

Chapter 805. JOB TRAINING PARTNERSHIP ACT RULES

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

ON **JUNE 22, 2006**, THE TEXAS WORKFORCE COMMISSION PROPOSED THE BELOW RULES WITH PREAMBLE TO BE SUBMITTED TO THE *TEXAS REGISTER*.

Estimated Publication Date of the Proposal in the *Texas Register*: **July 7, 2006**

Estimated End of Comment Period: **August 7, 2006**

The Texas Workforce Commission (Commission) proposes the repeal of the following sections of Chapter 805, relating to the Job Training Partnership Act (JTPA) rules:

Subchapter A, General Provisions:

§805.101, §805.102, §805.103, §805.104, §805.105, and §805.106

Subchapter C, Job Training Plans:

§805.140, §805.141, §805.142, §805.143, §805.144, §805.145, §805.146, §805.147, §805.148, §805.149, §805.150, §805.151, §805.152, §805.153, §805.154, and §805.155

Subchapter D, Performance Standards:

§805.160, §805.161, §805.162, §805.163, §805.164, and §805.165

Subchapter E, State Monitoring and Sanctions Policies:

§805.170, §805.171, §805.172, §805.173, §805.174, §805.175, §805.176, §805.177, §805.178, §805.179, §805.180, §805.181, §805.182, §805.183, §805.184, §805.185, §805.186, §805.187, §805.188, §805.189, §805.190, §805.191, §805.192, §805.193, §805.194, §805.195, and §805.196

Subchapter F, Financial Management Rules:

§805.200, §805.201, §805.202, §805.203, §805.204, §805.205, §805.206, §805.207, §805.208, §805.209, §805.210, §805.211, §805.212, §805.213, §805.214, §805.215, §805.216, §805.217, §805.218, §805.219, §805.220, §805.221, §805.222, §805.223, §805.224, §805.225, §805.226, §805.227, §805.228, §805.229, §805.230, §805.231, and §805.232

Subchapter G, Eligibility Policies and Procedures:

§805.240, §805.241, §805.242, §805.243, §805.244, §805.245, §805.246, §805.247, §805.248, and §805.249

Subchapter I, JTPA Grievance Procedures:

§805.280, §805.281, §805.282, §805.283, §805.284, §805.285, §805.286, §805.287, §805.288, §805.289, §805.290, §805.291, §805.292, §805.293, §805.294, §805.295, §805.296, §805.297, and §805.298

PART I.	PURPOSE, BACKGROUND, AND AUTHORITY
PART II.	IMPACT STATEMENTS
PART III.	COORDINATION ACTIVITIES

PART I. PURPOSE, BACKGROUND, AND AUTHORITY

The purpose of the proposed repeal is to eliminate Chapter 805, relating to the JTPA rules. The Workforce Investment Act repealed JTPA and initiated a new delivery system for providing employment and training services. Therefore, these rules are no longer required.

PART II. IMPACT STATEMENTS

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

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

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

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

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

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

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

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

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

PART III. COORDINATION ACTIVITIES

In the development of these rules for publication and public comment, the Commission sought the involvement of each of Texas' 28 Boards. The Commission provided the policy concept regarding the proposed repeal to the Boards for consideration and review.

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

The repeal is 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 repeal affects Title 4, Texas Labor Code, particularly Chapters 301 and 302.

SUBCHAPTER A. GENERAL PROVISIONS

- §805.101. Short Title and Purpose
- §805.102. General Definitions
- §805.103. General Duties of Governor's Office
- §805.104. General Duties of the Texas Workforce Commission
- §805.105. The Texas Council on Workforce and Economic Competitiveness
- §805.106. Implementation of USDOL Final Rule

SUBCHAPTER C. JOB TRAINING PLANS

- §805.140. Plan Submission for Review and Approval
- §805.141. Standards for Plan Approval or Disapproval
- §805.142. Plan Modification or Amendment
- §805.143. Criteria for Plan Modification
- §805.144. Criteria for Plan Amendment
- §805.145. Competency System Development and Approval
- §805.146. Submission for State Approval
- §805.147. Elements of a Sufficiently Developed Competency System
- §805.148. Substate Plans
- §805.149. Carry-Over Funds
- §805.150. Services to Displaced Homemakers
- §805.151. Rapid Response Grants
- §805.152. Certificate of Continuing Eligibility
- §805.153. Allotment of Dislocated Worker State Reserve Funds
- §805.154. Discretionary Fund Distribution Process
- §805.155. Waiver of Expenditures for Retraining Services

SUBCHAPTER D. PERFORMANCE STANDARDS

- §805.160. Definitions
- §805.161. Variations to DOL Performance Standards
- §805.162. State Performance Standards

