

# **WORKFORCE SOLUTIONS TEXOMA POLICIES & PROCEDURES**

## **CHAPTER 8 - PROGRAM SERVICES**

### **SECTION - 7 CHOICES**

**Texas Workforce Commission Rule Chapter 811  
Choices**

**Adopted October 7, 2008**

**and**

**Workforce Solutions Texoma Board Policies  
8.7.1 – 8.7.43**

## **TABLE OF CONTENTS**

### **SUBCHAPTER A. GENERAL PROVISIONS**

**§811.1. Purpose and Goal**

**§811.2. Definitions**

**8.7.1 Additional Definitions Policy**

**§811.3. Choices Service Strategy**

**8.7.2 Choices Services Strategy Policy**

**8.7.3 Choices Work-Related Expenses Policy**

**8.7.4 MOU Development Policy**

## **8.7.5 Job Development / Placement Services**

§811.4. Policies, Memoranda of Understanding, and Procedures

§811.5. Documentation, Verification, and Supervision of Work Activities

### **SUBCHAPTER B. CHOICES SERVICES RESPONSIBILITIES**

§811.11. Board Responsibilities

#### **8.7.6 Workforce Orientation for Applicants Policy**

8.7.6.1 Alternative WOAs

8.7.6.2 Participants Approaching State or  
Federal Time Limits

#### **8.7.7 Choices Outreach Policy**

#### **8.7.8 Eligibility Verification Policy**

#### **8.7.9 Monitoring Policy**

#### **8.7.10 Family Violence Information**

#### **8.7.11 Customer Contact Policy**

8.7.11.1 HHSC Notification Policy

#### **8.7.12 Data Entry Policy**

#### **8.7.13 Choices Referral Program**

§811.12. Applicant and Conditional Applicant Responsibilities

§811.13. Responsibilities of Choices Participants

#### **8.7.14 Program Requirement Tracking**

§811.14. Noncooperation

#### **8.7.15 Noncooperation and Timely/Reasonable Notice**

§811.15. Demonstrated Cooperation

#### **8.7.16 Demonstrated Cooperation**

§811.16. Good Cause for Choices Participants

#### **8.7.17 Good Cause**

### **SUBCHAPTER C. CHOICES SERVICES**

§811.21. General Provisions

#### **8.7.18 Choices Services**

§811.22. Assessment

#### **8.7.19 Choices Assessment Policy**

§811.23. Family Employment Plan

#### **8.7.20 Employment Planning Policy**

§811.24. Family Work Requirement Form for Two-Parent Families

#### **8.7.21 Two-Parent Program Policy**

§811.25. TANF Core and TANF Non-Core Activities

#### **8.7.22 Core / Non-Core Activities Policy**

§811.26. Special Provisions Regarding Community Service

#### **8.7.23 Community Service Special Provisions**

§811.27. Specialized Provisions Regarding Job Search and Job Readiness

**8.7.24 Job Search and Job Readiness Special Provisions**

8.7.24.1 Supervised Job Search

8.7.24.2 Self-Directed Job Search

8.7.24.3 -Verification of Self-Directed Job Search

§811.28. Special Provisions Regarding Vocational Educational Training and Educational Services

**8.7.25 Vocational Educational Training and Educational Services Special Provisions**

§811.29. Special Provisions Regarding the Fair Labor Standards Act

**8.7.26 Fair Labor Standards Act Requirements**

§811.30. Special Provisions for Teen Heads of Household

**8.7.27 Teen Head of Household Special Provisions**

§811.31. Special Provisions for Choices Participants in Single-Parent Families with Children under Age Six

**8.7.28 Single Parent Family with Child Under Six Work Requirements Special Provisions**

§811.32. Special Provisions Regarding Exempt Choices Participants and Choices Participants with Reduced Work Requirements

**8.7.29 Exempt Recipients Special Provisions**

**8.7.30 Persons with Disabilities Special Provisions**

§811.33. Other Special Provisions

**8.7.31 Conditional Applicants Special Provisions**

§811.34. Participation Provisions

**8.7.32 Work Activities Participation Provisions**

8.7.32.1 Excused Absences

~~8.7.32.2 Projecting Participation Hours~~

**SUBCHAPTER D. CHOICES WORK ACTIVITIES**

§811.41. Job Search and Job Readiness Assistance

**8.7.33 Job Search and Job Assistance Policy**

§811.42. Unsubsidized Employment

**8.7.34 Unsubsidized Employment Policy**

**8.7.34.1 Self-Employment**

§811.43. Subsidized Employment

**8.7.35 Subsidized Employment Policy**

§811.44. On-the-Job Training

**8.7.36 On-The-Job Training Policy**

§811.45. Work Experience

§811.46. Community Service

**8.7.37 Work Experience and Community Service Policy**

§811.48. Vocational Educational Training

**8.7.38 Vocational Educational Training Policy Child Care Services Provided as an Allowable Activity During Community Service**

~~§811.48. Vocational Educational Training~~

§811.49. Job Skills Training

~~8.7.39 Job Skills Training Policy~~

~~§811.50. Educational Services Choices Participants Who Have Not Completed Secondary School or Received a General Educational Development Credential~~

~~**Vocational Educational Training Policy**~~

~~§811.49. Job Skills Training~~

**8.7.40 Educational Services Policy Job Skills Training Policy**

§811.51. Post-Employment Services

~~§811.50. Educational Services Choices Participants Who Have Not Completed Secondary School or Received a General Educational Development Credential~~

**8.7.41 Post-Employment Services Policy Educational Services Policy**

§811.52. Parenting Skills Training

**SUBCHAPTER E. SUPPORT SERVICES AND OTHER INITIATIVES**

§811.61. Support Services

§811.62. Child Care for Choices Eligibles

§811.63. Transportation

§811.64. Work-Related Expense

§811.65. Wheels to Work

§811.66. General Educational Development Credential Testing Payments

§811.67. Individual Development Accounts (IDAs)

