

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

3
4 **PROPOSED RULES WITH PREAMBLE TO BE SUBMITTED TO THE TEXAS**
5 **REGISTER. THIS DOCUMENT WILL HAVE NO SUBSTANTIVE CHANGES BUT IS**
6 **SUBJECT TO FORMATTING CHANGES AS REQUIRED BY THE TEXAS REGISTER.**

7
8 **ON JULY 3, 2018, THE TEXAS WORKFORCE COMMISSION PROPOSED THE RULES**
9 **BELOW WITH PREAMBLE TO BE SUBMITTED TO THE TEXAS REGISTER.**

10
11 Estimated Publication Date of the Proposal in the *Texas Register*: **July 20, 2018**

12 Estimated End of Comment Period: **August 20, 2018**

13
14 The Texas Workforce Commission (TWC) proposes the repeal of Chapter 847 in its entirety,
15 relating to Project RIO Employment Activities and Support Services:

16
17 Subchapter A. General Provisions, §§847.1 - 847.3

18
19 Subchapter B. Project RIO Job Seeker Responsibilities, §847.11 and §847.12

20
21 Subchapter C. Project RIO Services, §847.21 and §847.22

22
23 Subchapter D. Project RIO Employment Activities, §847.31

24
25 Subchapter E. Project RIO Support Services, §847.41

26
27 Subchapter F. Expenditure of Funds, §847.51

28
29 **PART I. PURPOSE, BACKGROUND, AND AUTHORITY**

30 **PART II. IMPACT STATEMENTS**

31 **PART III. COORDINATION ACTIVITIES**

32
33 **PART I. PURPOSE, BACKGROUND, AND AUTHORITY**

34 The purpose of the proposed chapter repeal is to remove Chapter 847, Project RIO Employment
35 Activities and Support Services, from the Texas Administrative Code.

36
37 The General Appropriations Act, 82nd Legislature, Regular Session (2011), eliminated funding
38 for Project RIO, effective September 1, 2011, and has not funded the program since that date.

39 Although specific funding for the Project RIO program was eliminated, the goal of serving ex-
40 offenders continues to be an ongoing responsibility for Local Workforce Development Boards
41 (Boards) providing services to customers under the Workforce Innovation and Opportunity Act
42 (WIOA).

43
44 On January 30, 2018, the TWC three-member Commission approved the four-year rule review of
45 Chapter 847, indicating that the Project RIO Employment Activities and Support Services rules

1 are no longer needed. However, Boards will continue their ongoing efforts to serve ex-offenders
2 through other program activities and services, as appropriate.

3
4 **PART II. IMPACT STATEMENTS**

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

7
8 There are no additional estimated costs to the state and to local governments expected as a result
9 of the repeal.

10
11 There are no estimated cost reductions to the state and to local governments as a result of the
12 repeal.

13
14 There are no estimated losses or increases in revenue to the state or to local governments as a
15 result of the repeal.

16
17 There are no foreseeable implications relating to costs or revenue of the state or local
18 governments as a result of the repeal.

19
20 There are no anticipated economic costs to persons required to comply with the repeal.

21
22 There is no anticipated adverse economic impact on small businesses, microbusinesses, or rural
23 communities as a result of the repeal.

24
25 Based on the analyses required by Texas Government Code §2001.024, TWC has determined
26 that the requirement to repeal or amend a rule, as required by House Bill 1290, 85th Texas
27 Legislature, Regular Session, 2017 (to be codified at Texas Government Code §2001.0045), does
28 not apply to this rulemaking. Additionally, Texas Labor Code §352.101 requires the Commission
29 to adopt rules necessary to integrate the vocational rehabilitation programs, including
30 recommending adopting rules to implement the integration. Therefore, the exception identified in
31 §2001.0045(c)(9) also applies.

32
33 Government Growth Impact Statement

34 TWC has determined that during the first five years the repeal will be in effect:

- 35 --the repeal will not create or eliminate a government program;
- 36 --implementation of the repeal will not require the creation or elimination of employee positions;
- 37 --implementation of the repeal will not require an increase or decrease in future legislative
- 38 appropriations to the agency;
- 39 --the repeal will not require an increase or decrease in fees paid to the agency;
- 40 --the repeal will not create a new regulation;
- 41 --the repeal will not expand, limit, or eliminate an existing regulation;
- 42 --the repeal will not change the number of individuals subject to the rule; and
- 43 --the repeal will not positively or adversely affect the state's economy.

