

# CHOICES GUIDE

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## ***Overview of Guide***

(Revision 10/2016)

The Texas Workforce Commission (TWC) requires Local Workforce Development Boards (Boards) to plan for services to be delivered using an integrated approach. Integrated service delivery is more than just a good practice—it is a way of looking at how services are delivered and finding ways to ensure Workforce Solutions Offices meet employer and job seeker needs.

The Workforce Solutions Office provides services that are designed to lead to employment. Choices services are an important part of this process because they serve both employers and job seekers and provide job-matching tools that all Workforce Solutions Office staff can use.

The purpose of this guide is to provide:

- information about Choices policies and procedures; and
- guidance and instruction on assisting Choices-eligible individuals to prepare for, obtain, and retain employment.

The objectives of this guide are to:

- improve the linkages between the needs of employers and the goals of job seekers;
- ensure service consistency;
- establish a base for quality assurance;
- communicate expectations for service outcomes, limitations, and funding; and
- assist Boards and Workforce Solutions Offices in developing local policies.

Updates to the guide will be conveyed through WD Letters, Release Notes, and Technical Assistance Bulletins, which will indicate that the guide has been revised to incorporate new information. The List of Revisions includes a comprehensive list of changes made to this guide, including the revision date, the section revised, and a brief explanation of the specific revision.



## **A-100: Background**

### ***A-101: Federal Legislative Authority***

(Revision 10/2016)

The [Personal Responsibility and Work Opportunity Reconciliation Act of 1996 \(PRWORA\) \(Public Law \[PL\] 104-193\)](#) established the block grant for Temporary Assistance for Needy Families (TANF) as part of a federal effort to “end welfare as we know it.” The TANF block grant replaced the Aid to Families with Dependent Children program, which had provided cash assistance to poor families with children since 1935.

PRWORA redefined the federal government’s role in administering the nation’s welfare system by providing states the flexibility to design their own systems. PRWORA offers states an opportunity to enact far-reaching changes and respond more effectively to the needs of families within each state’s unique environment. The U.S. Department of Health and Human Services (HHS) Administration for Children and Families (ACF) issues regulations governing key provisions of the TANF program.

Under the TANF block grant structure, states use the funds to operate their own programs. States can use TANF dollars to meet any of the four purposes set out in federal law:

- Provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives
- End the dependence of needy parents on government benefits by promoting job preparation, work, and marriage
- Prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing the incidence of these pregnancies
- Encourage the formation and maintenance of two-parent families

In February 2006, the [Deficit Reduction Act \(DRA\) of 2005 \(PL 109-171\)](#) reauthorized the TANF program through Fiscal Year 2010 (FY’10). DRA also changed several provisions in the law related to TANF work participation that further defined work activities and also tightened verification requirements for work activities.

On February 5, 2008, HHS issued TANF final regulations, which addressed changes from the June 29, 2006, interim regulations, including:

- allowable work activities;
- verification, documentation, and internal control procedures; and
- inclusion of certain child-only cases in the calculation of work participation rates.

Since 2010, TANF authorization has been extended by federal legislation through various acts and resolutions.

### ***A-102: State Legislative Authority—TANF State Program***

(Revision 10/2016)

[The 77th Texas Legislature, Regular Session \(2001\), enacted House Bill \(HB\) 1005](#), creating a new Temporary Assistance for Needy Families State Program (TANF-SP) specifically for two-parent households. The program uses TANF MOE funds. Effective October 1, 2001, TANF-SP hourly work requirements are based on the hourly requirements under federal TANF regulations. Activities available to two-parent households are the same as those available to single parents.

[HB 2292, enacted by the 78th Texas Legislature, Regular Session \(2003\)](#), amended the Texas Human Resources Code to require a pay-for-performance model for families receiving TANF. HB 2292 requires individuals to engage in work activities to receive TANF assistance and Medicaid assistance for adults.

During the 80th Texas Legislature, Regular Session (2007), the two-parent separate state program was funded with state General Revenue instead of TANF maintenance-of-effort (MOE) funds. This was in response to DRA, which requires all separate TANF state programs funded with TANF MOE to be included in the calculation of work participation rates.

### ***A-103: Choices Program***

(Revision 10/2016)

The Choices program operates under a *work first* service model. Upon applying for TANF assistance through the Texas Health and Human Services Commission (HHSC), and throughout delivery of benefits and employment services, Choices participants receive a consistent message:

- Government assistance is temporary.
- Texans are responsible for the support of themselves and their families.
- Employment is the goal.

Both state and federal welfare reform legislation emphasize personal responsibility, time-limited cash assistance benefits, and the goal of work instead of public assistance. To support these mandates, TWC and the Boards developed a service delivery model with the goal of employment at the earliest opportunity for applicants and recipients of cash assistance.

The Choices program provides services to two populations:

- Single-parent families
- Two-parent families

On October 1, 2001, Texas created TANF-SP specifically to serve two-parent households. One or both adults in a two-parent household are responsible for meeting the family's mandatory work requirement.

In FY'12, TWC established new program parameters to provide Boards with the flexibility to design and deliver services that assist Choices customers in entering employment quickly. Under [45 CFR §261.10](#), states have the flexibility to define what it means to "engage in work." For the purposes of the work participation rate, Texas

considers a Choices-eligible individual to be engaged in work when participating in unsubsidized employment, subsidized employment, on-the-job training (OJT), or educational services for Choices-eligible individuals who have not completed secondary school or received a GED credential.

All other Choices services are available for Choices customers to use prior to participation in employment activities. However, these services will not count toward the Board's Choices performance measure(s). Boards have until the third month after the initial date a new Choices-eligible individual begins receiving TANF benefits to work with the individual before participation in the following activities is expected in the Board's performance measure(s):

- unsubsidized employment;
- subsidized employment;
- OJT; or
- educational services in the case of Choices-eligible individuals who are teen heads of household and have not completed secondary school or received a GED credential.

#### ***A-104: Goal of Choices***

(Revision 10/2016)

The goal of Choices is to end dependence on public assistance by promoting job preparation, work, and marriage.

Boards are given flexibility to develop strategies that promote the prevention and reduction of out-of-wedlock pregnancies and encourage the formation and maintenance of two-parent families. These strategies must support the primary goal of Choices services—employment and job retention.

## **A-200: Definitions of Choices Terms**

(Revision 10/2016)

#

### **45 CFR**

The Code of Federal Regulations is the compilation of general and permanent rules published in the *Federal Register*. The publication is divided into numbered titles. Title 45, issued by ACF, contains the TANF regulations.

### **A**

#### **Applicant**

An adult or teen head of household in a family who applies for TANF cash assistance, who previously did not leave TANF in a sanctioned status.

#### **Assessment**

An in-depth evaluation of employability, education history, vocational skills, literacy levels, work experience, family circumstances, and support service needs.

### **C**

#### **Choices**

Employment services available to Choices-eligible individuals.

#### **Choices Eligible**

An individual eligible to receive Choices services including an adult or teen head of household who is an applicant, conditional applicant, recipient, non-recipient parent, former recipient, or sanctioned family.

#### **Choices Participant**

An individual who is participating in or was outreached for Choices services. This includes exempt and mandatory participants.

#### **Choices Plus**

TANF-funded postemployment services that are available to Choices participants who are employed, applicants, conditional applicants, former recipients, and sanctioned families that have obtained employment but require additional assistance in retaining employment and achieving self-sufficiency.

#### **Community Service**

A program that provides employment and training activities to Choices participants through unsalaried, work-based positions in the public or private nonprofit sectors. Community service programs contain structured, supervised activities that are a direct benefit to the community and are designed to improve the employability of Choices participants who have been unable to find employment.

#### **Conditional Applicant**

An adult or teen head of household who left TANF in a sanctioned status, but who is reapplying for TANF assistance that must demonstrate cooperation with Choices program requirements for four consecutive weeks.

## **E**

### **Earned Income Deduction (EID)**

A standard work-related and income deduction, available for four months through HHSC.

### **Employment Activities**

Activities directly related to work, including unsubsidized employment, subsidized employment, and on-the-job training.

### **Employment Planning Session (EPS)**

A meeting with TANF recipient(s) to introduce them to Choices services.

### **Exempt Choices Participant**

A TANF recipient who is not required to participate in Choices services, but may volunteer to participate.

### **Extended TANF Recipient**

A recipient who receives TANF cash assistance past the 60-month federal time limit because of a hardship exemption as defined in Texas Human Resources Code, Chapter 31 and HHSC rules (1 TAC, Chapter 372).

## **F**

### **Fair Labor Standards Act (FLSA)**

Establishes minimum wages, overtime pay, child labor, and required payroll record-keeping standards.

### **Family Employment Plan (FEP)**

A plan of action agreed upon by the Choices participant and based on assessments (skills, strengths, and abilities) with the goal of self-sufficiency through employment that meets the needs of the local labor market.

### **Financial Literacy Training**

The provision of information on financial and debt management, which includes business counseling, financial assistance, and technical assistance through workshops and group activities on coping with financial matters.

### **Former Recipient**

An adult or teen head of household who no longer receives TANF assistance because of employment.

## **J**

**Job Readiness**

Short-term structured activities or a series of activities lasting less than six months designed to prepare a job seeker for unsubsidized employment and increase the job seeker's employability. Activities may include, but are not limited to: interviewing skills, job retention skills, personal maintenance skills, professional conduct skills, and introductory computer skills.

**Job Search**

Acts of seeking or obtaining employment, or preparing to seek or obtain employment, including life skills training, substance abuse treatment, mental health treatment, or rehabilitation activities. Activities may include: information on and referral to available jobs; occupational exploration, including information on local emerging and demand occupations; job fairs; applying or interviewing for job vacancies; and contacting potential employers.

**Job Skills Training**

Training or education for job skills required by an employer to provide a Choices participant with the ability to obtain employment, advance, or adapt to the changing demands of the workplace.

**L****Local Workforce Development Board (Board)**

Responsible for planning and oversight of workforce services within a designated local workforce development area (workforce area).

**M****Mandatory Choices Participant**

A TANF recipient who is required to participate in Choices services.

**N****Non-cooperation**

A lack of response to outreach notices or a failure to participate in Choices activities in accordance with the FEP.

**Non-recipient Parent**

Adults or minor heads of household not receiving TANF cash assistance, but living with their own children who are receiving TANF cash assistance. Non-recipient parents include parents who are not eligible for TANF cash assistance:

- A. due to a disqualification by the Texas Health and Human Services Commission.  
These disqualifications include parents who:

- i. refuse to comply with Medicaid third-party resource requirements;
  - ii. do not comply with Social Security number requirements;
  - iii. are found guilty of an intentional program violation;
  - iv. fail to report the temporary absence of a certified child;
  - v. are fugitives fleeing to avoid prosecution of, or confinement for, a felony criminal conviction, or are found by a court to be violating federal or state probation or parole;
  - vi. are convicted of a felony drug offense (not deferred adjudication) committed on or after April 1, 2002; or
  - vii. refuse to cooperate with the program integrity assessment process;
- B. because they are receiving Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI); or
- C. because they have exhausted their TANF state time limit.

## O

### **One-time TANF (OTTANF)**

A lump sum grant of \$1,000 offered through HHSC and intended to help TANF applicants experiencing short-term crises by providing upfront financial assistance along with exposure to the services offered by Workforce Solutions Offices. TANF applicants who receive OTTANF are not eligible to participate in Choices or receive TANF assistance for the 12 months following receipt of OTTANF.

## P

### **Personal Responsibility Agreement (PRA)**

A condition of TANF eligibility maintained by HHSC requiring TANF recipients who are caretakers or second parents to:

- participant in the Choices program (unless exempt);
- cooperate with child support requirements;
- not voluntarily quit a job;
- ensure that their child(ren) is (are) screened through the Texas Health Steps program, immunized, and attending school;
- attend parent-skills training if referred; and
- not abuse drugs or alcohol.

[Personal Responsibility and Work Opportunity Reconciliation Act \(PRWORA\) of 1996, Pub. L. No. 104-193, 110 Stat. 2105](#), as amended

## R

### **Recipient**

An adult or teen head of household who receives TANF cash assistance.

## S

**Sanctioned Family**

An adult or teen head of household who must demonstrate cooperation for one month to have TANF cash assistance reinstated.

**Secondary School**

Educational activities including middle school, high school leading to a high school diploma, or classes leading to the completion of a GED credential.

**Self-Attestation**

A customer's statement of participation hours that is used as evidence or verification of those hours.

**Self-Declaration**

A customer's declaration of participation hours that requires further documentation in order to serve as evidence or verification of those hours.

**Self-Sufficiency Fund Program**

A TWC-administered program that provides grants to community colleges, technical colleges, and community-based organizations to implement customized job training programs in cooperation with employers, to help low-income individuals and those receiving public assistance achieve self-sufficiency and independence.

**Service Codes**

Codes used in TWIST to record services provided to participants.

**SUPERA®**

The standard literacy assessments for TANF recipients who communicate primarily in Spanish and are enrolled in Choices.

**Supplemental Nutrition Assistance Program**

SNAP is the cornerstone of the Federal food assistance programs and provides crucial support to needy households and to those making the transition from public assistance to work. It also provides low-income households with electronic benefits they can use like cash at most grocery stores. HHSC administers the program at State and local levels, including determination of eligibility and allotments, and distribution of benefits.

**Supplemental Nutrition Assistance Program Employment and Training (SNAP E&T)**

Assists SNAP recipients by improving their ability to obtain regular employment and reduce their dependence on public assistance.

**T****TANF Applicant Child Care**

Child care for TANF applicants who receive a referral—Form H2588—from HHSC to attend a WOA, locate employment, or have increased earnings prior to TANF certification, and who need child care to accept or retain employment.



**TANF Cash Assistance**

The cash grant provided through HHSC to individuals who meet certain residency, income, and resource criteria as provided under federal and state statutes and regulations, including PRWORA, the TANF block grant statutes, the TANF State Plan, TANF assistance provided under Texas Human Resources Code, Chapters 31 and 34, and other related regulations.

**Temporary Assistance for Needy Families State Program (TANF-SP)**

The state-funded temporary cash assistance program designed specifically for two-parent families.

**Test of Adult Basic Education (TABE)**

The statewide standard literacy assessment instrument used to determine the appropriateness of initial state time-limit designations for temporary cash assistance.

**Texas Department of State Health Services (DSHS)**

The state agency responsible for providing mental health and substance abuse services to Choices participants. Boards are required to enter into a local-level memorandum of understanding (MOU) with local providers of these services.

**Texas Health and Human Services Commission (HHSC)**

The lead state agency responsible for certifying TANF eligibility. HHSC provides TWC with information on individuals receiving TANF and eligible Choices services. Boards are required to have a local-level MOU for coordinated case management of Choices participants.

**The Workforce Information System of Texas (TWIST)**

TWC's automated data processing and case management system for the Texas workforce system.

**V****Vocational Educational Training**

Organized educational programs directly related to preparing Choices participants for employment in current or emerging occupations.

**W****Work Codes**

Codes assigned by HHSC to individuals who apply for TANF cash assistance.

**Work-Eligible Individuals**

Adults or teen heads of household receiving TANF cash assistance, and non-recipient parents—with the following exceptions:

- Noncitizens who are ineligible to receive cash assistance because of their immigration status;

- Parents caring for a disabled family member who lives in the home (provided the need for such care is supported by medical documentation), on a case-by-case basis; and
- Recipients of Social Security Insurance (SSI) or Social Security Disability Insurance (SSDI), on a case-by-case basis.

**Work Experience**

Unpaid training in the public or private sector designed to improve the employability of Choices participants who have been unable to find employment.

**Workforce Innovation and Opportunity Act of 2014 (WIOA)**

An act that offers an integrated and comprehensive range of services consisting of workforce development activities benefiting employers, job seekers, and communities. Choices participants may be coenrolled in WIOA services.

**Workforce Orientation for Applicants (WOA)**

As a condition of TANF eligibility, applicants and conditional applicants are required to attend a workforce orientation that provides information on options and services available to them. An alternative WOA is provided if extraordinary circumstances prevent a TANF applicant or conditional applicant from attending a regularly scheduled WOA.

**Work Ready**

A Choices-eligible individual is considered work ready if he or she has skills that are required by employers in the workforce area. A Board must ensure immediate access to the labor market to determine whether a Choices-eligible individual has those skills necessary to obtain employment.

**Work Requirement**

For the purposes of [42 USC §607](#) and [45 CFR §261.10](#), a Choices participant is deemed to be engaged in work by participating in:

- unsubsidized employment;
- subsidized employment;
- on-the-job training (OJT); or
- educational services for Choices participants who have not completed secondary school or received a GED credential as provided in [§811.30](#).

## **A-300: General Policy Information**

### ***A-301: Choices Responsibilities***

(Revision 10/2016)

In Texas, the following entities are responsible for administering TANF and Choices:

- HHSC at state and local levels
- TWC
- Boards
- Workforce Solutions Offices

#### **A-301.a: HHSC State- and Local-Level Responsibilities**

- Administers TANF
- Issues HHSC rules and policies governing TANF eligibility
- Performs reporting and monitoring functions for state and federal purposes
- Determines eligibility for TANF
- Determines work registration for TANF recipients
- Refers TANF recipients to Workforce Solutions Offices for Choices services
- Acts on the Workforce Solutions Office's report of non-cooperation with participation requirements
- Refers TANF recipients who wish to resume participation following non-cooperation to the Workforce Solutions Office for Choices services

#### **A-301.b: TWC State-Level Responsibilities**

- Issues rules, policies, and guidelines for Choices services
- Contracts with Boards to provide Choices services
- Provides technical assistance to Board staff and Workforce Solutions Office staff
- Performs reporting and monitoring functions for state and federal purposes

#### **A-301.c: Board Responsibilities**

- Ensures Workforce Solutions Offices provide Choices activities and support services to all Choices-eligible individuals including the following:
  - Ongoing and frequent monitoring of service requirements and activities;
  - Establishing local policies in accordance with [TWC's Choices rules, 40 Texas Administrative Code \(TAC\), §811.4](#);
  - Developing Memoranda of Understanding (MOUs) and collaborative partnerships in accordance with [TWC's Choices rules, 40 Texas Administrative Code \(TAC\), §811.4](#); and
  - Conducting Choices activities in compliance with the Fair Labor Standards Act (FLSA).

#### **A-301.d: Workforce Solutions Office Staff Responsibilities**

Boards must ensure that Workforce Solutions Office staff:

- conducts outreach for all Choices-eligible individuals;

- conducts Workforce Orientations for Applicants (WOAs) and alternative WOAs;
- conducts Employment Planning Session (EPS);
- completes assessments and develops FEPs;
- ensures complete registration in WorkInTexas.com;
- regularly evaluates progress toward FEP goals;
- schedules appointments for and enrolls Choices-eligible individuals in Choices activities;
- actively assists and supports Choices participants in the goal of obtaining and retaining employment;
- determines good cause;
- provides support services including provision of transportation and child care expenses, as needed;
- monitors participation in all Choices activities;
- informs HHSC of Choices participants' employment, need for reconsideration of work registration status, and noncooperation with service requirements;
- informs HHSC of cooperation by sanctioned families or conditional applicants;
- tracks participation and enters all actions into The Workforce Information System of Texas (TWIST) (i.e., performs all appropriate documentation of services); and
- verifies monthly TANF eligibility through TWIST.

### ***A-302: Right to Appeal***

(Revision 10/2016)

Boards must ensure Workforce Solutions Office staff informs:

- Choices-eligible individuals of the right to file an appeal if a determination adversely affects the type and level of services provided by the Board or its designee; and
- Choices-eligible individuals who will be participating in Choices activities of their right to appeal a decision related to Choices activities and support services.

Board policies may include the following:

- During the EPS, Workforce Solutions Office staff verbally informs TANF applicants who will be participating in Choices activities of information related to appeal rights;
- Distributing materials at Workforce Solutions Offices, including leaflets and brochures that inform individuals who will be participating in Choices activities of their right to file an appeal; and
- Posting signs at Workforce Solutions Offices regarding the right to file an appeal.

Individuals can also appeal a decision under the hearings process in [TWC's Integrated Complaints, Hearings, and Appeals rules, 40 TAC, Chapter 823](#).

### ***A-303: Discrimination Complaints***

(Revision 10/2016)

Individuals alleging discrimination on the basis of age, color, national origin, race, or physical or mental disability have a right to file a written complaint of alleged

discriminatory acts within 180 calendar days from the date of the alleged discriminatory act. Complaints must be submitted to the following address:

Texas Workforce Commission  
Sub-recipient Monitoring and Equal Opportunity Department  
101 East 15th Street, Room 242-T  
Austin, Texas 78778-0001

Boards must ensure that Board staff or Workforce Solutions Office staff advises individuals who express an interest in filing a discrimination complaint of their right to file a complaint and of the complaint procedures.

### ***A-304: Confidentiality***

(Revision 10/2016)

Failure to maintain a customer's confidentiality can result in disciplinary action, job termination, and criminal penalties.

Boards must ensure that Workforce Solutions Office staff releases customer information only to the customer or to persons or agencies directly administering programs or providing services to the customer.

Boards also must ensure that persons and agencies requesting information agree to keep the information confidential and use the information only for the purpose stated in the request. This provision must be included in any written reply to the requestor.

### ***A-305: Ineligible Participants***

(Revision 10/2016)

Individuals participating in Choices must be authorized to work in the U.S. and must be work-eligible individuals ([45 CFR §261.2\(n\)\(1\)\(ii\)](#)). A participant can receive TANF-funded services based on eligibility, for the time period permitted under his or her authorized work status. Boards must ensure that an expired authorized work status is renewed before a participant receives further TANF-funded services.

Eligibility to participate in Choices services is based on the principle that the participant has acted in good faith and has provided accurate information. If Workforce Solutions Office staff learns that a participant was determined to be eligible for TANF-funded services based on inaccurate information, Boards must ensure that the services are terminated immediately.

## **A-400: TANF Time-Limited Benefits and Exemptions**

### ***A-401: TANF Time-Limited Benefits***

(Revision 10/2016)

[PRWORA](#) established a 60-month lifetime maximum limit on federal TANF benefits for families. The federal legislation prohibits states from using TANF funds to provide assistance to a family that includes an adult who received federal TANF assistance benefits for 60 cumulative months.