~~§811.51. Post-Employment Services~~

**8.7.42 Choices Support Services Policy**

8.7.42.1 Choices Child Care Policy

8.7.42.1.1 Applicant Child Care

8.7.42.1.2 Choices Child Care

8.7.42.1.3 Transitional Child Care

8.7.42.2 Choices Transportation Policy

8.7.42.3 Choices Wheels-to-Work Policy

8.7.42.4 Choices GED Testing Payments Policy

8.7.42.5 Choices Individual Development

Accounts Policy

8.7.42.6 Nonmonetary Incentives Policy

~~**Post-Employment Services Policy**~~

~~§811.52. Parenting Skills Training~~

~~SUBCHAPTER E. SUPPORT SERVICES AND OTHER INITIATIVES~~

~~§811.61. Support Services—~~

~~§811.62. Child Care for Choices Eligibles~~

~~§811.63. Transportation~~

~~§811.64. Work-Related Expense~~

~~§811.65. Wheels to Work~~

~~§811.66. General Educational Development Credential Testing Payments~~

~~§811.67. Individual Development Accounts (IDAs)~~

~~**8.7.43** Choices Appeals Policy ~~Choices Supportive Services Policy~~~~

~~8.7.43.1 Choices Child Care Policy~~

~~8.7.43.1.1 Applicant Child Care~~

~~8.7.43.1.2 Choices Child Care~~

~~8.7.43.1.3 Transitional Child Care~~

~~8.7.43.2 Choices Transportation Policy~~

~~8.7.43.3 Choices Wheels to Work Policy~~

~~8.7.43.4 Choices GED Testing Payments Policy~~

~~8.7.43.5 Choices Individual Development~~

~~Accounts Policy~~

~~8.7.43.6 Nonmonetary Incentives Policy~~

~~**8.7.44** Priority of Service for Eligible Veterans and Eligible Foster Youth Policy~~

~~Choices Appeals Policy~~

~~**8.7.45** Priority of Service for Eligible Veterans and Eligible Foster Youth Policy~~

The new rules are adopted under Texas Labor Code §301.061 and §302.002, which provide the Texas Workforce Commission with the authority to adopt, amend, or repeal such rules, as it deems necessary for the effective administration of Agency services and activities; and Texas Resources Code Chapters 31 and 34.

The rules affect Texas Labor Code, Title 4, Texas Human Resources Code Chapters 31 and 34 and Texas Government Code Chapter 2308.

## **SUBCHAPTER A. GENERAL PROVISIONS**

### **§811.1. Purpose and Goal.**

- (a) The purposes of Temporary Assistance for Needy Families (TANF), as set forth in Title IV, Social Security Act, §401 (42 U.S.C.A. §601) are:
  - (1) provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives;
  - (2) end the dependence of needy parents on government benefits by promoting job preparation, work, and marriage;
  - (3) prevent and reduce the incidence of out-of-wedlock pregnancies; and
  - (4) encourage the formation and maintenance of two-parent families.
- (b) The goal of Choices services is to end the dependence of needy parents on public assistance by promoting job preparation, work, and marriage. A Board may exercise flexibility in providing services to Choices eligibles to meet this Choices goal. A Board is also provided the flexibility and may engage in strategies that promote the prevention and reduction of out-of-wedlock pregnancies and encourage the formation and maintenance of two-parent families if those strategies support the primary goal of Choices services, which is employment and job retention.
- (c) The goal of the Commission is to ensure delivery of the employment and training activities as described in the TANF State Plan.
- (d) Boards shall 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 the goals and purposes of Choices services as referenced in this section, and as authorized by PRWORA, the applicable federal regulations at 45 C.F.R. Part 260 - 265, the TANF State Plan, this chapter, and consistent with a Board's approved integrated workforce training and services plan as referenced in §801.17 of this title.

## §811.2. Definitions.

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

- (1) Applicant--An adult, or teen head of household, in a family who applies for Temporary Assistance for Needy Families (TANF) cash assistance, who previously did not leave TANF in a sanctioned status.
- (2) Choices eligible--An individual eligible to receive Choices services including an adult or teen head of household who is an applicant, conditional applicant, recipient, nonrecipient parent, former recipient, or sanctioned family as defined in this chapter.
- (3) Choices participant--A Choices eligible participating in or outreached for Choices services, including:
  - (A) Exempt Choices participant--A Choices eligible who is not required under Texas Human Resources Code, Chapter 31 or Texas Health and Human Services Commission (HHSC) rules (1 TAC, Chapter 372, Texas Works) to participate in Choices services, but who may voluntarily participate in Choices services.
  - (B) Mandatory Choices participant--A Choices eligible who is required under Texas Human Resources Code, Chapter 31 or HHSC rules (1 TAC, Chapter 372, Texas Works) to participate in Choices services.
- (4) Conditional applicant--An adult or teen head of household who left TANF in a sanctioned status, but who is reapplying for TANF cash assistance.
- (5) Earned Income Deduction (EID)--A standard work-related and income deduction, available for four months through HHSC.
- (6) 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, Texas Works).
- (7) Former recipient--An adult or teen head of household who no longer receives TANF cash assistance because of employment.
- (8) HHSC--Texas Health and Human Services Commission.
- (9) Nonrecipient parent--Adults or minor heads of household not receiving TANF cash assistance, but living with their own children who are receiving TANF cash assistance. Nonrecipient 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.
- (10) PRWORA--The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, 110 Stat. 2105, as amended.
  - (11) Recipient--An adult or teen head of household who receives TANF cash assistance.
  - (12) Sanctioned family--An adult or teen head of household who must demonstrate cooperation for one month in order to reinstate TANF cash assistance.
  - (13) Secondary school--Educational activities including middle school, high school leading to a high school diploma, or classes leading to the completion of a General Educational Development (GED) credential.
  - (14) 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 the PRWORA, the TANF block grant statutes, the TANF State Plan, TANF cash assistance provided under Texas Human Resources Code, Chapters 31 and 34, and other related regulations.
  - (15) Work-based services--Includes those employment programs defined in Texas Human Resources Code §31.0126.
  - (16) Work eligible individual--Work eligible individuals are adults or minor heads of household receiving TANF cash assistance, and nonrecipient parents--with the following exceptions:
    - (A) Noncitizens who are ineligible to receive cash assistance because of their immigration status;
    - (B) 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
    - (C) Recipients of SSI or SSDI, on a case-by-case basis.
  - (17) Work ready--A Choices eligible is considered work ready if he or she has the skills that are required by employers in the local workforce development area. A Board must ensure immediate access to the labor market to determine whether the Choices eligible has those necessary skills to obtain employment.
  - (18) Work requirement--For the purposes of 42 U.S.C. §607 and 45 C.F.R. §261.10, a Choices eligible is deemed to be engaged in work by cooperating with:
    - (A) all requirements set forth in the family employment plan, as described in this chapter; and
    - (B) all TANF core and non-core activities, as set forth in this chapter.

