

PROPOSED NEW RULES FOR CHAPTER 847. PROJECT RIO FUNDED EMPLOYMENT ACTIVITIES AND SUPPORT SERVICES

ON DECEMBER 17, 2002, THE TEXAS WORKFORCE COMMISSION PROPOSED THE BELOW RULE WITH PREAMBLE TO BE SUBMITTED TO THE *TEXAS REGISTER*.

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The Texas Workforce Commission (Commission) proposes a new Chapter 847 relating to Project Re-Integration of Offenders (Project RIO) funded employment activities and support services, including new Subchapter A. General Provisions, §§847.1-847.3; Subchapter B. Project RIO Job Seeker Responsibilities, §§847.11-847.12; Subchapter C. Project RIO Services, §§847.21-847.22; Subchapter D. Project RIO Funded Employment Activities, §847.31; Subchapter E. Project RIO Funded Support Services, §847.41; and Subchapter F. Expenditure of Funds, §847.51.

The purpose of Project RIO is to provide a statewide employment referral program designed to reintegrate into the labor force persons sentenced to a state jail division facility or the institutional division and persons committed to the Texas Youth Commission.

The Project RIO standards and guidelines, set forth in this Chapter, address the roles and responsibilities of Boards to ensure that the Project RIO funded 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 funded employment activities and support services are provided to adult and youth offenders before release by the Texas Department of Criminal Justice (TDCJ) and the Texas Youth Commission (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 reduce recidivism. The provisions in this chapter are intended to implement and be consistent with Chapter 306, Texas Labor Code, Chapter 2308.312, Texas Government Code and the Memorandum of Understanding with the Texas Department of Criminal Justice and the Texas Youth Commission.

The One-Stop Service Delivery Network, which includes the Board's management and oversight of local service providers includes a one-stop operator that manages local Texas Workforce Centers that provide access to a multitude of services to employers and job seekers, including but not limited to the services and activities set forth in 40 TAC Chapter 801, Subchapter B. The One-Stop Service Delivery Network is the vehicle for providing integrated services that are streamlined services, empower individuals, provide universal access to services, increase accountability for service delivery, and provide for a strong role for Boards in coordinating services at the local level to maximize the benefits to individuals and employers.

The Texas Workforce Centers are based on a partnership among the Boards, their contracted service providers, the Commission, and other partners, including but not limited to the Texas Youth Commission and Texas Department of Criminal Justice to ensure that a seamless network of information and services are provided that are responsive to the individual needs of customers including employers and job seekers. The Boards utilize a competitively procured one-stop

operator for the provision of employment activities and support services. The Project RIO employment and training services are a required service that must be accessible through the Texas Workforce Centers as required by Section 2308.312, Texas Government Code, and Chapter 302, Texas Labor Code.

Part of the Commission's innovative system of workforce training and services throughout the State of Texas is the Project RIO funded employment activities and support services. The Boards currently plan and oversee a broad array of workforce programs, including WIA Adult and Youth services. These two programs in particular may offer opportunities to provide additional core and intensive services such as comprehensive and specialized assessments or diagnostic testing, case management, short-term prevocational training, and training, when appropriate, for RIO Adults. For RIO Youth, the services under WIA Youth provide many opportunities for youths to strengthen their awareness and connections to employment, including summer employment and paid and unpaid work experiences such as internships and job shadowing. In addition, WIA Youth offers tutoring, study skills training and other dropout prevention strategies, occupational skills training, as appropriate, and leadership development opportunities such as community service, with adult mentoring for the period of participation as well as subsequently for a total of 12 months.

One of the primary goals of the Commission is to meet the needs of Texas employers for the development of a highly skilled and productive workforce. As a part of this goal, the Commission strives to prepare, place and retain individuals in employment, and meet the needs of workers of this state for education and skills. It is a goal for the Commission that all participants in Project RIO funded employment activities and support services successfully secure employment.