1 Economic Impact Statement and Regulatory Flexibility Analysis

2 TWC has determined that the repeal will not have an adverse economic impact on small
3 businesses or rural communities, as the repeal places no requirements on small businesses or
4 rural communities.

5
6 Mariana Vega, Interim Director of Labor Market and Career Information, has determined that
7 there is no significant negative impact upon employment conditions in the state as a result of the
8 rules.

9
10 Courtney Arbour, Director, Workforce Development Division, has determined that for each year
11 of the first five years that the repeal is in effect, there will be no impact on the public.

12
13 TWC hereby certifies that the proposal has been reviewed by legal counsel and found to be
14 within TWC's legal authority to adopt.

15
16 **PART III. COORDINATION ACTIVITIES**

17 In the development of the repeal for publication and public comment, TWC sought the
18 involvement of Texas' 28 Boards. TWC provided the concept paper regarding the repeal to the
19 Boards for consideration and review on April 17, 2018. TWC also conducted a conference call
20 with Board executive directors and Board staff on April 27, 2018, to discuss the concept paper.
21 During the rulemaking process, TWC considered all information gathered to repeal this rule
22 chapter.

23
24 Comments on the repeal may be submitted to TWC Policy Comments, Workforce Policy and
25 Service Delivery, attn: Workforce Editing, 101 East 15th Street, Room 459T, Austin, Texas
26 78778; faxed to (512) 475-3577; or e-mailed to TWCPolicyComments@twc.state.tx.us.
27 Comments must be received or postmarked no later than 30 days from the date this proposal is
28 published in the *Texas Register*.

29
30 The repeal is proposed under Texas Labor Code §301.0015 and §302.002(d), which provide the
31 TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the
32 effective administration of TWC services and activities.

33
34 The repeal affects Texas Labor Code, particularly Chapters 301, 302, and 306; Texas Education
35 Code, Chapter 19; and Texas Government Code, Chapter 552.

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

4
5 ~~(2) TDCJ—the Texas Department of Criminal Justice is the state agency that~~
6 ~~manages the overall operations of the state's prison, parole, and state jail~~
7 ~~systems.~~

8
9 ~~(3) TYC—the Texas Youth Commission is the state's juvenile corrections agency~~
10 ~~that manages the overall operations of the state's youth correctional institutions~~
11 ~~and parole operations.~~

12
13 ~~(4) Windham School District—the school district that is responsible for providing~~
14 ~~academic as well as career and technology education to eligible offenders~~
15 ~~incarcerated in TDCJ correctional institutions.~~

16
17 ~~**§847.3. General Board Responsibilities.**~~

18
19 ~~(a) Role of Boards. A Board shall ensure that Project RIO job seekers (i.e., individuals~~
20 ~~referred by TDCJ and TYC, as well as self-referred individuals) participate in~~
21 ~~employment activities and support services, as appropriate. Boards shall determine~~
22 ~~the level of staff assistance that Project RIO job seekers require to assist them in~~
23 ~~obtaining employment. Boards may provide graduated levels of workforce services,~~
24 ~~as defined in §801.28 of this title, based upon the job seekers' needs. Boards~~
25 ~~providing graduated services shall ensure Project RIO job seekers who are unable to~~
26 ~~secure employment through the provision of core services are provided with~~
27 ~~intensive or training services to assist them in obtaining suitable employment. The~~
28 ~~employment activities and support services, as defined in this chapter, should meet~~
29 ~~the needs of local employers, prepare Project RIO job seekers to compete in the labor~~
30 ~~market, and assist ex-offenders and adjudicated youth in obtaining employment.~~