*The provisions of this §811.2 adopted to be effective September 29, 2008, as published in the Texas Register, September 26, 2008, 33 TexReg 8192.*

## **8.7.1 ADDITIONAL DEFINITIONS POLICY**

In addition to TWC Rule §811.2, additional Workforce Solutions Texoma Board (WST) Policy definitions include:

**Self-Sufficiency** – A family's level of personal and economic independence from public assistance for the basic needs of food, clothing, shelter, and medical care.

**Confidentiality** – Personally identifiable and other information about customers contained in WFC records, or gathered through customer contact or other means will remain confidential and will not be shared with anyone without the written permission

of the customer unless the information is to be used for purposes related to the performance or evaluation of the program. Participant information will only be shared with individuals outside program parameters with customer's written consent. Written consent can be obtained through the Authorization to Release Information Form, a locally developed form, or a form provided by the customer. In addition, customer's names and personal information is restricted to being contained in each individual's case file and for program/data entry purposes.

WFC – Refers to Workforce Centers in the Texoma Board area.

### **§811.3. Choices Service Strategy.**

- (a) A Board shall ensure that its strategic planning process includes an analysis of the local labor market to:
  - (1) determine employers' needs;
  - (2) determine emerging and demand occupations; and
  - (3) identify employment opportunities, which include those with a potential for career advancement that may assist a Choices eligible's progression toward self-sufficiency.
- (b) The Choices service strategy shall include:
  - (1) Workforce Orientation for Applicants (WOA). As a condition of eligibility, applicants and conditional applicants are required to attend a workforce orientation that includes information on options available to allow them to enter the Texas workforce.
  - (2) Work First Design.
    - (A) The work first design:
      - (i) allows Choices participants to take immediate advantage of the labor market and secure employment, which is critical due to individual time-limited benefits; and
      - (ii) meets the needs of employers by linking Choices participants with skills that match those job requirements identified by the employer.
    - (B) Boards shall provide Choices participants access to other services and activities available through the One-Stop Service Delivery Network, which includes the WOA, to assist with employment in the labor market before certification for TANF cash assistance.
    - (C) Post-employment services shall be provided in order to assist a Choices participant's progress toward self-sufficiency as described in subsection (b)(3) of this section and §811.51.
    - (D) In order to assist a Choices eligible's progress toward self-sufficiency:
      - (i) Boards shall provide Choices eligibles who are employed, including mandatory Choices participants coded by HHSC as working at least 30 hours per week, earning at least \$700 per month, and receiving the EID, with information on available post-employment services; or
      - (ii) Boards may provide Choices eligibles with post-employment services as determined by Board policy. The length of time these services may be provided is subject to §811.51.
    - (E) In order to assist employers, Boards shall coordinate with local employers to address needs related to:
      - (i) employee post-employment education or training;
      - (ii) employee child care, transportation or other support services available to obtain and retain employment; and
      - (iii) employer tax credits.
    - (F) Boards shall ensure that a family employment plan is based on employer needs, individual skills and abilities, and individual time limits for TANF cash assistance.
  - (3) Post-Employment Services. A Board shall ensure that post-employment services are designed to assist Choices participants with job retention, career advancement, and reemployment, as defined in §811.51. Post-employment services are a continuum in the Choices service strategy to support a Choices participant's job retention, wage gains, career progression, and progression to self-sufficiency.

- (4) Adult Services. A Board shall ensure that services for adults shall include activities individually designed to lead to employment and self-sufficiency as quickly as possible.
- (5) Teen Services. A Board shall ensure that services for teen heads of household shall include secondary school, as defined in §811.2(13), and making the transition from school to employment, as described in §811.30 and §811.50.
- (6) Choices Eligibles with Disabilities. A Board shall ensure that services for Choices eligibles with disabilities include reasonable accommodations to allow the Choices eligibles to access and participate in services, where applicable by law.
- (7) Target Populations. A Board shall ensure that services are concentrated, as further defined in §811.11(d) and (e), on the needs of the following:
  - (A) recipients who have six months or less remaining of their state TANF time limit, irrespective of any extension of time due to a hardship exemption;
  - (B) recipients who have 12 months or less remaining of their 60-month federal TANF time limit, irrespective of any extension of time due to a hardship exemption; and
  - (C) recipients who are extended TANF recipients.
- (8) Local Flexibility. A Board may develop additional service strategies that are consistent with the goal and purpose of this chapter and the One-Stop Service Delivery Network.