#### ***A-401.a: 60-Month Federal Time Limit***

The federal lifetime limit applies to an entire family and is based on the number of months the family receives cash assistance. The federal time limit begins the first month a family receives TANF benefits. The 60-month federal time limit went into effect for all TANF individuals October 1, 1999, unless an individual was previously outreached. Before that date, the 60-month clock began upon notification of benefits.

The following have no effect on federal time limits:

- Participation in work activities
- Work requirement exemptions
- Granting of good cause

When a family reaches the federal time limit, there is a lifetime TANF freeze-out for the family unless the family receives a federal hardship exemption.

#### ***A-401.b: State Time Limit***

State time limits apply to the TANF cash benefits received by certified caretakers and second parents who have access to Choices. State time limits apply only to recipients who were outreached or who voluntarily participate in Choices. When a recipient's state time limit expires, the state imposes a five-year freeze-out for the adult; children on the case, however, remain eligible.

### ***A-402: Time Limit Tiers: 12-, 24-, and 36-Month State Time Limits***

(Revision 10/2016)

The state has a time limit of 12, 24, or 36 months, based on an individual's education, functional literacy level, and work experience. HHSC determines an individual's state time limit. State time limits apply only to adult TANF recipients who are mandatory or who are exempt and voluntarily participate in Choices. When a TANF recipient's state time limits expire, the state imposes a five-year freeze-out for the adult; benefits for the children, however, continue.

There are three time limits, known as tiers. Tiers, with their corresponding state time limits, are defined as follows:

- Tier 5 (12 months) – Individual has an education level that is at least equivalent to a high school diploma and/or has at least 18 months of recent work history.
- Tier 6 (24 months) – Individual completed three years of high school and/or has six to 17 months of recent work history.

- Tier 7 (36 months) – Individual completed fewer than three years of high school and/or has fewer than six months of recent work history.

### ***A-403: TANF State Program State Lifetime Limit***

(Revision 10/2016)

The TANF State Program (TANF-SP), created specifically for two-parent households, is a state-funded program and is not subject to federal time limits.

Each TANF-SP adult has a 60-month state time limit. The time-limit clock starts ticking with the initial receipt of benefits.

For two-parent families, any month of TANF benefits subject to state time limits since October 1, 2001, counts toward the family's lifetime cap, regardless of which parent received the benefits.

TANF-SP is substantively identical to Choices in terms of eligibility, work requirements, exemptions, time limits, and health-related services.

#### ***A-403.a: Re-determining State Time Limits***

State time limits may change if the individual's functional literacy level score is lower than the individual's completed education level. The individual's literacy is assessed using TABE or SUPERA and does not have any bearing on the federal 60-month time limit.

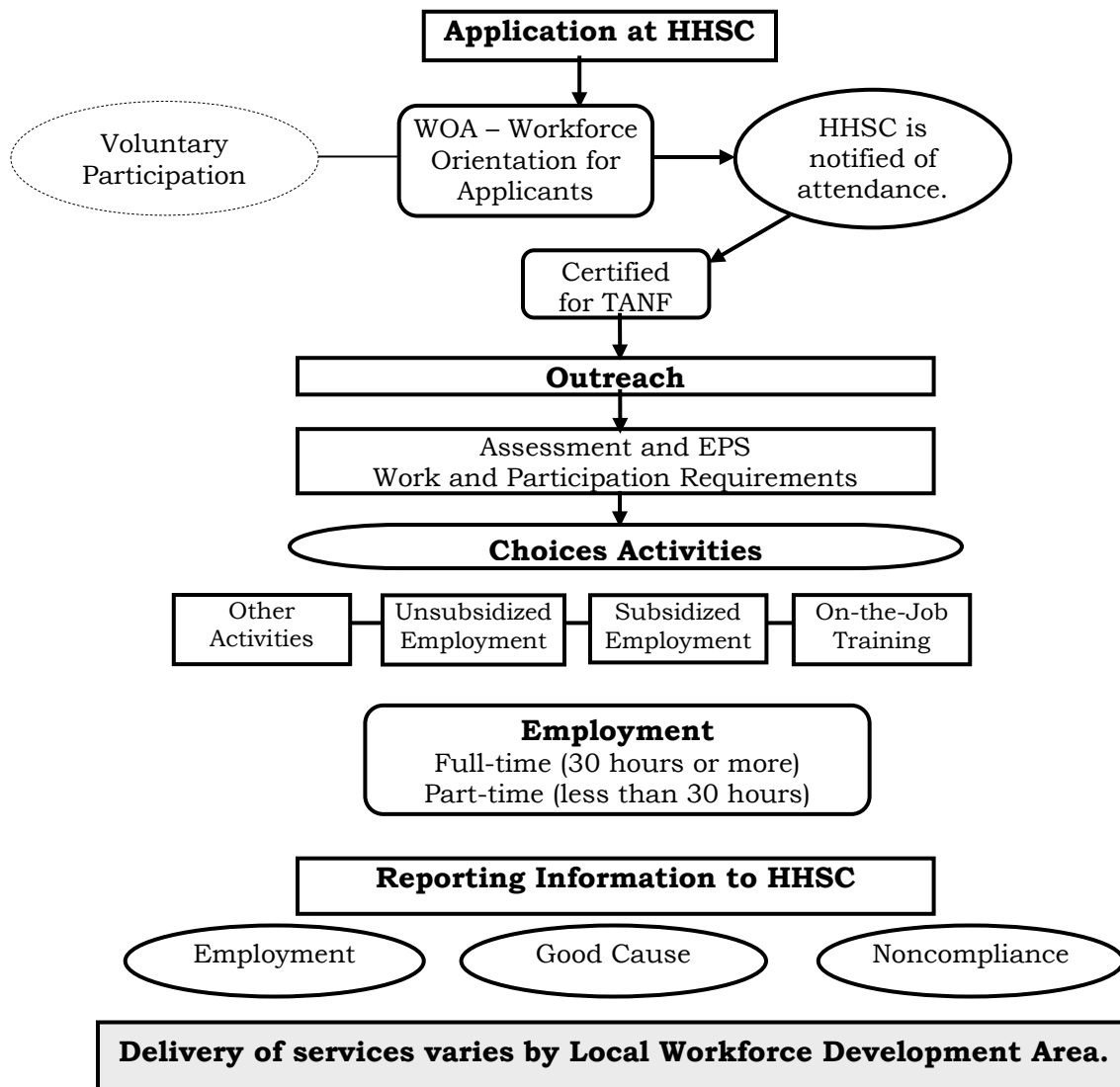
Boards must ensure that Workforce Solutions Office staff reports the literacy test results in grade-level terms in TWIST, and TWIST transfers the results to the HHSC system. This may result in a state time-limit change, but only if the original state time limit was based on education level and not work history.

## B-100: Choices Services

### *B-101: Choices Service Delivery Flowchart*

(Revision 10/2016)

The following flowchart is provided as a guide for the delivery of Choices services.



### *B-102: Workforce Orientation for Applicants and Conditional Applicants*

(Revision 10/2016)

Local Workforce Development Boards (Boards) must ensure a Workforce Orientation for Applicants (WOA) is offered frequently enough to allow applicants and conditional applicants to comply with the Texas Health and Human Services (HHSC) requirement to attend a WOA as a condition of eligibility. Conditional applicants have 40 days from



the date of referral to demonstrate cooperation by attending a WOA and participating in allowable Choices activities for four consecutive weeks.

Boards must ensure that a Temporary Assistance for Needy Families (TANF) applicant is not prevented from attending a WOA based on the applicant's interview date. If the TANF applicant has a pending TANF application and needs to attend a WOA to complete the application process, Boards must ensure that the TANF applicant is allowed to attend the WOA.

*Note:* The four consecutive weeks are not limited to a program or calendar month.

#### **B-102.a: Goal of the WOA**

The goal of the WOA is to provide information to TANF applicants to enable them to make the best decisions for their families and the best use of their time-limited TANF benefits. The WOA is used to generate interest in workforce services and to inform applicants of the options and tools available to facilitate their entry into the workforce. WOAs are offered to help TANF applicants understand:

- the benefits and advantages of becoming employed;
- available services and referrals offered by the Board;
- the impact of time-limited TANF benefits; and
- individual and parental responsibility.

The WOA might be the only time an exempt customer will be in a Workforce Solutions Office—therefore, Boards must ensure WOAs emphasize that services are provided for exempt Choices participants as well as mandatory Choices participants. Boards also must ensure that Workforce Solutions Office staff markets services to exempt participants at WOAs by making services attractive and emphasizing the positive life changes that come with employment.

#### **B-102.b: Information Provided during a WOA**

Boards must ensure that the WOA includes the following:

- Information on how to find a job;
- Local labor market information;
- Job counseling, including individual assistance from Workforce Solutions Office staff;
- Job search and daily job referrals;
- Assistance with [WorkInTexas.com](http://WorkInTexas.com);
- Information about other available services;
- Assistance with applications and résumés;
- Interest, aptitude, and educational testing;
- Books and magazines on, or Internet links to, career and employer information;
- Resource room access (computers, phone, fax, etc.);
- Information on One-time TANF (OTTANF); and
- Information on availability of support services when the applicant locates employment.

Boards also must ensure that, during the WOA, TANF applicants are provided information on Choices services, including:

- participation requirements and the expectation of applicants' immediate and ongoing participation in allowable Choices activities;
- consequences of nonparticipation for mandatory Choices participants;
- information on good cause and sanctions;
- HHSC exemptions; and
- benefits for exempt Choices participants who voluntarily participate in Choices activities.

To allow TANF applicants immediate access to employment planning, job referrals, and local employers that may be hiring, it is recommended that Boards:

- coordinate with their Business Services Unit to have job counselors available during or after WOA presentations;
- have case managers readily available during or after WOA presentations; and
- arrange preplanned job fairs or visits from local employers to coincide with the WOA.

Boards may use automated programs with WOA information only as a supplement to a live WOA presentation by Workforce Solutions Office staff. While automated programs provide a consistent message to all TANF applicants, it is personal interactions with Workforce Solutions Office staff that most assist a TANF applicant in achieving self-sufficiency.

#### **B-102.c: Services Available to TANF Applicants**

Boards must ensure that WOAs offer TANF applicants the opportunity to take advantage of available workforce services prior to certification of their TANF applications.

During the WOA, Boards are encouraged to deliver the primary message that *work pays more than TANF*. To illustrate this message, wage and benefit scenario charts, which are updated annually, are available on the Intranet under [Featured Links](#).

Boards must be aware of the following:

TANF applicants who are referred to a WOA and locate employment or have increased earnings after the WOA—but before their TANF application is certified—may be eligible for TANF Applicant child care, transportation, and other work-related expenses. To be eligible for TANF Applicant child care, a TANF applicant must:

- receive a referral—[Form H2588](#)—from HHSC to attend a WOA;
- locate employment or have increased earnings prior to TANF certification; and
- need child care to accept or retain employment.

#### **Early Engagement**

TANF applicants can choose to begin participation immediately following the WOA. As there are no participation requirements for TANF applicants until they become TANF recipients, Boards must ensure that Workforce Solutions Office staff does not request

sanctions for individuals who do not use Workforce Solutions Office services after attending a WOA and before certification of their TANF applications.

Early engagement in Choices plays a key role in gaining employment and becoming self-sufficient. Early engagement at a WOA:

- encourages participation;
- provides Workforce Solutions Office staff more time to work with a customer before he or she is required to be engaged in employment activities; and
- informs customers of all available support services, including child care.

Boards must be aware of the following:

- The customer must agree to participate during early engagement.
- Support services are available during early engagement and include:
  - child care;
  - transportation;
  - assistance with work-related expenses; and
  - GED credential testing payments.

#### **B-102.d: Alternative WOA**

If extraordinary circumstances prevent a TANF applicant or conditional applicant from attending a regularly scheduled WOA, Boards must ensure that an alternative WOA is provided. Extraordinary circumstances may include:

- no available transportation;
- residing more than 30 miles from the nearest Workforce Solutions Office;
- caring for a child under four months;
- conflicting work or school schedule;
- illness or injury of the applicant or spouse;
- illness or injury of another household member that requires the applicant's care; or
- being a victim of family violence in a situation such that attending the WOA would place the applicant or family in danger.

Boards must ensure that, if requested by a TANF applicant, an alternative WOA is provided within the time frame in which the TANF application is being processed.

Alternative WOA arrangements can include the following:

- Scheduling a WOA at a local HHSC office;
- Offering a WOA during non-business hours;
- Conducting a WOA at an individual's home;
- Conducting a WOA by telephone;
- Instituting a computer-based WOA;
- Creating a WOA video; or
- Providing a one-on-one WOA.

If an alternative WOA is not provided during the TANF application time frame, Boards must ensure that the applicant is provided a statement that the TANF applicant attempted to obtain an alternative WOA, which will serve to satisfy the applicant's WOA requirement.

### **B-102.e: Workforce Solutions Office Staff Responsibilities**

Boards must ensure that Workforce Solutions Office staff conducting the WOA:

- coordinates planning for WOAs with local HHSC offices and staff, taking into consideration the location of HHSC offices, customer population, and the estimated number of applicants to be served;
- schedules a sufficient number of WOAs to ensure that applicants have an opportunity to attend;
- conducts the WOA and report it in The Workforce Information System of Texas (TWIST); and
- verifies applicant and conditional applicant attendance at the WOA by signing, stamping, and returning [Form H2588](#) immediately to HHSC by fax (at the customer's request), phone, courier, interagency mail, or regular mail.

*Note:* Time frames for the return of Form H2588 are important because HHSC must verify attendance to complete an individual's eligibility determination.

### **B-102.f: WOA TWIST Instructions**

Boards may choose to:

- manually create a roster for each WOA; and
- maintain the roster in a secure file.

Boards may require that Workforce Solutions Office staff uses TWIST *Scheduler* to:

- generate a roster containing the names of individuals attending each WOA; and
- maintain the roster to verify WOA provision.

Boards must ensure that:

- a *Program Detail* is opened in TWIST for each TANF applicant attending a WOA; and
- *Workforce Services Orientation* is added as a Choices Applicant (fund code 90) service. If the customer does not choose to begin Choices participation at the time of the WOA, the *Program Detail* must be closed immediately after the WOA to allow the customer's entry into the outreach pool upon certification for benefits.

For specific information on using TWIST *Scheduler*, refer to the *Guide to Using TWIST*, located under the help menu in TWIST.

### **B-103: One-Time TANF**

(Revision 1/2017)

OTTANF is a lump sum grant of \$1,000 offered through HHSC. HHSC determines eligibility for and certifies OTTANF. The intent of OTTANF is to help TANF applicants experiencing short-term crises by providing upfront financial assistance along with exposure to the services offered by Workforce Solutions Offices. Boards must ensure that, during the WOA, TANF applicants are informed of the availability of OTTANF and directed to HHSC for more information regarding OTTANF eligibility criteria.

TANF applicants who are in the OTTANF application process and those that receive OTTANF are not eligible to participate in Choices or receive TANF assistance for the 12 months following receipt of OTTANF.

### **B-104: Outreach**

(Revision 10/2016)

Individuals can receive Choices services through several entry points, including:

- an outreach letter generated by TWIST with a scheduled appointment for an Employment Planning Session (EPS);
- a scheduled appointment at the WOA to attend an EPS;
- contact by telephone, e-mail, or home visit; or
- walking into a Workforce Solutions Office and requesting services.

Boards must ensure that a process is in place at Workforce Solutions Offices to provide Choices services to eligible individuals who inquire about or request employment services.

#### **B-104.a: Outreach Communication**

Boards must ensure that Choices-eligible individuals are outreached and notified of the requirement to participate in Choices services.

Boards must ensure that all outreach communication contain the following information:

- Date
- Time
- Location
- Purpose
- Contact name and phone number
- Requirement to participate for mandatory individuals
- Consequences of nonattendance for mandatory individuals

*Note:* Generating an outreach letter in TWIST will automatically add a notation in *Counselor Notes* indicating the date the letter was generated, the date and time of the scheduled appointment, and the reason for outreach. Voice mail is not an acceptable form of outreach.

If TWIST *Scheduler* is not used to generate the outreach letter, Workforce Solutions Office staff must manually add a notation in *Counselor Notes* indicating the date the letter was sent, the date and time of the scheduled appointment, the reason for outreach, and the consequences of nonattendance for mandatory individuals.

#### **B-104.b: Notice to Attend Employment Planning Sessions**

It is recommended that Boards ensure that when Workforce Solutions Office staff members complete the WOA, they give applicants and conditional applicants a notice

to attend an EPS. An EPS is an entry point for mandatory recipients and exempt recipients who voluntarily participate in Choices services. The EPS is the first step in assessment and development of the Family Employment Plan (FEP) and sets the tone for participation in Choices activities and provides more details about:

- Choices services;
- assessment and expectations; and
- the FEP process.

#### **B-104.c: Automated Outreach**

The most common method of outreach is through TWIST. Workforce Solutions Office staff uses TWIST to:

- select customers to outreach;
- generate automated outreach letters;
- generate a roster of individuals who are scheduled to attend an event; and
- document outreach results.

Workforce Solutions Office staff can also use automated outreach for a specific population by targeting individuals who:

- have a mandatory work requirement; or
- are exempt.

#### **B-104.d: Outreach Results**

The most common outreach results include:

- EPS attendance;
- rescheduling; or
- failure to respond.

It is recommended that Boards require outreach results to be documented on each roster in *TWIST Scheduler*.

## **B-200: Case Management**

### ***B-201: Case Management***

(Revision 10/2016)

Case management is the organization and coordination of formal or informal activities, services, and support. It is designed to help individuals become employed and self-supporting through participation in Choices services.

It is recommended that Boards require Workforce Solutions Office staff to have weekly contact with Choices participants that includes:

- analyzing and gathering information;
- identifying the Choices participant's strengths and weaknesses;
- assisting in the removal of barriers by determining and arranging for any intervention needed to help the Choices participant comply with program requirements;
- determining the need for and provision of support services;
- tracking and reporting support services;
- developing or modifying the FEP;
- ensuring that the Choices participant is progressing toward achieving the goals and objectives in the FEP;
- monitoring progress and all program requirements;
- entering documentation of all Choices participant interactions into TWIST *Counselor Notes* and entering verification of participation hours into TWIST *Daily Time Tracking*; and
- identifying employment opportunities that may assist the Choices participant's progression toward self-sufficiency and independence from public assistance.

During a case management assessment and in ongoing case evaluations, Workforce Solutions Office staff will sometimes learn of individual or family situations that may impact job search, employment, or successful participation in work activities. To help remove barriers to employment, case management involves the following activities:

- Identifying and analyzing individual situations that create barriers;
- Determining whether barriers can be managed by:
  - Choices services;
  - overall Workforce Solutions Office resources;
  - elements of the participant's life circumstances;
  - other agencies or service provider resources; and
  - development of a strategy for dealing with barriers;
- Appropriately documenting existing barriers;
- Creating follow-up strategies to ensure success;
- Referring to other appropriate community organizations; and
- Coenrolling in other Workforce Solutions Office programs.

### ***B-202: Coordination with HHSC***

(Revision 4/2016)



The Texas Workforce Commission's (TWC) [Choices rules, 40 Texas Administrative Code \(TAC\), Chapter 811](#) include requirements for coordinated case management to help Boards provide consistent and streamlined Choices services. Boards must ensure that, as part of coordination, Workforce Solutions Office staff has ongoing communication with HHSC.

If there is a change in an individual's status while participating in the Choices program, Boards must ensure that [Form H2583, Choices Information Transmittal](#), is used to notify the HHSC Texas Works Advisor of this status change. Changes in status include:

- customer became employed;
- customer has a medical condition, with [Form H1836A](#) or [Form H1836B](#); or
- other changes that affect participation in the Choices program.

#### **B-202.a: Texas Integrated Eligibility Redesign System**

All non-automated inquiries regarding the Texas Integrated Eligibility Redesign System (TIERS) must be transmitted by fax or mail to the:

Austin Call Center  
P.O. Box 149026  
Austin, TX 78714  
Fax: 1-877-447-2839

#### **B-202.b: Requesting/Updating Texas Integrated Eligibility Redesign System (TIERS) Access**

HHSC and the Texas ACCESS Alliance require that all TIERS users be validated by TWC and/or Texas Workforce Solutions staff prior to TIERS access being granted. Texas Workforce Solutions staff and TWC-designated staff listed below are required to confirm that it is appropriate for the requested individual to have TIERS access prior to submitting request forms.

To request new, update, reset, or delete existing TIERS access, the two required access-request forms must be completed and submitted by the appropriate approving entity. Required forms listed below are available on the [TWC Intranet in the Forms Library under TWIST](#).

##### Approving Entity

- For Texas Workforce Solutions staff—the approving entity is a local TWIST System Administrator.
- For TWC-designated staff—the approving entity is the unit supervisor.

##### Required Forms

- Tiers-HR0314 – Computer Use Agreement (PDF format)
- Tiers – HHSC Systems Access Request (PDF format)

Once the access request is confirmed as appropriate, forms should be e-mailed to [TIERSAccess@twc.state.tx.us](mailto:TIERSAccess@twc.state.tx.us) by one of the following methods:

- For Texas Workforce Solutions staff—forms should be e-mailed by the TWIST System Administrator, the Board Network Administrator, or the Board Executive Director.



- For TWC-designated staff—forms should be e-mailed by the unit supervisor.

Texas ACCESS Alliance staff will contact the accessing user via e-mail to provide new or updated logon credentials.

Texas Workforce Solutions staff and TWC are required to review, on an annual basis, those who have TIERS access to determine if access is still appropriate, given current job duties.

### ***B-203: Referrals for Community-Based Services***

(Revision 10/2016)

Boards must ensure that Workforce Solutions Office staff develops a system for referral to pre- and postemployment services offered by community-based organizations for Choices participants facing higher-than-average barriers to employment. Boards are required to have local agreements or MOUs with organizations that address barriers to employment, such as:

- local housing authorities and sponsors of local housing programs;
- agencies or organizations that serve individuals with disabilities; and
- local providers of substance abuse and mental health services.

Additionally, if an individual is a victim of family violence, Boards must ensure that Workforce Solutions Office staff provides a referral to an individual or agency specializing in family violence issues.

### ***B-204: Referrals for Faith-Based Services***

(Revision 10/2016)

Boards must provide written notice to Choices individuals who are referred to a faith-based provider to inform them that they are entitled to receive services from an alternative provider if they object to the religious character of the initial service provider. The alternative provider does not have to be a secular organization; it simply must be a provider to which the Choices individual has no religious objection.