Project RIO is a legislatively created joint undertaking intended to reduce recidivism by preparing ex-offenders for re-employment into society by assisting them in securing meaningful employment after release. Success in Project RIO has largely been a product of a high level of interagency cooperation among the correctional and workforce development agencies. Specifically, the Texas Department of Criminal Justice (TDCJ) and the Texas Youth Commission (TYC) along with the Texas Workforce Commission cooperate to provide for a full integration of Project RIO funded employment activities and support services. The Commission anticipates that the service delivery through coordination with the Boards and use of the Texas Workforce Centers will strengthen the partnerships with local TDCJ and TYC contacts in each local workforce development area to improve and enhance services to yield greater successes for Project RIO job seekers. The Commission also anticipates that the one-stop service delivery approach will be more fully implemented through the Boards more direct coordination of local services with the local partners that will enhance the levels of coordination for the benefit of Project RIO job seekers.

Project RIO funded employment activities and support services are provided to adults and youth offenders in TDCJ's prisons, State Jails, and Texas Youth Commission facilities. Employment activities and support services provided in these settings are focused on offenders projected to be released within three years to better equip the individual to secure employment.

TDCJ Institutional Division (prisons) and State Jail Division Project RIO staff also organize Career Fairs and Job Fairs in the TDCJ facilities respectively as part of their efforts to prepare the offender population for re-entry into the labor force.

At the time of release, the majority of Project RIO job seekers have a supervising officer at TDCJ or TYC. The supervising Parole Officer is a critical team member because the Parole Officers make the initial referrals for Project RIO job seekers. The Boards' role is to ensure that the Parole Officers are informed of status of the Project RIO job seekers' progress with securing employment through the Project RIO funded employment activities and support services.

Some ex-offenders may be released into the community with no supervision because they have fully discharged their sentence. This situation commonly occurs with State Jail ex-offenders and, on occasion, with individuals who fully discharge their sentence in prison. These individuals become aware of Project RIO while incarcerated and may volunteer for participation.

Project RIO funded services for youths have shown success in providing early intervention and diversion services to adjudicated youth. The Commission anticipates local partnerships formed to address the needs of the youths will enhance the services to these youths as well.

Project RIO data is presently maintained on multiple automated systems, though plans are in place to consolidate and maintain all data onto The Workforce Information System of Texas (TWIST) and the WorkInTexas.com (WIT) systems by Spring 2003 to facilitate coordinated employment activities and services available through the Texas Workforce Centers and the One-Stop Service Delivery Network.

The Commission recognizes that Fidelity Bonding is a valuable job placement tool for Project RIO job seekers. Project RIO funded services include the availability of Fidelity Bonding services to the employer and ex-offender. To assure that this placement tool continues to be offered in a cost efficient fashion, the Texas Workforce Commission, through the Commission's Project RIO department, will continue to obtain the necessary bonds and make them available for use in placing RIO job seekers.

Resources to support the Board's Project RIO oversight and management of the local one-stop operators and the direct employment activities and support services are anticipated to be distributed among the local workforce development areas based on factors such as those that recognize both the potential service populations and the existing referral patterns as evidenced by past coordination of referrals for Project RIO funded services.

Randy Townsend, Chief Financial Officer, has determined that for the first five-year period the rules are in effect, the following statements will apply:

there are no additional estimated 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 and 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; and

there are no anticipated economic costs to persons required to comply with the rules.

Mr. Townsend, Chief Financial Officer, has determined that there is no anticipated adverse impact on small businesses as a result of enforcing or administering the rules because small businesses are not required to do anything as a result of the rules.

James Barnes, Director of Labor Market Information, has determined that the proposed rules would not affect private employment. The Director of Labor Market Information does not expect any significant impact upon overall employment conditions in the state as a result of the proposed rules.

Under §2007.003(b), Texas Government Code, the Office of General Counsel has determined that Chapter 2007 does not apply to this rule. Accordingly, the Agency is not required to complete a takings impact statement regarding these rules.

Luis Macias, Director of Workforce 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 rules will be to provide Project RIO funded employment activities and support services in a more integrated manner that coordinates access to employment activities and services available through the Texas Workforce Centers.

