

**CHAPTER 847. PROJECT RIO EMPLOYMENT ACTIVITIES AND SUPPORT SERVICES**

**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 JUNE 5, 2006, 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*: June 23, 2006

The rules will take effect: June 25, 2006.

The Texas Workforce Commission (Commission) adopts amendments to the following sections of Chapter 847 related to Project RIO Employment Activities and Support Services *with* changes, as published in the April 14, 2006, issue of the *Texas Register* (31 TexReg 3228):

Subchapter A. General Provisions, §847.2 and §847.3

Subchapter B. Project RIO Job Seeker Responsibilities, §847.11 and §847.12

Subchapter C. Project RIO Services, §847.21 and §847.22

Subchapter D. Project RIO Employment Activities, §847.31

The Texas Workforce Commission (Commission) adopts amendments to the following sections of Chapter 847 related to Project RIO Employment Activities and Support Services *without* changes, as published in the April 14, 2006, issue of the *Texas Register* (31 TexReg 3228):

Subchapter A. General Provisions, §847.1

Subchapter E. Project RIO Support Services, §847.41

PART I. PURPOSE, BACKGROUND, AND AUTHORITY  
PART II. EXPLANATION OF INDIVIDUAL PROVISIONS

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

The purpose of the adopted Chapter 847 rules changes is to:

- (1) implement the direction of House Bill (HB) 2837, enacted by the 79th Texas Legislature, Regular Session (2005), concerning Project Reintegration of Offenders (Project RIO);
- (2) modify language referencing specific divisions of the Texas Department of Criminal Justice (TDCJ);
- (3) reflect revised funding strategies to support Project RIO service provision; and

- (4) remove provisions related to Local Workforce Development Board (Board) responsibilities for the distribution of ex-offender documents.

HB 2837 directs increased data connectivity between the Texas workforce system and its Project RIO partners—TDCJ and the Texas Youth Commission (TYC). Additionally, the legislation directs the Windham School District, which is responsible for providing academic and vocational training services in TDCJ correctional institutions, to ensure that the training provided is targeted to current and emerging job opportunities in the Texas labor market.

Because of TDCJ's reorganization, the adopted rules remove references to TDCJ's specific organizational divisions and replace them with the more generic terms, TDCJ "correctional institutions" and "supervising offices."

The previous funding strategy to support Project RIO service provision relied heavily upon co-enrolling job seekers in Food Stamp Employment and Training (FSE&T) services. Currently, Texas Workforce Center and satellite office staff is encouraged to enroll Project RIO job seekers in the most appropriate employment and support services for the individual. The adopted rules reflect that co-enrollment continues to benefit Project RIO service provision; however, language regarding specific reliance on FSE&T has been deleted.

TDCJ has assumed responsibility for the distribution of employment documents (e.g., Social Security cards, birth certificates, DD214s [U.S. Department of Defense form that evidences military service and separation circumstances], driver's licenses) upon an individual's release from incarceration. Accordingly, the adopted rules delete the reference to Boards performing this function.

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

**(Note: Minor, nonsubstantive, editorial changes are made throughout Chapter 847 that do not change the meaning of the rules and, therefore, are not discussed in the Explanation of Individual Provisions.)**

### **General Comment on Chapter 847**

**Comment:** One commenter stated that the rule language is too narrowly drawn to allow for complete integration of Project RIO services into the overall system of workforce service delivery. The commenter recommended that the rules allow for graduated levels of workforce services, based upon the needs and success of job seekers in securing employment. The commenter observed that many eligible ex-offenders and adjudicated youth fail to self-identify and, consequently, are not recognized as having been served by the workforce system. The commenter also stated that the rules should ensure the Texas workforce system is recognized for the services provided to all ex-offenders and not be limited to ex-offenders who self-identify as Project RIO eligible.

**Response:** The Commission agrees and, based on the comment, amends the following sections: §847.2, §847.3, §847.11, §847.12, §847.21, §847.22, and §847.31.

## **SUBCHAPTER A. GENERAL PROVISIONS**

### **§847.1. Purpose**

The Commission adopts the amendment of §847.1(a) by replacing references to the TDCJ "State Jail Division facility" and "Institutional Division" facility with the term TDCJ "correctional institution," both in this subsection and throughout Chapter 847.

The Commission adopts the amendment of language in §847.1(b) to specify that the memorandum of understanding is between the Agency, TDCJ, and TYC.

The Commission adopts the amendment of §847.1(c) to reflect new funding strategies to support Project RIO service provision. Specific reference to FSE&T funds is removed and replaced with a broader reference to integrating Project RIO service provision with the full range of activities and services available through the Texas workforce system.

### **§847.2. Definitions**

The Commission adopts the amendment of §847.2(1)(A) by replacing the reference to the TDCJ "Institutional Division" with the collective reference TDCJ "correctional institution," and deleting the reference to the TDCJ "Parole Division," referring instead to "parole" supervision by TDCJ.

The Commission adopts the deletion of §847.2(1)(B), which stipulates the eligibility of State Jail releasees for Project RIO services. Adopted §847.2(1)(A) defines Project RIO job seekers as releasees from all classes of TDCJ correctional institutions. Section 847.2(1)(C) is renumbered as §847.2(1)(B).