*The provisions of this §811.3 adopted to be effective September 29, 2008, as published in the Texas Register, September 26, 2008, 33 TexReg 8192.*

## **8.7.2 CHOICES SERVICES STRATEGY POLICY**

WST's Choices Service Strategy includes all of the provisions of TWC Rule §811.3. WST staff and service providers will adhere to all state and federal statutes, regulations, and rules in development and implementation of the Choices program. In addition, WST's service provider will incorporate any additional guidance issued by the Texas Workforce Commission (TWC) in the development and implementation of the Choices program. It is the policy of the Workforce Solutions Texoma Board (WST) that all customers are treated in a fair, equitable manner and that a nondiscrimination and equal opportunity policy is followed. WST is committed to ensuring that all customers in the Texoma Board area have equal access to all services, programs, and facilities. It is WST's policy that no customer will be denied access or services on the basis of race, color, religion, sex, national origin, age, disability, political affiliation, or belief. Refer to WST Equal Opportunity Policy, Chapter 16, for additional equal opportunity policy and procedures.

~~Pursuant to WD Letter 05-05,~~ Choices individuals who are referred to faith-based providers are informed by written notification of their right to receive services from an alternative provider if they object to the religious character of the initial service provider. Written notice will include the following:

"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, a refusal to hold 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 5 days from the date of the request and should be within a reasonable distance from your home or worksite (e.g., no more than 50 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.”

Choices customers are allowed to choose their own child care providers and WST service provider staff will make every effort to allow Choices customers to choose their own community service and/or work experience sites.

WST’s strategic planning process incorporates researching, developing, and publishing a list of demand occupations on an at least yearly basis. WST’s Business Services Unit will coordinate with local employers through board-sponsored meetings, informal meetings, and individual meetings to develop opportunities to assist Choices customers with opportunities for early attachment to the labor force. Due to the state and federal time limits established for TANF recipient eligibility, WST service providers will develop procedures to ensure that the work first philosophy is pursued for all TANF recipients. Service providers must establish ongoing coordination, good working relationships, and opportunities for coordinated case management with local HHSC that will support effective joint referral strategies.

WST’s workforce centers are staffed with the highest quality staff and resources available to assist customers to accessing employment and overcoming barriers to self-sufficiency. Resource room access and services, specialized screening and referral services, group and individual activities, and an individualized Family Employment Plan, are combined to provide Choices customers with the tools and skills needed to access employment opportunities as an alternative to public assistance. WST’s work first service delivery approach supports all TANF/Choices customers in accessing the labor market before or immediately after TANF certification through use of community collaborative opportunities and specialized WFC services including the Workforce Orientation for Applicants, assessments, specialized job assistance services, support services, individualized family employment plan, referrals to local work-oriented educational and training opportunities, intensive case management, and post employment services. All program activities are designed to assist Choices customers in finding and retaining employment as soon as possible.

#### **§811.4. Policies, Memoranda of Understanding, and Procedures.**

- (a) A Board shall establish policies regarding the following:
  - (1) A Choices service strategy, as defined in §811.3, that coordinates various service delivery approaches to:
    - (A) assist applicants and conditional applicants in gaining employment as an alternative to public assistance;
    - (B) utilize a work first design as referenced in §811.3(b)(2) to provide Choices participants access to the labor market; and
    - (C) assist former recipients with job retention and career advancement in order to remain independent of TANF cash assistance;
  - (2) The amount of wages subsidized for subsidized employment placements; and
  - (3) The methods and limitations for provision of work-related expenses.
- (b) A Board may establish optional policies that:
  - (1) require the use of the Eligible Training Provider Certification System (ETPS) and Individual Training Account (ITA) systems as described in Chapter 841 of this title to provide for Choices services for Choices participants and paid for with TANF funds; and
  - (2) make post-employment services available to:
    - (A) former recipients who are denied TANF cash assistance because of earnings; and
    - (B) sanctioned families and conditional applicants who obtain employment during their demonstrated cooperation period.
- (c) A Board shall ensure that the following Memoranda of Understanding (MOUs) and collaborative partnerships are developed:
  - (1) Local-level MOUs with the appropriate agencies to serve Choices eligibles with disabilities to maximize their potential for success in employment;
  - (2) A local-level MOU in cooperation with HHSC for coordinated case management that is consistent with the MOU between HHSC and the Commission;
  - (3) A local-level MOU with the Texas Department of State Health Services for providing mental health and substance abuse services to Choices participants; and
  - (4) A collaborative partnership with housing authorities and sponsors of local housing programs and services to address the unmet housing needs of recipients.
- (d) A Board shall ensure that procedures are developed:
  - (1) to ensure that job development services are available to Choices participants. These services include:
    - (A) contacting local employers or industry associations to request that job openings be listed with Texas Workforce Centers, and other entities in the One-Stop Service Delivery Network selected by the Board;
    - (B) identifying the hiring needs of employers;
    - (C) assisting an employer in creating new positions for Choices participants based on the job developer's and employer's analysis of the employer's business needs; or
    - (D) finding opportunities with an employer for a specific Choices participant or a group of Choices participants;

- (2) to ensure that job placement services are available to Choices participants. Job placement services shall include:
    - (A) identifying employers' workforce needs;
    - (B) identifying Choices participants who have sufficient skills and abilities to be successfully linked with employment; and
    - (C) matching the skills of the Choices participant pool to the hiring needs of local employers;
  - (3) to notify applicants and conditional applicants--in conjunction with HHSC--on the availability of regularly scheduled Workforce Orientations for Applicants (WOAs) and alternative WOAs;
  - (4) to notify HHSC of applicants and conditional applicants who contacted a Texas Workforce Center to request alternative WOAs;
  - (5) to ensure that services are concentrated on Choices eligibles approaching their state or federal time limit, as identified in §811.3(c)(7)(A) and (B). Concentrated services may include targeted outreach, enhanced analysis of circumstances that may limit a Choices eligible's ability to participate, and targeted job development; and
  - (6) to determine a family's inability to obtain child care.
- (e) If a Board elects to establish one or more of the optional policies described in subsection (b) of this section, the Board must ensure that corresponding procedures are developed for those policies.