31
32 ~~(b) Board Planning. A Board shall develop, amend, and modify its Integrated Plan to~~
33 ~~incorporate and coordinate the design and management of the delivery of Project~~
34 ~~RIO employment activities and support services with the delivery of other workforce~~
35 ~~employment, training, and educational services identified in Texas Government~~
36 ~~Code §2308.251 et seq., Texas Government Code §2308.312 et seq., as well as other~~
37 ~~employment and training services included in the One-Stop Service Delivery~~
38 ~~Network as set forth in Chapter 801 of this title. The Commission's intent is to assist~~
39 ~~Project RIO job seekers with securing employment as quickly as possible; however,~~
40 ~~Project RIO—Youth may need basic skills training and education to secure~~
41 ~~employment. Specifically, Boards shall consider integration with WIA Youth~~
42 ~~services or other funding sources, as appropriate, for assisting Project RIO—Youth~~
43 ~~with obtaining the basic General Educational Development (GED) credential or~~
44 ~~basic skills training.~~

1 ~~(e) Board Coordination. The Boards shall coordinate with the following entities to~~
2 ~~ensure the transition to employment of Project RIO job seekers:~~

3
4 ~~(1) Parole Supervising Offices. A Board shall coordinate the provision of Project~~
5 ~~RIO employment activities and support services with the referring TDCJ or~~
6 ~~TYC supervising office. This coordination shall ensure that the supervising~~
7 ~~office is made aware of the results of the initial referral for Project RIO~~
8 ~~services, as well as periodic updates on program participation status as~~
9 ~~determined appropriate for the individual.~~

10
11 ~~(2) Correctional Institutions. A Board shall ensure that Texas Workforce Center~~
12 ~~staff who are assisting Project RIO job seekers coordinate the provision of~~
13 ~~Project RIO employment activities and support services with TDCJ and TYC~~
14 ~~correctional institutions by utilizing the data and resources developed prior to~~
15 ~~the offender's or adjudicated youth's release. This coordination shall ensure~~
16 ~~that post-release Project RIO activities and services build upon and~~
17 ~~complement the services provided in the correctional institutions.~~

18
19 ~~(3) Windham School District. Boards shall coordinate on an ongoing and~~
20 ~~continuing basis with Windham School District by providing labor market~~
21 ~~information related to their local workforce development area (workforce~~
22 ~~area), including current and emerging jobs, in order that Windham School~~
23 ~~District may better meet the needs of Texas employers through education and~~
24 ~~training services. Additionally, Boards shall ensure that Texas Workforce~~
25 ~~Center staff who are assisting Project RIO job seekers fully incorporate in~~
26 ~~Project RIO job seekers' Individual Employment Plans (IEPs), as set forth in~~
27 ~~§847.22 of this chapter, the education and training received during~~
28 ~~incarceration in order to maximize employment referrals that are directly~~
29 ~~related to that education and training.~~

30
31 ~~(4) Memoranda of Understanding. Pursuant to coordination efforts, Boards shall~~
32 ~~develop memoranda of understanding with TDCJ, TYC, and the Windham~~
33 ~~School District establishing the systems, structures, and processes for the~~
34 ~~provision of Project RIO services. The memoranda of understanding must~~
35 ~~include, but are not limited to, procedures for the following activities:~~

36
37 ~~(A) Referral coordination for parolees or adjudicated youth;~~

38
39 ~~(B) Progress reporting related to job seeker status and services received; and~~

40
41 ~~(C) The provision of labor market information to the Windham School~~
42 ~~District.~~

43
44 ~~(5) Other Partners. For the purposes of ensuring that Project RIO job seekers have~~
45 ~~the necessary support services available to them to enable successful entry into~~

1 the labor force, a Board shall develop cooperative agreements and service
2 arrangements meeting the requirements of Texas Labor Code §306.007(a).

