

TEXAS WORKFORCE COMMISSION LETTER

ID/No:	WD 08-13
Date:	February 6, 2013
Keyword:	TANF/Choices
Effective:	Immediately

To: Local Workforce Development Board Executive Directors
Commission Executive Offices
Integrated Service Area Managers

From:  Reagan Miller, Director, Workforce Development Division

Subject: Implementation of Amended Chapter 811, Choices Rules

PURPOSE:

To provide Local Workforce Development Boards (Boards) with information and guidance on implementing the Texas Workforce Commission’s (TWC) amended Chapter 811, Choices rules.

BACKGROUND:

On December 18, 2012, TWC’s three-member Commission adopted amendments to the Chapter 811, Choices rules. The amended rules were effective January 8, 2013, and are available at http://www.twc.state.tx.us/twcinfo/rules/20112012/adopch811_010813.pdf .

With the amended rules, TWC has adopted new program and state service delivery parameters giving Boards the flexibility to design and deliver services that assist Choices customers in entering employment quickly by concentrating resources on the outcome-focused performance measures of entered employment, employment retention, and earnings gains.

The intent of TWC’s outcome-driven paradigm shift and strategy is to promote long-term employment that leads to independence from public assistance.

The Choices Guide will be updated to include the Chapter 811 amendments.

PROCEDURES:

Effective immediately, Boards must adhere to the requirements and procedures set forth in the amended Choices rules and in Attachment 1 to this WD Letter, which provides Boards with explanation and guidance on the amended rules.

NLF

Boards must be aware of the following:

- For purposes of the federal work participation rate, Texas defines “work requirement” to mean that a Choices participant is engaged in work when participating in:
 - unsubsidized employment;
 - subsidized employment;
 - on-the-job training (OJT); or
 - educational services for Choices participants who are teen heads of household and who have not completed secondary school or received a GED credential.
- All other Choices services remain intact and available for Boards to use in assisting Choices customers with gaining employment. However, these services do not count toward Boards’ Choices performance measures.
- Boards are not limited in the provision of other activities, such as job search.

No later than May 31, 2013, under amended §811.4(a)(2), Boards must adopt a policy regarding a limit on the amount of funds per Choices participant and the maximum duration for subsidized employment and OJT.¹

INQUIRIES:

Direct inquiries regarding this WD Letter to wfpolicy.clarifications@twc.state.tx.us.

ATTACHMENTS:

Attachment 1: Chapter 811 Choices Rules Matrix

RESCISSIONS:

None

REFERENCE:

Deficit Reduction Act of 2005 (Public Law 109-71)
U.S. Department of Health and Human Services, Administration for Children and Families,
Temporary Assistance for Needy Families Final Rule, 45 CFR Parts 261, et al.
Social Security Act §407
Texas Workforce Commission Choices Rules: 40 TAC, Chapter 811

FLEXIBILITY RATINGS:

No Local Flexibility (NLF): This rating indicates that Boards must comply with the federal and state laws, rules, policies, and required procedures set forth in this WD Letter and have no local flexibility in determining whether and/or how to comply. All information with an NLF rating is indicated by “must” or “shall.”

Local Flexibility (LF): This rating indicates that Boards have local flexibility in determining whether and/or how to implement guidance or recommended practices set forth in this WD Letter. All information with an LF rating is indicated by “may” or “recommend.”

¹ As required by Commission rule at 40 TAC §802.1(f) and as detailed in WD Letter 10-07, Board members must take such actions in an open meeting.