Comments on the proposal may be submitted to John Moore, Office of General Counsel, Texas Workforce Commission, 101 East 15th Street, Room 608, Austin, Texas 78778-0001; fax (512)463-1426. Comments may also be submitted via e-mail to Mr. Moore at ruleandpolicy.comments@twc.state.tx.us. Comments must be received by the Commission within thirty (30) days from the date this proposal is published in the *Texas Register*.

For information about the Commission please visit our web page at www.texasworkforce.org.

The rules are proposed under Texas Labor Code, §301.061 which provides the Texas Workforce Commission with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of Commission activities and services and Chapter 306, Texas Labor Code, and particularly §306.003 that requires the Commission to administer the project and §306.006, which states the Project RIO director's duties to set standards and guidelines for the operation of the project.

Texas Labor Code, Title 4 and particularly Chapter 301 and Chapter 302 will be affected by the repeals.

<new>CHAPTER 847 PROJECT RIO FUNDED EMPLOYMENT ACTIVITIES AND SUPPORT SERVICES

<new>SUBCHAPTER A. GENERAL PROVISIONS

<new>§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 State Jail

Division felony facility or the institutional division and persons committed to the Texas Youth Commission.

- (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 the Project RIO funded 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 funded employment activities and support services are provided to adult and youth offenders before release by the Texas Department of Criminal Justice (TDCJ) and the Texas Youth Commission (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 reduce recidivism. The provisions in this chapter are intended to be consistent with Chapter 306, Texas Labor Code, Chapter 2308.312, Texas Government Code and the Memorandum of Understanding with the Texas Department of Criminal Justice and the Texas Youth Commission.

<new>§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 justice or juvenile justice systems that may include the following:
 - (A) adults that were formerly confined by the TDCJ Institutional Division who are within one year after their release from incarceration and are currently under, or within one year of completion of their term of supervision by the Texas Department of Criminal Justice Parole Division. This category shall not include individuals identified as having participated in the Texas Correctional Industries Work Against Recidivism (WAR) program;
 - (B) adjudicated youth ages 16 through 21, seeking employment activities and support services as a result of having been formerly confined in a Texas Youth Commission Facility;
 - (C) adults that were formerly confined in a TDCJ Institutional Division facility and having participated in the Work Against Recidivism (WAR) program; and are currently under, or within one year of completion of their term of confinement or supervision by the Texas Department of Criminal Justice Parole Division; and
 - (D) adults that were formerly confined in a TDCJ State Jail facilities that are within one year of their release from incarceration.
- (2) TDCJ - Texas Department of Criminal Justice.
- (3) TYC - Texas Youth Commission.

<new>§847.3. General Board Responsibilities.

- (a) **Role of Boards.** A Board shall ensure that individuals referred by TDCJ and TYC as Project RIO job seekers participate in Project RIO funded employment activities and support services and other workforce activities and support services as appropriate. 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 in 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 employment activities and support services with the delivery of other workforce employment, training, and educational services identified in Texas Government Code Section 2308.251 *et seq.*, Texas Government Code Section 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.
- (c) **Board Coordination.** The Boards shall coordinate with the following entities in ensuring the transition of Project RIO job seekers to employment:
 - (1) **TDCJ -Local Parole Division –** A Board shall coordinate the provision of Project RIO funded employment activities and support services with the referring Parole Division supervising officer. This coordination shall assure that the local Parole Division is made aware of the results of the initial referral for Project RIO service, as well as periodic updates regarding program participation status as determined appropriate for the individual.
 - (2) **TDCJ -Local Institutional Division –** A Board shall coordinate the provision of Project RIO funded employment activities and support services with TDCJ Institutional Division (ID) by utilizing the data and resources developed by the TDCJ ID Project RIO component prior to the offender's release.
 - (3) **TDCJ –Local State Jail Division –** A Board shall coordinate the provision of Project RIO funded employment activities and support services with TDCJ State Jail Division by utilizing the data and resources developed by the State Jail Project RIO component prior to the offender's release.
 - (4) **TYC – Local Offices -** A Board shall coordinate the provision of Project RIO funded employment activities and support services with the referring TYC supervising officer. This coordination shall assure that TYC is made aware of the results of the initial referral for Project RIO service, as well as periodic updates regarding program participation status.
 - (5) **Other Partners–** For the purposes of assuring that Project RIO job seekers have the necessary support services available to them to enable successful re-entry into society, a Board shall develop cooperative agreements and service arrangements meeting the requirements of the Texas Labor Code, Section 306.007(a).