3
4 ~~(d) Service Delivery Strategies. A Board shall develop a Project RIO Service Delivery~~
5 ~~Strategy, which may include the provision of graduated levels of workforce services,~~
6 ~~as set forth in §801.28 of this title, based upon the needs of Project RIO job seekers.~~
7 ~~Boards shall provide intensive or training services, as appropriate, to Project RIO job~~
8 ~~seekers who receive core services but were unable to secure employment. Boards~~
9 ~~shall fully incorporate and ensure the following additional elements:~~

10
11 ~~(1) The efficient delivery and linkage of Project RIO employment activities and~~
12 ~~support services within the workforce area's One-Stop Service Delivery~~
13 ~~Network with other employment and training services funded through the~~
14 ~~Texas Workforce Centers;~~

15
16 ~~(2) A point of contact for TDCJ and TYC supervising offices to facilitate the~~
17 ~~exchange of information regarding the Project RIO job seeker's progress~~
18 ~~toward securing employment and related participation information;~~

19
20 ~~(3) The outreach of Project RIO job seekers at TDCJ and TYC supervising offices;~~

21
22 ~~(4) The participation of the One-Stop Service Delivery Network in job fairs/career~~
23 ~~days held in TDCJ and TYC correctional institutions;~~

24
25 ~~(5) The timely and accurate reporting of data reflecting Project RIO service~~
26 ~~provision as well as the status of referrals for service;~~

27
28 ~~(6) All performance standards are met, as developed by the Commission; and~~

29
30 ~~(7) The performance of any other duties, as required by the Commission,~~
31 ~~necessary to implement the intent of Texas Labor Code, Chapter 306.~~

32
33 ~~(e) Access to Project RIO Employment Activities and Support Services. A Board shall~~
34 ~~ensure that the oversight and monitoring of program requirements and participant~~
35 ~~activities occur on an ongoing basis, as determined appropriate by the Board, and~~
36 ~~consist of the following:~~

37
38 ~~(1) tracking and reporting, as required by the Commission, of employment~~
39 ~~activities and support services, including appropriate data relating to referrals,~~
40 ~~placements, specialized on-the-job training, and completion of training, such as~~
41 ~~GED completion, college credit and noncredit course accomplishments, or~~
42 ~~other data, as applicable;~~

43
44 ~~(2) determining and arranging for any referrals to support services needed to assist~~
45 ~~the Project RIO job seeker in complying with Project RIO employment~~
46 ~~activities to address barriers to employment; and~~

1
2 ~~(3) ensuring progress toward achieving employment and the goals and objectives~~
3 ~~in the Project RIO job seeker's IEP, as set forth in §847.22 of this chapter.~~

4
5 ~~(f) TDCJ and TYC Notice. A Board shall ensure that notification to the supervising~~
6 ~~office is made in a timely manner if Texas Workforce Center staff becomes aware of~~
7 ~~a job seeker's failure to comply with the job seeker responsibilities, as set forth in~~
8 ~~§847.11 of this chapter.~~

9
10 ~~(g) Employer Notice. A Board shall ensure that employers are informed at the time of~~
11 ~~the employment referral of the Project RIO job seeker's status as an ex-offender and~~
12 ~~the availability of Work Opportunity Tax Credits and fidelity bonding services.~~

13
14 ~~(h) Youth Confidentiality. All information regarding the adjudicated status of a youth~~
15 ~~shall be held in strict confidence and shall not be disclosed to any other entity or~~
16 ~~person. A Board shall ensure that employment referrals for adjudicated youth are~~
17 ~~made in accordance with the confidentiality requirements set forth in state statutes,~~
18 ~~state rules, and Commission policies.~~

19
20 ~~**SUBCHAPTER B. PROJECT RIO JOB SEEKER RESPONSIBILITIES**~~

21
22 ~~**§847.11. Job Seeker Responsibilities.**~~

23
24 ~~A Board shall ensure that Texas Workforce Center staff who are assisting Project RIO~~
25 ~~job seekers make Project RIO job seekers aware of the requirement to comply with the~~
26 ~~following provisions:~~

27
28 ~~(1) participate in employment activities as described in §847.31 of this chapter;~~

29
30 ~~(2) comply with the IEP, as set forth in §847.22 of this chapter;~~

31
32 ~~(3) attend scheduled Project RIO appointments;~~

33
34 ~~(4) notify the Texas Workforce Center, or the Board's designated service provider,~~
35 ~~upon securing employment;~~

36
37 ~~(5) participate in or receive support services as described in §847.22 and §847.41~~
38 ~~of this chapter, necessary to enable the Project RIO job seekers to work or~~
39 ~~participate in employment activities, including counseling, treatment, and~~
40 ~~vocational or physical rehabilitation;~~

