secondary School or Received a General Educational Development
31 Credential ~~Certificate of General Equivalence.~~**

- 32 (a) Educational services are only available for Choices participants ~~mandatory~~
33 ~~individuals and exempt recipients who voluntarily participate in Choices services,~~
34 who have not completed secondary school or who have not received a GED
35 credential ~~certificate of general equivalence~~ as follows:-
36 (1) Educational services for Choices participants ~~mandatory individuals, and~~
37 ~~exempt recipients who voluntarily participate in Choices services,~~ age 20 or
38 older are non-core activities as defined in §811.25(a)(2) ~~of this chapter.~~

1 (2) Educational services for Choices participants ~~mandatory individuals, and~~
2 ~~exempt recipients who voluntarily participate in Choices services,~~ who are teen
3 heads of household age 19 and younger are core activities as defined in
4 §811.30 ~~811.29 of this chapter.~~

5 (b) A Board shall ensure that a determination is made, on a case-by-case basis, whether
6 to authorize, arrange, or refer Choices participants ~~mandatory individuals, and~~
7 ~~exempt recipients who voluntarily participate in Choices services,~~ who are age 20
8 and older for the following educational or other training services:

9 (1) secondary school leading to a high school diploma or a GED
10 credential ~~certificate of general equivalence, when required as a prerequisite for~~
11 employment;

12 (2) Adult Basic Education (ABE), language instruction, or literacy
13 instruction ~~Workforce Adult Literacy~~; or

14 (3) other educational activities which are directly related to employment.

15 (c) A Board shall ensure educational services related to employment directly provide
16 education, knowledge, and skills for specific occupations, work settings, jobs, or job
17 offers.

18 (d) ~~(e)~~ Boards may count supervised ~~up to 5 hours per week of~~ study or homework time
19 toward a Choices participant's ~~mandatory individual, and exempt recipient who~~
20 ~~voluntarily participates in Choices services,~~ family participation requirement if:

21 (1) study or homework time is directly correlated to the demands of the course
22 work for out-of-class preparation as described by the educational institution;

23 (2) the educational institution's policy requires a certain number of out-of-class
24 preparation hours ~~for the class~~; and

25 (3) study or homework time ~~is has been~~ directly monitored, supervised, and
26 documented. ~~verified from the educational institution; and~~

27 ~~(4) the mandatory individual, or exempt recipient who voluntarily participates in~~
28 ~~Choices services, is making progress as determined by the educational~~
29 ~~institution.~~

30 (e) A Board shall verify whether the Choices participant is making good or satisfactory
31 progress as determined by the educational institution.

32 (f) A Board shall ensure Choices participants enrolled in educational services are
33 supervised daily.

34 (g) A Board shall ensure educational services are documented in TWIST at least every
35 two weeks.

36 **§811.51. Post-Employment Services.**

37 (a) A Board shall ensure that post-employment services, which include job retention,
38 career advancement, and reemployment services, are offered to Choices participants
39 ~~mandatory individuals, and exempt recipients who voluntarily participate in Choices~~
40 ~~services,~~ who are employed, and to applicants, conditional applicants and former

1 recipients who have obtained employment but require additional assistance in
2 retaining employment and achieving self-sufficiency.

3 (b) A Board shall ensure that post-employment services are monitored, and ensure that
4 hours of employment are required and reported by Choices participants ~~mandatory~~
5 ~~recipients, and exempt recipients who voluntarily participate in Choices services,~~ for
6 at least the length of time the Choices participants ~~mandatory recipients, and exempt~~
7 ~~recipients who voluntarily participate in Choices services,~~ receive TANF ~~temporary~~
8 cash assistance.

9 (c) A Board shall ensure that ongoing contact is established with Choices eligibles
10 ~~individuals~~ receiving post-employment services at least monthly.

11 (d) A Board may include mentoring techniques as part of a post-employment strategy.

12 (e) A Board may, through local policies and procedures, make post-employment
13 services available to:

14 (1) former recipients who are denied TANF ~~temporary~~ cash assistance because of
15 earnings; and

16 (2) sanctioned families and conditional applicants who obtain employment during
17 their ~~the one month of~~ demonstrated cooperation period.