Based on the general comment received, §847.2(2), which defines the Job Seeker Responsibility Agreement, is deleted because the Commission believes the provisions are more properly incorporated in §847.11 regarding job seeker responsibilities.

The Commission adopts the amendment of §847.2(2), which defines TDCJ, by removing references to the "Institutional, Parole, and State Jail Divisions," which are specific divisions of TDCJ.

The Commission adopts the amendment of §847.2(3), which defines TYC, by expanding the definition to include TYC's responsibilities for parole operations.

The Commission adopts the deletion of §847.2(5), which defines Food Stamp Employment and Training. The Commission has broadened its use of resources for serving ex-offenders and adjudicated youth; therefore, it is unnecessary to define specific services.

The Commission adopts new §847.2(4) to define the Windham School District, which provides prerelease educational and vocational training services to adult offenders incarcerated in TDCJ correctional institutions. This new definition is added in response to the provisions of HB 2837 and the functions Windham School District performs in preparing offenders for reentry into society.

### **§847.3. General Board Responsibilities**

The Commission adopts the amendment of §847.3(a) by requiring that individuals referred as Project RIO job seekers also include "self-referred individuals." In addition, adopted changes to this subsection include adding adjudicated youth as part of the service population.

Based on the general comment received, the Commission adds language in subsection §847.3(a) to require that Boards determine the level of staff assistance that Project RIO job seekers need in order to obtain employment. The Commission also adds that Boards may provide graduated levels of service—beginning with Project RIO job seekers receiving core services such as self-directed job search—and increasing the intensity of service for those who need staff assistance to become employed. The Commission further adds that Boards offering graduated services must "ensure Project RIO job seekers who are unable to secure employment through core services are provided with intensive or training services to assist them in obtaining suitable employment." The Commission cautions Boards to closely examine the needs of ex-offenders. This population may have additional barriers to obtaining employment that require staff assistance, and Boards must ensure that Project RIO job seekers are not placed in core services indefinitely if there is no progress in obtaining employment.

The Commission adopts the amendment of §847.3(b) by replacing "General Equivalency Diploma" with "General Educational Development (GED) credential."

The Commission adopts the amendment of §847.3(c)(1), Parole Supervising Offices, by replacing references to "Parole Division" with "TDCJ or TYC," and replacing references to "TDCJ Parole Offices" with "supervising office."

The Commission adopts the amendment of §847.3(c)(2), TDCJ Institutional Division, by retitling the paragraph "Correctional Institutions," which provides a collective reference for TDCJ divisions. Further, the Commission adopts the incorporation of coordination with TYC correctional institutions, as this process is essentially similar to that required of TDCJ correctional institutions. The Commission also adopts the amendment of §847.3(c)(2) by removing the requirement to provide results of Project RIO services to the TDCJ Institutional Division. The Commission believes that this information is more properly provided to the supervising office as set forth in §847.3(c)(1).

The Commission adopts the deletion of §847.3(c)(3), TDCJ State Jail Division. Adopted §847.3(c)(2) includes the TDCJ State Jail Division in the collective term "correctional institutions."

Based on the general comment received, the Commission clarifies in §847.3(c)(2) that "Texas Workforce Center staff who are assisting Project RIO job seekers" must coordinate the provision of Project RIO services with TDCJ and TYC correctional institutions. If a Project RIO job seeker self-refers and Texas Workforce Center staff is unaware that the job seeker is Project RIO eligible, Texas Workforce Center staff will be unable to establish this coordination.

HB 2837 requires the coordination of educational and vocational training efforts conducted by Windham School District and prioritizes efforts to assist ex-offenders in securing employment related to their prerelease training. The Commission adopts new §847.3(c)(3), Windham School District, which states that Boards must coordinate on an ongoing and continuing basis with the Windham School District by providing labor market information for their local workforce development area, including current and emerging jobs.

Based on the general comment received, the Commission further specifies in §847.3(c)(3) that Boards must "ensure that Texas Workforce Center staff who are assisting Project RIO job seekers" include in the Project RIO job seeker's Individual Employment Plan (IEP), if required, the education and training received during incarceration.

The Commission adopts the deletion of §847.3(c)(4) relating to coordination with TYC Offices. Adopted §847.3(c)(1) and §847.3(c)(2) set forth the coordination requirements with TYC correctional institutions and parole offices; therefore, §847.3(c)(4) is no longer necessary.

The Commission adopts new §847.3(c)(4), which requires the development of memoranda of understanding between Boards, TDCJ, TYC, and the Windham School District pursuant to Project RIO service provision. Currently, this requirement is contained in the Agency's funding instruments used to support TDCJ, TYC, and Board Project RIO services. The adopted new paragraph requires, at a minimum, that the memoranda of understanding must include referral coordination, progress reporting, and the provision of labor market information to the Windham School District.

Based on the general comment received, the Commission adds in §847.3(d) that a Board's service delivery strategies may include the provision of graduated core, intensive, and training services. The level of service, and the length of time a Project RIO job seeker receives the service, depends on the Project RIO job seeker's needs and the level of staff assistance required.

The Commission adopts the amendment of §847.3(d)(1) by removing the specific references to "WIA Adult and Youth services and Food Stamp Employment and Training (FSE&T)" services. The Commission's intent is to integrate Project RIO services with all services available through the Texas Workforce Centers.