- (d) Service Delivery Strategies: A Board shall develop a Project RIO Service Delivery Strategy that fully incorporates the following elements:
- (1) ensure the efficient delivery and linkage of employment activities and support services within the local workforce development area's (LWDA) One-Stop Service Delivery Network with other employment and training services funded through the Texas Workforce Center, including particularly WIA Adult and Youth services;
 - (2) ensure that employment documents secured by the TDCJ Institutional Division, State Jail Division, or TYC Project RIO components are properly routed to the ex-offender;
 - (3) ensure a point of contact for the TDCJ Parole Division and TYC to facilitate access to information regarding the Project RIO job seeker's progress toward securing employment and related participation information;
 - (4) ensure the outreach of Project RIO job seekers at TDCJ Parole Division and TYC facilities;
 - (5) ensure that all Project RIO job seekers have signed a job seeker Responsibility Agreement, as set forth in this Chapter;
 - (6) ensure the participation of the One-Stop Service Delivery Network in job fairs/career fairs held in TDCJ facilities;
 - (7) ensure the use of reporting and document management systems related to Project RIO participation as required by the Commission;
 - (8) ensure that all performance standards as developed by the Commission are met; and
 - (9) ensure the performance of any other duties as required by the Commission necessary to implement the intent of Chapter 306, Texas Labor Code.
- (e) Access to Project RIO Employment Activities and Support Services. A Board shall ensure that the monitoring of program requirements and participant activities occurs on an ongoing basis, as determined appropriate by the Board, and consists of the following:
- (1) tracking and reporting of employment activities and support services;
 - (2) determining and arranging for any intervention needed to assist the Project RIO job seeker in complying with Project RIO employment activities and support service requirements to address barriers to employment; and
 - (3) ensuring progress toward achieving the goals and objectives in the Project RIO job seeker's Individual Employment Plan, as set forth in § 847.13 of this Chapter, and job seeker Responsibility Agreement, as set forth in §847.14 of this Chapter.

- (f) TDCJ Notice. A Board shall ensure that notification is made in a timely manner to the Texas Department of Criminal Justice Parole Division if a job seeker fails to comply with job seeker Responsibility Agreement as set forth in §847.14 of this Chapter.
- (g) Employer Notice. A Board shall ensure that employers are informed of the ex-offender's status as an ex-offender at the time of the employment referral and the availability of Work Opportunity Tax Credits.
- (h) Youth Confidentiality. 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.

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The rules are proposed under Texas Labor Code, §301.061 which provides the Texas Workforce Commission with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of Commission activities and services and Chapter 306, Texas Labor Code, and particularly §306.003 that requires the Commission to administer the project and §306.006, which states the Project RIO director's duties to set standards and guidelines for the operation of the project.

Texas Labor Code, Title 4 and particularly Chapter 301 and Chapter 302 will be affected by the repeals.

<new> SUBCHAPTER B. PROJECT RIO JOB SEEKER RESPONSIBILITIES

<new><847.11. Job Seeker Responsibilities.

Project RIO job seekers shall:

- (1) sign the job seeker Responsibility Agreement;
- (2) participate in employment activities as specified in the Individual Employment Plan;
- (3) attend scheduled Project RIO appointments;
- (4) secure employment by finding positions of employment that requires the skills possessed by the Project RIO job seeker;
- (5) notify the Board's designated Project RIO contact when starting work on any job;
- (6) participate in or receive support services necessary to enable the Project RIO job seeker to work or participate in employment activities, including counseling, treatment, vocational or physical rehabilitation;
- (7) be free of outstanding warrants and not in pre-revocation status; and
- (8) be drug-free and comply with other terms or conditions of parole.

