

Chapter 839. Welfare to Work Program Rules. §§839.1-839.3

Chapter 839. Welfare to Work

40 TAC §§839.1-839.3

The Texas Workforce Commission (Commission) adopts new §§839.1-839.3 relating to the Welfare to Work (WtW) program, without changes to the proposed text as published in the May 15, 1998, issue of the *Texas Register* (23 TexReg 4893). The rules will not be republished here.

The purpose of new §§839.1 and §839.2 is to stipulate the requirement for local entities to comply with the federal WtW program statutes and regulations and the state WtW plan.

The purpose of new §839.3 is to provide the conditions under which the Commission will reimburse funds.

Adoption of these new rules govern the requirements for local workforce development boards (boards), private industry councils (PICs), or other approved entities administering the WtW program to be in compliance with federal statute and regulations. The Balanced Budget Act of 1997 authorized the U.S. Department of Labor (DOL) to provide WtW formula grants to states and local communities to create additional job opportunities for hard-to-employ recipients of Temporary Assistance for Needy Families (TANF). These grants will provide many welfare recipients with job placement services, transitional employment, and other support services that they need to make the successful progression into long-term unsubsidized employment. The Texas WtW plan is an addendum to the state's TANF plan.

Under the WtW formula grant, Texas will allocate 85% of its funding from DOL to the boards. If a local workforce development area does not have a certified board, the funds for that area will be allocated to the PIC for that area. Federal law requires that the allocation of funds to boards be based on a formula that allocates at least half of the funds based on the relative percentage of the local workforce development area's residents who are poor, such as the number of poor individuals living in the area in excess of 7.5 percent of the total population of the area. Not more than half of the funds may be distributed based on one or both of two additional factors: (1) the number of adults in the local workforce development area receiving TANF for 30 months or more (long-term TANF factor), and/or (2) the number of unemployed individuals in the local workforce development area (unemployment factor).

The rules for WtW are consistent with the general state's workforce development statutes and rules that establish local control and authority under workforce development boards. Boards have the jurisdiction and the authority to develop local policy, to determine which segments of the eligible population to target, to determine service delivery practices and procedures, to establish the services and activities available in each local workforce development area, to demonstrate collaboration with other local partners, and to provide in-kind matching funds for the program. The activities and services are to be delivered consistent with the federal and state regulations, these rules, and any implementation policies and procedures.

No comments were received on the proposed rules.

The rules are adopted under Texas Labor Code §301.061 which provides the Commission with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of Commission programs.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on June 25, 1998.

TRD-9810129

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Effective date: July 15, 1998

Proposal publication date: May 15, 1998

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