The Commission adopts the deletion of §847.3(d)(2), which requires that Boards route employment documents, such as birth certificates and Social Security cards, secured by TDCJ and TYC during incarceration to ex-offenders. TDCJ and TYC have assumed this responsibility; therefore, it is no longer a requirement of the Boards.

Section 847.3(d)(3), stipulating establishment of a parole point of contact, is renumbered as §847.3(d)(2). The Commission adopts the replacement of the reference to "the TDCJ Parole Division and the TYC" with the collective reference "TDCJ and TYC supervising offices."

Section 847.3(d)(4), stipulating outreach of Project RIO job seekers at TDCJ and TYC facilities, is renumbered as §847.3(d)(3). The Commission adopts the replacement of the references to TDCJ "Parole Division" and TYC "facilities" with the collective reference "TDCJ and TYC supervising offices."

Section 847.3(d)(5), stipulating Board participation in TDCJ job fairs/career days, is renumbered as §847.3(d)(4). The Commission adopts the amendment of this paragraph by adding participation in TYC job fairs/career days and using the collective reference to "correctional institutions."

Section 847.3(d)(6), stipulating the use of reporting and document management systems, is renumbered as §847.3(d)(5). The Commission adopts the amendment of this paragraph to require the timely reporting of data reflecting Project RIO service provision in order to ensure that the charge of HB 2837 is addressed.

Section 847.3(d)(7) and §847.3(d)(8) are renumbered as §847.3(d)(6) and §847.3(d)(7), respectively.

Based on the general comment received, the Commission deletes the reference to the job seeker Responsibility Agreement in §847.3(e)(3) because of its deletion from this chapter. In addition, the Commission clarifies that Boards shall ensure progress toward achieving "employment," as well as any goals or objectives set forth in the IEP. The Commission believes this clarification is necessary because not all Project RIO job seekers have IEPs. However, regardless of whether a Project RIO job seeker has an IEP, Boards must ensure that Texas Workforce Center staff overseeing Project RIO job seekers monitors the job seekers' success in moving toward employment.

The Commission adopts the amendment of §847.3(f) by changing the paragraph title from "TDCJ Notice" to "TDCJ and TYC Notice," thereby including notice to TYC. Additionally, the collective term "supervising office" replaces the specific reference to "TDCJ Parole Division."

Based on the general comment received, the Commission deletes the reference to the job seeker Responsibility Agreement in §847.3(f). Boards must ensure that Texas Workforce Center staff continue to notify TDCJ or TYC when staff become aware of a Project RIO job seeker's failure to comply with any of the job seeker responsibilities set forth in §847.11 of this chapter.

Section 847.3(h) required that employment referrals regarding adjudicated youth be confidential. The Commission adopts expanding the requirement to state that all information related to the adjudicated status of a youth must be confidential and must not be disclosed to other entities or individuals.

Based on the general comment received, the Commission deletes the reference to the job seeker Responsibility Agreement. All of the provisions of the Responsibility Agreement contained are now included in §847.11 regarding job seeker responsibilities. The Commission believes it is more effective to provide Boards the flexibility to determine the most appropriate method for informing Project RIO job seekers of their responsibilities.

## **SUBCHAPTER B. PROJECT RIO JOB SEEKER RESPONSIBILITIES**

### **§847.11. Job Seeker Responsibilities**

Based on the general comment received, the Commission removes the requirements previously set forth in the job seeker Responsibility Agreement, such as compliance with the IEP, which are now included in §847.11. While Project RIO job seekers are no longer required to sign a job seeker Responsibility Agreement, Boards must ensure that Project RIO job seekers are aware of their participation responsibilities, and that failure to comply will be reported to TDCJ or TYC when Texas Workforce Center staff becomes aware of a failure to comply.

The Commission adopts the deletion of §847.11(1), which requires that Project RIO job seekers complete and sign an application for food stamp benefits. The adopted deletion of this requirement reflects the change in funding strategies used to support Project RIO service provision. While the referral of most Project RIO job seekers to the Texas Health and Human Services Commission (HHSC) for food stamp assistance is appropriate, the language in rule is no longer necessary because the funding strategies do not explicitly rely upon FSE&T resources.

Sections 847.11(3)–847.11(8) are renumbered as §§847.11(1)–847.11(7), respectively.

**Comment:** One commenter stated that the use of the term "drug-free" was too encompassing and might be construed to include non-controlled substances such as tobacco and caffeine. The commenter suggested that language such as "drug free as evidenced by drug testing" be included in the rule.

**Response:** The Commission disagrees and believes the term drug-free commonly refers to the absence of alcohol and illicit drug abuse, and its use in this context is appropriate. The term drug-free is not intended to imply required drug testing, but rather to require that Project RIO job seekers do not use, sell, or possess controlled substances or abuse alcohol.

### **§847.12. Job Seeker Failure to Comply**

The Commission adopts the amendment of §847.12 by deleting the phrase "referred by TDCJ Parole Division" because not all job seekers are referred by supervising offices. Further, the

Commission adopts the amendment of §847.12 by replacing the specific reference to the "TDCJ Parole Division" and including the requirement that the "TDCJ or TYC supervising office" be notified.