Additionally, Boards must define the term “reasonably accessible” and “reasonable period of time” in the notice.

When defining these terms, it is recommended that Boards take into account:

- transportation resources;
- number of available providers;
- provider enrollment periods; and
- the need to accommodate other component activities in the Choices individual’s FEP.

Boards may use the following Charitable Choice notice as a guide when developing notices:

**Notice of the Right to Alternative Services for Choices Individuals**

This notice is to inform you that any providers of Choices services may not discriminate against you on the basis of religion, a religious belief, or a refusal to actively participate in a religious practice.

If you are referred to a faith-based organization for Choices services and you object to any religious beliefs or practices the provider requires of Choices individuals, you have the right to be referred to another provider. You must notify your assigned Choices case manager to be referred to an alternative provider. The referral must be made within 14 days from the date of the request and should be within a reasonable distance from your home or worksite (*e.g., no more than 30 miles one way*). The new provider must be able to provide the type and level of services that will enable you to attain the same degree of knowledge and skills that you would have attained with your original provider.

## **B-300: Assessment & Employment Planning**

### ***B-301: Purpose of Assessment***

(Revision 10/2016)

Boards must ensure that Workforce Solutions Office staff performs initial and ongoing assessments to determine the employability and job retention needs of Choices participants, including wage advancement and career development needs.

Boards must ensure that assessments are provided to:

- Choices participants who are:
  - age 18 or older; or
  - heads of household, as determined by HHSC, and who:
    - are not yet age 18;
    - have not completed secondary school or received a GED credential; and
    - are not attending secondary school; and
- applicants and former recipients who choose to participate in Choices services.

An introduction to Choices services is generally provided to Choices-eligible individuals during the initial EPS. EPSs are generally held weekly or as often as needed.

Boards must ensure that employment planning includes:

- conducting assessments by:
  - gathering information;
  - analyzing the information to identify an individual's strengths and barriers; and
  - determining the steps necessary to enable an individual to achieve employment and self-sufficiency goals;
- developing FEPs;
- completing Choices program family requirement forms for two-parent families; and
- providing postemployment services to assist the individual with employment advancement.

If Workforce Solutions Office staff identifies higher-than-average barriers, referrals can be made to pre-employment and postemployment services offered by community-based and other organizations.

If the skills assessment indicates a Choices participant requires job-specific training for placement in a job that pays wages that equal or exceed a Board's identified self-sufficiency wage, the Board must ensure that Workforce Solutions Office staff, to the extent funds are available and to the extent allowed by the [Chapter 811 Choices rules](#), places the Choices participant in vocational educational training activities or job skills training activities that are designed to improve employment and wage outcomes and job retention.

### ***B-302: Initial and Ongoing Assessments***

(Revision 10/2016)

Initial and ongoing assessments involve:

- establishing a partnership with the individual and ensuring the individual understands expectations;
- giving the individual control over decisions affecting his or her life;
- encouraging the individual to make the most of the opportunities and services provided;
- helping the individual build self-confidence;
- making the individual aware of the skills and employability strengths he or she already possesses;
- discussing employment possibilities with the individual while taking into consideration the individual's skill level as it relates to local employer needs; and
- encouraging the individual to set realistic employment goals.

### ***B-303: Elements of Assessment***

(Revision 10/2016)

Boards must ensure that the following elements are part of initial and ongoing assessment of Choices participants:

- Vocational and education skills, training, and needs;
- Work experience;
- Literacy level, as described in [B-305](#);
- Job interests and goals;
- Pre- and postemployment skills development needs in order to determine the necessity of job-specific training;
- Unmet housing needs, and whether those needs are a barrier to self-sufficiency and full participation in the workforce;
- Support service needs, such as child care and transportation; and
- The evaluation of individual and family circumstances, which could create barriers to employment or participation in Choices services.

### ***B-304: Potential Barriers***

(Revision 1/2017)

Boards must ensure that assessments identify Choices-eligible individuals with higher-than-average barriers to employment, as defined by the Board. If such barriers are identified, Boards may specify that Workforce Solutions Office staff makes referrals to pre-employment and post-employment services offered by community-based and other organizations.

Boards must ensure that the following potential barriers to employment are considered in the planning and assessment process:

- Physical or mental health problems
- Substance abuse issues
- Criminal record or problems with the criminal justice system
- Family violence and abuse

- Crisis (individual or family crises or circumstances that may preclude participation)
- Lack of child support from absent parent
- Caring for a child or an adult with special needs
- Support service needs

#### **B-304.a: Good Cause**

Boards must ensure that Workforce Solutions Office staff grants good cause to Choices participants who are unable to participate in Choices activities because of personal circumstances or issues that are potential barriers to participation.

Boards must ensure that good cause determination for Choices participants:

- is based on individual and family circumstances;
- is based on face-to-face or telephone contact;
- is for a temporary period when Choices participants may be unable to attend scheduled appointments or participate in ongoing work activities;
- is made at the time Workforce Solutions Office staff learns of the change in circumstances; and
- is conditional upon efforts to address circumstances that limit the individual's ability to participate in Choices activities as required in the FEP.

Boards must ensure that good cause is granted to sanctioned families and conditional applicants during the period of demonstrated cooperation, if warranted.

If good cause is granted, Boards must ensure that Workforce Solutions Office staff:

- opens the appropriate service in TWIST;
- enters good cause in the *Choices History Good Cause* tab; and
- documents the good cause circumstances in *Counselor Notes*.

Boards must ensure that no medical information is documented in TWIST *Counselor Notes*.

Boards must be aware of requirements for the storage and use of disability-related and medical information. The Americans with Disabilities Act requires that any medical records or history of a participant must be collected and maintained on separate forms and kept in separate medical files.

Additionally, 29 CFR §32.15(d) requires that medical information or history be collected and maintained on separate forms that must be kept confidential, as follows:

Information obtained in accordance with this section as to the medical condition or history of the applicant shall be collected and maintained on separate forms that shall be accorded confidentiality as medical records, except that:

- (1) employing officials may obtain the information after making a conditional decision to make a job offer to the applicant or the applicant was placed conditionally in a job pool or placed conditionally on an eligibility list;

- (2) supervisors and managers may be informed regarding restrictions on the work or duties of qualified handicapped persons and regarding necessary accommodations;
- (3) first aid and safety personnel may be informed, where appropriate, if the condition might require emergency treatment; and
- (4) government officials investigating compliance with the Act shall be provided information upon request.

#### **B-304.b: Reasons for Good Cause**

Boards must be aware of the following:

The following circumstances may constitute a reason for good cause:

- Temporary illness or incapacitation;
- Disabled individuals or individuals caring for a disabled family member who participate to the extent determined possible, as supported by medical documentation, but less than the required participation hours;
- Court appearance;
- Caring for a disabled family member who requires the Choices participant's presence in the home, as supported by medical documentation;
- Demonstration that there is:
  - no available transportation and the distance prohibits walking;
  - no available job within reasonable commuting distance, as defined by the Board; or
  - an inability to obtain needed child care;
- Absence of other support services necessary for participation;
- Receipt of a job referral that results in an offer below the federal minimum wage, except when a lower wage is permissible under federal minimum wage law;
- An individual or family crisis or a family circumstance that may preclude participation, including substance abuse, mental health, and disability-related issues (the Choices participant must engage in problem resolution through appropriate referrals for counseling and support services); or
- The individual is a victim of family violence.

#### **B-304.c: Family Violence**

Boards must ensure that Workforce Solutions Office staff refers Choices-eligible individuals identified as possible victims of family violence to an individual or agency that specializes in issues involving family violence.

Boards must ensure that no less than four hours of family violence training is provided to staff who:

- gives information to Choices-eligible individuals;
- requests penalties or good cause; or
- provides employment or retention services.

#### **B-304.d: Good Cause Determinations**

Boards must ensure that good cause is:

- reevaluated at least once a month;
- extended if the circumstances giving rise to the good cause exception are not resolved after available resources to remedy the situation have been considered; and
- not allowed to exceed a total of 12 consecutive months per occurrence when based on the existence of family violence.

Boards must ensure that, while the Choices participant is in good cause status, support services are discontinued, except child care, unless support services are needed to address barriers that resulted in the good cause determination.

Boards must ensure that Workforce Solutions Office staff makes regular contact with a Choices participant during a good cause period in order to:

- evaluate the individual's situation (if necessary, requiring verification or demonstration of the problem);
- determine the estimated time frame required to remedy the problem;
- assist in removing the barrier using the resources and support services available;
- assist with appropriate referrals and arrangements for community services; and
- report good cause in TWIST if the problem cannot be resolved to allow initiation or continuation of service activities for the present time.

*Note:* Choices participants are counted in the participation rate denominator during a good cause period.

### ***B-305: Literacy Assessment***

(Revision 10/2016)

An assessment is required for Choices participants who are:

- at least 18 years of age; or
- heads of households, as determined by HHSC, who are not yet age 18, have not completed secondary school or received a GED credential, and are not attending secondary school.

Boards must ensure that Workforce Solutions Office staff:

- administers a literacy assessment, using the Test of Adult Basic Education (TABE) or SUPERA®, to determine the Choices participant's literacy level; and
- reports the grade-level result from the literacy assessment in the TWIST *Assessment/Testing* tab as soon as possible, but no later than the data entry deadline for the first month of an individual's Choices participation.

Literacy assessment scores do not expire so retesting is not required, although individuals may be retested to determine whether there is an improvement in basic skills after participation in educational components.

If the literacy assessment is re-administered and new scores are entered into the TWIST *Assessment/Testing* tab, Boards must be aware that a change in state time limits for the Choices participant can result.

Boards must be aware that Workforce Solutions Office staff is not required to administer literacy assessment to the following:

- Individuals who receive EID from HHSC. These individuals are employed for 30 hours per week and earn at least \$700 per month. They receive TANF only for a four-month period;
- Individuals who receive a hardship exemption after their time limits expire. HHSC's automated system only accepts TABE scores and adjusts the time-limited benefits tier for individuals whose time-limited benefits have not expired; and
- Exempt Choices individuals who volunteer to participate.

The following are exceptions to this rule:

- Individuals who have a language barrier;
- Individuals who lack literacy; and
- Individuals who are working full-time but are not coded as receiving EID.

*Note:* If the customer is coenrolled in Workforce Innovation and Opportunity Act (WIOA) youth services and is found to be basic skills deficient, retesting is required.

#### **B-305.a: SUPERA®**

SUPERA® is a Spanish-language achievement test with results based on the same scale as English-language results. SUPERA® uses standard Spanish, avoids regionalism and ambiguous words, and is appropriate and relevant to Spanish-speaking individuals from different cultural backgrounds.

Boards must ensure that:

- SUPERA® is used to assess Spanish-speaking individuals. For TANF recipients, this is the only TWC-approved test that may be administered to Spanish-speaking individuals. Other Spanish-language assessment tests require that staff who administer them be able to read and speak both English and Spanish; and
- the most current norms table for SUPERA® is used when converting raw scores to scale scores and converting scale scores to grade equivalents. This information is included with the SUPERA® testing materials from the publisher, CTB/McGraw-Hill.

#### ***B-306: Assessment of Support Services Needs***

(Revision 10/2016)

During the assessment process, Workforce Solutions Office staff might determine that support services are necessary for the individual to participate in Choices activities.

Boards must ensure that any identified support services are provided. If support services are needed and not provided, the participant cannot be penalized for noncompliance.

Choices support services include, but are not limited to, the following:

- Child care
- Transportation



- Work-related expenses
- GED credential testing payments

### ***B-307: Family Employment Plan***

(Revision 10/2016)

Boards must ensure that Workforce Solutions Office staff develops FEPs within the parameters of Choices and the work first philosophy. Work first focuses on immediate attachment to the labor force and on postemployment services to help individuals reach the goal of self-sufficiency.

Boards must ensure that FEPs are developed for the following:

- All Choices participants
- Applicants and former recipients who volunteer to participate in Choices

Boards must ensure that FEPs are:

- jointly developed with the Choices participant;
- based on an assessment of the individual's skills and abilities;
- mutually agreed upon by the individual and Workforce Solutions Office staff; and
- regularly evaluated and updated as needed.

Boards must ensure that Workforce Solutions Office staff discusses and explains the content of the FEP.

Boards must be aware that if participants fail to comply with the terms of the FEP, the participants are subject to a full family sanction. Boards must ensure that the FEP:

- is a current and consistent document subject to change based on the individual Choices participant's circumstances; and
- serves as a map to guide determination of appropriate services for the participant.

#### **B-307.a: Developing the Family Employment Plan**

Choices participants and Workforce Solutions Office staff share responsibility in three areas for developing the FEP:

- Establishing employment goals as they relate to employers' workforce needs in the local labor market;
- Assessing service needs; and
- Developing a course of action.

Boards must ensure that Workforce Solutions Office staff considers state and federal time limits when developing the FEP. When scheduling activities, take into consideration the amount of time needed to complete FEP objectives.

#### **B-307.b: Required Information**

Boards may develop their own FEPs.

However, Boards must ensure that FEPs include:

- individual and family assessments;

- the goal of self-sufficiency through employment, based on an individual assessment that considers the needs of the local labor market;
- development of specific postemployment service strategies with methods and time frames for reaching the goals of an identified self-sufficiency wage;
- provision of information about the following:
  - sanction process;
  - good cause process;
  - right of appeal; and
  - importance of contacting a case manager if individual or family circumstances prevent participation;
- the steps and services to achieve each goal, including the individuals responsible and the scheduled activity;
- the FEP date, required hours, and activity begin and end dates;
- the participation agreement for compliance with program requirements;
- requirements for single- and two-parent families; and
- signatures of the individuals and Workforce Solutions Office staff member unless the individual is employed or the case is closed.

### **B-307.c: Serving Individuals with Disabilities**

Boards may use HHSC Form H1836 A or B (Medical Release/Physician's Statement) to develop a more comprehensive FEP for disabled individuals who have reduced work requirements.

- Form [H1836A](#) specifies the number of physician-identified hours an individual is able to participate in work activities.
- Form [H1836B](#) specifies the number of physician-identified hours an individual caring for a disabled child or adult in the household is able to participate in work activities.

Boards must ensure all pertinent information is documented in TWIST under the H1836A/B tab in the *TANF History* section.

Form H1836A/B can be used as part of the assessment process when developing FEPs.

Boards must ensure that sanctions are not requested for Choices participants who participate the full number of hours indicated on HHSC Form H1836 A or B.

TWIST tab *Form H1836A/B* provides the following fields for entering physician-identified information into TWIST:

- *Begin date*: date the physician signs Form H1836A/B
- *End date*: either six months from the begin date on the original Form H1836A/B or six months from the begin date on a new or revised Form H1836A/B, or as specified on the form
- *Required hours*: number of physician-identified Choices participation hours indicated on Form H1836A/B
- *Reduced work requirement*: check if physician-identified hours are less than the normal participation requirements

Boards must be aware of the following:

- Single-parent families have a reduced work requirement if the physician-identified participation requirement is fewer than 30 hours.
- Single-parent families with a child under age six have a reduced work requirement if the physician-identified participation requirement is fewer than 20 hours.
- Two-parent families have a reduced work requirement if the physician-identified participation requirement is fewer than 35 hours.

#### *Reduced Work Requirement*

Boards must ensure that Workforce Solutions Office staff checks the *Reduced Work Requirement* box on TWIST tab *Form H1836A/B* for any individual with a reduced work requirement.

Single parents who meet the requirements in [B-401.g](#), Teen Heads of Household, can meet the lesser of the two work requirements if they qualify for both.

Special provisions for two-parent families:

- If one adult in the family is a mandatory adult with Form H1836A/B and the other adult in the family is exempt, the family will meet its work requirement if the mandatory adult meets his or her work requirement.
- If both adults are mandatory adults with Form H1836A/B, the family will meet its work requirement if each adult meets his or her work requirement.
- If one adult is a mandatory adult without good cause and meets his or her work requirement and the second adult is a mandatory adult with Form H1836A/B, the family will meet its work requirement.

#### **B-307.d: Choices Program Requirement for Two-Parent Families**

Boards must ensure that both mandatory adults in a two-parent family sign a Choices Program Family Requirement form acknowledging that they:

- are responsible for meeting the work requirement; and
- can elect to have only one of the adults meet the program requirement.

Boards must ensure that the Choices program family requirement distributes the required hours of participation between one or both adults in accordance with the household's participation agreement for compliance with Choices program requirements.

If the program requirements are not met, the family will be subject to a full family sanction.

Boards must ensure that both adults:

- sign a Choices Program Family Requirement form; and
- receive appropriate notification of their joint program requirements.

Boards may use the sample [E-120, Choices Program Family Requirement Form](#) (see [B-2000](#)) or develop a local form.

Boards must ensure that the Choices Program Family Requirement form states that:

- both adults understand their 35- or 55-hour program requirement (depending on whether they receive child care services);
- the responsibility for meeting the program requirement is placed on both adults, but the family can choose only one adult to meet the household's responsibility; and
- if the adults do not meet the required participation hours, the family will be subject to full family sanction regarding their TANF assistance grant.

Boards must ensure that Workforce Solutions Office staff develops an FEP and completes a Choices Program Family Requirement form for two-parent families with the involvement of both adults. During the development of the FEP, Boards must ensure that both adults agree on who will satisfy the family's participation requirement.

#### **B-307.e: Evaluation of the Family Employment Plan**

Boards must ensure that evaluation of the FEP is an ongoing process in which decisions are made about an individual's ability to gain employment and allowable work activities providing the skills or experience necessary to assist the participant in obtaining employment are identified and added.

Elements to be considered in an ongoing evaluation and modification of the FEP include:

- changes in activities and weekly participation hours;
- progress in work activities and meeting scheduled time frames for completion; and
- identification of strategies to overcome problems, including provisions of support services.

Ongoing evaluation means that family employment planning begins with the EPS and continues until Workforce Solutions Office staff closes the Choices case. Workforce Solutions Office staff revises the FEP as activities and schedules change or as additional work-related services or support services are needed, based on an ongoing assessment and evaluation of the progress being made.

Boards must ensure that Workforce Solutions Office staff evaluates and updates FEPs for all Choices participants, applicants, and former recipients who volunteer to participate in Choices, as necessary.

## **B-400: Participation Requirements**

### ***B-401: Participation Requirements***

(Revision 1/2017)

Choices participants must work or participate in Choices activities to receive TANF benefits. The hourly program requirement is based on each participant's situation.

Boards must ensure that Workforce Solutions Office staff complies with participation hour requirements as set forth in [C-401: Sample Participation Requirement Desk Aid](#).

#### **B-401.a: Single-Parent Families**

A single parent with no children under the age of six is required to participate a minimum weekly average of at least 30 hours.

Boards must also ensure that a single parent with children under age six spends at least 20 hours in activities per week.

#### **B-401.b: Two-Parent Families Not Receiving TWC-Funded Child Care**

Two-parent families that are not receiving TWC-funded child care are required to have one or both adults in the family participate a minimum weekly average of 35 hours.

#### **B-401.c: Two-Parent Families Receiving TWC-Funded Child Care**

Two-parent families that are receiving TWC-funded child care are required to have one or both adults in the family participate a minimum weekly average of 55 hours.

#### **B-401.d: Exempt Choices Participants**

Exempt Choices participants can volunteer to participate in Choices services. These individuals are not subject to sanction; therefore, a penalty must not be requested for exempt Choices participants who fail to meet participation requirements. However, Boards must ensure that, if support services such as transportation are provided, they are terminated unless good cause has been determined.

Participation in activities by exempt Choices participants may be under the direction of the Texas Workforce Commission's (TWC) Vocational Rehabilitation Program or a similar organization that works with individuals with disabilities.

Individuals with disabilities and individuals caring for a disabled family member as supported by medical documentation must have their participation requirements determined by a physician.

Boards must ensure that exempt Choices participants who volunteer to participate comply with all program requirements and comply with reduced work hour requirements when applicable.

It is recommended that Boards target exempt individuals who have not taken advantage of the opportunity to participate in the Choices program and who are within 12 months of exhausting their federal time limits and are nearing a lifetime freeze-out.

#### **B-401.e: Sanctioned Families**

Boards must ensure that upon initiation of a sanction request:

- cooperation is demonstrated any time before the end of the month following the month in which a penalty is initiated; and
- when a family demonstrates cooperation, a cooperation notice is sent to HHSC.

#### **B-401.f: Conditional Applicants**

Boards must ensure that conditional applicants demonstrate cooperation for four consecutive weeks. The four weeks can begin at any time and fall across two calendar months. A conditional applicant must provide a [H2588 referral form](#) from HHSC to attend a WOA and demonstrate cooperation for four consecutive weeks. The date required on the H2588 is the date of the conditional applicant's WOA attendance.

Boards must be aware that all Choices services, including support services, are available as long as the individuals demonstrate cooperation and are meeting participation requirements.

Boards must be aware that eligibility for child care services is 12 months. If a conditional applicant fails to demonstrate cooperation and does not meet the participation requirements, he or she will be subject to the three-month continued care provision of TWC Child Care Services rule §809.51.

#### **B-401.g: Teen Heads of Household**

Boards must ensure that Workforce Solutions Office staff:

- enrolls teen heads of household who have not completed secondary school or received a GED credential in educational activities; and
- counts teen heads of household who have not completed secondary school or received a GED credential as engaged in work if:
  - during months in which school is in session they maintain satisfactory attendance; and
  - during months in which school is not in session they participate in:
    - allowable activities;
    - education directly related to employment for an average of at least 20 hours per week; or
    - any Choices employment and training activities.

Boards must ensure that Workforce Solutions Office staff:

- enters actual hours of school attendance into TWIST for weeks of the month school is in session and
- does not enter scheduled hours into TWIST.

Boards must be aware of the following:

- Teens who attend school satisfactorily have no set hourly requirement.

- Teens who do not attend school satisfactorily must participate a total of 30 hours per week.
- The work requirement for teens who have a child under age six is reduced to an average of 20 hours per week.
- If a teen fails to attend school satisfactorily or participates in other educational activities for less than an average of 20 hours per week, a timely and reasonable contact attempt must be made to determine if the teen has good cause. If good cause cannot be determined and the teen is not meeting program requirements through another activity, a penalty must be initiated.
- If a teen drops out of school, HHSC must be notified so it can initiate a penalty for not meeting school attendance requirements.

Boards also must be aware of the following:

Two Parent:

Inclusion in the Two-Parent Families Participation Rate numerator requires that both parents in a two-parent teen family, in which at least one parent is not coded *WPS 15* or *WPS 16*, must have the following average weekly participation:

- 35 hours or
- 55 hours, if receiving subsidized child care.

