

1 **CHAPTER 800. GENERAL ADMINISTRATION**

2
3 **ADOPTED 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.**

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7 **ON FEBRUARY 23, 2016, THE TEXAS WORKFORCE COMMISSION ADOPTED THE**
8 **BELOW RULES WITH PREAMBLE TO BE SUBMITTED TO THE TEXAS REGISTER.**

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10 Estimated date of publication in the *Texas Register*: **March 11, 2016**
11 The rules will take effect: **March 14, 2016**

12
13 The Texas Workforce Commission (Commission) adopts amendments to the following section
14 of Chapter 800, relating to General Administration *without* changes, as published in the
15 November 6, 2015, issue of the *Texas Register* (40 TexReg 7803):

16
17 Subchapter A. General Provisions, §800.5

18
19 **PART I. PURPOSE, BACKGROUND, AND AUTHORITY**
20 **PART II. EXPLANATION OF INDIVIDUAL PROVISIONS**

21
22 **PART I. PURPOSE, BACKGROUND, AND AUTHORITY**

23 The purpose of the adopted Chapter 800 rule change is to comply with House Bill (HB) 3337,
24 passed by the 84th Texas Legislature, Regular Session (2015). HB 3337, relating to training and
25 education for state agency administrators and employees, amends Texas Government Code,
26 Chapter 656, by establishing additional requirements for reimbursement for training or education
27 offered by an institution of higher education, including:

- 28 --authorization by the agency executive director before tuition reimbursement payment may be
- 29 made (§656.048(b));
- 30 --implementation of an objective policy governing tuition reimbursement, including online
- 31 courses and courses not credited toward a degree (§656.102(b)(1)); and
- 32 --posting the tuition assistance program policy on the agency's website (§656.102 (c)).

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

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

37
38 **SUBCHAPTER A. GENERAL PROVISIONS**

39 **The Commission adopts the following amendments to Subchapter A:**

40
41 **§800.5. Commission Professional Development Program**

42 The title of §800.5, "Commission Professional Development Program" is amended to read
43 "Tuition Assistance Program" (TAP), as the new title more accurately describes the
44 reimbursement program, available to employees who seek education at institutions of higher
45 education, which will in turn improve their skill sets in current or prospective job duties for the
46 agency's benefit.

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2 Section 800.5(b)(1) is amended to state that eligibility for tuition assistance requires continuous
3 and full-time employment for one year at the time of application.

4
5 Section 800.5(b)(3) is amended to add "identification of" the relationship of the training to the
6 employee's position and to add "or a prospective role within the Agency";

7
8 Section 800.5(b)(4) is amended to remove "or his designee" from authorization of training
9 reimbursement from the executive director or designee.

10
11 New §800.5(b)(5) is added to specify that the training and education program must be at an
12 accredited institution of higher education, as required by HB 3337.

13
14 Section 800.5(c)(1) is amended to be consistent with HB 3337 by specifying that the employee
15 shall "attend and successfully" complete the training, and adds "or education program."

16
17 Section 800.5(c)(2) is amended, as required by HB 3337, to state that training is conditional upon
18 "authorization" from the executive director and removes the executive director's designee.

19
20 New §800.5(c)(3) is amended to align with the Agency's personnel manual to update language
21 regarding employee participation in the TAP. The employee must agree in writing, prior to
22 beginning the coursework or an exam, to fulfill a six-month service commitment with the
23 Agency.

24
25 New §800.5(c)(4) is added to align with the Agency's personnel manual to update language
26 regarding employee noncompliance in the length of service requirement. The employee must
27 reimburse the Agency the cost of training and expenses.

28
29 New §800.5(c)(5) is added to align with the Agency's personnel manual to update language
30 regarding employees who are unable to comply with the length of service requirement due to
31 extraordinary circumstances beyond their control. Employees meeting this criterion may request
32 that the executive director waive the reimbursement of the cost of training activities.

33
34 New §800.5(c)(6) is added to align with the Agency's personnel manual to update language
35 regarding employees' approved flex work schedule—provided there is no negative impact on
36 customers or work production—and adds that employees cannot use work hours for TAP
37 activities.

38
39 New §800.5(d) is added to state that any information relating to application for and receipt of
40 reimbursement for training and education shall be reported to the Commission on a quarterly
41 basis.

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43 No comments were received.

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45 The Agency hereby certifies that the adoption has been reviewed by legal counsel and found to
46 be within the Agency's legal authority to adopt.

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

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5 The adopted rule affects Title 4, Texas Labor Code, Chapters 301 and 302.

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1 employee who receives reimbursement is obligated to fulfill a six-month service
2 commitment with the Agency.

3
4 (4) Employees who do not comply with the length of service requirement must
5 reimburse the Agency for both the cost of the training activities (prorated to
6 credit any full calendar month of employment following completion of the
7 course) and any reasonable expenses the Agency incurs in obtaining restitution,
8 including reasonable attorney's fees.

9
10 (5) Employees who are unable to comply with the length of service requirement
11 due to extraordinary circumstances beyond their control may request that the
12 executive director waive the reimbursement of the cost of training activities.

13
14 (6) Employees approved for the TAP may flex their work schedule with the
15 approval of their supervisor if there is no negative impact on customers or work
16 production. Employees cannot use work hours for attending classes, studying,
17 taking exams, or other activities associated with the coursework or exams.
18 When such activities fall within an employee's normal work schedule, the
19 employee must use leave hours to compensate for time away from the job.

20
21 (d) Any information relating to application for and receipt of reimbursement for
22 training and education for state administrators and employees shall be reported
23 to the Commission on a quarterly basis.