Based on the general comment received, the Commission further specifies that a Project RIO job seeker who fails to comply with §847.11, Job Seeker Responsibilities, including the IEP, may be determined ineligible to receive Project RIO services, and TDCJ and TYC shall be informed when Texas Workforce Center staff becomes aware of a failure to comply.

## **SUBCHAPTER C. PROJECT RIO SERVICES**

### **§847.21. Job Seeker Assessment**

Based on the general comment received, the Commission adds language in §847.21(a) to specify that initial and ongoing assessments must be performed if Texas Workforce Center staff is providing intensive or training services to Project RIO job seekers. In addition, the Commission modifies §847.21(b) to clarify that if a Project RIO job seeker is unable to secure employment through core services, Texas Workforce Center staff must provide a knowledge, skills, and abilities assessment to assist the Project RIO job seeker in obtaining employment.

In addition, the Commission adopts the amendment of §847.21(b)(4) by replacing the reference to parole "officer" with "office." The Commission believes that this information is more properly coordinated with the supervising office as set forth in §847.3(c)(1).

**Comment:** One commenter stated that the rules do not require formal assessments to be administered and that informal assessments should not be solely relied upon. The commenter further stated that assessments should be used to gauge whether appropriate referrals and services are being offered to Project RIO job seekers.

**Response:** The Commission disagrees and believes the rules strengthen the requirement that Project RIO service provision incorporates a comprehensive assessment of job seekers' training, work experience, and barriers to employment, leading to the development of an IEP. The assessment must carefully consider and incorporate the impact of occupational licensing standards, statutory limitations on employment, and conditions of parole to ensure that appropriate employment referrals are made. The rules do not require the use of a specific assessment product or process because the Commission believes it will negatively impact each Board's flexibility in designing and administering workforce services.

The Commission believes that assessments should be used to gauge whether appropriate referrals and services are being provided to Project RIO job seekers. The assessment process results in the identification of the necessary services and activities needed to move the job seeker into employment and should be used by Boards to evaluate whether Project RIO services are provided in the most efficient manner.

### **§847.22. Job Seeker Individual Employment Plan**

Based on the general comment received, the Commission further specifies that IEPs shall be developed for Project RIO job seekers who are unable to secure employment through core services.

The Commission adopts the amendment of §847.22(1) by changing the reference to TDCJ or TYC "facility" to the collective reference "correctional institution."

The Commission adopts the amendment of §847.22(4) by changing the reference to TYC "facility" to the collective reference "correctional institution."

## **SUBCHAPTER D. PROJECT RIO EMPLOYMENT ACTIVITIES**

### **§847.31. Employment Activities for Project RIO Job Seekers**

Based on the general comment received, the Commission clarifies in §847.31(a) that Project RIO job seekers may receive graduated services. In addition, the Commission specifies in §847.31(b) that "Boards may provide self-directed or staff-assisted" job search and job readiness services.

The Commission adopts the deletion of §847.31(a)(1) because the funding strategy used to support Project RIO services has changed from an explicit reliance on FSE&T resources to one in which Project RIO job seekers have access to the full range of employment and training activities provided by the Texas workforce system; therefore, this paragraph is no longer necessary. Additionally, the Commission adopts the removal of §847.31(a)(2) and incorporates the text in §847.31(b). Sections 847.31(a)(2)(A)–847.31(a)(2)(G) are renumbered as §§847.31(a)(1)–847.31(a)(7).

Based on the general comment received, the Commission clarifies in §847.31(c) that if staff-assisted job search services are being provided, staff-assisted referrals shall be based on the Project RIO job seekers' skills, abilities, and conditions of release.

The Commission adopts the replacement of the term "officer" with "office" in §847.31(c)(1). The Commission also adopts the reordering of the language in §847.31(d) for better clarity.

## **SUBCHAPTER E. PROJECT RIO SUPPORT SERVICES**

### **§847.41. Provision of Project RIO Support Services**

The Commission adopts the amendment of §847.41(a) by specifying that post-employment needs are included as an allowable support service.

#### **Comments were received from:**

Hector Marquez, Texas Department of Criminal Justice, Parole Division  
Laurie Bouillion Larrea, Dallas County Workforce Development Board, d/b/a Work Source for  
Dallas County

The rules are adopted 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 adopted rules will affect Texas Labor Code, particularly Chapters 301 and 302, as well as Texas Education Code, Chapter 19; Texas Labor Code, Chapter 306; and Texas Government Code, Chapter 552.