- §805.163. Incentive Grants for Exceeding DOL Performance Standards
- §805.164. Incentive Grants for Exceeding State Standards
- §805.165. Distribution of Any Remaining Incentive Funds

SUBCHAPTER E. STATE MONITORING AND SANCTIONS POLICIES

- §805.170. Purpose and Authority
- §805.171. Definitions
- §805.172. State Monitoring
- §805.173. The Monitoring Report
- §805.174. Responses to Monitoring Reports
- §805.175. Local Monitoring Plan Development
- §805.176. Subrecipient Roles and Responsibilities
- §805.177. Assessment of Subrecipient Monitoring Functions
- §805.178. PIC Oversight Standards
- §805.179. State Sanctions Policy and Procedures
- §805.180. Sanctions Procedures
- §805.181. Repeated Problems or Findings
- §805.182. Imposition of Sanctions
- §805.183. Technical Assistance and Reorganization
- §805.184. Failure To Meet Performance Standards
- §805.185. Technical Assistance Plan
- §805.186. SDA/SSA Reorganization Plan Due to Consecutive Failure
- §805.187. Sanctions for Continued Violations
- §805.188. Subrecipient Annual Audit Requirement
- §805.189. Audit Costs
- §805.190. Competitive Bidding To Procure Auditor
- §805.191. Contents of Audit Report
- §805.192. Subrecipient Annual Audit Plan
- §805.193. Audit Submissions
- §805.194. Informal Resolution Process
- §805.195. Failure To Submit Audit
- §805.196. Appeals from Final Determinations

SUBCHAPTER F. FINANCIAL MANAGEMENT RULES

- §805.200. Purpose and Authority
- §805.201. General Cash Management
- §805.202. Subrecipient Bonding
- §805.203. Repayment of Disallowed Costs
- §805.204. Historically Underutilized Businesses (HUBs)
- §805.205. Insurance Requirements
- §805.206. Refund Policy
- §805.207. Allowable and Unallowable Costs
- §805.208. Definition of an Obligation
- §805.209. Reporting Obligations
- §805.210. Voluntary Deobligation
- §805.211. Contractor Code of Conduct

- §805.212. JTPA Records and Files
- §805.213. Methods of Procurement
- §805.214. Competitive Negotiation Method
- §805.215. Request for Proposal (RFP) Process
- §805.216. Statement of Work
- §805.217. Noncompetitive Negotiation (Sole Source) Method
- §805.218. Processing of Noncompetitive Procurements
- §805.219. Cost/Price Analysis
- §805.220. Contract Payments
- §805.221. Contract Budgets
- §805.222. Fixed-unit Price Contracts
- §805.223. Nonexpendable Personal Property Management
- §805.224. Subrecipient Property Inventory
- §805.225. Property Maintenance and Security
- §805.226. Shared Use of JTPA Property
- §805.227. Disposition of Excess Nonexpendable JTPA Property
- §805.228. Reporting Requirements
- §805.229. The Close-out Process
- §805.230. Resolution of Questioned Costs
- §805.231. Subrecipient Time Limitations
- §805.232. Variance from Uniform Grant and Contract Management Standards

SUBCHAPTER G. ELIGIBILITY POLICIES AND PROCEDURES

- §805.240. Purpose and Authority
- §805.241. Definitions
- §805.242. Record of Documentation To Verify Eligibility
- §805.243. Basic Forms for Eligibility Documentation
- §805.244. Information To Establish Income Eligibility
- §805.245. Verification by Telephone or Document Inspection
- §805.246. Verification by an Applicant Statement
- §805.247. Title III/EDWAA Eligibility Definitions
- §805.248. Additional Categories of "Terminated" or "Laid Off"
- §805.249. Defense Conversion Adjustment Program

SUBCHAPTER I. JTPA GRIEVANCE PROCEDURES

- §805.280. Purpose and Coverage
- §805.281. Definitions
- §805.282. Grievance Filing Procedures at the Local Level
- §805.283. Time Limitations at Local Level
- §805.284. JTPA Contractor Responsibilities
- §805.285. Orientation to Complaint Procedure
- §805.286. Local Level Informal Conference Procedure
- §805.287. Opportunity and Request for a Hearing
- §805.288. Notice of Hearing at Local Level
- §805.289. Hearing Officer
- §805.290. Local Level Hearing Procedure

- §805.291. Written Decision
- §805.292. Request for Review of a Written Decision
- §805.293. Procedure for Review by the Texas Workforce Commission
- §805.294. Final Written Decision
- §805.295. Optional Forms Available
- §805.296. Appeal of a Commission Action or Decision
- §805.297. Formal Hearing Procedure at State Level
- §805.298. Final State Action