*The provisions of this §811.4 adopted to be effective September 29, 2008, as published in the Texas Register, September 26, 2008, 33 TexReg 8192.*

### **8.7.3 CHOICES WORK-RELATED EXPENSES POLICY**

Work-related expenses are allowable ~~supportive~~support services for participants to accept or retain verified employment that pays at least the federal minimum wage and offers hours to allow the customer to meet participation. Participant must request work-related expenses and local resources must be explored prior to granting said expenses. WST service providers can refer to WST Support Services Policy & Procedures (Chapter 8, Section 15) for details on allowable ~~supportive~~support services activities amounts.

### **8.7.4 MOU DEVELOPMENT POLICY**

With reference to Texas Human Resources Code §31.0128 and §811.4(c)(1-4), WST and the Texas Health and Human Services Commission (HHSC) has updated their adopted local Memorandum of Understanding to improve the transition of customers between local HHSC offices and WST. This MOU describes the responsibilities of the principal parties related to improving coordinated case management to assist with transitioning customers; providing coordinated services that addresses barriers to assisting customers with finding and retaining employment; and enhancing coordinated case management between WST's service providers and local HHSC offices. This MOU will continue to support the Board's work first strategies. Ongoing communication between HHSC and workforce center staff for coordinated case management of shared cases will occur in the form of information transmittal by phone, written communication, and personal visits. The MOU also assists in providing services to target populations as HHSC notifies the Board monthly of TANF customers who are in their 74<sup>th</sup> or 54<sup>th</sup> month

of benefits. Once identified, WST service providers provide enhanced outreach to contact these customers to assist them in participating in intensive job-search activities.

Pursuant to ~~WD Letter 40-08,~~ Choices Guide 2/11 B-1102, an MOU between WST and Texas Department of State Health Services Contractors has been implemented with providers of substance abuse and mental health treatment services for Choices participants.

In addition, MOUs have been developed with local agencies that serve people with disabilities to facilitate referrals and access to services. Chapter 8, Section 1 of the Workforce Solutions Texoma Board's Policies provides a detailed description of our policy of working with diverse populations and our commitment to providing fair, equitable access to services for all customers. At all workforce centers, accommodations have been made to assist individuals that are hearing and visually impaired, including, but not limited to, TTY telephones, screen readers, and text enlargement software.

Additionally, to support WST's work first service delivery design, ongoing coordination and working relationships will be established with local entities, such as the local housing authorities, substance abuse and mental health providers, and family services agencies to assist Choices participants in overcoming barriers to employment. In addition, Choices customers will be screened for access to additional one-stop partner activities/services that can assist in their progress toward employment and self-sufficiency.

### **8.7.5 JOB DEVELOPMENT / PLACEMENT SERVICES**

In compliance with the integrated services model implemented at the Texoma WFC's, job development/placement services for Choices participants will be provided by the Business Services Unit (BSU), which is a joint effort of WST's service provider staff, TWC Employment Services Staff, and WFC partner organizations. The Board Business Services Coordinator provides oversight management of the BSU. WFC career specialists and BSU staff will provide individualized assistance to Choices customers to assist in identifying employment opportunities. WST service provider staff will provide on-going case management and support to Choices customers to successfully gain and retain employment.

### **8.7.6 WORKFORCE ORIENTATION FOR APPLICANTS POLICY**

In accordance with TWC Rule §811.3(d)(3-4) and §811.11(a) WOA's will be held in all workforce centers at least twice a week to provide the most timely services and information to TANF applicants and conditional applicants. In the outlying offices, WOA may be offered once per week if the numbers are not large enough to justify twice-weekly sessions. Individual one-on-one WOA sessions are also an option for outlying offices if there are insufficient applicants/conditional applicants to hold a group session. In addition to providing WOA sessions in the workforce centers, WST service providers

have the option of providing the WOA at localities throughout the community, such as local HHSC offices.

All WOA sessions will be provided in a motivating, positive, upbeat manner that will focus on providing information to applicants about the advantages of working. In addition to information from §811.11(a) and ~~WD Letter 12-07~~ Choices Guide 2/11: B-102, Choices: Workforce Orientations for Applicants, applicants and conditional applicants will be provided basic information on time-limited benefits, services available through the Choices program, community service component options, and local labor market and demand occupation information. Service provider is referred B-102.b for additional information that must be disseminated during the WOA. At the WOA, participants will receive written notice of their EPS appointment, TABE appointment, and detailed information about services available through the workforce centers relating to job search activities as well information about the equipment and resources available in Workforce Centers' resource rooms. A copy of the written EPS notice must be placed in the client file. WOA attendees will be encouraged to begin job search activities immediately in order to support quicker entry into the job market with a goal of achieving self-sufficiency without the need for continuing their application for temporary cash assistance.

Conditional applicants who attend the WOA must be scheduled to begin participation in Choices services. TANF applicants who choose the option of beginning job search activities will be provided with additional group and individual staff support. WOA attendees who begin job search activities will fill out a WorkInTexas application and be entered into the job search database. In addition, a family employment plan (see 8.7.21) will be developed and supportivesupport services (see 8.7.44) will be provided.