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

## Chapter 847. PROJECT RIO EMPLOYMENT ACTIVITIES AND SUPPORT SERVICES

### SUBCHAPTER A. GENERAL PROVISIONS

#### §847.1 Purpose.

- (a) Purpose. -The purpose of Project RIO is to provide a statewide employment referral program designed to reintegrate into the labor force persons sentenced to a Texas Department of Criminal Justice (TDCJ) correctional institution ~~State Jail Division facility or the Institutional Division~~ and persons committed to the Texas Youth Commission (TYC).
- (b) Scope of Rules. The Project RIO standards and guidelines, set forth in this chapter, address the roles and responsibilities of Boards to ensure that Project RIO employment activities and support services are available statewide through the Texas Workforce Centers consistent with 40 TAC Chapter 801 relating to the One-Stop Service Delivery Network. -Project RIO employment activities and support services are provided to adult and youth offenders before release by ~~the~~ TDCJ and ~~the~~ TYC. Post-release employment activities and support services are provided through the Texas Workforce Centers, and are designed to provide ex-offenders with employment activities and support services that promote employment, meet the needs of Texas employers, and help reduce recidivism. The provisions in this chapter are intended to be consistent with Texas Labor Code, Chapter 306; Texas Government Code §2308.312; and the Agency's memorandum of understanding ~~Memorandum of Understanding with the~~ TDCJ and ~~the~~ TYC.
- (c) Funding Integration. The Commission intends, to the greatest extent possible, to integrate all available funding sources in the delivery of Project RIO services, and support and expand Project RIO services by ensuring that ex-offenders and adjudicated youth have access to the full range of employment and training activities provided by the One-Stop Service Delivery Network ~~leveraging the General Revenue appropriation for Project RIO and federal FSE&T funds.~~

#### §847.2 Definitions.

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

- (1) Project RIO job seeker -- an individual involved with the Texas criminal or juvenile justice systems that may include the following:
  - (A) Adults ~~adults~~ who were sentenced to a ~~formerly confined by the~~ TDCJ correctional institution ~~Institutional Division~~, and ~~who~~ are within one year after their release from incarceration, or ~~and~~ are currently under, or within

one year of completion of their term of parole supervision by ~~the~~ TDCJ Parole Division; and

~~(B)~~ adults who were formerly confined in a TDCJ State Jail facility and who are within one year after their release from incarceration; and

~~(B)(C)~~ Adjudicated ~~adjudicated~~ youth ages 16 through 21, seeking employment activities and support services, who were formerly confined in a TYC correctional institution facility.

~~(2)~~ **Job Seeker Responsibility Agreement** -- **an agreement between the Project RIO job seeker and the Texas Workforce Center operator or the Board's designated service provider. This agreement outlines the Project RIO job seeker's responsibilities for continued enrollment in Project RIO activities.**

~~(2)(3)~~ TDCJ -- the Texas Department of Criminal Justice, which includes the Institutional, Parole, and State Jail Divisions, is the state agency that manages the overall operations of the state's prison, parole, and state jail systems.

~~(3)(4)~~ TYC -- the Texas Youth Commission, which is the state's juvenile corrections agency, that manages the overall operations of the state's youth correctional institutions and parole operations facilities.

~~(5)~~ Food Stamp Employment and Training (FSE&T) -- the activities and support services that assist food stamp recipients in entering employment through participation in allowable job search, training, education, or workfare activities that promote self-sufficiency.

~~(4)~~ Windham School District -- the school district that is responsible for providing academic as well as career and technology education to eligible offenders incarcerated in TDCJ correctional institutions.

### **§847.3. General Board Responsibilities.**

- (a) Role of Boards. A Board shall ensure that **Project RIO job seekers (i.e., individuals referred by the TDCJ and the TYC, as well as self-referred individuals)** as ~~Project RIO job seekers~~ participate in **Project RIO** employment activities and support services, ~~and other workforce activities and support services~~ as appropriate. **Boards shall determine the level of staff assistance that Project RIO job seekers require to assist them in obtaining employment. Boards may provide graduated levels of workforce services, as defined in §801.28 of this title, based upon the job seekers' needs. Boards providing graduated services shall ensure Project RIO job seekers who are unable to secure employment through the provision of core services are provided with intensive or training services to assist them in obtaining suitable employment.** The employment

activities and support services, as defined in this chapter, should meet the needs of local employers, prepare Project RIO job seekers to compete in the labor market, and assist ex-offenders and adjudicated youth in ~~obtaining~~ locating employment.

- (b) Board Planning. A Board shall develop, amend, and modify its Integrated Plan to incorporate and coordinate the design and management of the delivery of Project RIO employment activities and support services with the delivery of other workforce employment, training, and educational services identified in Texas Government Code §2308.251 *et seq.*, Texas Government Code §2308.312 *et seq.*, as well as other employment and training services included in the One-Stop Service Delivery Network as set forth in Chapter 801 of this title.

The ~~Texas Workforce Commission's (Commission)~~ intent is to assist Project RIO job seekers with securing employment as quickly as possible; however, Project RIO - Youth may need basic skills training and education to secure employment. Specifically, Boards shall consider integration with WIA Youth services or other funding sources, as appropriate, for assisting Project RIO -- Youth with obtaining the basic General Educational Development General Equivalency Diploma (GED) credential or basic skills training.