*Example:* One parent in a two-parent family is age 20 or older, and the second parent is a teen head of household attending school satisfactorily for 15 hours per week. Inclusion in the Two-Parent Families Participation Rate numerator requires that the family participate for 35 hours or 55 hours, if the family is receiving subsidized child care. The second parent needs 20 or 40 hours to meet participation.

Two-parent households with two teen heads of household who have not attained their high school diploma or GED credential, both attending school satisfactorily, or participating in other educational activities for 20 hours per week, will be included in the Two-Parent Families Participation Rate numerator.

*Example:* A two-parent household has two teen heads of household who have not attained their high school diploma or GED credential. One teen parent attends high school satisfactorily, and the other participates in vocational education for 20 hours per week. The family meets participation requirements and is included in the Two-Parent Families Participation Rate numerator.

### ***B-402: Choices Work Activities***

(Revision 10/2016)

Boards must ensure that Workforce Solutions Office staff enrolls Choices participants in a sufficient number of hours to meet participation requirements.

Boards must be aware that work activities are those directly related to work and include:

- unsubsidized employment;



- subsidized employment;
- on-the-job training (OJT); and
- educational services for Choices-eligible individuals who have not completed secondary school or received a GED credential.

Boards may use any of the following Choices activities without restriction, if the activities can reasonably be expected to assist Choices participants in obtaining and retaining employment:

- Job search and job readiness assistance
- Work experience
- Community service
- Vocational educational training
- Job skills training

All other Choices services remain available to Choices customers prior to participation in unsubsidized employment, subsidized employment, or OJT; however, those services do not count toward a Board's Choices performance measure(s).

Boards have until the third month after the initial date a new Choices-eligible individual begins receiving TANF benefits in which to work with the individual before participation through unsubsidized employment, subsidized employment, OJT, or educational services in the case of Choices-eligible individuals who are teen heads of household and have not completed secondary school or received a GED credential is expected in a Board's Choices performance measure(s).

### ***B-403: Participation in More Than One Activity***

(Revision 10/2016)

Certain activities are limited by Fair Labor Standards Act (FLSA) requirements and do not always allow sufficient hours to meet requirements. Boards must ensure that Workforce Solutions Office staff considers, when necessary, other activities that can be "stacked" to ensure full participation.

FLSA-covered activities include:

- work experience; and
- community service.

Boards must be aware that two FLSA-covered activities cannot be stacked.

FLSA requirements also apply to:

- sanctioned families; and
- conditional applicants.

Boards must ensure that if a Choices participant's hours of community service or work experience are not sufficient to meet the work activity requirement, the participant is enrolled in additional non-FLSA-covered activities. Court-ordered community service is subject to FLSA restrictions unless the participant is a volunteer or a trainee.



For more information on the FLSA formula, see [B-604: Special Provisions Regarding FLSA](#).

### ***B-404: Participation Calculation Tool***

(Revision 10/2016)

To determine the exact number of hours individual customers need to meet Choices work activity requirements, Boards must ensure that Workforce Solutions Office staff calculates hours at the beginning of each month. The Participation Calculation tool assists in determining the number of hours each customer needs daily, weekly, and monthly to meet participation.

Additionally, the Participation Calculation tool can be used to calculate FLSA required hours, any additional hours needed to meet participation, and the beginning and ending of partial months.

The Participation Calculation tool is available on the Intranet under the [Featured Links](#) section.

The Participation Calculation tool will be updated annually to reflect any changes.

## **B-500: Choices Activities**

### ***B-501: Choices Activities***

(Revision 10/2016)

Boards must ensure that Workforce Solutions Office staff supervises all Choices work activities daily.

Daily supervision means that case managers are accessible daily for Choices participants to discuss progress and obtain additional guidance; it does not mean daily contact with every Choices participant.

Boards must ensure that Workforce Solutions Office staff enters actual daily participation in each appropriate activity into TWIST, as set forth in [C-200: TWIST Service Codes and Descriptions](#).

### ***B-502: Other Choices Program Activities***

(Revision 10/2016)

Boards may use any of the following Choices activities without restriction if the activities can reasonably be expected to assist Choices participants in obtaining and retaining employment:

- Job search and job readiness assistance
- Work experience
- Community service
- Vocational educational training
- Job skills training

While they do not count toward a Board's Choices performance measures, other Choices activities remain available for Choices customers to meet their participation requirements.

Boards have until the third month after the initial date a new Choices-eligible individual begins receiving TANF benefits in which to work with the individual before participation through unsubsidized employment, subsidized employment, OJT, or educational services in the case of Choices-eligible individuals who are teen heads of household and have not completed secondary school or received a GED credential is expected in a Board's Choices performance measure(s).

#### ***B-502.a: Financial Literacy Training***

As provided in [Texas Labor Code §302.0027](#), Boards must ensure that workforce development services include financial literacy training. Financial literacy training can include microenterprise services, such as business counseling, financial assistance, and technical assistance.

Money Smart, a comprehensive financial education curriculum, is designed to help low- and moderate-income individuals outside of the financial mainstream enhance their financial skills and create positive banking relationships.

Boards may use the Money Smart curriculum—available in English, Spanish, Chinese, Korean, and Vietnamese—to ensure that financial literacy training is available to customers.

Information on the Money Smart curriculum, including instructions on how to order free copies, is available on the [Federal Deposit Insurance Corporation website](#).

Boards must ensure that Workforce Solutions Office staff records the provision on financial literacy training in TWIST. Special category code *218 – Financial Literacy* is located on the *Service Tracking – Service Information* screen in TWIST. To track services that include financial literacy training, Boards must:

1. select the *Service Category* on the TWIST *Service Tracking – Service Information* screen;
2. select the *Service*; and
3. select *218 – Financial Literacy* from the *Special Category* dropdown field.

### ***B-503: Unsubsidized Employment***

(Revision 4/2016)

Boards must be aware of the following:

Unsubsidized employment is a work activity and includes the following:

- Full-time or part-time employment in which wages are paid in full by the employer;
- An internship with wages paid by the employer;
- Self-employment; or
- Independent Contractor

#### ***B-503.a: Unsubsidized Employment—Self-Employment***

Self-employment is defined as “an income-producing enterprise that will lead an individual on a clear pathway to self-sufficiency by lessening the family’s reliance on public benefits.” TWC’s methodology to determine net self-employment income is the same methodology that HHSC uses to determine eligibility for TANF benefits.

For self-employed Choices participants, Boards must ensure that Workforce Solutions Office staff:

- does not count more hours toward the work activity than the number derived by dividing the participant’s net self-employment income (gross self-employment wages minus business expenses) by the federal minimum wage; and
- enters the calculation of self-employment into TWIST *Daily Time Tracking*.

HHSC advisors and Workforce Solutions Office staff must inform households orally and in writing to keep self-employment records and receipts for verification purposes in future re-certifications.

The individual’s net self-employment income (gross self-employment wages minus business expenses—the same formula used for determining TANF eligibility) is divided by the federal minimum wage to determine the number of hours worked.

In calculating the work participation rate for self-employed individuals, TWC counts the number of hours derived by dividing the individual's net self-employment income (gross self-employment wages minus business expenses) by the federal minimum wage.

#### Established Self-Employment Enterprises

Boards must allow self-employment for individuals with an established self-employment enterprise, provided that the individuals can demonstrate that the enterprise renders a clear pathway to self-sufficiency by lessening family reliance on public benefits.

Boards must conduct an initial verification and require the following documentation currently used for Disaster Unemployment Assistance:

- Federal income tax forms or quarterly income reports, such as:
  - Form 1040; or
  - Schedule C, F, or SE federal income tax returns for the most recent tax year; or
- One of the following to prove existence of the business:
  - Property titles, deeds, or rental agreement for the place of business;
  - Recent business bank statement or phone, utility, or insurance bill;
  - Recent state sales tax return; or
  - Business records that provide proof of income and expenditures, such as:
    - copies of money orders or checks received;
    - lists of individuals/customers served (if available); or
    - personal wage records with third-party signed verification; or
  - Business plans; or
  - Contract, which includes a Statement of Work.

For ongoing monthly verification, individuals are required to submit the following:

- Documentation that provides information on the amount of income generated and the associated business expenses. Documentation must include invoices signed by the participant's customers and containing customer names and contact information, and dates and locations of services provided and amounts received; and
- Business expense receipts that substantiate the expenses to be deducted from the gross income, if applicable.

#### Prospective Self-Employment Enterprises That Lead to Self-Sufficiency

Boards must allow prospective self-employment enterprises, provided that the individuals can demonstrate that the enterprise renders a clear pathway to self-sufficiency by lessening family reliance on public benefits.

Boards must verify initially that the customer was in the process of establishing a self-employment enterprise by requiring the following documentation:

- Property titles or deeds for the place of business;
- Rental agreement or letter from a property owner showing the customer planned to open a business; or
- Other evidence that the customer was preparing to open a business, such as:
  - advertising, state tax registration, assumed name certificate, etc.;

- business plan; or
- bank account information.

For ongoing monthly verification, Boards must ensure that individuals submit the following:

- Documentation that provides information on the amount of income generated and the associated business expenses. Documentation must include invoices signed by the participant’s customers and contain customer names and contact information, dates, and locations where services were provided, and amounts received; and
- Business expense receipts that substantiate the expenses to be deducted from the gross income, if applicable.

Boards may assist in providing access to entrepreneurship training and business counseling. Entrepreneurship training and business counseling can help customers determine if an enterprise is a viable venture that will result in self-sufficiency.

Boards must be aware that they can count actual hours worked in addition to any paid leave when calculating performance.

**B-503.b: Unsubsidized Employment – Independent Contractor**

An Independent Contractor is defined as an individual who is self-employed, bears responsibility for his or her own taxes and expenses, and is not subject to an employer’s direction and control. An independent contractor would be classified under the unsubsidized self-employment activity.

*Note:* Independent Contractor is not to be confused with Contract Labor. Contract Labor is an employee, generally employed for a short-term period. Contract Labor has income taxes withheld or FICA and constitutes an employer/employee relationship consistent with TWC’s Texas Payday Rules at §821.5. Contract Labor is considered unsubsidized employment.

**B-503.c: Participation While Employed**

If a Choices participant is employed, Boards must ensure that Workforce Solutions Office staff reports the actual hours the participant works each day—not the number of hours the participant is scheduled to work. The participant must provide documentation to verify all hours of employment. Hours of employment must be reported for at least the length of time that the recipient receives TANF.

**B-504: Subsidized Employment**

(Revision 10/2016)

Boards must be aware of the following:

Subsidized employment is a work activity that includes the following:

- Full-time or part-time employment in the private or public sector, where all or a portion of the participant’s wages are subsidized (federal or state funds may subsidize the wages);
- Internship with a portion of the Choices participant’s wages subsidized;

- Employment with a staffing agency as the employer of record; or
- Employment with the actual employer acting as the employer of record.

Boards must be aware that they are precluded from being the employer of record for Choices participants enrolled in a subsidized employment activity.

Boards must ensure that:

- subsidized employment placements prepare and move Choices participants into unsubsidized employment;
- employers do not use subsidized employment to displace existing employees;
- subsidized employment placements are allotted to employers expected to retain Choices participants as regular unsubsidized employees once the subsidized placement has ended, unless successful completion of the placement is expected to result in unsubsidized employment with a different employer; and
- wages are at least federal or state minimum wage, whichever is higher.

Boards must ensure that service providers report to HHSC all subsidies and stipends for individuals currently receiving TANF cash assistance and denote the source of the subsidy so HHSC has complete information to determine income inclusions and exclusions for eligibility decisions.

### ***B-505: On-the-Job Training***

(Revision 10/2016)

Boards must be aware that OJT is a work activity and is provided by an employer to a work-eligible participant, on or off the worksite, who is engaged in productive work in a job.

Boards must ensure that OJT:

- provides knowledge or skills essential to the full and adequate performance of the job;
- provides reimbursement to the employer of a percentage of the wage rate of the Choices participants for the extraordinary costs of providing the training and additional supervision related to the training;
- is limited in duration, as appropriate, to the occupation for which the Choices participant is being trained, taking into account the content of the training, the prior work experience of the participant, and the service strategy of the participant; and
- includes training specified by the employer (i.e., customized training).

Unsubsidized employment after satisfactory completion of the training is expected. A Board must not contract with employers who have previously exhibited a pattern of failing to provide Choices participants in OJT with continued long-term employment, which provides wages, benefits, and working conditions, that are equal to those that are provided to regular employees who have worked a similar length of time and are doing a similar type of work.

Boards must be aware that OJT placements are allotted to employers that expect to retain Choices participants as regular unsubsidized employees once the OJT

placement has ended, unless successful completion of the placement is expected to result in unsubsidized employment with a different employer.

### ***B-506: Educational Services for Choices Participants***

(Revision 10/2016)

Boards must be aware of the following:

Educational services are available only for Choices participants who have not completed secondary school or received a GED credential. A case-by-case determination is made on whether to authorize, arrange, or refer work-eligible individuals to secondary school leading to a high school diploma or a GED credential. This applies to Choices participants age 20 and older seeking educational services. Individuals who have a high school diploma or GED credential are not eligible.

Boards must ensure that educational services are directly related to employment and include:

- educational activities leading to a high school diploma or completion of a GED credential;
- Adult Basic Education (ABE);
- ESL; and
- workforce adult literacy and language instruction.

Boards must be aware that Choices participants must be making good or satisfactory progress, as reported by the educational institution.

Boards must ensure Workforce Solutions Office staff counsels participants to revisit the activity in which the participants are not making good or satisfactory progress.

Boards must ensure that the FEP includes an estimated time frame for completion of other educational and training services, based on individual factors.

Boards must be aware that for performance purposes only teen heads of households are included.

#### ***B-506.a: Required Documentation***

Boards must ensure that Workforce Solutions Office staff documents monthly in TWIST good or satisfactory progress as determined by the institution providing the education or training services and maintains documentation in the participant's file.

The institution must determine this at least monthly with documentation that includes:

- a conversation with designated staff from the institution, documented in the TWIST *Counselor Notes*;
- a copy of the grades or evaluation; or
- a letter or e-mail from staff designated by the institution.

## **B-600: Documentation & Verification**

### ***B-601: Documentation and Verification of Work Activities***

(Revision 10/2016)

Each work activity has specific documentation and verification requirements. Boards must ensure that Workforce Solutions Office staff documents and verifies all work activities in accordance with this guide and enters the documentation and verification into TWIST *Daily Time Tracking*.

Boards must be aware of the following:

Under the TANF interim final regulations and the [Chapter 811 Choices rules](#), self-attestation does not serve as acceptable documentation for Choices participation hours. Boards must ensure that self-attestation is not accepted as documentation in any Choices work activity and that it is not used to enter Choices participation hours into TWIST.

Self-declaration can be used to enter Choices participation hours into TWIST prior to receiving verification—only if the hours are later reconciled with an acceptable form of verification.

For weekly management of Choices, it is acceptable to enter self-declared hours into TWIST:

- pending verification within the appropriate time frame; and
- with the understanding that if documentation does not agree with the reported hours, the *Daily Time Tracking* verification screen will be updated accordingly.

After the data entry deadline, participation hours that have not been verified by acceptable documentation beyond the self-declaration are considered “ignored hours” and do not count toward performance. Once acceptable verification is obtained and entered into the *Daily Time Tracking* verification screen in TWIST, the ignored participation hours become countable. At this point, participation hours originally classified as self-declaration participation hours become verified participation hours, as reflected in the Choices Work Rate Report.

### ***B-602: TWIST Documentation – Counselor Notes***

(Revision 10/2016)

Boards must ensure that TWIST *Counselor Notes* are a record of contact, progress, and any interaction with the Choices customer. Boards must ensure that Workforce Solutions Office staff enters information that is:

- clear and easily understood;
- concise and includes only the facts, keeping the information short and to the point;
- complete and includes only pertinent information about actions, activities, and interactions with the customer; and
- accurate.



Boards must ensure that the following take place:

- Documentation in *TWIST Counselor Notes* includes the following:
  - All contact with participant(s);
  - Monthly eligibility
  - Phone contacts or attempts to contact;
  - Documentation of participation hours;
  - Change in activities;
  - Assessment;
  - Next scheduled appointment dates; and
  - Closure of case.
- *TWIST Counselor Notes* for each case include the following:
  - Who – participant’s name, employer name, etc.;
  - What – activity and circumstance being reported;
  - Where – participant’s work location, etc.;
  - When – the date the activity was reported;
  - Why – to verify or document service activities; and
  - How – office visit, participant called, case manager called or left message, submitted information to another case manager, etc.

Boards must ensure that Workforce Solutions Office staff:

- does not enter confidential information into *TWIST Counselor Notes*, which are public records;
- maintains strict confidentiality of all customer information;
- secures case files in locked cabinets at the Workforce Solutions Office to protect the confidentiality of customers; and
- does not remove information or case files from the Workforce Solutions Office.

*Note:* Confidential information includes a participant’s medical diagnosis and any specific description of a participant’s criminal offense.

### ***B-603: TWIST Documentation – Work Activities***

(Revision 10/2016)

Boards must ensure that Workforce Solutions Office staff enters daily hours of participation in all activities into the *TWIST Daily Time Tracking*.

For further details, see the *Guide to Using TWIST, Daily Time Tracking* for Choices section (the *Guide to Using TWIST* is located under the help menu in TWIST).

### ***B-604: Special Provisions Regarding FLSA***

(Revision 10/2016)

Boards must ensure that employment and training activities are conducted in compliance with FLSA as follows:

- The amount of time per week that a Choices participant can be required to participate in activities that are not exempt from minimum wage and overtime under FLSA must be determined by the TANF assistance and Supplemental Nutrition Assistance Program (SNAP) benefits’ amount being divided by the minimum wage, so that the amount paid to the Choices participant is equal to or

more than the amount required for payment of wages, including minimum wage and overtime.

- The amount of time per week that a sanctioned family or conditional applicant can be required to participate in activities that are not exempt from minimum wage and overtime under FLSA must be determined by the SNAP benefits' amount being divided by the minimum wage, so that the amount paid to the sanctioned family is equal to or more than the amount required for payment of wages, including minimum wage and overtime.
- If a Board provides activities that meet all of the following categories, the activity is considered training under FLSA and minimum wage and overtime are not required:
  - The training is similar to that given in a vocational school;
  - The training is for the benefit of the trainees;
  - The trainees do not displace regular employees;
  - The employers derive no immediate advantage from trainees' activities;
  - The trainees are not entitled to a job after training is completed; and
  - The employers and trainees understand that trainees are not paid.

Before enrolling Choices-eligible individuals in a Choices activity (e.g., work experience), Boards must ensure that Workforce Solutions Office staff references the policy set forth in 29 USC, Chapter 201, and explores whether an employee/employer relationship exists, the Choices activity must be conducted in compliance with FLSA.

The term *employee* does not include an individual who volunteers to perform services for a public agency—i.e., a state, a political subdivision of a state, or an interstate government agency—if:

- the individual receives no compensation or is paid expenses, reasonable benefits, or a nominal fee to perform the services for which the individual volunteered; and
- the services are not the same type of services that the individual is employed to perform for such public agency.

Boards must ensure that Workforce Solutions Office staff:

- verifies TANF and SNAP benefit amounts monthly at the end of the previous month for the beginning of the new month in order to determine the number of participation hours allowed; and
- enters TANF and SNAP benefit amounts and the FLSA calculation into TWIST  
*Counselor Notes.*

## **B-700: Support Services**

### ***B-701: Support Services***

(Revision 1/2017)

Boards must ensure that support services are provided to Choices-eligible individuals in order to address barriers to employment or participation in Choices services.

Examples of support services for Choices-eligible individuals include:

- TWC-funded child care (as appropriate);
- transportation;
- work-related expenses;
- Wheels to Work;
- GED testing payments;
- individual development accounts (IDAs); and
- one-time, short-term, and non-recurrent payments.

With the exception of child care services for eligible families, Boards must ensure that Workforce Solutions Office staff does not extend support services for unemployed sanctioned families and conditional applicants beyond their demonstrated cooperation period.

After successfully demonstrating cooperation, support services can continue for conditional applicants and sanctioned families for up to two months or as long as the TANF case has not been denied.

Boards may provide support services to unemployed applicants and former recipients under the TANF *short-term, non-recurring* definition for up to four months. Services that are provided longer than four months are defined as assistance.

Boards must ensure that Workforce Solutions Office staff enters support services into TWIST under the *Support Services* tab. Child Care service will be entered, as a one-day service, with the redetermination date in the comment section.

Per [§809.51](#), the three-month continued care will begin once the *Choices Program* detail in TWIST is closed and the customer is not participating in any work, education, or training activity at any level.

### ***B-702: Evaluation and Authorization for Child Care Services***

(Revision 1/2017)

Boards must ensure that Workforce Solutions Office staff:

- evaluates the need for child care either when an individual attends the Workforce Orientation for Applicants (WOA) or during the initial or ongoing assessment;
- when appropriate, authorizes child care and refers individuals to child care staff for services; and
- documents the need for child care as a separate entry in TWIST *Counselor Notes*.

Boards must ensure that if a Choices participant indicates a need for support services, such as child care, that support is provided in order to remove any barrier to participation.

However, Boards must ensure that at the time child care is authorized or when changes in child care occur, Choices case managers inform participants of the following:

- The importance of cooperating with TWC's Child Care Services rules, 40 Texas Administrative Code (TAC), [Chapter 809](#), child care program policies, and meeting all requirements of the child care program.
- If participants fail to meet all requirements, they are still required to meet participation requirements and are responsible for making their own child care arrangements.

Boards also must ensure that:

- if a participant is denied child care due to failure to comply with Chapter 809, Child Care Services rules, good cause is not granted; and
- if the participant fails to participate, a penalty is requested.

Boards must ensure that:

- Choices-eligible individuals have access, as needed, to:
  - TANF Applicant child care;
  - Choices child care; and
  - Transitional child care.
- Parents of eligible children are allowed to choose the child care arrangement that best meets the needs of the parents and children.
- Parents can choose to enroll their children with regulated child care providers or relative child care providers.
- Authorization or changes to child care services are documented as a separate entry in *TWIST Counselor Notes* by Workforce Solutions Office staff if:
  - an applicant is referred to a WOA and needs child care to accept employment;
  - a Choices participant needs child care to participate in Choices services;
  - child care is no longer needed;
  - the individual accepts or retains employment;
  - the individual voluntarily withdraws from child care services;
  - the individual has a change (such as a new address or work schedule, change in child care provider, or number of children);
  - child care needs to be reauthorized; or
  - the case is closed.

