

CHAPTER 845. TEXAS WORK & FAMILY CLEARINGHOUSE

ADOPTED RULES TO BE PUBLISHED IN THE *TEXAS REGISTER*. THIS DOCUMENT WILL HAVE NO SUBSTANTIVE CHANGES BUT IS SUBJECT TO FORMATTING CHANGES AS REQUIRED BY THE OFFICE OF SECRETARY OF STATE.

ON **FEBRUARY 6, 2024**, THE TEXAS WORKFORCE COMMISSION ADOPTED THE RULES BELOW WITH PREAMBLE TO BE SUBMITTED TO THE *TEXAS REGISTER*.

Publication Date of the Adoption in the *Texas Register*: **February 23, 2024**

The Rules are Effective: **February 26, 2024**

The Texas Workforce Commission (TWC) adopts amendments to the following sections of Chapter 845, relating to Texas Work and Family Clearinghouse:

Subchapter A. General Provisions, §845.1 and §845.2

Subchapter B. Dependent Care Grants, §§845.11 - 845.13

Amended §§845.1, 845.2, and 845.11 - 845.13 are adopted *without changes* to the proposal, as published in the November 24, 2023, issue of the *Texas Register* (48 TexReg 6877), and, therefore, the adopted rule text will not be published.

PART I. PURPOSE, BACKGROUND, AND AUTHORITY

The purpose of the amendments to Chapter 845 is to implement House Bill (HB) 2975, 88th Texas Legislature, Regular Session (2023), relating to TWC's powers and duties with respect to work and family policies.

The Work and Family Policies Clearinghouse was created to house a grant program to provide assistance and information on dependent care and employment-related family issues, but its funding mechanism was repealed before it was implemented. HB 2975 amended Texas Labor Code Chapter 81 to disband the Clearinghouse and assigns all related responsibilities and rulemaking authority to TWC.

PART II. EXPLANATION OF INDIVIDUAL PROVISIONS

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

Texas Government Code §2001.039 requires that every four years each state agency review and consider for re-adoption, revision, or repeal each rule adopted by that agency. TWC has conducted a rule review of Chapter 845, Texas Work & Family Clearinghouse, and any changes are described in Part II of this preamble.

CHAPTER 845. TEXAS WORK AND FAMILY CLEARINGHOUSE

TWC adopts the following amendment to the title of Chapter 845:

The Chapter 845 title is amended to remove "Clearinghouse" to align with Texas Labor Code Chapter 81 as amended by HB 2975. The chapter title is amended to read "Texas Work and Family Policies Resources."

SUBCHAPTER A. GENERAL PROVISIONS

TWC adopts the following amendments to Subchapter A:

§845.1. Goals and Purpose

Section 845.1 is amended to replace "Clearinghouse" with "Policies Resources" to align with Texas Labor Code Chapter 81, as amended by HB 2975.

§845.2. Definitions

Section 845.2 is amended to remove the definition of "Clearinghouse" in accordance with Texas Labor Code §81.001, as amended by HB 2975. Remaining subsections are renumbered accordingly.

Renumbered §845.2(2) is amended for clarification to replace "Commission" with "Agency."

Renumbered §845.2(3) is amended to replace "Clearinghouse" with "Agency," because HB 2975 removed the clearinghouse from Texas Labor Code Chapter 81 and assigned its former responsibilities to TWC.

SUBCHAPTER B. DEPENDENT CARE GRANTS

TWC adopts the following amendments to Subchapter B:

§845.11. Submission of Grant Requests

Section 845.11 is amended for clarification to replace "Commission" with "Agency."

§845.12. Criteria for Awarding Grants

Section 845.12 is amended for clarification to replace "Commission" with "Agency."

§845.13. Cancellation or Other Corrective Action

Section 845.13 is amended for clarification to replace "Commission" with "Agency."

TWC hereby certifies that the rules have been reviewed by legal counsel and found to be within TWC's legal authority to adopt.

PART III. PUBLIC COMMENTS

The public comment period closed on December 25, 2023. No comments were received.

PART IV. STATUTORY AUTHORITY

The rules are adopted under the general authority of Texas Labor Code §301.0015 and §302.002(d), which provide TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The rules are also adopted under the specific authority of HB 2975, 88th Texas Legislature, Regular Session (2023). The bill amended Texas Labor Code §81.0045(b) and §81.007 to grant all program rulemaking authority to TWC, which was previously shared with the Work and Family Policies Clearinghouse, which was abolished by HB 2975.

The adopted rules affect Title 2, Texas Labor Code, particularly Chapter 81.

CHAPTER 845. TEXAS WORK & FAMILY POLICIES RESOURCES

SUBCHAPTER A. GENERAL PROVISIONS

§845.1. Goals and Purpose.

The purpose of the Texas Work and Family Policies Resources is to provide technical assistance and information on dependent care and other employment-related family issues to public and private employers, state agencies, policymakers, and individuals.

§845.2. Definitions.

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

- (1) Dependent care--Care for a child, adult, or disabled relative who is claimed as a dependent for federal income tax purposes, that has an impact on employment-related family issues.
- (2) Grant applicant--A public or private person as defined in the request for proposal or request for application published by the Agency.
- (3) Grant recipient--A public or private person awarded a grant from the Agency.

SUBCHAPTER B. DEPENDENT CARE GRANTS

§845.11. Submission of Grant Requests.

- (a) A grant applicant may submit a grant request to the Agency in response to requests for proposals or requests for applications.
- (b) The Request for Proposal or Request for Application will include a deadline for submission if applicable, a statement of work related to the use of the funds, any information related to the use of the funds and any other requirements established by the Agency.

§845.12. Criteria for Awarding Grants.

The Agency may consider the following factors in awarding grants:

- (1) the purpose for which the specific grant is intended;
- (2) coordination requirements with employer organizations, employee organizations, child health agencies, and the category of dependent care to be addressed;

- (3) reporting and monitoring requirements;
- (4) the appeal process applicable to the grant; and
- (5) other criteria included by the Agency.

§845.13. Cancellation or Other Corrective Action.

- (a) Cancellation. The Agency may cancel a grant if the Agency determines that the grant recipient has failed to perform as required in the grant request or award, or for circumstances that lead the Agency to believe the grant recipient will fail to substantially comply with the terms set forth in the request for proposal, request for application, contract, or interagency agreement. Grounds for cancellation may also include: failure to ensure a program's intended results; waste, fraud or abuse of resources; and failure to timely capture, report, or use information to improve decision making.
- (b) Corrective Action. The Agency may take corrective action in lieu of cancellation if it is determined by the Agency to be the best course of action to facilitate the maximum use of funds.