- (c) Board Coordination. The Boards shall coordinate with the following entities to ensure the transition to employment of Project RIO job seekers:
- (1) ~~TDCJ~~—Parole Supervising Offices. A Board shall coordinate the provision of Project RIO employment activities and support services with the referring TDCJ or TYC Parole Division supervising office officer. This coordination shall ensure that the supervising office is ~~TDCJ Parole Offices~~ are made aware of the results of the initial referral for Project RIO services, as well as periodic updates on program participation status as determined appropriate for the individual.
  - (2) ~~Correctional Institutions TDCJ Institutional Division~~. A Board shall **ensure that Texas Workforce Center staff who are assisting Project RIO job seekers** coordinate the provision of Project RIO employment activities and support services with ~~the TDCJ and TYC correctional institutions~~ Institutional Division by utilizing the data and resources developed by ~~the TDCJ Institutional Division Project RIO component~~ prior to the offender's or adjudicated youth's release. This coordination shall ensure that post-release Project RIO activities and services build upon and complement the services provided in the correctional institutions. ~~This coordination shall ensure that the TDCJ Institutional Division is made aware of the results of the initial referral for Project RIO services, as well as periodic updates on program participation status as determined appropriate for the individual.~~
  - (3) ~~TDCJ State Jail Division~~. A Board shall coordinate the provision of Project RIO employment activities and support services with the TDCJ State Jail

~~Division by utilizing the data and resources developed by the State Jail Project RIO component prior to the offender's release. This coordination shall ensure that the TDCJ State Jail Division is made aware of the results of the initial referral for Project RIO services, as well as periodic updates on program participation status as determined appropriate for the individual.~~

- ~~(3)~~ Windham School District. Boards shall coordinate on an ongoing and continuing basis with Windham School District by providing labor market information related to their local workforce development area (workforce area), including current and emerging jobs, in order that Windham School District may better meet the needs of Texas employers through education and training services. Additionally, Boards shall **ensure that Texas Workforce Center staff who are assisting Project RIO job seekers** fully incorporate in Project RIO job seekers' Individual Employment Plans (IEPs), as set forth in **§847.22 of this chapter**, the education and training received during incarceration in order to maximize employment referrals that are directly related to that education and training.
- ~~(4)~~ TYC Offices. A Board shall coordinate the provision of Project RIO employment activities and support services with the referring TYC parole and contracted parole officer. This coordination shall ensure that the TYC Offices are made aware of the results of the initial referral for Project RIO services, as well as periodic updates on program participation status as determined appropriate for the individual.
- ~~(4)~~ Memoranda of Understanding. Pursuant to coordination efforts, Boards shall develop memoranda of understanding with TDCJ, TYC, and the Windham School District establishing the systems, structures, and processes for the provision of Project RIO services. The memoranda of understanding must include, but are not limited to, procedures for the following activities:

  - (A) Referral coordination for parolees or adjudicated youth;
  - (B) Progress reporting related to job seeker status and services received; and
  - (C) The provision of labor market information to the Windham School District.
- ~~(5)~~ Other Partners. For the purposes of ensuring that Project RIO job seekers have the necessary support services available to them to enable successful ~~entry~~entry into the labor force, a Board shall develop cooperative agreements and service arrangements meeting the requirements of the Texas Labor Code §306.007(a).
- ~~(d)~~ Service Delivery Strategies. A Board shall develop a Project RIO Service Delivery Strategy, **which may include the provision of graduated levels of workforce services, as set forth in §801.28 of this title, based upon the needs of Project RIO**

**job seekers. Boards shall provide intensive or training services, as appropriate, to Project RIO job seekers who receive core services but were unable to secure employment. Boards shall that fully incorporateincorporates and ensureensures the following additional elements:**

- (1) ~~The~~ the efficient delivery and linkage of Project RIO employment activities and support services within the workforce area's One-Stop Service Delivery Network with other employment and training services funded through the Texas Workforce ~~Centers~~ Center, in particular WIA Adult and Youth services and, Food Stamp Employment and Training (FSE&T);
  - ~~(2)~~ the employment documents secured by the TDCJ Institutional Division, State Jail Division, or the TYC Project RIO are properly routed to the ex-offender;
  - ~~(2)(3)~~ A a point of contact for TDCJ and TYC supervising offices ~~the TDCJ Parole Division and the TYC~~ to facilitate the exchange of access to information regarding the Project RIO job seeker's progress toward securing employment and related participation information;
  - ~~(3)(4)~~ ~~The~~ the outreach of Project RIO job seekers at TDCJ ~~Parole Division and TYC supervising offices~~ facilities;
  - ~~(4)(5)~~ ~~The~~ the participation of the One-Stop Service Delivery Network in job fairs/career days held in TDCJ and TYC correctional institutions ~~facilities~~;
  - ~~(5)(6)~~ ~~The~~ timely and accurate reporting of data reflecting Project RIO service provision as well as the status of referrals for service ~~the use of reporting and document management systems related to Project RIO participation as required by the Commission~~;
  - ~~(6)(7)~~ All all performance standards are met, as developed by the Commission, ~~are met~~; and
  - ~~(7)(8)~~ ~~The~~ the performance of any other duties, as required by the Commission, necessary to implement the intent of Texas Labor Code, Chapter 306.
- (e) Access to Project RIO Employment Activities and Support Services. A Board shall ensure that the oversight and monitoring of program requirements and participant activities occur on an ongoing basis, as determined appropriate by the Board, and consist of the following:
- (1) tracking and reporting, as required by the Commission, of employment activities and support services, including appropriate data relating to referrals, placements, specialized on-the-job training, and completion of training, such as GED completion, college credit and noncredit course accomplishments, or other data, as applicable;