<new>§847.12. Job Seeker Failure to Comply

Project RIO job seekers referred by the TDCJ Parole Division who fail to meet the requirements of the Individual Employment Plan and job seeker Responsibility Agreement may be deemed ineligible for RIO funded employment activities and support services and such participation status shall be reported to TDCJ Parole Division. Failure to comply, as determined by the Board designated Project RIO contact, or other person designated by the Board includes, but is not limited to:

- (1) failing to report to 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.

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<new> SUBCHAPTER C. PROJECT RIO SERVICES

<new>§847.21. Job Seeker Assessment

- (a) A Board shall ensure that initial and ongoing assessments are performed to determine the employability and retention needs of Project RIO job seekers.
- (b) Assessments shall include evaluations of strengths and potential barriers to securing and retaining employment, such as:
 - (1) skills and abilities, employment, and educational history in relation to employers' workforce needs in the local labor market;
 - (2) support services needs; and
 - (3) family circumstances that may affect participation, including the existence of domestic violence, substance abuse, and mental illness, or the need for parenting skills training, as one of the factors considered in evaluating employability.
- (c) Assessments shall result in the development of an Individual Employment Plan, as described in this Chapter.

<new>§847.22. Job Seeker Individual Employment Plan

Boards shall ensure that the Individual Employment Plan:

- (1) identifies and coordinates the provision of services available through the Texas Workforce Centers,
- (2) is based on assessments, as described in this chapter;
- (3) contains the goal of employment to meet the needs of the local labor market;
- (4) allows the individuals to secure employment by finding a position of employment that require the skills possessed by the Project RIO Job Seeker;
- (5) meets the needs of employers by linking individuals with skills that match those job requirements identified by the employer; and
- (6) is signed by the Project RIO job seeker.

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<new> SUBCHAPTER D. PROJECT RIO FUNDED EMPLOYMENT ACTIVITIES

<new>§847.31. Employment Activities for Project RIO Job Seekers.

- (a) Boards shall ensure that employment activities are provided for Project RIO job seekers, which may include one or more of the following as determined by the Board's designated Project RIO contact or his or her designee:
 - (1) counseling, guidance, and motivation for development of positive work behaviors necessary for the labor market;
 - (2) job search skills training, including interview skills;
 - (3) information and referral to available jobs;
 - (4) occupational exploration, including information on local target and demand occupations;
 - (5) assistance with applications and resumes;

- (6) Work Opportunity Tax Credit (WOTC) screening and conditional certification; and
 - (7) Fidelity Bonding services, which are available through the Commission.
- (b) 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 Board's designated Project RIO contact in order to maximize the opportunities for Project RIO job seekers to secure employment.

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<new>SUBCHAPTER E. PROJECT RIO FUNDED SUPPORT SERVICES

<new>§847.41. Provision of Project RIO Funded Support Services.

- (a) A Board shall ensure that support services are provided, if needed, as determined by the Board's designated Project RIO contact or his or her designee, to a Project RIO Job Seeker, to address barriers to employment or participation in employment services, subject to the availability of funding and resources.
- (b) A Board shall ensure that referral to support services as specified in the Memorandum of Understanding referenced in Texas Labor Code Sections 306.004, 306.005 and 306.007 is made for Project RIO job seekers.
- (c) A Board shall ensure that referrals are made, as deemed appropriate, determined by the Board's designated Project RIO contact or his or her designee, to other available support services, including low income housing, food stamp assistance, low cost medical assistance, substance abuse assistance, and other services.

<new>SUBCHAPTER F. EXPENDITURE OF FUNDS

<new>§847.51. Use of Funds.

Boards shall ensure that monies made available for Project RIO funded 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.

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