Within one working day of applicant's attendance at the WOA, WST Service provider staff are required to complete the necessary HHSC paperwork and TWIST data entry in accordance with Choices Guide B-102.f (see 8.7.13) to verify the applicant's attendance at the WOA. The program detail must be closed after the WOA if applicant does not choose to begin Choices participation prior to certification. HHSC paperwork verifying WOA attendance must be returned to HHSC by fax, courier, or mail, and documentation of same must be provided in the client file. If applicants choose to begin job search activities, service provider staff are required to document all contact and activities, including supportivesupport services, in TWIST on a weekly basis.

Following the WOA, WST service providers will monitor applicant's status in the HHSC system on an at least weekly basis to determine when their status changes to mandatory. It is imperative that TANF applicants who choose not to access workforce center services and job search opportunities following the WOA be reintegrated into the workforce center Choices program as soon as possible after obtaining mandatory TANF recipient status. Tracking participants to ensure attendance at the earliest possible Employment Planning Services (See 8.7.21), TABE appointment (see 8.7.20), and job

search opportunities (see 8.7.25 & 8.7.33) will enhance early attachment to the workforce.

Service provider staff are required to notify HHSC staff within 48 hours of TANF recipients who fail to comply with job search requirements. In addition, staff are required to case note all WOA activity in TWIST.

#### **8.7.6.1 \_\_\_\_\_-Alternative WOAs**

Pursuant to §811.11(a1) ~~and and TWC WD Letter 12-07, Choices Guide B-102.d~~ referencing Alternatives to the WOA, local-level MOU's have been developed HHSC. Both HHSC and WFC offices have a designated point of contact to communicate information on shared customers in order to maximize networking opportunities and coordinate case management issues. In addition, an alternative WOA will be offered at all WFC's on a one-on-one basis for applicants who have extraordinary circumstances. Extraordinary circumstances include issues that last or are anticipated to last more than 30 days that would prohibit applicants from attending the WOA at the WFC. Extraordinary circumstances can include domestic violence, lack of transportation, injury or illness of the applicant, spouse or other household member, residing more than 30 miles from the nearest WFC, caring for a child under four months; conflicting work or school schedule; ~~or illness or injury of the applicant, spouse, or another household member that requires the applicant's care~~. All alternative WOA's will include all information contained in §811.11(a)(1-3), ~~WD 12-07~~ Choices Guide B-102.b, and 8.7.7 above.

Applicants and Conditional Applicants are required to contact ~~Board~~ their local workforce center to request an alternative WOA. Pursuant to the MOU developed with local HHSC offices, HHSC workers will provide notification to applicants of their right to request an alternative WOA in the event of extraordinary circumstances. Each Texoma WFC is responsible for maintaining a log of eligible individuals who request alternative WOAs. In addition, Texoma service providers will use the HHSC Form 2588 to notify HHSC of eligible applicants who refuse to comply with a scheduled alternative WOA, if the Board is unable to provide an alternative WOA, or if an alternative WOA was requested and/or provided to the applicant, as well as document the alternative WOA activities in TWIST case notes.

#### **8.7.6.2 \_\_\_\_\_-Participants Approaching State or Federal Time Limits**

Pursuant to §811.4(c)(2), a local level MOU has been developed with HHSC wherein HHSC will notify WST of TANF recipients in the Texoma WDB area that are approaching their state or federal time limits. WST will transmit this information to service provider staff. WST's service provider will develop

procedures to ensure concentrated services are provided to these individuals in accordance with §811.4(c)(2).

|

### 8.7.7 CHOICES OUTREACH POLICY

In order to provide the most effective employment services, thereby reducing Texoma's welfare rolls and increasing participation rates, WST service provider will outreach 100% of TANF mandatory and exempt single parent and two parent participants on a monthly basis. TANF recipients who are receiving the earned income disregard (EID) and coded "P" in the HHSC system will also be outreached on a 100% basis monthly. WST service provider can refer to the Texas Administrative Code, Chapter 372, Texas Works, located at:

[http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?tac\\_view=4&ti=1&pt=15&ch=372](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=4&ti=1&pt=15&ch=372) and ~~TA Bulletin 163, Attachment 1, 202~~ [Choices Guide B-104](#), Choices Work Code ~~Desk Aid~~ [Crosswalk located at C-108 of the Choices Guide](#), for additional clarification on HHSC' determination of exempt and mandatory recipients.

Outreach will occur on an at least weekly basis with a last outreach occurring on the last working day of the month. ~~WST Service Providers are encouraged to utilize positive, interesting, locally designed outreach letters and/or postcards that will encourage mandatory and exempt TANF recipients to access WFC services.~~ [Choices Guide B-104.a](#) requires the following information be contained in all outreach letters:

- [Date](#)
- [Time](#)
- [Location](#)
- [Purpose](#)
- [Contact name and phone number](#)
- [Requirement to participate for mandatory individuals](#)
- [Consequences of nonattendance for mandatory individuals](#)

#### **§811.5. Documentation, Verification, and Supervision of Work Activities.**

- (a) A Board shall ensure that all required information related to the documentation and verification of participation in Choices work activities, as described in this section, is documented in The Workforce Information System of Texas (TWIST).
- (b) A Board shall ensure that all participation in Choices is verified and documented and that self-attestation is not allowed.
- (c) For paid work activities, as described in §§811.42, 811.43, and 811.44, Boards shall ensure that all participation is verified and documented in TWIST at least monthly. If participation is projected as described in §811.34(3), current and verified participation must be documented in TWIST at least every six months.