18 (f) The post-employment services may include the following:

19 (1) assistance and support for the transition into employment through direct
20 services or referrals to resources available in the workforce area;

21 (2) child care, if needed, as specified in rules at ~~40 T.A.C.~~ Chapter 809 of this title;

22 (3) work-related expenses, including those identified in §811.64 ~~of this chapter~~;

23 (4) transportation, if needed;

24 (5) job search, job placement, and job development services to help a former
25 recipient who loses a job to obtain employment;

26 (6) referrals to available education or training resources to increase an employed
27 Choices eligible's ~~individual's~~ skills or to help the individual qualify for
28 advancement and long-term employment goals;

29 (7) additional career planning and counseling; or

30 (8) referral to support services available in the community.

31 (g) The maximum length of time a former recipient, conditional applicant, and
32 sanctioned family may receive services under this section is dependent upon:

33 (1) family circumstances;

34 (2) the risk of returning to public assistance. A person is considered at risk of
35 returning to TANF ~~temporary~~ cash assistance if he or she is a food stamp
36 recipient, or receives Commission-funded child care;

37 (3) the ongoing need for these services; and

38 (4) the availability of funds for these services.

- 1 (h) Post-employment service providers may include employers, community colleges,
2 technical colleges, ~~career proprietary~~ schools and colleges, faith-based and
3 community-based organizations.

4 **~~§811.52. Parenting Skills Training.~~**

5 ~~Parenting skills training activities are intended to assist families in maintaining their~~
6 ~~health, safety, and welfare; these activities are also intended to assist Choices individuals~~
7 ~~with relevant family issues that contribute to their ability to obtain and retain~~
8 ~~employment. These activities may address:~~

- 9 (1) ~~nutrition education;~~
10 (2) ~~budgeting and life skills;~~
11 (3) ~~instruction on the necessity of physical and emotional safety for children;~~
12 (4) ~~instruction on the necessity of maintaining children's health to include~~
13 ~~immunizations and dental checkups;~~
14 (5) ~~instruction on the necessity of ensuring children's school attendance;~~
15 (6) ~~instruction on the necessity of abstaining from using, possessing, or selling~~
16 ~~controlled substances; and~~
17 (7) ~~instruction on the necessity of abstaining from abusing alcohol.~~

18
19 **SUBCHAPTER E. SUPPORT SERVICES AND OTHER INITIATIVES**

20 **§811.61. Support Services.**

- 21 (a) A Board shall ensure that support services as specified in this subchapter are
22 provided, if needed, to Choices participants ~~individuals~~ to address barriers to
23 employment or participation in Choices services, subject to availability of resources
24 and funding. A Board shall ensure that support services provided to Choices
25 participants ~~individuals~~ are coordinated with the employer, when appropriate.
- 26 (b) A Board shall ensure that support services, including Commission-funded child care,
27 are provided only to Choices participants ~~mandatory individuals, and exempt~~
28 ~~recipients who voluntarily participate in Choices services,~~ who are meeting work
29 requirements set forth in §811.16, §811.23, and §§811.25 - 811.34 ~~§§811.25-811.32~~
30 ~~of this chapter~~, and as set forth in §809.102 of this title. In applying this provision, a
31 Board shall ensure support services are provided to Choices participants ~~a mandatory~~
32 ~~individual, and an exempt recipient who voluntarily participates in Choices services,~~
33 if it is determined support services are needed to comply with work requirements set
34 forth in §811.16, §811.23, and §§811.25 - 811.34 ~~811.25-811.32 of this chapter~~, and
35 as set forth in §809.102 of this title.
- 36 (c) A Board shall ensure that:
- 37 (1) support services are terminated immediately upon a determination of failure to
38 meet work requirements by Choices participants ~~mandatory individuals, or~~
39 ~~exempt recipients who voluntarily participates in Choices services, failure to~~

1 ~~meet work requirements~~, unless otherwise determined by the Board's service
2 provider as referenced in subsection (b) of this section;

3 (2) the Board's child care contractor is notified immediately of the failure to meet
4 work requirements; and

5 (3) upon notification, the Board's child care contractor immediately notifies the
6 child care provider that services are terminating due to failure to meet work
7 requirements.

