

# RESCINDED

## TEXAS WORKFORCE COMMISSION Workforce Development Letter

<b>ID/No:</b>	WD 03-23
<b>Date:</b>	January 23, 2023
<b>Keywords:</b>	SNAP E&T
<b>Effective:</b>	Immediately

**To:** Local Workforce Development Board Executive Directors  
Commission Executive Offices  
Integrated Service Area Managers

*Courtney Arbour*

**From:** Courtney Arbour, Director, Workforce Development Division

**Subject:** **Federally Mandated Changes to the Supplemental Nutrition Assistance Program Employment and Training Program**

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### PURPOSE:

The purpose of this WD Letter is to provide Local Workforce Development Boards (Boards) with information and guidance on operational changes regarding workfare assignments and agreements for the Supplemental Nutrition Assistance Program (SNAP) Employment and Training (E&T) program mandated by the US Department of Agriculture (USDA) Food and Nutrition Service (FNS) in response to programmatic review findings.

### RESCISSIONS:

None

### BACKGROUND:

SNAP E&T regulations at 7 CFR §273.7(m)(3)(ii) state that an agency operating a SNAP E&T program and an organization providing workfare opportunities for SNAP recipients must establish a contractual agreement for the provision of workfare.

During its annual Management Evaluation (ME) Review of Texas' SNAP E&T program, FNS selects Boards to review in order to ensure compliance with federal requirements. In the Federal Fiscal Year 2022 (FFY'22) ME Review, FNS identified issues with Texas' workfare agreements and issued official findings that must be addressed to bring the program into compliance.

### PROCEDURES:

**No Local Flexibility (NLF):** This rating indicates that Boards must comply with the federal and state laws, rules, policies, and required procedures set forth in this WD Letter and have no local flexibility in determining whether and/or how to comply. All information with an NLF rating is indicated by "must."

**Local Flexibility (LF):** This rating indicates that Boards have local flexibility in determining whether and/or how to implement guidance or recommended practices set forth in this WD Letter. All information with an LF rating is indicated by “may” or “recommend.”

**NLF:** Boards must be aware of the following:

- Texas will not suspend the SNAP E&T workfare component. FNS has agreed that workfare is compliant while written workfare agreements are being updated.
- If no workfare slot is available, Boards must place ABAWDs in another appropriate and available activity.
- If there is no appropriate and available activity, Boards must initiate a good cause recommendation.

**NLF:** Boards must be aware that a workfare slot is defined as one workfare opening that may be filled by one individual.

**NLF:** Boards must take the following actions:

- Create new workfare agreements to ensure that the number of available workfare slots meets or exceeds the number of workfare slots assigned to the Board (See Attachment 3, Minimum Annual Number of Workfare Slots for FFY’23 by Board Area.)
- Use Attachment 1, Federal Fiscal Year/Program Year 2023 Workfare Agreement Template, when creating workfare agreements
- Use Attachment 2, Workfare Agreement Checklist, to review their workfare agreements prior to submitting the workfare agreements to TWC
- Submit the workfare agreements to [ChoicesTechnicalAssistance@twc.texas.gov](mailto:ChoicesTechnicalAssistance@twc.texas.gov) by February 20, 2023

**NLF:** If the Board or a workfare provider terminates a workfare agreement, the Board must email [ChoicesTechnicalAssistance@twc.texas.gov](mailto:ChoicesTechnicalAssistance@twc.texas.gov) immediately to find a replacement workfare provider.

**NLF:** If a Board anticipates serving additional ABAWDs or anticipates a need for additional workfare slots above the minimum required, it is the responsibility of the Board to ensure that it has workfare slots for all ABAWDs who need them.

**NLF:** Boards must ensure that the maximum number of hours an ABAWD may be required to participate in a workfare assignment is determined by dividing the household's SNAP benefit allotment by the federal or state minimum wage, whichever is higher. Fractions of hours of obligation may be rounded down. The household's hours of obligation for any given month may not be carried over into another month.

**NLF:** Boards must advise workfare providers of the maximum number of hours that an ABAWD may be required to participate in workfare.

**INQUIRIES:**

Send inquiries regarding this WD Letter to [wfpolicy.clarifications@twc.texas.gov](mailto:wfpolicy.clarifications@twc.texas.gov).

**ATTACHMENTS:**

Attachment 1: Federal Fiscal Year/Program Year 2023 Workfare Agreement Template

Attachment 2: Workfare Agreement Checklist

Attachment 3: Minimum Annual Number of Workfare Slots for FFY'23 by Board Area

**REFERENCES:**

US Department of Agriculture Food and Nutrition Service Rules and Regulations 7 CFR  
§273.7(m)(3)(ii)

Supplemental Nutrition Assistance Program Employment and Training Guide