Boards must ensure that a separate entry is entered into *TWIST Counselor Notes* indicating the following:

- Date child care services are authorized;
- Date child care staff was notified that the Choices case has been reopened; and
- Date and reason for change in child care (including failure to comply with Chapter 809, Child Care Services rules and provisions).

Boards must ensure that Workforce Solutions Office staff enters support services into *TWIST* under the *Support Services* tab:

- 202 Family/Child Care

- Start Date
- Fund Source
- End Date (Same as start date)
- Comments—Note redetermination date of 12-month eligibility period

#### **B-702.a: TANF Applicant Child Care**

Boards must be aware of the following:

- Individuals who apply for TANF and obtain employment prior to TANF certification are eligible to receive child care. To receive TANF Applicant child care, individuals must:
  - receive a referral from HHSC to attend a WOA;
  - locate employment or have increased earnings prior to TANF certification; and
  - need child care to accept or retain employment.
- Conditional applicants who gain employment during the demonstrated cooperation period are eligible to receive TANF Applicant child care, unless they are already in a 12-month eligibility period for Choices child care.

#### **B-702.b: Choices Child Care**

Boards must be aware of the following:

Choices-eligible individuals must be participating in the Choices program to be eligible for Choices child care. Other qualified individuals include:

- mandatory individuals and exempt recipients who voluntarily participate in Choices services; and
- sanctioned families and conditional applicants who demonstrate cooperation prior to resuming TANF assistance.

#### **B-702.c: Transitional Child Care**

Boards must be aware of the following:

Choices participants who are denied TANF may be eligible for Transitional child care.

A parent is eligible for Transitional child care if the parent:

- has been denied TANF because of increased earnings; or
- the parent's time limits expired within the last 30 days; and
- the parent requires child care to work or attend a job training or educational program for a combination of at least 25 hours per week for a single-parent family or 50 hours per week for a two-parent family, or a higher number of hours per week as established by a Board.

For additional information refer to [Child Care Services rule §809.48](#).

#### **B-702.d: Termination of Child Care**

Boards must ensure that Workforce Solutions Office staff terminates child care services immediately after determining that a Choices participant:

- has moved out of state; or

- has voluntarily withdrawn from child care.

Boards must ensure that child care is not terminated if a legitimate good cause reason existed or an agreement was made to make up hours.

#### **B-702.e: Child Care Communication**

Boards must ensure that Workforce Solutions Office Choices staff communicates all actions to Child Care services.

Boards may use Form E-2510, Notification of Child Care Eligibility, or a locally modified version of Form E-2510, when arranging child care services.

Boards must ensure that a locally modified form, at a minimum, indicates the following:

- Action eligibility start date
- Eligibility redetermination date or discontinue date
- Child's information
- Care type

#### ***B-703: Transportation Services***

(Revision 10/2016)

Boards must ensure that transportation assistance is provided when needed to enable a Choices participant to work or attend and participate in required Choices activities.

TANF funds can provide a wide variety of transportation services, as long as the expenditure reasonably accomplishes a TANF purpose such as supporting job preparation, education, and work.

Boards must be aware that good cause is granted to Choices participants if transportation assistance is not available prior to participation or if transportation issues remain a barrier to participation.

#### **B-703.a: Examples of Allowable Transportation Assistance**

Examples of allowable transportation assistance include, but are not limited to:

- bus passes/tokens/tickets (issued daily, weekly, or monthly)
- basic cash allowance
- prepaid gas cards
- mileage reimbursement (personal vehicles only)
- car pools
- minor car repairs
- taxicab services
- contracts with private entities, such as transit providers that provide shuttle or van services
- Job Access and Reverse Commute (JARC) projects
- one-time short-term assistance
- car insurance
- driver license fees (includes renewals)

- vehicle inspection fees
- contracting with private organizations or services to refurbish previously owned cars
- financial support (loans or grants) that enables customers to purchase a vehicle
- purchase of tires or automobile batteries

Additionally, Boards may issue basic cash allowances for transportation services to unemployed TANF recipients.

Evaluation of the Choices participant's need for transportation and other available resources is part of the initial and ongoing assessment process. When assessing the need for transportation, it is recommended that Boards consider current economic circumstances, such as:

- fluctuating gas prices;
- higher costs to repair vehicles or purchase tires;
- increases in bus fares; and
- increases in travel costs for individuals who travel longer distances for work activities and longer distances to and from job sites and child care facilities.

Boards must ensure that transportation services are reasonable, necessary, and directly related to participation in allowable work activities, postemployment services, and access to child care.

Additionally, it is recommended that Boards consider:

- *not* specifying set dollar amounts for a set time frame and a particular type of transportation (e.g., limiting customers to \$20 for a bus pass in a 12-month period);
- changes to the local economy and special circumstances that can be encountered; and
- determining time frame and dollar amount limitations for eligible customers on a case-by-case basis.

It is recommended that Boards do not place unnecessary restrictions—with the exception of available funding considerations—on the use of funds for transportation services as they can:

- cause undue hardships for customers who do not receive transportation assistance until after they have met certain participation requirements;
- place additional administrative burdens on Workforce Solutions Office staff, which is required to verify whether public transportation is a more beneficial or economical mode of transportation than the use of a personal vehicle; and
- require Workforce Solutions Office staff to collect unnecessary documentation to prove that the customer used the funds as intended.

It is a recommended best practice for Boards to require Workforce Solutions Offices to maintain current lists of the following:

- Public transit system, including buses and vans and their applicable schedules;
- Taxi services;
- Shuttle services;
- Van and car pools; and

- Vehicles or transportation services operated by housing authorities, job training programs, local government, community organizations, and other entities.

As set forth in [B-1107: Transportation](#), Boards must ensure that case managers adhere to established Board transportation policies.

**B-703.b: Job Access and Reverse Commute Program**

The Job Access and Reverse Commute (JARC) program was authorized as a discretionary program under the Transportation Equity Act of the 21st Century and later changed under the Safe, Accountable, Flexible, Efficient Transportation Equity Act on August 10, 2005. This program is federally administered under the U.S. Department of Transportation Federal Transit Administration Agency (USDOT-FTA). The JARC program provides formula funding to states and designated recipients to support the development and maintenance of job access projects designed to transport public assistance and eligible low-income individuals to and from jobs and activities related to employment.

Boards may maximize transportation services by:

- applying for JARC project funds;
- contributing matching funds for a JARC project; and
- coordinating transportation efforts with other human service and transportation providers in the local workforce development area (workforce area) through a JARC project or other related projects.

Boards may use TANF/Choices funds for a JARC project to:

- implement new transportation initiatives; or
- expand existing transportation initiatives.

Boards must ensure that expenditures under TANF/Choices are associated with:

- transportation services for Choices-eligible individuals; or
- improvement of existing transportation services—i.e., expansion of existing rural or urban transit routes—to help eligible low-income individuals, or individuals at risk of requiring public assistance, access jobs.

*Note:* USDOT-FTA defines an eligible low-income individual as one whose family income is at or below 150 percent of the poverty line—as is defined in §673(2) of the Community Services Block Grant Act (42 USC 9902(2))—for a family of that size. This information can be determined from the latest available U.S. Census data. Additionally, JARC project sub-recipients are responsible for determining, verifying, and documenting income eligibility.

JARC projects are awarded on a cost reimbursement basis and funds are available for three years. The Texas Department of Transportation (TxDOT) posts a Notice of Request for Proposals for transportation projects in the [Texas Register](#).



See the [TxDOT website](#) for more information about JARC and other transportation projects.

### ***B-704: Work-Related Expenses***

(Revision 1/2017)

Boards may provide work-related expenses when they are necessary for Choices-eligible individuals to accept or retain employment that pays at least the federal minimum wage.

Boards may pay for work-related expenses in advance or as a reimbursement, based on a participant's needs in relation to employment.

Examples of work-related expenses include:

- tools;
- uniforms;
- equipment;
- transportation;
- car repairs;
- housing or moving expenses; and
- cost of vocationally required examinations or certificates.

Boards must ensure that Workforce Solutions Office staff authorizes and reports work-related expenses under the TWIST *Support Services* tab and documents the expenses in *Counselor Notes*. Boards must establish local policies and procedures regarding methods of and limitations on work-related expenses.

Work-related expenses are also allowable when an individual participates in community service and work experience.

### ***B-705: Wheels to Work***

(Revision 1/2017)

The Wheels to Work program consists of local nonprofit organizations donating vehicles for Choices-eligible individuals that obtain employment but are unable to accept or retain the employment because they lack transportation.

Boards using a Wheels to Work program must develop local policies and procedures establishing services to assist Choices-eligible individuals.

Boards must ensure that individuals have a verifiable job offer with wages that will support self-sufficiency and car ownership.

Choices work-related expenses may cover other costs associated with ownership of a vehicle including:

- repairs;
- fees; and
- inspections.

*Note:* Individuals are responsible for purchasing liability insurance.

### ***B-706: Payment for GED Testing***

(Revision 10/2016)

Boards may authorize and pay for the cost of GED testing and issuance of the certificate.

Payments cover:

- the actual cost of testing;
- any national or state processing fees; and
- the cost of the certificate.

Boards must ensure that payments are made directly to GED test centers and the Texas Education Agency for GED testing costs and issuance of the certificate to Choices participants.

### ***B-707: Individual Development Accounts***

(Revision 10/2016)

Boards must be aware of the following:

For Choices participants, IDAs are similar to savings accounts. IDAs enable Choices participants to save for specific “big ticket” items, such as:

- postsecondary education expenses;
- first home purchase; or
- business capitalization.

Individuals can contribute earned income and up to 50 percent of their Earned Income Tax Credit (EITC) to an IDA. Amounts derived from earned income are eligible for matching TANF funds.

HHSC does not consider IDAs that meet TANF requirements as resources for the purpose of TANF eligibility. However, when a Choices participant withdraws money from an IDA that is not for an allowable qualifying purchase, it is then counted as income for the purpose of TANF eligibility.

Boards may set policy and procedures to provide for implementation and oversight of IDAs.

### ***B-708: Incentives for Choices Participants***

(Revision 1/2017)

Issuing incentives to Choices participants gives Boards opportunities to improve employment, training, and education outcomes.

Incentives are compensation in the form of gift cards and nonmonetary gifts or vouchers provided to a customer in exchange for meeting specified goals as defined by

the Board. Incentives do not include support services such as child care, transportation, or reimbursement of work-related expenses.

Boards choosing to offer nonmonetary incentives must develop guidelines and strategies that:

- provide for the use of the incentives (eligibility, limitations); and
- ensure that the incentives are accurately documented in TWIST in a timely manner.

For example, nonmonetary incentives can be awarded for the following:

- Job retention, wage gains, and career progression;
- Successful completion of training services;
- Attainment of educational goals; and
- Voluntarily participating in Choices services when individuals are exempt.

Boards must ensure that guidelines include a provision for the identification of Choices participants who are eligible to receive a nonmonetary incentive.

Eligible Choices participants include those who are:

- working in full-time unsubsidized employment;
- attending training services;
- attending vocational educational training or other educational services;
- working and participating in educational services full time;
- participating full time in a subsidized or unsubsidized internship program; or
- exempt and voluntarily participating in Choices services.

As referenced in [B-1103: Incentives](#), Boards must ensure that case managers adhere to the established Board incentive policies.

#### **B-708.a: TWIST Data Entry for Incentives**

When Choices participants are determined eligible for an incentive, Boards must ensure that Workforce Solutions Office staff enters accurate documentation into TWIST under the appropriate support service code as well as documents the information in TWIST *Counselor Notes*.

Additionally, Boards must ensure that when Workforce Solutions Office staff enters incentive information into TWIST, the:

- *start date* is either the date the participant was notified of possible eligibility for a nonmonetary incentive or is the date on which activity toward achievement begins;
- *planned end date* is the deadline to reach the achievement;
- *end date* is the actual date of achievement;
- *actual amount* is the value of the incentive; and
- *comments* section notes:
  - the date the incentive payment (or voucher) was issued;
  - the type of payment (TOP); and
  - what the customer achieved—e.g., Issued 6/1/10: TOP – prepaid gas card for attaining GED credential early.

## **B-800: Non-cooperation**

### ***B-801: Full Family Sanction***

(Revision 1/2017)

Under the [Human Resources Code, §31.0032](#) and [House Bill 2292](#), passed by the 78th Texas Legislature, Regular Session (2003), mandated “pay for performance” requirements for TANF recipients, effective September 1, 2003. Under the pay for performance model, TANF recipients who fail to cooperate with Choices program requirements face full family sanction of their TANF benefits. Additionally, under certain circumstances, sanction for non-cooperation can include removal of the adult’s Medicaid benefits.

#### **B-801.a: Cooperation**

Boards must ensure that Workforce Solutions Office staff verifies monthly that Choices participants are:

- cooperating with all program requirements; or
- granted good cause.

#### **B-801.b: Non-cooperation**

Non-cooperation is often determined by the following two situations:

- Failure to respond to intake or outreach appointments; or
- Failure to meet participation requirements after intake.

If Choices participants do not cooperate with program requirements and do not have good cause, Boards must ensure that:

- a sanction is requested for mandatory Choices participants; or
- Choices services, including support services, except child care, are terminated for exempt Choices participants.

Boards also must ensure that:

- pursuant to [Human Resources Code §31.0033](#), at every instance of non-cooperation, a timely and reasonable attempt is made to contact mandatory Choices participants to determine whether the participant had good cause for failing to cooperate prior to requesting a sanction; and
- if good cause is not established, the mandatory Choices participant is informed of the:
  - violation requiring sanction;
  - right to appeal; and
  - necessary procedures to demonstrate cooperation.

Boards must ensure that within seven calendar days of noncompliance by a Choices participant, Workforce Solutions Office staff:

- reschedules appointments for intake;

- ensures the Choices participant resumes cooperating with all program requirements;
- determines good cause; or
- initiates a sanction.

Boards must be aware that the seven-day time limit begins on the date of noncompliance or the date of discovery of noncompliance, whichever occurs later.

***B-802: Timely and Reasonable Attempt for Outreach Activities***

(Revision 10/2016)

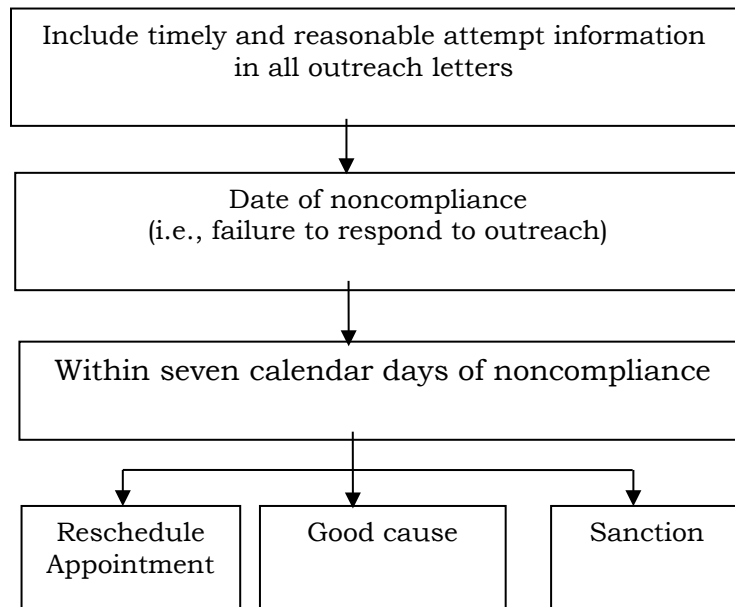
Boards must ensure that all outreach letters state the consequences of failure to respond.

Boards must ensure within seven days of noncompliance, the customer reschedules his or her appointment, good cause is granted, or a sanction is initiated.

Boards must ensure that participants agree to a specific, preferred contact method—phone, text, e-mail, letter, or in person—during the employment planning session and the method is documented in *TWIST Counselor Notes*.

*Note:* Voice mail is not an acceptable Outreach Activity.

**OUTREACH**



***B-803: Timely and Reasonable Attempt for Failure to Meet Participation Requirements***

(Revision 1/2017)

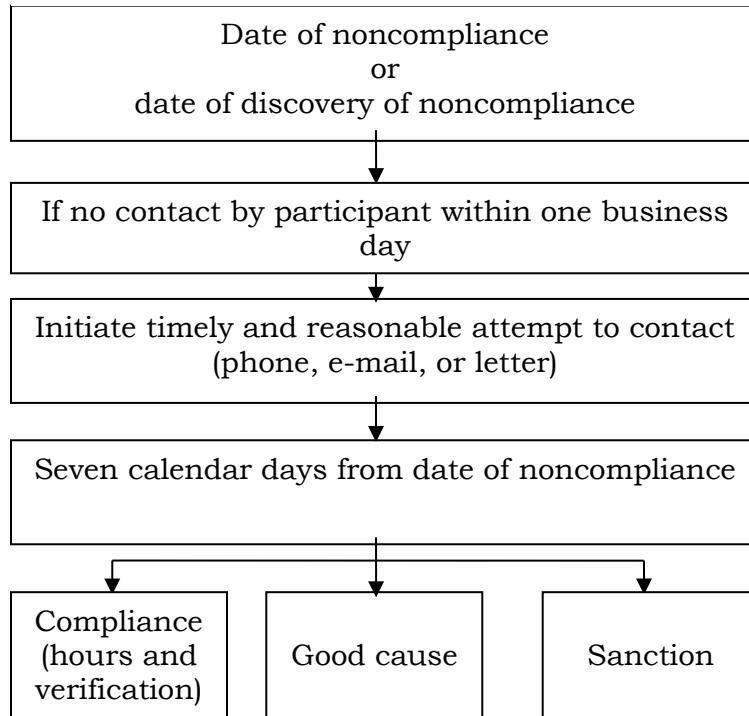
Boards must be aware of the following:

After the date of noncompliance with participation requirements, such as a missed appointment—or the date of Workforce Solutions Office staff discovery of noncompliance—a Choices participant has one business day to contact the Workforce Solutions Office.

Boards must ensure that:

- if the Choices participant does not contact Workforce Solutions Office staff within one business day of noncompliance, a timely and reasonable attempt to contact the participant by phone, voice mail, text, e-mail, letter, or in person is initiated to determine whether the participant:
  - was in compliance; or
  - had good cause; and
- if the Choices participant is found to be in noncompliance and does not have good cause, a sanction is initiated;
- on the seventh calendar day from the date of noncompliance, the Choices participant is either fully participating, been granted good cause, or a penalty has been initiated; and
- if the Choices participant is found to be in noncompliance, and is not fully participating, or has not been granted good cause, Workforce Solutions Office staff closes the Choices program detail on the last day of the month in which the penalty was initiated.

### ONGOING PARTICIPATION



Boards must ensure that Workforce Solutions Office staff documents:

- the date of identification of noncompliance; and

- the date of the timely and reasonable attempt in TWIST *Counselor Notes*.

Boards must ensure that if Workforce Solutions Office staff calls a Choices participant, a telephone conversation with the participant must occur for it to be considered an appropriate, timely, and reasonable attempt. Leaving a voice mail for the participant or sending a text message is considered appropriate only if the participant indicated during the EPS that voice mail or text message was his or her preferred method of contact. The preferred method of contact must be documented in TWIST *Counselor Notes*.

Boards must ensure that Workforce Solutions Office staff enters a notice of non-cooperation into TWIST in the *Penalty* tab, accessed through the *TANF History* menu selection under the *Customer Information* window. TWIST automatically forwards the notice to HHSC.

*Example:* A participant is scheduled for an appointment on February 18, 2016, and fails to keep the appointment. This is the date that noncompliance is identified. If the participant fails to contact Workforce Solutions Office staff within 24 hours, the timely and reasonable attempt must be made. If the participant fails to respond to the timely and reasonable attempt, penalty must be initiated by February 24, 2016. That is seven calendar days from the date of noncompliance.

*Example:* A participant is scheduled for an appointment on February 1, 2016, and fails to keep the appointment. This is the date that noncompliance is identified. If the participant fails to contact Workforce Solutions Office staff within 24 hours, the timely and reasonable attempt must be made. If the participant fails to respond to the timely and reasonable attempt, penalty must be initiated by February 8, 2016. That is allowing for the fact that the seventh calendar day fell on a Sunday.

*Example:* A participant is scheduled for an appointment on February 16, 2016, and fails to keep the appointment. This is the date that noncompliance is identified. If the participant fails to contact Workforce Solutions Office staff within 24 hours, the timely and reasonable attempt must be made. Contact is made with the participant on February 18, 2016. The participant provided a good cause reason for missing the original appointment. The participant's appointment is rescheduled for February 19, 2016, and the participant fails to keep the appointment. This is the new date of noncompliance. A new timely and reasonable attempt must be made. If the participant fails to respond to the timely and reasonable attempt, a penalty must be initiated by February 25, 2016. That is seven calendar days from February 19, the date of noncompliance.

### ***B-804: Demonstrated Cooperation for Sanctioned Families and Conditional Applicants***

(Revision 10/2016)

Boards must ensure that Workforce Solutions Office staff gives all sanctioned families and conditional applicants the opportunity to demonstrate cooperation with Choices in

order to receive TANF benefits. Sanctioned families can begin cooperation any time before the end of the month following the month in which a penalty is initiated.

Boards must be aware that conditional applicants are required to:

- attend a WOA and immediately begin demonstrating cooperation by meeting participation requirements for the next four consecutive weeks; and
- continue to cooperate with their Choices work requirement while waiting for their TANF benefits to be certified.

Boards may prorate a conditional applicant's first week of demonstrated cooperation if the applicant begins demonstrating cooperation on any day other than Monday. The prorated hourly amount is derived by dividing the conditional applicant's participation requirement by seven (number of days in the workweek) and applying the daily hours to the remaining days in the workweek.

*Example:* A single parent with a participation requirement of 30 hours per week attends a WOA on Wednesday, which means the individual can participate four days that week—Wednesday, Thursday, Friday, and Saturday. The weekly prorated participation requirement is obtained by taking the individual's participation requirement (30 hours) and dividing it by the number of workdays in the week (7), which equals a daily hour requirement (4.29). The daily hour requirement (4.29) is then multiplied by the number of days the individual can participate (4), which results in the total number of prorated hours for the week (17.16). In this example, the individual must participate in activities for 17.16 hours to count this week as the first week of demonstrated cooperation. With the 30-hour per week requirement, the participant must complete an additional 90 hours after the first prorated week for a total of 107.16 hours by the end of the four-week period.