- (d) For unpaid activities, as described in §§811.41, 811.45, and 811.46, Boards shall ensure that all participation is:
- (1) supervised daily; and
  - (2) verified and documented in TWIST at least monthly.
- (e) For unpaid activities, as described in §§811.48, 811.49, and 811.50, Boards shall ensure that:
- (1) no more than one hour of unsupervised study or homework time per each hour of class time is counted toward a Choices participant's family participation requirement;
  - (2) all study and homework time in excess of one hour per hour of class time is directly monitored, supervised, verified, and documented;
  - (3) study or homework time is only counted toward a Choices participant's family participation requirement if:
    - (A) the study or homework time is directly correlated to the demands of the course work for out-of-class preparation as described by the educational institution; and
    - (B) the educational institution's policy requires a certain number of out-of-class preparation hours for the class;
  - (4) good or satisfactory progress, as determined by the educational institution, is verified and documented in TWIST at least monthly;
  - (5) all participation is supervised daily; and
  - (6) all participation is verified and documented in TWIST at least monthly.

*The provisions of this §811.5 adopted to be effective September 29, 2008, as published in the Texas Register, September 26, 2008, 33 TexReg 8192.*

## **SUBCHAPTER B. CHOICES SERVICES RESPONSIBILITIES**

### **§811.11. Board Responsibilities.**

- (a) A Board shall ensure that:
- (1) the WOA is offered frequently enough to allow applicants and conditional applicants to comply with the HHSC requirement that gives applicants and conditional applicants 10 calendar days from the date of their eligibility interview to attend a WOA;
  - (2) during a regularly scheduled WOA or alternative WOA, applicants and conditional applicants are informed of:
    - (A) employment services available through the One-Stop Service Delivery Network to assist applicants and conditional applicants in achieving self-sufficiency without the need for TANF cash assistance;
    - (B) benefits of becoming employed;
    - (C) impact of time-limited benefits;
    - (D) individual and parental responsibilities; and
    - (E) other services and activities, including education and training, available through the One-Stop Service Delivery Network, including services and referrals for services available to Choices eligibles with disabilities;
  - (3) alternative WOAs are developed that allow applicants and conditional applicants with extraordinary circumstances to receive the information listed in paragraph (2) of this subsection;
  - (4) verification that applicants and conditional applicants attend a scheduled or alternative WOA is completed and HHSC is notified in accordance with HHSC rules (1 TAC, Chapter 372, Texas Works); and

(5) applicants and conditional applicants are provided with an appointment to develop a family employment plan.

(b) A Board shall ensure that:

- (1) Choices services are offered to applicants who attend a WOA; and
- (2) conditional applicants who attend a WOA are immediately scheduled to begin Choices services.

(c) A Board shall ensure that a Choices participant's eligibility is verified monthly.

(d) A Board shall ensure that all extended TANF recipients are outreached and offered the opportunity to participate in Choices activities.

(e) A Board shall ensure that post-employment services, including job retention and career advancement services, are available to Choices eligibles including mandatory Choices participants coded by HHSC as working at least 30 hours per week, earning at least \$700 per month, and receiving EID.

in the family employment plan; and

(f) A Board shall ensure that the monitoring of work requirements is ongoing and frequent, as determined by a Board, unless otherwise specified in this chapter, and consists of the following:

- (1) ensuring receipt of support services;
- (2) tracking and reporting support services;
- (3) tracking and reporting actual hours of participation, at least monthly, unless otherwise specified in this chapter;
- (4) determining and arranging for any intervention needed to assist the Choices participant in complying with work requirements;
- (5) ensuring that the Choices participant is progressing toward achieving the goals and objectives in the family employment plan; and
- (6) monitoring all other work requirements.

(g) A Board shall ensure that:

(1) no less than four hours of training regarding family violence is provided to staff who:

- (A) provide information to Choices eligibles;
- (B) request penalties or grant good cause; or
- (C) provide employment planning or employment retention services; and

(2) Choices eligibles who are identified as being victims of family violence are referred to an individual or an agency that specializes in issues involving family violence.

(h) A Board shall ensure that documentation is obtained and maintained regarding all contact with Choices participants, including verification of participation hours, and data is entered into TWIST.

(i) A Board shall ensure that a referral program is developed to provide Choices eligibles facing higher than average barriers to employment, as described in this chapter, with referrals to pre-employment and post-employment services offered by community-based and other organizations.

The provisions of this §811.11 adopted to be effective September 29, 2008, as published in the Texas Register, September 26, 2008, 33 TexReg 8192.

### **8.7.8 ELIGIBILITY VERIFICATION POLICY**

WST service providers must verify the Choices customer's eligibility on at least a monthly basis, pursuant to §811.11(c). Copies of the HHSC screen reflecting customer's eligibility will be placed in customer's file as proof of monthly eligibility verification. In addition, prior to release of program funds to participants, including earned reward cards, transportation funds, and other ~~supportive~~support services, service provider staff will check the HHSC/TIERS system to determine customer eligibility. Documentation of this action can be placed in the case notes and/or a print screen copy of the HHSC screen can be placed in the case file.

### **8.7.9 MONITORING POLICY**

In accordance with §811.11(f)(1-6), WST service providers will monitor Choices customers on an at least a monthly basis to assist customers in meeting programmatic requirements and obtain needed customer information. In addition, WST Service Providers will develop internal monitoring procedures to comply with TWC Rule §811.11(f)(1-6). WST Service Providers should monitor a sample of Choices cases on a basis determined by internal risk analysis and documentation of same should be made in each individual case file in the TWIST case notes section with a report to the service provider management staff. Said report will be made available to WST monitoring staff upon request. WST case management staff will review active Choices participant's work requirements on a weekly basis.

WST monitoring staff will monitor all program aspects of the Choices program with a focus on holistic case management to include data entry of all aspects of the program and programmatic compliance of local, state, and federal policy. Monitoring will be performed in accordance with the WST Monitoring Policy, which is located in Chapter 6 of the WST Policies and Procedures.