41
42 ~~(6) be free of outstanding warrants and not in pre-revocation status; and~~

1
2 (7) ~~be drug free and comply with other terms or conditions of parole.~~

3
4
5 **~~§847.12. Job Seeker Failure to Comply.~~**

6
7 ~~Project RIO job seekers who fail to meet the job seeker responsibilities, as set forth in~~
8 ~~§847.11 of this subchapter, may be deemed ineligible for Project RIO employment~~
9 ~~activities and support services, and such participation status shall be reported to the TDCJ~~
10 ~~or TYC supervising office when Texas Workforce Center staff becomes aware of a~~
11 ~~failure to comply. Failure to comply, as determined by the Texas Workforce Center, or~~
12 ~~the Board's designated service provider, includes but is not limited to:~~

13
14 (1) ~~failing to report for two scheduled interviews;~~

15
16 (2) ~~turning down a position of employment that is consistent with the skills~~
17 ~~possessed by the Project RIO job seeker;~~

18
19 (3) ~~quitting an employment activity without cause; or~~

20
21 (4) ~~being terminated from a job for misconduct.~~

22
23 **~~SUBCHAPTER C. PROJECT RIO SERVICES~~**

24
25 **~~§847.21. Job Seeker Assessment.~~**

26
27 (a) ~~Boards shall ensure that Texas Workforce Center staff who are providing intensive~~
28 ~~or training services to Project RIO job seekers perform initial and ongoing~~
29 ~~assessments to determine the employability and retention needs of Project RIO job~~
30 ~~seekers.~~

31
32 (b) ~~Project RIO job seekers who are unable to secure employment through core services~~
33 ~~shall receive an assessment of their knowledge, skills, and abilities as well as~~
34 ~~potential barriers to securing and retaining employment, such as:~~

35
36 (1) ~~information identified in the assessments provided by agency partners, which~~
37 ~~includes background information relating to education and vocational skills~~
38 ~~training obtained while incarcerated, employment history, academic~~
39 ~~achievements, and past skills attainments;~~

40
41 (2) ~~other skills and abilities, employment, and educational history in relation to~~
42 ~~employers' workforce needs in the local labor market;~~

43
44 (3) ~~support services needs; and~~

45
46 (4) ~~family circumstances that may affect participation, including the existence of~~
47 ~~domestic violence, substance abuse, and mental illness, or the need for~~

1 parenting skills training, which, if identified, may require coordination through
2 the parole or contracted parole office, as one of the factors considered in
3 evaluating employability.
4

5 ~~(e) Assessments, as set forth in subsection 847.21(b) of this section, shall result in the~~
6 ~~development of an IEP, as described in §847.22 of this subchapter.~~
7

8 **~~§847.22. Job Seeker Individual Employment Plan.~~**
9

10 ~~Boards shall ensure that Texas Workforce Center staff develops IEPs for Project RIO job~~
11 ~~seekers who are unable to secure employment through core services, documents that~~
12 ~~Project RIO job seekers have been informed of their job seeker responsibilities, and that~~
13 ~~IEPs:~~
14

- 15 ~~(1) incorporate information provided by the referring agency partner, including~~
16 ~~any IEPs provided while in a TDCJ or TYC correctional institution;~~
- 17
- 18 ~~(2) identify and coordinate the provision of services available through the Texas~~
19 ~~Workforce Centers;~~
- 20
- 21 ~~(3) are based on assessments, as described in §847.21 of this subchapter;~~
22
- 23 ~~(4) contain any prevocational goals established for Project RIO Youth~~
24 ~~participants while in a TYC correctional institution;~~
- 25
- 26 ~~(5) contain employment goals to meet the needs of the local labor market;~~
27
- 28 ~~(6) allow Project RIO job seekers to find and secure employment that utilizes their~~
29 ~~skills;~~
- 30
- 31 ~~(7) meet the needs of employers by linking and matching the skills of Project RIO~~
32 ~~job seekers to the job skills requirements of the employers;~~
33
- 34 ~~(8) include strategies for addressing barriers identified in the assessment; and~~
35
- 36 ~~(9) are signed by the Project RIO job seekers.~~
37