Boards may determine that sanctioned families and conditional applicants can be granted good cause during their period of demonstrated cooperation, if warranted.

### ***B-805: Penalty Status for Non-cooperation***

(Revision 10/2016)

Boards must ensure that Workforce Solutions Office staff is aware of the following:

- Families can be sanctioned, by HHSC, for non-cooperation with elements of the Personal Responsibility Agreement (PRA), including Choices.
- Families sanctioned for non-cooperation with Choices must demonstrate cooperation through Choices.

Mandatory Choices participants sanctioned for non-cooperation with Choices or other elements of the PRA for two consecutive months will be denied TANF benefits and the adult's Medicaid benefits can be removed. Families must reapply to have TANF and Medicaid benefits restored.



## ***B-806: Notice of Cooperation***

(Revision 10/2016)

During the demonstrated cooperation period, HHSC assumes non-cooperation unless notified otherwise. Therefore, Boards must ensure that Workforce Solutions Office staff sends a notice of cooperation immediately to HHSC upon the successful completion of a mandatory Choices participant's demonstrated cooperation period.

Boards must ensure that Workforce Solutions Office staff enters the notice of cooperation for sanctioned families into TWIST in the *Penalty* tab, accessed through the *TANF History* menu selection under the *Customer Information* window. TWIST electronically transmits the notice to HHSC through the automated interface.

### **B-806.a: Choices Activities during Demonstrated Cooperation**

Boards must be aware of the following:

- During demonstrated cooperation periods, sanctioned families and conditional applicants can be enrolled in all Choices activities; and
- The maximum amount of time sanctioned families and conditional applicants can participate in FLSA-covered activities is based only on their SNAP benefits because the full family sanction eliminates the entire TANF grant.

### **B-806.b: Support Services**

Boards must be aware of the following:

During the demonstrated cooperation periods, sanctioned families and conditional applicants are eligible to receive support services, which include the following:

- TWC-funded child care services;
- Sanctioned families receiving child care will continue to receive Choices child care during the penalty month;
- Conditional applicants who need child care in order to demonstrate cooperation will receive Choices child care; and
- Conditional applicants who gain employment during their demonstrated cooperation period will receive TANF Applicant child care.

## ***B-807: Voluntary Withdrawal from TANF***

(Revision 1/2017)

Boards must ensure that Workforce Solutions Office staff uses [Form H1802, Voluntary Withdrawal from TANF](#), when discussing a Choices participant's voluntary withdrawal from TANF. The form contains information on continued eligibility for Medicaid and other services and informs customers of their options and the consequences of voluntary withdrawal.

Boards must ensure that Workforce Solutions Office staff completes an original Form H1802 and two copies, then:

- sends the signed original to the HHSC Texas Works Advisor;
- provides the customer with one copy;
- retains a copy in the customer's file for three years; and

- documents the date sent to HHSC in *TWIST Counselor Notes*.

Boards must ensure when a customer voluntarily withdraws from TANF, the customer is notified that:

- the customer must continue to meet the Choices participation requirements; or
- a sanction is initiated in accordance with HHSC policy in the [HHSC Texas Works Handbook](#).

Voluntary withdrawal from TANF does not withdraw the participant from Child Care services.

### ***B-808: Follow-up after the Initiation of Penalty***

(Revision 10/2016)

Boards must ensure that Workforce Solutions Office staff follows up after the initiation of a penalty includes the following:

- Maintaining a log of penalties to ensure that action is taken by HHSC;
- Checking initiated penalties frequently to determine if action has been taken by HHSC;
- If no action has been taken on the penalty five days after the TWC notification date, or if after seven days a reject code is received:
  - reviewing the appropriate HHSC system to determine the status of the penalty;
  - contacting appropriate local HHSC staff to determine the status of the penalty; and
  - if local staff is not able to be of assistance, contacting the regional contact; and
- If HHSC has not received the penalty, a new penalty must be initiated by:
  - sending a new penalty using the original noncooperation date; and
  - documenting *TWIST Counselor Notes* to show the date the penalty was originally sent and the date the reject code was received.

If there appears to be a discrepancy between the work code in the HHSC system and TWIST, complete the Data Discrepancy Log and take the following actions:

- Contact the Local HHSC office for resolution, if not resolved.
- Contact the Regional HHSC office for resolution, if not resolved.
- Forward completed Data Discrepancy Log to TWC Technical Assistance Staff.

## **B-900: Postemployment Services & Choices Plus**

### ***B-901: Earned Income Deduction***

(Revision 10/2016)

Boards must be aware of the following:

EID is a standard work-related income deduction available to some TANF recipients following employment entry. Eligibility for EID is determined by HHSC.

To promote access to needed postemployment services, all Choices participants who receive EID must participate in Choices, even if not enrolled in Choices at the time of employment. The participation requirement for Choices participants who are working at least 30 hours per week and earning at least \$700/month is limited to reporting the hours of employment to Workforce Solutions Office staff.

Choices participants who receive EID are included in the denominator in calculating Choices work participation rates.

A mandatory Choices participant coded by HHSC as receiving EID is required to report actual hours worked. Failure to properly report work hours will result in a sanction.

Boards must ensure that Workforce Solutions Office staff enters hours of employment into TWIST *Daily Time Tracking*.

When HHSC certifies or recertifies TANF assistance, HHSC informs each individual of his or her responsibility to report changes in household income, including change in income status, within 10 days of occurrence.

A standard outreach letter can be customized in TWIST to:

- inform an EID individual of the requirement to report his or her actual hours worked;
- provide instructions on how to report hours worked and who to report this information to;
- state the consequences of failing to report work hours, such as denial of cash assistance benefits and adult Medicaid; and
- provide information on available postemployment services.

### ***B-902: Postemployment Services***

(Revision 10/2016)

Postemployment services assist individuals to achieve employment stability and deal with crises that can lead to job loss. The first few months of employment are a critical time for new workers, so postemployment follow-up and support services are important to the success of individuals in retaining employment.

Boards must ensure that Workforce Solutions Office staff offers postemployment services to Choices individuals, including applicants, conditional applicants, and

former recipients who obtained employment but require additional assistance in retaining employment and achieving self-sufficiency.

Key postemployment services include:

- extended or ongoing case management;
- child care, transportation, and work-related expenses;
- job search, job placement, and job development services;
- referrals to available education and training resources;
- referrals to support services available in the community;
- additional career planning and counseling;
- referrals to other service providers and community resources; and
- mentoring.

### **B-902.a: Applicants**

Boards may provide postemployment services to help applicants retain employment and advance their careers, including the following:

- Applicants who become employed after the WOA and before TANF certification may receive 12 months of applicant child care services through the local child care services contractor.
- Applicants who are transitioning into employment may receive assistance and other support services to remove barriers and eliminate the need for TANF assistance.
- Applicants who become employed may also be coenrolled in other workforce programs, such as WIOA, to receive postemployment services.

### **B-902.b: Former Recipients, Conditional Applicants, and Sanctioned Families**

Boards must be aware that postemployment services for former recipients, conditional applicants, and sanctioned families are time-limited and depend on:

- family circumstances;
- whether the individual is considered at-risk for returning to TANF;
- the ongoing receipt for services such as SNAP benefits or child care; and
- the availability of funds for postemployment services.

### **B-903: Choices Plus**

(Revision 10/2016)

Boards must be aware of the following:

Choices Plus is a separate TANF-funded postemployment service available to individuals who are no longer receiving cash assistance benefits who are at risk of returning to TANF. A person is considered at risk of returning to TANF if he or she is a SNAP recipient or receiving TWC-funded child care.

Sanctioned families and conditional applicants are eligible for Choices Plus services if they obtain employment during their demonstrated cooperation period.

### **B-903.a: Choices Plus in TWIST**

Boards must ensure that Workforce Solutions Office staff opens a Choices Plus case in TWIST under one of the following three scenarios:

1. If Workforce Solutions Office staff is working with the Choices participant when the TANF benefits are denied, the Choices case must be closed and a Choices Plus case created.
2. If a Choices case is reopened, and Choices Plus services will be provided, a Choices Plus case must be created.
3. If a former recipient was never enrolled in Choices, and Choices Plus services will be provided, a Choices Plus case must be created.

Boards must ensure that, if an applicant receives Choices Plus services and subsequently begins receiving TANF assistance again, Workforce Solutions Office staff—upon certification for TANF assistance—transfers any participation hours counted and tracked in TWIST from the Choices Plus case to a new Choices case.

### ***B-904: Work Opportunity Tax Credit***

(Revision 10/2016)

The [Work Opportunity Tax Credit \(WOTC\)](#) is a federal tax credit used to reduce the federal tax liability of private, for-profit employers.

Employers may hire qualified TANF individuals and receive a credit of up to \$2,400 per eligible worker. The credit is based on 40 percent of up to \$6,000 in qualified wages during the employee's first year of employment.

### ***B-905: Earned Income Tax Credit***

(Revision 10/2016)

A rider in the General Appropriations Act, established by the Texas legislature, requires TWC to assist employed TANF recipients and other low-income workers who may qualify for the federal EITC with applying for its benefits.

The rider also states that TWC can assist eligible individuals in preparing and filing income tax returns by working with the Internal Revenue Service (IRS) to establish [Volunteer Income Tax Assistance \(VITA\)](#) sites within Workforce Solutions Offices.

Boards must ensure that Workforce Solutions Offices in their local workforce development areas (workforce areas) assist employed TANF recipients and other low-income workers who may qualify for EITC.

To assist eligible individuals in preparing and filing federal tax returns for the current calendar year, Boards may provide space for VITA sites within Workforce Solutions Offices in their workforce areas. VITA site volunteers will provide free assistance with preparing and filing tax returns.

### **B-1000: Choices Performance Measures**

## ***B-1001: Performance Measures***

(Revision 10/2016)

Performance measures are important indicators of progress in efforts to offer employment, training, transition, and retention resources to Choices individuals.

TWC's Performance Analysis and Reporting department provides updated Board and system performance data every month through the Monthly Performance Report (MPR). The MPR is TWC's primary tool for reporting performance information. MPRs cover measures that the federal government, Texas legislature, or TWC's three-member Commission require to be reported, as well as other useful management data.

The MPR and additional performance information can be accessed through [TWC's Intranet](#).

## ***B-1002: Choices and Common Measures***

(Revision 10/2016)

One way of evaluating and improving performance is through common performance measures for programs with similar goals.

Common performance measures are a management tool that enables the evaluation of different workforce programs according to a consistent set of outcome goals, i.e., the core goals of the workforce system: how many people found jobs, whether they keep those jobs, and what their earnings are.

Three common measures apply to Choices:

- Entered Employment
- Educational Achievement
- Employment Retention

To be counted in the entered employment common measure, Boards must ensure that when a participant obtains employment, Workforce Solutions Office staff enters the information into TWIST, as follows:

- In *Service Tracking*, click the *Services* tab;
- In the *Services* tab, right click and choose *Add*;
- Complete all information on the *Service Tracking Detail* screen;
- In the *Service Tracking Detail* screen, click the *Employment Outcomes* button;
- Enter start/end dates;
- Complete all additional information on the *Employment Outcomes Detail* screen; and
- Click *OK* to save information before exiting.

To be counted in the educational achievement common measure, Boards must ensure that when a participant credential is obtained, Workforce Solutions Office staff enters the information into TWIST *Performance Outcomes*, as follows:

- On the *Performance Data* screen, click the *Performance Outcomes* tab;
- In the *Performance Outcomes Detail* screen, right click and choose *add*;

- Enter start/end dates;
- Choose the correct credential under *Outcome Types*:
  - (1) *GED*
  - (2) *High School*
  - (7) *Bachelor's Degree*
  - (9) *6th year of College, Master's Degree*
  - (10) *Doctorate*
  - (19) *Associate's Degree*
  - (20) *Occupational Skills License*
  - (21) *Occupational Skills Certificate or Credential*
- Complete all information on the *Performance Outcomes Detail* screen; and
- Click *OK* to save information before exiting.

For teen parents attending high school who successfully finish a grade level, Boards must ensure that TWIST records are updated on exit from the program, as follows:

- Click the *Last Grade* tab under *Performance Outcomes*;
- Right click and choose *add*;
- Select grade level increase and *Achieve Date* (e.g., if teen parent came into the program as a sophomore and exited as a junior, select *Eleventh Grade*);
- Enter completion date; and
- Click *OK* to save information before exiting.

## **B-1100: Board Policies**

### ***B-1101: Choices Services Strategies***

(Revision 1/2017)

Boards must identify the workforce needs of local employers and design Choices services to ensure that local employer needs are met and that the services are consistent with Choices goals and purposes.

Boards must include the following in their Choices service strategies:

- Workforce Orientation for Applicants (WOA)
- Work First Design
- Postemployment Services
- Adult Services
- Teen Services
- Choices-eligible Individuals with Disabilities
- Target Populations
- Local Flexibility

Boards must establish policies<sup>1</sup> regarding the following:

- A Choices service strategy that coordinates various service delivery approaches to:
  - assist applicants and conditional applicants in gaining employment as an alternative to public assistance;
  - use a work first design that provides Choices participants access to the labor market; and
  - assist former recipients with job retention and career advancement so they can remain independent of TANF assistance;
- A limit on the amount of funds per Choices participant and the maximum duration for subsidized employment and OJT placements; and
- The methods and limitations for provision of work-related expenses.

Boards must ensure that procedures are developed for the following:

- Ensuring that job development services are available to Choices participants and that Workforce Solutions Office staff:
  - contacts local employers or industry associations to request that job openings be listed with Workforce Solutions Offices and with other entities in the Texas workforce system selected by the Board;
  - identifies employer hiring needs;
  - assists employers in creating new positions for Choices participants based on job developer and employer analysis of business needs; and
  - when necessary, finds opportunities with employers for specific Choices participants or groups of participants.

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



- Ensuring that job placement services are available to Choices participants and that job placement services include:
  - identification of employers' workforce needs;
  - identification of Choices participants with the skills and abilities to be successfully linked with employment; and
  - matching the skills of the Choices participant pool to the hiring needs of local employers.
- Notifying applicants and conditional applicants—in conjunction with HHSC—of the availability of regularly scheduled WOAs and alternative WOAs;
- Notifying HHSC of applicants and conditional applicants who contacted a Workforce Solutions Office to request alternative WOAs;
- Ensuring that services are concentrated on Choices-eligible individuals approaching their state or federal time limit, as identified in TWC rule §811.3(c)(7)(A) and (B). Concentrated services can include targeted outreach, enhanced analysis of circumstances that limit a Choices-eligible individual's ability to participate, and targeted job development; and
- Determining if a family is unable to obtain child care.

Boards may establish optional policies to:

- require the use of the Eligible Training Provider System and Individual Training Account systems to provide Choices services paid for with TANF/Choices funds; and
- make postemployment services available to:
  - former recipients denied TANF cash assistance because of earnings; and
  - sanctioned families and conditional applicants who obtain employment during the demonstrated cooperation period.

If a Board elects to establish one or more of the optional policies, the Board must ensure that corresponding procedures are developed for the policies.

### ***B-1102: Required Memoranda of Understanding***

(Revision 1/2017)

Boards must ensure that the following memoranda of understanding (MOUs) and collaborative partnerships are developed:

- Local-level MOUs with the appropriate agencies to serve Choices-eligible individuals with disabilities to maximize their potential for success in employment;
- A local-level MOU in cooperation with HHSC for coordinated case management that is consistent with the MOU between HHSC and TWC;
- A local-level MOU with the Texas Department of State Health Services for providing mental health and substance abuse services to Choices participants; and
- A collaborative partnership with housing authorities and sponsors of local housing programs and services to address the unmet housing needs of recipients.

### ***B-1103: Nonmonetary Incentives***

(Revision 1/2017)

Boards must ensure that cash or check incentives are not offered to Choices participants.

Boards choosing to offer nonmonetary incentives must develop guidelines and strategies to:

- provide for the use of the incentives (eligibility, limitations, etc.);
- ensure that the incentives are accurately documented in TWIST in a timely manner; and
- ensure that nonmonetary incentives are awarded only to Choices participants who exceed the minimum requirements of a program, employer, educational institution, or training provider—that is, to participants that achieve or exceed goals beyond those considered requirements of participation.

Boards must ensure that guidelines set forth realistic minimum and maximum time frames for Choices participants working toward achieving a nonmonetary incentive.

Additionally, Boards must ensure that guidelines include deadlines for claiming nonmonetary incentives. This provision ensures that participants are responsible for notifying Workforce Solutions Office staff and providing verification when they attain an achievement within a designated time frame.

*Example:* An exempt Choices teen head of household who successfully completes two weeks of job readiness activities and enters part-time employment is eligible for an incentive. The participant is notified that he or she has up to 15 days to provide appropriate verification and to claim a nonmonetary incentive.

#### **B-1103.a: Strategies for Issuing Nonmonetary Incentives**

Boards must ensure that the value of nonmonetary incentives:

- is tied to the size and nature of the achievement for which they are awarded; and
- is scaled to inspire participants to work toward the associated achievements.

*Examples:*

- Participants who remain in continuous full-time employment for 90 days receive a \$50 prepaid gas card or gift card.
- Participants who remain in continuous full-time employment for 120 days receive a \$50 prepaid gas card and a \$50 gift card.
- Exempt Choices participants who participate in an identified activity for 30 days or more receive a coupon or gift certificate worth up to \$25.
- Participants who remain in continuous employment for 180 days receive a \$200 prepaid gas card and a \$100 gift card to a local merchant.
- Participants receiving substance abuse treatment who work or attend school at least 30 hours a week for 60 days receive a \$50 gift certificate of their choice.

### **B-1103.b: Menu of Nonmonetary Incentives**

It is recommended that Boards' guidelines include a menu of nonmonetary incentives, to be provided at intake or when notifying Choices participants of their eligibility for an incentive.

Additionally, it is recommended that the menu have at least three incentives of comparable value—\$30 prepaid gas card or \$30 gift certificate—to select from. Some examples of nonmonetary incentives include the following:

- Prepaid merchant gift cards with no cash-back option;
- Prepaid gas cards available in incremental amounts—e.g., \$10, \$20, \$25, \$30;
- Prepaid telephone or “Go” cards;
- No-contract mobile phone services or pay-as-you-go phone plans;
- Disposable telephones with prepaid minutes;
- Specialty gift certificates or vouchers for discounted or free goods or services, such as car washes, carpet cleaning, grocery stores, beauty salons, and toy stores; and
- Surplus computer inventory.

Items such as merchant and specialty gift cards or vouchers are allowable if they are reasonable and support enhanced program performance and self-sufficiency.

Surplus computer inventory refers to computers that are eligible for disposition in accordance with [Chapter 13 of TWC's Financial Manual for Grants and Contracts \(FMGC\)](#), which includes thresholds for determining when prior approval is required to dispose of property. In most instances, computers do not meet the threshold; however, if circumstances exist in which a surplus computer does meet these criteria, the appropriateness of a Board's decision to donate it depends on whether or not the Board has requested and received the requisite TWC approval.

To ensure that proper control measures are in place, it is recommended that Boards implement a voucher system by which Workforce Solutions Office staff issues Choices participants, who are eligible for nonmonetary incentives, a voucher that they redeem for their incentives through other designated Workforce Solutions Office staff.

Designated Workforce Solutions Office staff can serve as the point of contact for:

- issuing nonmonetary incentives;
- reconciling amounts of on-hand nonmonetary incentives with amounts received and distributed; and
- maintaining a receipt log with a record of each incentive issued and the signature of the participant redeeming a voucher for that incentive.

Boards must ensure that:

- policies in [Chapter 2 of the FMGC](#) are followed to ensure effective internal control and accountability for all grant and sub-grant cash, real and personal property, and other assets; and
- all such property is adequately safeguarded and used solely for authorized purposes.

Boards choosing to offer nonmonetary incentives must ensure that sufficient funds are budgeted from available resources to support the Boards' nonmonetary incentive

policy, particularly as it applies to participants who choose to target long-term achievements.

*Example:* A participant starts training in Fiscal Year 2010 (FY'10) and is informed that he or she may be eligible to receive a nonmonetary incentive. The training will not be completed until FY'11, so the Board must budget accordingly.

To evaluate the effectiveness of strategies for the provision of nonmonetary incentives, Boards must ensure that once Choices participants have been determined to be eligible for a nonmonetary incentive that accurate documentation is entered into TWIST.

### ***B-1104: On-the-Job Training and Customized Training Services***

(Revision 10/2016)

Boards are not required to procure employers for OJT and customized training. However, if a Board chooses to offer OJT and customized training, it must establish local policies for identifying employers for OJT and customized training services.

For example, Boards may develop an application process to:

- gather adequate information on employers prior to contracting with them for OJT or customized training;
- determine whether the training is for an occupation with a high potential for sustained demand or growth in the workforce area; and
- determine whether training providers are needed for customized training.

It is recommended that Boards use the application to collect relevant information on the employer's customized training and skills needs, such as the number of employees to be trained, the occupations or industries to be included, the dates of training, and the amount of funding requested.

#### ***B-1104.a: Contracting with Employers for On-the-Job Training and Customized Training***

Boards must establish a threshold for employer reimbursement in the contract with the employer. Boards must be aware that there is no specific threshold for employer reimbursement for Choices OJT.

Boards must not enter into OJT contracts with employers that have received payments under previous contracts and have exhibited a pattern of failing to retain OJT participants as long-term, regular employees with wages, employment benefits (including health benefits), and working conditions at the same level as other employees in similar positions.

If a Board chooses to enter into a contract with an employer for customized training, it is recommended that the Board develop criteria for selecting training providers and developing the training or curriculum.

Employers play a major role in the development of customized training and curriculum. An employer can:

- provide the customized training to its employees through in-house training resources;
- partner with a training provider, such as a community college or other training institution, to provide all or part of the training on behalf of the employer; or
- request that the Board select a training provider on the employer's behalf.

### ***B-1105: Board Support Service Policies***

(Revision 10/2016)

It is recommended that Boards develop policies to ensure that support services are provided if needed to enable Choices participants to work, attend, and participate in required Choices services. If a Choices participant indicates a need for support services, the support must be provided to remove any barrier to participation. If the barrier is not removed and the Choices participant is unable to participate, good cause must be granted and no penalty initiated.