- (2) determining and arranging for any referrals to support services needed to assist the Project RIO job seeker in complying with Project RIO employment activities to address barriers to employment; and
  - (3) ensuring progress toward achieving employment and the goals and objectives in the Project RIO job seeker's ~~IEP~~**Individual Employment Plan**, as set forth in §847.22 of this chapter, ~~and the job seeker Responsibility Agreement, as set forth in §847.3(i) of this section.~~
- (f) TDCJ and TYC Notice. A Board shall ensure that notification to the supervising office~~TDCJ Parole Division~~ is made in a timely manner if **Texas Workforce Center staff becomes aware of a job seeker's failure** ~~seeker fails to comply with the job seeker responsibilities, as set forth in §847.11 of this chapter.~~**Responsibility Agreement as set forth in §847.3 of this chapter.**
- (g) Employer Notice. A Board shall ensure that employers are informed at the time of the employment referral of the Project RIO job seeker's status as an ex-offender and the availability of Work Opportunity Tax Credits and fidelity bonding~~Fidelity Bonding~~ services.
- (h) Youth Confidentiality. All information regarding the adjudicated status of a youth shall be held in strict confidence and shall not be disclosed to any other entity or person. A Board shall ensure that employment referrals for adjudicated youth are made in accordance with the confidentiality requirements set forth in state statutes, state rules, and Commission policies.
- ~~(i) **Job Seeker Responsibility Agreement.** Boards shall ensure that the job seeker Responsibility Agreement is signed by the Project RIO job seeker and the Texas Workforce Center operator, or the Board's designated service provider, and contains language indicating that the job seeker:~~
- ~~(1) **is ready and able to seek employment;**~~
  - ~~(2) **will comply with all service requirements as outlined in the Individual Employment Plan;**~~
  - ~~(3) **will report for employment interviews at the scheduled appointment time(s); and**~~
  - ~~(4) **will notify the Texas Workforce Center operator, or the Board's designated service provider, of employment.**~~

## SUBCHAPTER B. PROJECT RIO JOB SEEKER RESPONSIBILITIES

### §847.11. Job Seeker Responsibilities.

**A Board shall ensure that Texas Workforce Center staff who are assisting Project RIO job seekers make Project RIO job seekers aware of the requirement to comply with the following provisions, shall:**

- ~~(1)~~ complete and sign an application for food stamp benefits through the Texas Department of Human Services, unless the job-seeker has a drug conviction on or after August 22, 1996;
- ~~(2)~~ **sign the job seeker Responsibility Agreement;**
- ~~(1)(3)~~ participate in employment activities as ~~specified in §847.22 and as~~ described in §847.31 of this chapter;
- ~~(2)~~ **comply with the IEP, as set forth in §847.22 of this chapter;**
- ~~(3)(4)~~ attend scheduled Project RIO appointments;
- ~~(4)(5)~~ notify the Texas Workforce Center operator, or the Board's designated service provider, upon securing employment when starting work on any job;
- ~~(5)(6)~~ participate in or receive support services as described in §847.22 and §847.41 of this chapter, necessary to enable the Project RIO job seekers to work or participate in employment activities, including counseling, treatment, and vocational or physical rehabilitation;
- ~~(6)(7)~~ be free of outstanding warrants and not in pre-revocation status; and
- ~~(7)(8)~~ be drug-free and comply with other terms or conditions of parole.

#### **§847.12. Job Seeker Failure to Comply.**

Project RIO job seekers referred by the TDCJ Parole Division, who fail to meet the **job seeker responsibilities, as set forth in §847.11 of this subchapter** requirements of the **Individual Employment Plan and job seeker Responsibility Agreement**, may be deemed ineligible for Project RIO employment activities and support services, and such participation status shall be reported to the TDCJ or TYC supervising office Parole Division **when Texas Workforce Center staff becomes aware of a failure to comply.** Failure to comply, as determined by the Texas Workforce Center operator, or the Board's designated service provider, includes but is not limited to:

- (1) failing to report for two scheduled interviews;
- (2) turning down a position of employment that is consistent with the skills possessed by the Project RIO job seeker;
- (3) quitting an employment activity without cause; or

- (4) being terminated from a job for misconduct.

## SUBCHAPTER C. PROJECT RIO SERVICES

### §847.21. Job Seeker Assessment.

- (a) ~~Boards A Board~~ shall ensure that Texas Workforce Center staff who are providing intensive or training services to Project RIO job seekers perform initial and ongoing assessments ~~are performed~~ to determine the employability and retention needs of Project RIO job seekers.
- (b) Project RIO job seekers who are unable to secure employment through core services shall receive an assessment of their ~~Assessments shall include evaluations of~~ knowledge, skills, and abilities ~~strengths~~ as well as ~~and~~ potential barriers to securing and retaining employment, such as:
  - (1) information identified in the assessments provided by agency partners, which includes background information relating to education and vocational skills training obtained while incarcerated, employment history, academic achievements, and past skills attainments;
  - (2) other skills and abilities, employment, and educational history in relation to employers' workforce needs in the local labor market;
  - (3) support services needs; and
  - (4) family circumstances that may affect participation, including the existence of domestic violence, substance abuse, and mental illness, or the need for parenting skills training, which, if identified, may require coordination through the parole or contracted parole ~~office~~ ~~officer~~, as one of the factors considered in evaluating employability.
- (c) Assessments, as set forth in subsection 847.21(b) of this section, shall result in the development of an ~~IEP~~ Individual Employment Plan, as described in §847.22 of this ~~subchapter~~ ~~chapter~~.