38 **~~SUBCHAPTER D. PROJECT RIO EMPLOYMENT ACTIVITIES~~**
39

40 **~~§847.31. Employment Activities for Project RIO Job Seekers.~~**
41

42 ~~(a) Boards shall ensure that employment activities are provided for Project RIO job~~
43 ~~seekers, as determined by the Texas Workforce Center, or the Board's designated~~
44 ~~service provider, which may include the provision of graduated services, as set forth~~
45 ~~in §801.28 of this title.~~
46

1 ~~(b) Boards may provide self-directed or staff-assisted job search and job readiness~~
2 ~~services, which incorporate the following:~~

3
4 ~~(1) information and referral to employment opportunities;~~

5
6 ~~(2) job skills assessment;~~

7
8 ~~(3) counseling;~~

9
10 ~~(4) occupational exploration, including information on local emerging and demand~~
11 ~~occupations;~~

12
13 ~~(5) interviewing skills and practice interviews;~~

14
15 ~~(6) assistance with applications and resumes; and~~

16
17 ~~(7) guidance and motivation for development of positive work behaviors~~
18 ~~necessary for the labor market.~~

19
20 ~~(c) Boards shall ensure that staff-assisted referrals to employment opportunities are~~
21 ~~based on the Project RIO job-seeker's assessment, training, skills, and conditions of~~
22 ~~release. The referrals to jobs may be restricted to certain available employment based~~
23 ~~on:~~

24
25 ~~(1) recommendations from the agency partners, including the applicable parole~~
26 ~~office or contracted parole office;~~

27
28 ~~(2) consideration of factors that may increase the likelihood of success of the~~
29 ~~individual in retaining employment; or~~

30
31 ~~(3) consideration of factors that may help reduce the likelihood of recidivism.~~

32
33 ~~(d) In order to maximize the opportunities for Project RIO job-seekers to secure~~
34 ~~employment, Boards shall ensure that other employment and training activities~~
35 ~~available through the One-Stop Service Delivery Network and paid for with funds~~
36 ~~other than Project RIO funds are considered and provided as deemed appropriate by~~
37 ~~the Texas Workforce Center, or the Board's designated service provider.~~

38
39 ~~**SUBCHAPTER E. PROJECT RIO SUPPORT SERVICES**~~

40
41 ~~**§847.41. PROVISION OF PROJECT RIO SUPPORT SERVICES.**~~

42
43 ~~(a) Boards shall ensure that support services, which address barriers to employment,~~
44 ~~participation in employment services, and post-employment support services needs,~~
45 ~~are provided to a Project RIO job-seeker as determined by the Boards' policies and~~
46 ~~IEPs, and the Texas Workforce Centers, or the Boards' designated service providers.~~

1
2 ~~(b) Boards shall ensure that referrals to support services as specified in the~~
3 ~~memorandum of understanding referenced in Texas Labor Code §306.004, §306.005,~~
4 ~~and §306.007 are made for Project RIO job seekers.~~

5
6 ~~(c) Boards shall ensure that referrals are made, as determined appropriate by the Texas~~
7 ~~Workforce Centers, or the Boards' designated service providers, to other available~~
8 ~~support services, including low income housing, application for food stamp benefits,~~
9 ~~low cost medical assistance, substance abuse treatment, counseling, vocational or~~
10 ~~physical rehabilitation, and other services.~~

11
12 ~~d) Boards shall ensure that hiring incentives are made available for Project RIO job~~
13 ~~seekers, to include:~~

14
15 ~~(1) Work Opportunity Tax Credits screening and conditional certification; and~~

16
17 ~~(2) fidelity bonding services, which are available through the Agency.~~

18
19
20 ~~**SUBCHAPTER F. EXPENDITURE OF FUNDS**~~

21
22 ~~**§847.51. Use of Funds.**~~

23
24 ~~Boards shall ensure that monies made available for Project RIO employment activities~~
25 ~~and support services pursuant to this chapter are used solely for the purpose of providing~~
26 ~~employment activities and support services specified in this chapter.~~