### ***B-1106: Individual Development Accounts***

(Revision 10/2016)

Boards may set policies to provide for implementation and oversight of IDAs.

Boards must certify that an IDA account meets the TANF definition. Boards must develop a form for Choices individuals to submit to the HHSC Texas Works Advisor that certifies that their IDA is disregarded.

Boards must:

- develop policies and procedures to address unauthorized withdrawals; and
- ensure that eligible individuals make only qualified withdrawals.

Policies and procedures addressing unauthorized withdrawals must include:

- notification to the individual that:
  - unauthorized withdrawals may impact the individual's eligibility for public assistance programs; and
  - matching funds have been forfeited; and
- notification to HHSC within seven working days of the unauthorized withdrawal.

Boards must develop policy regarding an individual's right to access his or her accounts. If using TANF funds, Boards must follow the TANF requirements specified under this policy. Other types of savings accounts do not qualify to be disregarded for eligibility purposes.

### ***B-1107: Transportation***

(Revision 10/2016)

Boards must ensure that transportation policies address the following:

- Personal:
  - Bus passes
  - Gas cards (including prepaid and reloadable cards)

- Vehicular:
  - Repair
  - Insurance
  - Registration
  - Inspection
  - Consumables (e.g., tires)

Boards must ensure that all transportation policies meet the following minimum standards:

- All expenses must be reasonable and necessary to assist a participant in achieving the goals of his or her employment plan (EP) or family employment plan (FEP).
- Boards must establish financial caps based on:
  - type of support—vehicle repair, prepaid gas cards, bus passes, etc.; and
  - time period—week, month, quarter, etc.

It is recommended that Boards keep the specified cap consistent across programs. A discretionary override of the cap is allowed, as long as a specific process and safeguard for the override—e.g., director signature, two signatures, etc.—is detailed in the transportation policy.

Boards are encouraged to develop a structural framework in their policies and procedures that aids in identifying routine transactions from those that rise to the level of suspicious activity.

*Example:* A Board allows participants a maximum of \$40 per week for gas cards. The Board-established safeguard for exceeding \$40 a week is three signatures—e.g., participant, specialist, and manager. The reconciliation process then identifies any staff member or participant who exceeds the limit and an audit verifies whether the safeguard was followed, i.e., if the three signatures are in place.

Boards must:

- require receipts for all reimbursements;
- develop consistent policies to monitor and maintain receipts;
- require participants to demonstrate ownership of a vehicle before any payment of expenses for repairs, insurance, or registration;
- ensure that prepayment for a participant’s vehicle repairs is prohibited (larger and more involved expenses other than repairs can require bids and are payable directly to the vendor after completion of repairs and receipt of invoice);
- be aware that payments for car insurance, tires, registration, and other transportation-related expenses other than repairs also are payable directly to the vendor after receipt of invoice; and
- ensure prohibited purchases are not allowed (i.e., firearms and alcohol).

If Board policy allows for the vehicle to be owned by another individual, Boards must ensure the following safeguards are in place:

- Before inclusion of the vehicle’s use in an EP or FEP, a signed statement indicating that the participant has use of the vehicle for employment-related purposes, along with a copy of supporting ownership documentation, must be provided.

- Before repairing a third-party vehicle, a hold harmless agreement or other protection is signed by the vehicle owner and maintained in the participant’s case file.

### ***B-1108: Records Retention***

(Revision 10/2016)

Boards must ensure that Workforce Solutions Offices retain financial records for three years, unless there are questioned costs, disallowed costs, or other unresolved audit issues. In these cases, records must be retained for three years after the issue is resolved.

### ***B-1109: Choices Best Practices***

(Revision 10/2016)

The term “best practices” asserts that there is a technique, method, or process that is more effective at delivering a particular outcome than any other technique, method, or process. Best practices also can be defined as the most efficient and effective way of accomplishing a task.

The collected best practices of Workforce Solutions Office staff are outlined below as an aid to increase efficiency and improve program outcomes.

#### **Early Engagement**

- WOA Participation
  - Give Board-established priority to TANF applicants participating prior to certification
  - Modify participation hours to what can reasonably be accomplished without child care
- Register customers in WorkInTexas.com or update existing customers’ WorkInTexas.com applications with staff assistance to ensure complete registration
- Provide a thorough explanation of how WorkInTexas.com works
- Look at high-growth, high-demand occupations in conjunction with participant skills and training options for bridging gaps
- Create a job club
- Mandate a work readiness certificate—i.e., prepare customers for employment before they are certified as participants

#### **Case Management/Career Counselor**

- Proficiency in WorkInTexas.com
  - Identification of employment goal
  - Identification of skills necessary to goal
  - How to get the most from WorkInTexas.com
- Provide job referrals at every appointment
  - Know specifics of referrals—e.g., what are the office hours; is the office convenient for those using public transportation; is the staff friendly and willing to help?

- Maintain up-to-date information and keep in contact with participant so a partnership forms. Attend community partner meetings to maintain a network of information.
- Make sure the referrals provided are appropriate for the participant's family.
- Update skills listed in WorkInTexas.com as they become apparent or as necessary to secure WorkInTexas.com matches
- Help remove barriers
- Include intensive job readiness classes
- Make home visits when outreach fails
- Change case manager behavior from focusing on performance to partnering with participant to obtain employment
- Case management should not focus only on meeting hour requirements
- Mandate participants to attend WorkInTexas.com classes
- Maintain weekly contact with participants
- Explore all options before granting good cause or initiating sanctions—especially with participants who are just short of meeting requirements

### **Assessment**

- Understand the participant's strengths, interests, and capabilities
- Rank the initial assessment of the participant's job readiness
  - Employed
  - Immediately ready to job search with minimum assistance
  - Needs more intense assistance with job search
  - Needs assistance with barrier removal prior to beginning job search
- Perform ongoing assessments
- Update the case file at every assessment
- Assess case managers and provide staff training as necessary

### **Job Development**

- Collaboration with Business Services Unit, Employment Service, and Workforce Solutions Office staff
  - Discuss employment needs of Choices participants as a group
  - Allocate staff for individual participants
- Hire a job developer
- Optimize subsidized employment opportunities
- Provide OJT opportunities
- Train case managers on job development
- Make full use of employers' knowledge of their employment needs
- Provide intensive job readiness classes

### **Partnering with Self-Sufficiency Fund (SSF) Program**

- Knowledge of workforce area training available through SSF
- Collaborate with SSF projects to make Choices participants a priority
- Use SSF to design customized training programs directly tied to guaranteed employment that meets the needs of exempt families
- Use SSF to fund postemployment services for Choices participants, even after they leave TANF



## **B-1200: Use of TANF Funds**

### ***B-1201: Flexibility in the Use of TANF Funds***

(Revision 10/2016)

As specified in the TANF Final Rules §260.20 ([45 CFR Parts 260 through 265](#)), states are authorized to use TANF funds to provide services consistent with the following four purposes of the TANF program:

1. To provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives;
2. To end the dependence of needy parents on government benefits by promoting job preparation, work, and marriage;
3. To prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing the incidence of these pregnancies; and
4. To encourage the formation and maintenance of two-parent families.

Under TANF purposes 1 and 2, services, benefits, and support services are allowable only if provided to *needy* families as defined by Texas in its TANF State Plan. Thus, states are required to establish financial eligibility criteria for services provided under either one of these two purposes. (Different programs can have different definitions of needy and therefore different financial eligibility requirements.)

Additionally, under TANF purposes 1 and 2, services can be provided only to “families,” which is defined as a minor child (under 18 years of age or under 19 years of age and a full-time student) who resides with the family, or a pregnant individual, consistent with [42 USC §608\(a\)\(10\)](#) regarding denial of assistance for minor children who are absent from the home for a significant period of time.

Under TANF purposes 3 and 4, services, benefits, and support services are allowable to a universal population, including *non-needy* families.

Choices employment and training services are provided under TANF purpose 2. Under the Choices *work-first* concept, the primary focus is on placing individuals in employment. Nevertheless, the work-first approach also recognizes that individuals may be provided, as appropriate, education and skills training related to the job, as well as other services to ensure lasting employment and the achievement of self-sufficiency.

Boards must submit a plan to TWC for approval that specifies how they will use TANF funds beyond the delivery of Choices services, as specified in [B-1205](#).

#### **B-1201.a: TANF Purpose 1**

*To provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives.*

Boards must be aware of the following:

Under TANF purpose 1:

- services must be provided only to needy families; and
- services require an income eligibility determination.

The Texas Health and Human Services Commission (HHSC) is the state agency with primary responsibility for providing TANF assistance through its administration of the TANF cash assistance grant.

TANF services defined as “assistance” under TANF purpose 1 are subject to additional federal restrictions, such as the requirement to participate in work activities, time limits on the receipt of benefits, and additional data reporting requirements. Some services provided through Choices are considered assistance because they are intended to address a basic need. The chart in [B-1202](#) sets forth what is and is not considered assistance.

Most services, activities, and support services for workforce activities contemplated by Boards are not considered assistance, as the TANF Final Rule defines assistance more narrowly than the proposed regulations.

TWC will not approve any requests to use TANF funds for stipends for youth in educational activities because these stipends are considered assistance under TANF purpose 1. WIOA does not consider stipends as assistance, thus under WIOA there are no potential income ramifications for families receiving TANF cash assistance from HHSC.

#### *Examples of Allowable Activities*

The following are examples of allowable activities that accomplish the goals of TANF purpose 1:

- TANF Cash Assistance: Cash benefits, administered by HHSC.
- Transportation for Unemployed Individuals: Transportation provided for more than four months to a person who is unemployed is considered a service intended to meet a person’s basic needs. If it is provided for fewer than four months, it can be classified as a short-term non-recurrent benefit.

Except for Choices participants, Boards must ensure that assistance is not provided under TANF purpose 1 without prior approval from TWC.

#### **B-1201.b: TANF Purpose 2**

*To end the dependence of needy parents on government benefits by promoting job preparation, work, and marriage.*

Boards must be aware of the following:

Under TANF purpose 2:

- the delivery of Choices services is the primary activity;
- most services, activities, and support services for workforce activities are deemed allowable;

- services must be provided only to needy families; and
- services require an income eligibility determination, which is set forth in the TANF State Plan.

*Examples of Allowable Activities*

The following are examples of allowable activities that accomplish the goals of TANF purpose 2:

- Choices: HHSC conducts income eligibility and, through Choices, Boards provide job preparation and employment services to TANF applicants, recipients, and former recipients.
- Self-Sufficiency and Other Job Preparation Training: Job training and subsidized employment opportunities for TANF recipients, and other low-income parents (defined as a parent with annual wages that do not exceed \$37,000 with a minor child, noncustodial parents, and SNAP recipients). These training and subsidized employment opportunities help participants gain valuable skills and can significantly increase the likelihood of securing an unsubsidized job.

Except for the Choices program, Boards must ensure that job preparation services are not provided under TANF purpose 2 without prior approval from TWC.

**B-1201.c: TANF Purpose 3**

*To prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing the incidence of these pregnancies.*

Boards must be aware of the following:

Under TANF purpose 3:

- services can be provided to both needy and non-needy families without a specific individual eligibility determination; and
- there is no income eligibility required; however, states must establish objective criteria for the delivery of services to non-needy families.

Services that are reasonably calculated to accomplish this purpose include programs and services for youth such as counseling and after-school programs that provide supervision when school is not in session.

*Examples of Allowable Activities*

The following are examples of allowable activities that accomplish the goals of purpose 3.

- Robotics Initiative: The Robotics Initiative is an after-school program competitively procured by TWC. The initiative's activities:
  - incorporate workforce strategies that engage youth in furthering their education in the fields of science, technology, engineering, and math (STEM) and

- help youth gain math and science skills, self-confidence, problem-solving abilities, and team-building experience, while making new friends and developing other life skills.
- Summer Merit Program: The Summer Merit Program, a TWC competitively procured initiative, provides scholarships to Texas middle school and high school students, 14 to 21 years of age, with the goal of increasing the number of underrepresented and disadvantaged students served in STEM skills-related summer camp programs.

Boards must ensure that services are not provided under TANF purpose 3 without prior approval from TWC.

#### **B-1201.d: TANF Purpose 4**

*To encourage the formation and maintenance of two-parent families.*

Boards must be aware of the following:

Under TANF purpose 4:

- services can be provided to both needy and non-needy families without specific individual eligibility determination;
- states must establish objective criteria for the delivery of services to non-needy families; and
- states can provide:
  - activities that focus on families in which there is a noncustodial parent (NCP); and
  - services to allow NCPs to be more involved in the lives of their children.

Some activities that are reasonably calculated to accomplish this purpose include parenting skills training, responsible fatherhood programs, and job placement and training services for NCPs.

#### *Example of an Allowable Activity*

The following is an example of an allowable activity that accomplishes the goals of purpose 4.

Noncustodial Parent Choices Program: The NCP Choices program, a joint initiative of TWC, the Office of the Attorney General, and local courts, is nationally recognized as the most successful child support employment project to date. Initiated in five workforce areas in August 2005, as of August 2016, it is operational in 21 workforce areas. The program targets low-income, unemployed, or underemployed NCPs who are significantly behind on their child support payments or establishing a new child support case.

Boards must ensure that services are not provided under TANF purpose 4 without prior approval from TWC.

**B-1202: TANF Assistance**

(Revision 10/2016)

The following table provides information on benefits, services, and support services that meet or do not meet the definition of assistance. Summary information is also included on the impact on customers, service delivery management, and program administration when services or support services considered assistance are provided with TANF funds to families not otherwise receiving assistance.

<b>Assistance Includes:</b>	<b>Assistance Does Not Include:</b>
<ul style="list-style-type: none"> <li>• Cash, payments, vouchers, and other forms of benefits directed at a family’s ongoing basic needs (e.g., food, clothing, shelter, utilities, household goods, personal care items, and general incidental expenses) even when determined based on participation in work experience or community service activities;</li> <li>• Child care, transportation, and other support services provided to unemployed families with TANF funds; and</li> <li>• Stipends or allowances from TANF funds to cover living expenses or other ongoing basic needs while participating in job search, training, or educational activities.</li> </ul>	<ul style="list-style-type: none"> <li>• Non-recurrent, short-term benefits, which:               <ol style="list-style-type: none"> <li>1. are designed to deal with a specific crisis situation or episode of need;</li> <li>2. are not intended to meet recurrent or ongoing needs; and</li> <li>3. will not extend beyond four months;</li> </ol> </li> <li>• Child care, transportation, and other support services provided to employed families;</li> <li>• Child care, transportation, and other support services provided to unemployed families for less than four months (provided as a short-term non-recurrent service);</li> <li>• Child care for unemployed families funded by Child Care and Development Fund (CCDF), or Title XX Social Services Block Grant (SSBG) funds allocated to Boards;</li> <li>• Work subsidies (wages or benefits) paid to employers or third parties but not the customer;</li> <li>• Contributions to, and distributions from, IDAs;</li> <li>• Education or training, including tuition subsidies;</li> <li>• Vouchers for work support services or benefits, such as clothing, tools, etc.; or</li> <li>• Other services, such as counseling, case management, peer support, child care information and referral, transitional services, job search, job readiness, job retention, job advancement, and other employment-related services, that do not provide basic income support; and transportation benefits provided under a Job Access and Reverse Commute project</li> </ul>

<b>Assistance Includes:</b>	<b>Assistance Does Not Include:</b>
	to an individual who is not otherwise receiving assistance.

<b>Impact on Customers, Services, Program Administration</b>	<b>Impact on Customers, Services, Program Administration</b>
<ul style="list-style-type: none"> <li>• More restrictions on funds</li> <li>• More formal notification of case actions</li> <li>• Adds to costs under administrative cost cap (eligibility determination costs are considered administrative costs under TANF)</li> <li>• Additional automation and tracking needed</li> <li>• Adds to customers' months of assistance</li> </ul>	<ul style="list-style-type: none"> <li>• Fewer restrictions on funds</li> <li>• Less formal notification of case actions</li> <li>• Avoids additional costs under administrative cap</li> <li>• Existing automation and tracking acceptable</li> <li>• Does not increase customers' months of assistance</li> </ul>

***B-1203: Services to the Non-Needy***

(Revision 10/2016)

Boards must be aware that under TANF, some services can be provided to the non-needy population. There are no income, resource, or other eligibility criteria for this population, and because they are a universal population, eligibility determination and verification are not required.

The non-needy population is eligible only for services provided under TANF purposes 3 and 4. They are not eligible for TANF purpose 2 services to promote job preparation and work, such as summer youth employment.

### ***B-1204: Customer Selection Criteria and Service Delivery***

(Revision 10/2016)

For both the needy and non-needy populations, Boards are expected to establish objective, fair, and equitable criteria for their workforce service providers to determine which individuals are selected to receive services. Examples include the following:

- Assigning customer priority groups;
- Instituting a first-come, first-served system; or
- Providing random lottery drawings.

### ***B-1205: Board Plan for Use of TANF Funds***

(Revision 4/2016)

Boards must ensure that sufficient TANF resources are dedicated to Choices services in order to:

- meet Choices performance measures;
- achieve performance accountability relating to employment entries, job retention, and earnings gains; and
- help needy families end dependence on public assistance and move toward self-sufficiency.

Boards must submit a plan to request approval to use a portion of their TANF funds, up to 10 percent of the remaining balance for non-Choices activities, including NCP Choices activities. However, Boards must be aware that there are no separate or additional funds for these expanded services.

#### ***B-1205.a: Plan Elements***

Boards must ensure that the plan provides, at a minimum, the following:

- Description of, and the need for, the activity;
- TANF purpose addressed by the activity;
- Individuals to be targeted by the activity, including how eligibility will be documented, if applicable, and number to be served;
- Planned start and completion dates;
- Planned amount of funds targeted for activity (up to 10 percent of the contracted amount); and
- Planned outcomes.

#### **Sample Board Plan for Submission to TWC**

The following is a sample Board plan addressing the required elements:

The Board is requesting approval of the following plan to use a portion of its TANF funds to serve youth through a TANF Subsidized Employment Initiative (initiative).

*Description of, and the need for, the activity:*

The initiative will implement a youth employment program that focuses on subsidized employment and provides subsidized summer employment opportunities for low-income youth.

Historically, recruitment of youth dropouts to local workforce programs has been difficult; therefore, the Board intends to pilot methods of recruiting youth dropouts from the job seeker population in addition to using current outreach relationships with school districts and community colleges. The intent of the program is to yield strategies for successfully reducing the level of youth unemployment.

*TANF purposes addressed by the activity:*

- TANF purpose 2—to provide job preparation services for needy youth; and
- TANF purpose 3—to prevent and reduce the incidence of out-of-wedlock pregnancies, such as programs that include supervised after-school programs.

The initiative will support school-age youth in subsidized employment activities provided during non-school hours in the summer. Youth will be placed at a supervised worksite developed for school-age youth, which provides training suitable for youth who would benefit from a hands-on learning environment.

*Individuals to be targeted by the activity, including how eligibility will be documented, if applicable, and number to be served:*

Only low-income youth who are between 14 and 24 years of age are eligible to participate in the initiative.

Low-income youth are defined as youth whose families are receiving any of the following means-tested benefits:

- Household receives TANF benefits;
- Household receives SNAP benefits;
- Youth receives Children’s Health Insurance Program (CHIP) benefits;
- Youth receives Medicaid benefits;
- Household receives subsidized child care through the Child Care and Development Fund;
- Household is eligible for or receives subsidized public housing assistance;
- Household participates in the U.S. Department of Agriculture Food and Nutrition Services’ Women, Infants, and Children program;
- Youth receives free or reduced-cost school lunch;
- Youth is eligible for, or enrolled in, WIOA youth services; or
- Youth whose family income is 200 percent of or below the U.S. Department of Health and Human Services’ Poverty Guidelines or the U.S. Department of Labor Lower Living Standard Income Level.

*Anticipated total number of youth to be served:*

The Board anticipates that the initiative will serve 30 youth:



- Fifteen in-school youth will be placed in paid, six-week, community-based, summer internships provided in partnership with a nonprofit community development network that offers services to rural communities. Interns will be paired with a supervisor at a public or private entity and gain diverse skills and knowledge through the employment experience. The Workforce Solutions Office will manage the program, ensuring coordination with other programs.
- Fifteen out-of-school youth will be placed in a paid, six-week, summer employment experience primarily provided through private sector employers intended to lead to employment or a return to an educational setting. The summer job placements will be structured to offer participants: hands-on training while working; soft skills, including those necessary for job retention; opportunities for permanent employment; mentoring; and exposure to educational resources that support participants' short- and long-term employment goals.

*Planned start and completion dates:*

The initiative begins September 1, 2014, and ends August 31, 2015.

*Planned amount of funds targeted for activity:*

\$75,000

*Planned outcomes:*

The initiative's planned outcomes are twofold: to help low-income youth participants enter the labor market by acquiring work experience and enhancing connections to employers, and to provide a strong incentive for employers to hire and train low-income youth for an occupation not requiring classroom-based training.

### **B-1205.b: Plan Approval Process**

At least 90 days prior to implementation, Boards must e-mail their plans to [bcm@twc.state.tx.us](mailto:bcm@twc.state.tx.us).

TWC reviews the Board plans to determine if, at a minimum:

- the activity is allowable under TANF; and
- the activity is reflected in the TANF State Plan and one or both of the following:
  - The Board is meeting or exceeding Choices performance, with a minimum of 50 percent for the previous three months; or
  - The Board is meeting or exceeding NCP Choices performance targets, with a minimum of 50 percent for the previous three months.

If necessary, TWC will request additional information regarding Board plans. If the Board is authorized to proceed with its expanded use of TANF funds, TWC will notify the Board within 30 days of the plan submission.

### **B-1205.c: Reporting Wage Subsidies Provided under TANF Purpose 2 to HHSC**

Under TANF purpose 2, Boards may subsidize employment wages to needy parents. When using TANF funds, an employer or third party must provide the subsidies to participants. TWC and Boards (as TANF administrative entities) are not considered third parties. Therefore, if the worksite is not the employer of record, Boards must use

their fiscal agent (if different than the Board), grant recipient, or a workforce service provider as the employer of record.

Boards must be aware that—unlike WIOA, where all wages and stipends are excluded as income in any federal means-tested program—TANF wage subsidies are considered income by HHSC in determining eligibility for TANF cash assistance, SNAP benefits, and Medicaid.