8 (d) A Board shall ensure that support services, classified as cash assistance, for:

9 (1) applicants and former recipients do not extend beyond four months for those
10 who are unemployed and not receiving TANF ~~temporary~~ cash assistance; and

11 (2) unemployed conditional applicants and sanctioned families do not extend
12 beyond ~~their the one month of~~ demonstrated cooperation period.

13 **§811.62. Child Care for Choices- Eligibles ~~Individuals~~.**

14 (a) A Board shall ensure that child care is provided if needed, as specified in Chapter
15 809 of this title.

16 (b) Transitional child care is provided as needed, as specified in §809.101 of this title.

17 (c) Choices child care is provided as needed, as specified in §809.102 of this title.

18 (d) Applicant child care is provided as needed, as specified in §809.103 of this title.

19 **§811.65. Wheels to Work.**

20 (a) The Commission may develop a Wheels to Work initiative in which local nonprofit
21 organizations provide automobiles for Choices eligibles ~~individuals~~ who have
22 obtained employment but are unable to accept or retain the employment solely
23 because of a lack of transportation.

24 (b) A Board may, through local policies and procedures, establish services to assist
25 Choices eligibles ~~individuals~~ who verify the need for an automobile to accept or
26 retain employment by referring them to available providers.

27 (c) Persons or organizations donating automobiles under a Wheels to Work initiative
28 shall receive a charitable donation receipt for federal income tax purposes.

29 **§811.66. General Educational Development Credential ~~Certificate of General~~
30 ~~Equivalence (GED)~~ Testing Payments.**

31 A Board shall ensure that the cost ~~of certificate~~ of GED testing and issuance of the
32 credential ~~certificate~~ is paid through direct payments to the GED test centers and the
33 Texas Education Agency for Choices participants ~~individuals~~ referred for testing by a
34 Board's provider of Choices services.

35 **§811.67. Individual Development Accounts ~~(IDAs)~~.**

36 (a) A Board may set local policy and procedures to provide for implementation and
37 oversight of Individual Development Accounts (IDAs) under this section using
38 TANF funds in accordance with 45 C.F.R. §§263.20-263.23. An IDA means an

1 account established by, or for, an eligible individual to allow the individual to
2 accumulate funds for specific purposes.

- 3 (b) A Board shall ensure that any IDAs created and matched with TANF funds are
4 established and administered through a contract with a private nonprofit entity or
5 through a state or local government entity acting in cooperation with a private
6 nonprofit entity. The private nonprofit entity, or cooperating state or local entity,
7 must coordinate with a financial institution in administering the accounts.
- 8 (c) Choices participants ~~individuals~~ may be eligible for IDAs if all of the requirements
9 of this section are met.
- 10 (d) IDAs may be established for an eligible individual, and may be contributed to with
11 the individual's earned income and up to fifty percent of the individual's federal
12 Earned Income Tax Credit refund. Federal Earned Income Tax Credit refunds shall
13 not be matched with TANF funds.
- 14 (e) Federal TANF funds, as well as public or private funds, may be used to provide
15 matching funds for qualified expenses and to administer IDAs, and shall be
16 expended in a manner consistent with applicable federal and state statutes and
17 regulations, with the exception of federal Earned Income Tax Credit refunds.
- 18 (f) Use of funds in an individual's IDA, shall be in accordance with the Social Security
19 Act §404(h) (42 U.S.C. §604(h)) and 45 C.F.R. §§263.20-263.23 and limited to
20 expenses related to:
- 21 (1) postsecondary educational expenses;
 - 22 (2) first home purchase; or
 - 23 (3) business capitalization.
- 24 (g) A Board shall ensure that only qualified withdrawals are made by eligible
25 individuals, and must develop policies and procedures to address unauthorized
26 withdrawals, to include notification:
- 27 (1) to the individual that unauthorized withdrawals may impact the individual's
28 eligibility for public assistance programs;
 - 29 (2) to the individual of forfeiture of the entitlement to the matching funds for an
30 unauthorized withdrawal; and
 - 31 (3) to HHSC ~~TDHS~~ within seven working days of the unauthorized withdrawal.
- 32