

1 **CHAPTER 800. GENERAL ADMINISTRATION**

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

7
8 The Texas Workforce Commission (Commission) proposes amendments to the following
9 sections of Chapter 800, relating to General Administration:

10
11 Subchapter C. Performance and Contract Management, §800.81

12
13 Subchapter E. Sanctions, §800.151

- 14
- 15 PART I. PURPOSE, BACKGROUND, AND AUTHORITY
- 16 PART II. EXPLANATION OF INDIVIDUAL PROVISIONS
- 17 PART III. IMPACT STATEMENTS
- 18 PART IV. COORDINATION ACTIVITIES
- 19

20 **PART I. PURPOSE, BACKGROUND, AND AUTHORITY**

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22 The purpose of the proposed rules amendment is to eliminate references in this chapter to
23 Chapter 805, relating to the Job Training Partnership Act Rules. Chapter 805 of this title
24 is concurrently being proposed for repeal in its entirety because the rules are no longer
25 necessary.

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

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

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33 **SUBCHAPTER C. PERFORMANCE AND CONTRACT MANAGEMENT**

34 **The Commission proposes the following amendment:**

35
36 **§800.81. Performance**

37 Section 800.81(i) is deleted. Based on the concurrent proposed repeal of Chapter 805 of
38 this title, the Job Training Partnership Act Rules, this subsection is obsolete.

39
40 **SUBCHAPTER E. SANCTIONS**

41 **The Commission proposes the following amendment:**

42
43 **§800.151. Scope and Purpose**

44 Section 800.151(d) is deleted. Based on the concurrent proposed repeal of Chapter 805
45 of this title, the Job Training Partnership Act Rules, this subsection is obsolete.

1 **PART III. IMPACT STATEMENTS**

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

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6 There are no estimated additional costs to the state and to local governments expected as
7 a result of enforcing or administering the rules.

8
9 There are no estimated reductions in costs to the state and to local governments as a result
10 of enforcing or administering the rules.

11
12 There are no estimated losses or increases in revenue to the state or to local governments
13 as a result of enforcing or administering the rules.

14
15 There are no foreseeable implications relating to costs or revenue of the state or local
16 governments as a result of enforcing or administering the rules.

17
18 There will be no probable economic costs to persons required to comply with this rule,
19 and there will be no adverse economic effect on small businesses.

20
21 The Agency hereby certifies that the proposal has been reviewed by legal counsel and
22 found to be within the Agency's legal authority to adopt.

23
24 Mark Hughes, Director of Labor Market Information, has determined that there is no
25 significant negative impact upon employment conditions in the state as a result of the
26 rules.

27
28 Luis M. Macias, Director, Workforce Development Division, has determined that for
29 each year of the first five years the rules are in effect, the public benefit anticipated as a
30 result of enforcing the proposed rules will be to ensure compliance with federal and state
31 requirements.

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34 **PART IV. COORDINATION ACTIVITIES**

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36 In the development of these rules for publication and public comment, the Commission
37 considered all information gathered in order to develop a rule that provides clear and
38 concise direction to all parties involved. Additionally, the Commission provided the
39 policy concept regarding the concurrent proposed repeal of Chapter 805, relating to the
40 Job Training Partnership Act Rules, to the Boards for consideration and review.

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

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

The proposed rules affect Title 4, Texas Labor Code, particularly Chapters 301 and 302.

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2 (h) The Governor may adopt additional performance incentives and sanctions
3 provisions as provided in WIA.
4

5 ~~(i) A Board shall comply with and remain subject to the provisions contained in~~
6 ~~Chapter 805 effective on July 1, 2001, relating to performance or any other~~
7 ~~matters addressed in Chapter 805 regarding any funds granted by the~~
8 ~~Secretary of Labor under the JTPA regulations or Act, including NRA and~~
9 ~~other funds.~~

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11 **Subchapter E. Sanctions**

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13 **§800.151. Scope and Purpose.**

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15 (a) The purpose of this subchapter is to:

- 16
17 (1) ensure accountability of Boards ~~Local Workforce Development Boards~~
18 ~~(Boards)~~ and other subrecipients of the Agency, in meeting the needs of
19 employers and job seekers;:
20
21 (2) ensure performance in reaching outcome measures;:
22
23 (3) ensure adequate returns on state investments;: and
24
25 (4) support the state in achieving its goals.
26

27 (b) The Agency may review financial, administrative, and performance data to
28 evaluate a Board and subrecipients ~~subrecipient~~ of the Agency to determine
29 the need for sanctions.
30

31 (c) To accomplish the purposes of this subchapter ~~Subchapter~~, the Agency may
32 require at any point during the year that a Board or subrecipients ~~subrecipient~~
33 of the Agency cooperate with remedial actions, including, but not limited to,
34 entering into a Performance Improvement Plan and other performance review
35 and assistance activities.
36

37 ~~(d) This rule incorporates by reference the existing rule for the Job Training~~
38 ~~Partnership Act Program cited in §805.170—§805.196 of this title.~~
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