Boards must ensure that workforce service providers:

- report all subsidies and stipends to HHSC for participants currently receiving TANF cash assistance; and
- indicate the source of the subsidy so that HHSC has complete information to determine income inclusions and exclusions for eligibility decisions.

## **B-2000: Forms Used for Choices Services**

### ***B-2001: Forms Used for Choices Services***

(Revision 10/2016)

The following forms used in the provision of Choices services are available on the Intranet.

- [E-120, Choices Program Family Requirement Form](#)
- [E-2510, Notification of Child Care Eligibility](#)
- [E-2735, Education Service Provider and GED Testing Authorization Referral](#)

The following forms used in the provision of Choices services are available on the Internet.

- [H1802, Voluntary Withdrawal from TANF](#)
- [H1836 A, Medical Release/Physician's Statement \(Personal Disability\)](#)
- [H1836 B, Medical Release/Physician's Statement \(Caring for Disabled\)](#)
- [H2583, Choices Information Transmittal](#)
- [H2588, Workforce Orientation Referral](#)

## **C-100: Local Workforce Development Boards and Texas Health and Human Services Commission Regions**

### ***C-101: Local Workforce Development Boards and Texas Health and Human Services Commission Regions***

(Revision 10/2016)

[Texas Local Workforce Development Boards Regions with Map](#)

[Texas Health and Human Services Commission Regions with Map](#)

## C-200: TWIST Service Codes & Descriptions

### *C-201: TWIST Service Codes and Descriptions*

(Revision 10/2016)

<b>Service Code</b>	<b>Service Name</b>	<b>Service Description</b>
1	Occupational/Vocational Training	Training conducted in an institutional setting that provides specific technical skills and knowledge required for a specific job or group of jobs and results in the attainment of a certificate
2	Basic Educational Skills/ABE	Training designed to enhance the employability of the job seeker by upgrading basic skills
3	On-the-Job Training	Employee training at the place of work while he or she is doing the actual job
12	Job Search Assistance	Individual activities designed to help the participant secure immediate employment
13	Supervised Job Search	Individual or group job search activities performed in a supervised setting
14	Concurrent Participation	Use when a job seeker is being served by a TWC program and at the same time participating in a service (not training) provided by another entity such as the Texas Department of Assistive and Rehabilitative Services
27	LD Diagnostic Assessment	Special learning disabilities assessments (valid only with fund codes 89 and 91)
30	Workforce Services Orientation	Job seeker participated in an individual or group orientation to learn about the purpose of the Workforce Solutions Office; the services and programs offered, including program eligibility requirements and alternatives to public assistance; and the overall resources available
32	Self-Employment	Income-producing enterprise that will lead an individual on a clear pathway to self-sufficiency by lessening the family's reliance on public benefits
38	Job Readiness/ Preemployment Skills	An activity to improve an individual's work readiness skills including personal presentation, application completion, résumé writing, interview tips, networking, and job retention
39	Unsubsidized Employment	Full- or part-time employment for a Choices customer even if they already have the job

<b>Service Code</b>	<b>Service Name</b>	<b>Service Description</b>
40	Community Service	Community service (with nonprofit organizations)
42	Subsidized Employment	Full- or part-time employment in either the private or public sector that is subsidized in full or in part with wages of at least federal or state minimum wage, whichever is higher
44	English as a Second Language	Training activities designed to enhance the English speaking ability of nonnative speakers
45	Mentoring	Forming relationships with adults in which the adult can help with the youth's personal development; relationship formation; academic and career assistance as such job coaching, role models, workplace and peer mentors; and advising and consulting
47	Unpaid Public Work Experience	Unpaid work experience, time-limited training in the public sectors
48	Unpaid Nonprofit Work Experience	Unpaid work experience, time-limited training in the nonprofit sector
49	Unpaid For-Profit Work Experience	Unpaid work experience, time-limited training in the for-profit sector
53	High School – CHOICES	For teen heads of household and adults without high school diploma or GED credential, who are attending high school
54	GED Credential	For job seekers without a high school diploma or GED credential who are attending GED classes as a training service conducted in an institutional setting designed to enable an individual to pass a GED exam
58	Entrepreneurial Training	Training that assists job seekers to achieve their goals for economic self-sufficiency by providing information on starting and running their own businesses
68	Employability Development Plan	Workforce Solutions Office staff helped a job seeker develop a written strategy by outlining necessary steps and timetables to achieve employment. Use this code to track the development of an employment plan (EP) or Individual Service Strategy (ISS) with the job seeker.

<b>Service Code</b>	<b>Service Name</b>	<b>Service Description</b>
84	Short-term Work Readiness Services	Short-term (as defined by Board policy, must be six months or less) services designed to prepare the individual for unsubsidized employment and increase employability, e.g., interviewing skills, job retention skills, personal maintenance skills, professional conduct, etc.—can include introductory computer skills
86	Second-Parent Assessment	Open the case of a noncontributing mandatory adult in a two-parent household.
87	Work-Based Literacy	Work-based (tied to employment) literacy component (ABE, ESL, Workforce Adult Literacy)

<b>Service Code</b>	<b>Service Name</b>	<b>Service Description</b>
91	Determine Good Cause	Must be entered for each month that a job seeker has been granted good cause, AND they are not engaged in any other service during that month
92	Middle School	For teen heads of household and adults without high school diploma or GED, who are attending middle school
202	Family/Child Care	Assistance in obtaining family/child care necessary to allow a participant to successfully complete program goals
203	Transportation	Transportation assistance necessary to allow a participant to successfully complete program goals.
204	Housing/Rental Assistance	Housing/rental assistance necessary to allow a participant to successfully complete program goals
205	Counseling	Provision of or referral to counseling services necessary to allow a participant to successfully complete program goals
207	Other	Those support services that do not fit within any other category. If an appropriate category is available, it must be used. “Other” is used as a last resort only.
208	Substance-Abuse Treatment	Referral to substance-abuse treatment as needed to allow a participant to successfully complete program goals
209	IDA (Individual Development Account)	IDAs provide certain low-income individuals who choose to participate with an opportunity to accumulate assets and to facilitate and mobilize savings.

<b>Service Code</b>	<b>Service Name</b>	<b>Service Description</b>
210	Wheels to Work	The Wheels to Work program provides low-cost automobiles to eligible participants.
211	GED Test Payment	Provision of financial assistance to help a participant pay for GED testing
212	Work-Related Expense	Provision of financial assistance to assist participants to pay for necessary, work-related items and can include clothing and tools needed for employment
218	Financial Planning Assistance	Provision of information on financial/debt management. For individuals participating in rapid response activities, this includes workshops/group activities that provide information on coping with financial matters before, during, and after a job loss.
219	Incentives	Incentive payments are funds paid to participants based on actions such as attendance, successful performance, or completion of a program activity to encourage the participant to continue in the program.

## **C-300: Acceptable Verification Sources and Required Documentation**

### ***C-301: Unsubsidized Employment***

(Revision 10/2016)

<b>ACCEPTABLE VERIFICATION SOURCES</b>	<b>MINIMUM REQUIRED DOCUMENTATION IN TWIST</b>	<b>WHEN VERIFICATION IS RECEIVED AND DOCUMENTED IN TWIST</b>
<ul style="list-style-type: none"> <li>• Paycheck stubs</li> <li>• Time cards or time sheets signed by the employer or the employer's designated representative</li> <li>• Signed letters or e-mails from the employer or the employer's designated representative certifying the hours worked by the participant. The letters</li> </ul>	<p><i>TWIST Verification</i> screen:</p> <ul style="list-style-type: none"> <li>• Name of employer</li> <li>• Contact information for verification source—name, address, phone number, and e-mail, as applicable, of service provider's designated representative</li> <li>• Type of verification received</li> <li>• Date verification received</li> <li>• Time frames covered by verification</li> </ul>	Every 31 days



<b>ACCEPTABLE VERIFICATION SOURCES</b>	<b>MINIMUM REQUIRED DOCUMENTATION IN TWIST</b>	<b>WHEN VERIFICATION IS RECEIVED AND DOCUMENTED IN TWIST</b>
<p>must be mailed, e-mailed, or faxed by the employer from an address, e-mail account, or fax number that has been verified as belonging to that employer.</p> <ul style="list-style-type: none"> <li>• Online documentation services, such as TALX, The Work Number, etc.</li> </ul>	<ul style="list-style-type: none"> <li>• Hours reported on verification source</li> </ul> <p><i>Note:</i> For paycheck stubs without hours reported, hours of participation are calculated by dividing the participant's gross earnings by his or her hourly wage. TWIST documentation must include the calculation of hours of participation based on gross wages and hourly wage and be entered into the <i>Comments</i> box of the TWIST <i>Verification</i> screen.</p>	

**C-302: Self-Employment**

(Revision 10/2016)

<b>ACCEPTABLE VERIFICATION SOURCES</b>	<b>MINIMUM REQUIRED DOCUMENTATION IN TWIST</b>	<b>WHEN VERIFICATION IS RECEIVED AND DOCUMENTED IN TWIST</b>
<ul style="list-style-type: none"> <li>• Quarterly tax filings</li> <li>• Invoices signed by the payer that contain name and contact information, including the dates and locations services provided</li> <li>• Receipts of payments received</li> <li>• Copies of checks for payment</li> <li>• Expense receipts that substantiate the expenses to be deducted</li> </ul>	<p>TWIST <i>Verification</i> screen:</p> <ul style="list-style-type: none"> <li>• Type of verification received</li> <li>• Date verification received</li> <li>• Time frames covered by verification</li> <li>• Wages reported on verification source</li> </ul> <p>TWIST <i>Verification</i> screen, <i>Comments</i> box:</p> <ul style="list-style-type: none"> <li>• Type of self-employment</li> <li>• Calculation of participation hours based on verified self-employment wages</li> </ul>	<p>Every 31 days</p>

<b>ACCEPTABLE VERIFICATION SOURCES</b>	<b>MINIMUM REQUIRED DOCUMENTATION IN TWIST</b>	<b>WHEN VERIFICATION IS RECEIVED AND DOCUMENTED IN TWIST</b>
from the gross income, if applicable		

***C-303: Subsidized Employment***

(Revision 10/2016)

<b>ACCEPTABLE VERIFICATION SOURCES</b>	<b>MINIMUM REQUIRED DOCUMENTATION IN TWIST</b>	<b>WHEN VERIFICATION IS RECEIVED AND DOCUMENTED IN TWIST</b>
<ul style="list-style-type: none"> <li>• Paycheck stubs</li> <li>• Time cards or time sheets signed by the employer or the employer’s designated representative</li> <li>• Signed letters or e-mails from the employer or the employer’s designated representative certifying the hours worked by the participant. The letters must be mailed, e-mailed, or faxed by the employer from an address, e-mail account, or fax number that has been verified as belonging to that employer.</li> </ul>	<p>TWIST <i>Verification</i> screen:</p> <ul style="list-style-type: none"> <li>• Name of employer</li> <li>• Contact information for verification source—name, address, phone number, and e-mail, as applicable, of service provider’s designated representative</li> <li>• Type of verification received</li> <li>• Date verification received</li> <li>• Time frames covered by verification</li> <li>• Hours reported on verification source</li> </ul> <p><i>Note:</i> For paycheck stubs without hours reported, hours of participation are calculated by</p>	Every 31 days

<b>ACCEPTABLE VERIFICATION SOURCES</b>	<b>MINIMUM REQUIRED DOCUMENTATION IN TWIST</b>	<b>WHEN VERIFICATION IS RECEIVED AND DOCUMENTED IN TWIST</b>
<ul style="list-style-type: none"> <li>• Online documentation services, such as TALX, The Work Number, etc.</li> </ul>	<p>dividing the participant's gross earnings by his or her hourly wage. TWIST documentation must include the calculation of hours of participation based on gross wages and hourly wage and be entered into the <i>Comments</i> box of the TWIST <i>Verification</i> screen.</p>	

***C-304: On-the-Job Training***

(Revision 10/2016)

<b>ACCEPTABLE VERIFICATION SOURCES</b>	<b>MINIMUM REQUIRED DOCUMENTATION IN TWIST</b>	<b>WHEN VERIFICATION IS RECEIVED AND DOCUMENTED IN TWIST</b>
<ul style="list-style-type: none"> <li>• Paycheck stubs</li> <li>• Time cards or time sheets signed by the employer or the employer’s designated representative</li> <li>• Signed letters or e-mails from the employer or the employer’s designated representative certifying the hours worked by the participant. The letters must be mailed, e-mailed, or faxed by the employer from an address, e-mail account, or fax number that has been verified as belonging to that employer.</li> <li>• Online documentation services, such as TALX, The Work Number, etc.</li> </ul>	<p>TWIST <i>Verification</i> screen:</p> <ul style="list-style-type: none"> <li>• Name of employer</li> <li>• Contact information for verification source—name, address, phone number, and e-mail, as applicable, of service provider’s designated representative</li> <li>• Type of verification received</li> <li>• Date verification received</li> <li>• Time frames covered by verification</li> <li>• Hours reported on verification source</li> </ul> <p><i>Note:</i> For paycheck stubs without hours reported, hours of participation are calculated by dividing the participant’s gross earnings by his or her hourly wage. TWIST documentation must include the calculation of hours of participation based on gross wages and hourly wage and be entered into the <i>Comments</i> box of the TWIST <i>Verification</i> screen.</p>	<p>Every 31 days</p>

## C-400: Sample Participation Requirements Desk Aid

### *C-401: Sample Participation Requirements Desk Aid*

(Revision 10/2016)

<b>Participant</b>	<b>Total Participation Hours for a 30-day Month</b>	<b>Total Participation Hours for a 31-day Month</b>	<b>Weekly Activities</b>
Single-Parent Child under 6	86 Hours	89 Hours	20 Hours
Single-Parent Child 6 or over	129 Hours	133 Hours	30 Hours
Two-Parent Family without Child Care	155 Hours	150 Hours	35 Hours
Two-Parent Family with Child Care	236 Hours	244 Hours	55 Hours

The following activities are included in Board performance:

- OJT
- Unsubsidized Employment
- Subsidized Employment
- Educational Activities for Teen Heads of Household

The following activities are included in individual participation requirements:

- Job Search and Job Readiness Assistance
- Work Experience
- Community Service
- Vocational Educational Training
- Job Skills Training

## **C-500: Choices Work Code Crosswalk**

### ***C-501: Choices Work Code Crosswalk***

(Revision 10/2016)

- [Choices Work Code Crosswalk](#)

## **C-600: TWIST Guide – Daily Time Tracking for Choices**

### ***C-601: TWIST Guide – Daily Time Tracking for Choices***

(Revision 10/2016)

#### ***Processing Steps to Use Daily Time Tracking***

To access *Daily Time Tracking*:

1. Select the *Customer Information* icon.
2. Select *Service Tracking* from the *Menu Selections*.
3. Select the *Daily Time Tracking* tab.

#### ***Processing Steps for Daily Time Tracking Data Entry with Verification***

To enter data into *Daily Time Tracking*:

1. Select *Daily Time Tracking* for a specific customer.
2. Choose *Service Month* and *Year* (defaults to current month).
3. Select week with open services (open services automatically populate for service month selected).
4. Click “+” to expand view to record participation.

Examples of participation type codes based on type of service:

- *Classroom/Instruction* = hours of participation in a classroom or instructional setting
- *Study/Homework* = hours of participation in educational activities through studying or completing homework
- *Self-Directed Job Search* = hours of participation in self-directed job search activities
- *Work* = hours of participation in paid or unpaid work activities

- *Holiday* = hours of participation in an unpaid activity credited to a Choices participant for participation hours missed due to the holiday closure of a work/participation site
  - *Excused Absence* = hours of participation in an unpaid activity credited to a Choices participant for participation hours missed due to an acceptable excuse
  - *Non-Choices* = hours of participation for all program types other than Choices, Choices Plus, TANF Applicant, SNAP Able-Bodied Adults Without Dependents, and SNAP General Population.
5. Enter participation hours per day. TWIST calculates daily and weekly totals. You may split hours of participation over several participation type codes.
  6. Click button under *Last Verification* column to access the *Verification* window. (Button face displays either *No Verification* or *valid from date* of last verification.)

*Note:* At the top of the verification window is a summary of verifications. Right click/add in the lower window if you have multiple verifications for the same service or new verification period entries to make.

7. Right click/add in the lower window to enter appropriate data into *Verification Information* and *Verification Provider Information* fields based on verification received.

Examples of verification type codes based on service(s) selected:

- *Attendance Records*
  - *Paycheck Stubs*
  - *Time Card/Time Sheet (Signed)*
  - *Signed Letter*
  - *Online Services*
  - *Self-Directed Job Search – Contact Verification Form*
  - *Self-Directed Job Search – Business Card/Brochure*
  - *Self-Directed Job Search – Fax/E-mail Submission*
  - *Phone Call*
  - *Self-Employment – Invoices*
  - *Self-Employment – Receipts*
  - *Self-Employment – Contracts*
  - *Self-Employment – Quarterly Tax Filing*
  - *Self-Employment – Copies of Checks*
8. Click *OK*. TWIST populates latest verification *valid from date* on the button face under the last verification column.
  9. Save the *Daily Time Tracking* entries.

**Recommendation:** Save after completing the verification for each service individually. Collapse the expanded view of services to verify other existing services.

### **Processing Steps for Data Entry of Excused Absence or Holiday**

Follow above step 1 through step 5:

1. When *Excused Absence* or *Holiday* is appropriate in a specific week, data enter specific hours. (There are limitations associated with excused absences within a month and year.)
2. Click *Comments* button.
3. Select appropriate item from dropdown menu and explain in the *Comment* box.
4. Save information.

## **C-700: List of Terms and Acronyms**

### ***C-701: List of Terms and Acronyms***

(Revision 10/2016)

ACF	Administration for Children and Families
ABE	Adult Basic Education
Board	Local Workforce Development Board
CFR	Code of Federal Regulations
DARS	Texas Department of Assistive and Rehabilitative Services
DRA	Deficit Reduction Act
EID	Earned Income Deduction
EITC	Earned Income Tax Credit
EPS	Employment Planning Session
ESL	English as a Second Language
FEP	Family Employment Plan
FLSA	Fair Labor Standards Act
FMGC	Financial Manual for Grants and Contracts
HHS	U.S. Department of Health and Human Services
HHSC	Texas Health and Human Services Commission
IDA	Individual Development Account
IRS	Internal Revenue Service
JARC	Job Access and Reverse Commute
MOE	maintenance of effort
MOU	Memorandum of Understanding
OJT	on-the-job training
OTTANF	One-time TANF



PRA	Personal Responsibility Agreement
PRWORA	Personal Responsibility and Work Opportunity Reconciliation Act of 1996
SIG	Status in Group
SNAP	Supplemental Nutrition Assistance Program
SNAP E&T	Supplemental Nutrition Assistance Program Employment and Training
SSF	Self-Sufficiency Fund
SSI	Social Security Insurance
SSN	Social Security number
TABE	Test of Adult Basic Education
TANF	Temporary Assistance for Needy Families
TANF-SP	Temporary Assistance for Needy Families State Program
TIERS	Texas Integrated Eligibility Redesign System
TOP	type of payment
TWC	Texas Workforce Commission
TWIST	The Workforce Information System of Texas
TxDOT	Texas Department of Transportation
USDOT-FTA	U.S. Department of Transportation Federal Transit Administration Agency
VITA	Volunteer Income Tax Assistance
WIOA	Workforce Innovation and Opportunity Act of 2014
WOA	Workforce Orientation for Applicants
workforce area	local workforce development area
WOTC	Work Opportunity Tax Credit

### ***List of Revisions***

*Note:* The guide contains minor, non-substantive, editorial changes that are not included on the List of Revisions.

***April 2017***

<b>SECTION</b>	<b>REVISIONS</b>
B-103: One-Time TANF	Added in words specifying those applicants that apply for OTTANF.
B-304.d: Good Cause Determinations	Specifying that child care is not discontinued during good cause determination.
B-401.d: Exempt Choices Participants	DARS VR program is currently under the direction of TWC.
B-401.f: Conditional Applicants	If a conditional applicant fails to meet the participation requirements they are subject to a 3 month child care services rule rather than the 12 month eligibility time period.
B-701: Support Services	Clarified that “Choices eligibles” means “Choices eligible individuals”. Specifying that child care is not discontinued on a similar timeframe as other support services.
B-702: Evaluation and Authorization for Child Care Services	Spell out acronyms and specify Choices eligible individuals. Move policy pertaining to Form E-2510 and a locally modified form to section B-702e. Documentation directions for TWIST.
B-702.a: TANF Applicant Child Care	Specifies that Choices child care services have a 12-month eligibility period.
B-702.b: Choices Child Care	Delete policy on Choices participants receiving two weeks of child care services while awaiting the initial component.
B-702.d: Termination of Child Care	Immediate termination of Choices child care if the participant has moved out of state or has voluntarily withdrawn from child care services.
B-702.e: Child Care Communication	Policy move regarding Form E-2510.

<b>SECTION</b>	<b>REVISIONS</b>
B-704: Work-Related Expenses	Clarified that “Choices eligibles” means “Choices eligible individuals”.
B-705: Wheels to Work	Clarified that “Choices eligibles” means “Choices eligible individuals”.
B-708: Incentives for Choices Participants	Remove items of cash, checks to align with federal policy regarding incentives.
B-801.b: Non-cooperation	Specifying that child care is not discontinued for exempt Choices participants.
B-803: Timely and Reasonable Attempt for Failure to Meet Participation Requirements	Policy on closing the TWIST Choices program detail on the last day of the month in which the penalty is initiated.
B-807: Voluntary Withdrawal from TANF	Specifies that withdrawal from TANF does not automatically withdraw the participant from child care services.

***April 2016***

<b>SECTION</b>	<b>REVISIONS</b>
B-202.a	Changed address for TIERS inquiries
B-202.b	Added section on TIERS procedures
B-503	Added independent contractor as an unsubsidized employment work activity
B-503.b	Added definition of “Independent Contractor”
B-1205.b	Further defined criteria for approving Board Plans
RESCISSIONS	WD Letter 01-04
RESCISSIONS	TA Bulletin 126

***October 2016***

<b>SECTION</b>	<b>REVISIONS</b>
B-1201.d	Updated to reflect current data.
B-1205	Further clarified amount of TANF funds that can be used for non-Choices activities.
B-1205.b	Added NCP performance target as criteria for plan approvals

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