### §847.22. Job Seeker Individual Employment Plan.

Boards shall ensure that Texas Workforce Center staff develops IEPs ~~the Individual Employment Plan for Project RIO job seekers who are unable to secure employment through core services, documents that Project RIO job seekers have been informed of their job seeker responsibilities, and that IEPs:~~

- (1) ~~incorporate incorporates~~ information provided by the referring agency partner, including any ~~IEPs individual employment planning~~ provided while in a TDCJ or TYC ~~correctional institution~~ facility;
- (2) ~~identify and coordinate identifies and coordinates~~ the provision of services available through the Texas Workforce Centers;
- (3) ~~are~~ based on assessments, as described in §847.21 of this subchapter ~~chapter~~;
- (4) ~~contain contains~~ any prevocational goals established for Project RIO - Youth participants while in a TYC ~~correctional institution~~ facility;
- (5) ~~contain contains~~ employment goals to meet the needs of the local labor market;
- (6) ~~allow allows~~ Project RIO job seekers to find and secure employment that ~~utilizes~~ requires their skills;
- (7) ~~meet meets~~ the needs of employers by linking and matching the skills of Project RIO job seekers to the job-skills requirements of the employers;
- (8) ~~include includes~~ strategies for addressing barriers identified in the assessment; and
- (9) ~~are~~ signed by the Project RIO job ~~seekers~~ seeker.

#### **SUBCHAPTER D. PROJECT RIO EMPLOYMENT ACTIVITIES**

##### **§847.31. Employment Activities for Project RIO Job Seekers.**

- (a) Boards shall ensure that employment activities are provided for Project RIO job seekers, as determined by the Texas Workforce Center ~~operator~~, or the Board's designated service provider, which may include the provision of graduated services, as set forth in §801.28 of this title.
- (b) Boards may provide self-directed or staff-assisted job search and job readiness services, which incorporate the following:**
  - (1) ~~activities set forth in 40 TAC Chapter 813 relating to FSE&T activities;~~
  - (2) ~~job search and job readiness services, which incorporate the following:~~
    - (1)(A) information and referral to employment opportunities;
    - (2)(B) job-skills assessment;

- ~~(3)(C)~~ counseling;
- ~~(4)(D)~~ occupational exploration, including information on local emerging and demand occupations;
- ~~(5)(E)~~ interviewing skills and practice interviews;
- ~~(6)(F)~~ assistance with applications and resumes; and
- ~~(7)(G)~~ guidance and motivation for development of positive work behaviors necessary for the labor market.

~~(c)(b)~~ Boards shall ensure that **staff-assisted** referrals to employment opportunities are based on the Project RIO job seeker's assessment, training, skills, and conditions of release. The referrals to jobs may be restricted to certain available employment based on:

- (1) recommendations from the agency partners, including the applicable parole ~~office~~ officer or contracted parole ~~office~~ officer;
- (2) ~~consideration~~ **considerations** of factors that may increase the likelihood of success of the individual in retaining employment; or
- (3) consideration of factors that may help reduce the likelihood of recidivism.

~~(d)(e)~~ In order to maximize the opportunities for Project RIO job seekers to secure employment, Boards shall ensure that other employment and training activities available through the One-Stop Service Delivery Network and paid for with funds other than Project RIO **funds** are considered and provided as deemed appropriate by the Texas Workforce Center ~~operator~~, or the Board's designated service provider, ~~in order to maximize the opportunities for Project RIO job seekers to secure employment.~~

## SUBCHAPTER E. PROJECT RIO SUPPORT SERVICES

### §847.41. Provision of Project RIO Support Services.

- (a) ~~Boards~~ **A Board** shall ensure that support services, which address barriers to employment, ~~or participation in employment services,~~ and post-employment support services needs, are provided to a Project RIO job seeker as determined by the ~~Boards'~~ **Board's** policies and ~~IEPs~~ **Individual Employment Plans**, and the Texas Workforce Centers ~~Center operator,~~ or the ~~Boards'~~ **Board's** designated service ~~providers~~ **provider**.
- (b) ~~Boards~~ **A Board** shall ensure that referrals to support services as specified in the memorandum of understanding ~~Memorandum of Understanding~~ referenced in Texas

Labor Code §306.004, §306.005, and §306.007 are made for Project RIO job seekers.

- (c) ~~Boards A Board~~ shall ensure that referrals are made, as determined appropriate by the ~~Texas Texas Workforce Centers Center operator~~, or the ~~Boards Board's~~ designated service ~~providers provider~~, to other available support services, including low-income housing, application for food stamp benefits, low-cost medical assistance, substance abuse treatment, counseling, vocational or physical rehabilitation, and other services.
- (d) ~~Boards A Board~~ shall ensure that hiring incentives are made available for Project RIO job seekers, to include:
  - (1) Work Opportunity Tax Credits screening and conditional certification; and
  - (2) ~~fidelity bonding Fidelity Bonding~~ services, which are available through the ~~Agency Commission~~.

## **SUBCHAPTER F. EXPENDITURE OF FUNDS**

### **§847.51. Use of Funds.**

Boards shall ensure that monies made available for Project RIO employment activities and support services pursuant to this chapter are used solely for the purpose of providing employment activities and support services specified in this chapter.