

## **Chapter 839. WELFARE TO WORK PROGRAM**

**ADOPTED 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 **JANUARY 20, 2009**, THE TEXAS WORKFORCE COMMISSION ADOPTED THE BELOW RULES WITH PREAMBLE TO BE SUBMITTED TO THE *TEXAS REGISTER*.

Estimated date of publication in the *Texas Register*: **February 6, 2009**

The rules will take effect: **February 9, 2009**

The Texas Workforce Commission (Commission) adopts the repeal of Chapter 839 in its entirety, relating to the Welfare to Work Program rules, without changes, as published in the November 28, 2008, issue of the *Texas Register* (33 TexReg 9661):

Subchapter A. General Provisions, §§839.1–839.3

Subchapter B. Nondiscrimination and Equal Opportunity, §839.11 and §839.12

Subchapter C. Welfare to Work Grievance Procedures, §§839.31–839.36 and §§839.38–839.47

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

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

The purpose of the adopted repeal is to eliminate Chapter 839, relating to the Welfare to Work Program rules.

On January 23, 2004, Congress enacted the Consolidated Appropriations Act for 2004. The Act rescinded unexpended Federal Fiscal Year 1999 (FFY'99) Welfare to Work (WtW) formula funds as of that date, except for those funds needed to carry out closeout activities.

On February 27, 2004, the U.S. Department of Labor (DOL) issued Training and Employment Guidance Letter 19-03 to provide policy and procedures relating to program termination, transition of participants, and closeout pursuant to the rescission of the FFY'99 WtW formula funds. The closeout activities have been completed and the formula funds expended, therefore, these rules are no longer required.

No comments were received on the proposed repeal.

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

The repeal is adopted under Texas Labor Code §301.0015 and §302.002(d), which provide the Commission with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of Agency services and activities, and the Texas Human Resources Code §44.002, regarding Administrative Rules.

The adopted repeal affects Texas Labor Code, Title 4, and Texas Government Code, Chapter 2308.

## **Chapter 839. WELFARE TO WORK PROGRAM**

### **SUBCHAPTER A. GENERAL PROVISIONS**

- §839.1. Compliance with Federal Statute and Regulations
- §839.2. Compliance with the State Plan
- §839.3. Reimbursement of Funds

### **SUBCHAPTER B. NONDISCRIMINATION AND EQUAL OPPORTUNITY**

- §839.11. Applicability
- §839.12. Gender Discrimination Excluded

### **SUBCHAPTER C. WELFARE TO WORK GRIEVANCE PROCEDURES**

- §839.31. Purpose and Coverage
- §839.32. Optional Forms Available
- §839.33. Definitions
- §839.34. Grievance Filing Procedures at the Local Level
- §839.35. Time Limitations at Local Level
- §839.36. Welfare to Work Provider Responsibilities
- §839.38. Local Level Informal Conference Procedure
- §839.39. Opportunity and Request for a Hearing
- §839.40. Notice of Hearing
- §839.41. Hearing Officer
- §839.42. Hearing Procedure
- §839.43. Written Decision
- §839.44. Request for Review of a Written Decision
- §839.45. Procedure for Review by SOAH
- §839.46. Final Written Decision
- §839.47. Remedies