### **8.7.10 FAMILY VIOLENCE INFORMATION**

In order to provide WST service providers guidance in detecting domestic violence cases, and pursuant to §811.11(g)(1-2), HB 1175, WST will collaborate with local family violence experts to provide at least 4 hours of family violence training to staff who work with Choices individuals. Family violence may also be called domestic violence, spouse abuse, intimate partner violence, or battering. The Texas Family Code (Section 71.004) defines "family violence" as:

"an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself."

WST service provider staff will ensure that customers who are identified as victims of family violence are referred to local family violence specialists/agencies for additional assistance.

### **8.7.11 CUSTOMER CONTACT POLICY**

WST service provider will ensure that Choices customers are provided with at least weekly face-to-face or telephone contact. Customer contact will serve to assist customers with their job search and/or employment needs, including assessing the need for continued or new ~~supportive~~support services, tracking program requirements, gathering performance information, and assisting customers in developing alternatives to missed required program hours. Documentation of all customer contact will be placed in TWIST case notes.

#### **8.7.11.1 HHSC Notification Policy**

The Regional HHSC office has requested that WST provide notification to the HHSC Change Unit of all TANF/Choices customer's address changes so they can contact the customer to determine an address change for their records.

Therefore, WST Service Provider will ensure that HHSC is notified via submission of a 2583 of TANF customer's address changes. Address changes affect not only staff's ability to provide services but also HHSC's ability to contact customers.

### **8.7.12 DATA ENTRY POLICY**

All Choices customer contact and other programmatic data entry, including participation hours will be entered in TWIST and/or customer's case file on an at least weekly basis. In accordance with ~~23-07, Change 1, 62-07, Change 1, and TA Bulletin 170, Choices Guide B-201~~ participation hours will be entered under daily time tracking and verification sources will be entered as well. Further guidance on verification of participation hours is noted in ~~WD 41-07, change 2, Choices Guide B-600. In addition, the s~~Service provider is not required to document each day's activities in TWIST counselor notes. ~~In addition, data~~Data entry of contact with employers and other agencies, such as HHSC, DARS, etc., will be placed in case notes with documentation of who was spoken to, when the call occurred, and specific details of conversation.

Service provider staff must understand data entry as it relates to the DINT process and TA Bulletin 182.

Service provider is referred to WD 38-09 for details on appropriate data entry of ONET and CIP codes for training services for customers co-enrolled in WIA.

Service provider staff must ensure that data entry deadlines are met as set forth by state guidance ~~in WD 41-09~~.

Additionally, service provider staff must understand exclusion reasons and data entry of such as noted in TA Bulletin 197. This may be necessary if a circumstance arises that is

beyond the control of the participant or the program, and will exclude a participant from performance outcomes.

### **8.7.13 CHOICES REFERRAL PROGRAM**

Pursuant to TWC Rule §811.11(i), WST service providers will ensure that Choices individuals with higher than average barriers to employment are provided with referrals to pre-employment and post-employment services offered by community-based and other organizations.

#### **§811.12. Applicant and Conditional Applicant Responsibilities.**

Applicants and conditional applicants are required to attend a scheduled or an alternative WOA, in accordance with HHSC rules (1 TAC Chapter 372, Texas Works).

*The provisions of this §811.12 adopted to be effective February 26, 2007, as published in the Texas Register, February 23, 2007, 32 TexReg 906.*

#### **§811.13. Responsibilities of Choices Participants.**

- (a) A Board shall ensure that Choices participants comply with the provisions contained in this section.
- (b) Choices participants shall:
  - (1) accept a job offer at the earliest possible opportunity;
  - (2) participate in or receive ancillary services necessary to enable Choices participants to work or participate in employment-related activities, including counseling, treatment, vocational or physical rehabilitation, and medical or health services;
  - (3) report actual hours of participation in Choices work activities, including hours of employment; and
  - (4) attend scheduled appointments.
- (c) Within two-parent families, Choices participants shall participate in assessment and family employment planning sessions and assigned employment and training activities as follows:
  - (1) participate in Choices employment and training as specified in §811.25(c)-(d);
  - (2) comply with requirements regarding core and non-core activities, as specified in §§811.25–811.34;
  - (3) comply with all requirements specified in the family employment plan; and
  - (4) sign a form that contains all the information identified in the Commission's Family Work Requirement form, as described in §811.24.
- (d) Within single-parent families, Choices participants shall participate in assessment and employment planning sessions and assigned employment and training activities as follows:
  - (1) participate in Choices employment and training activities as specified in §811.25(b);
  - (2) comply with requirements regarding core and non-core activities, as specified in §§811.25–811.34; and
  - (3) comply with all requirements specified in the family employment plan.
- (e) A Board shall ensure that mandatory Choices participants coded by HHSC as working at least 30 hours per week, earning at least \$700 per month, and receiving the EID:

- (1) report to the Board actual hours of work, as defined in §811.34; and
- (2) are provided with information on available post-employment services.

The provisions of this §811.13 adopted to be effective February 26, 2007, as published in the Texas Register, February 23, 2007, 32 TexReg 906.

### **8.7.14 PROGRAM REQUIREMENT TRACKING**

WST service providers will ensure that all mandatory TANF recipients and exempt recipients who voluntarily participate in the Choices program are aware of their responsibilities, as detailed in §811.13. Case Managers will monitor program participation and provide support to customers to accomplish program requirements as outlined in §811.13.

Program participation for Choices customers can be met with employment of 30 average hours per week for single parent families, 20 average hours per week for single parent families with a child under age six, 20 average hours per week for a teen parent head of household, 35 average hours for two-parent families not utilizing Commission-funded child care, and 55 average hours per week for two-parent families utilizing Commission-funded child care. However, all Choices customers should be encouraged to schedule 35-40 hours per week to offset unexpected circumstances. In addition to TWC Rule WST §811.13, WFC Contractor can refer to TWC Rules §811.62 and 809.45, 809.46, and 809.48 for additional guidance in developing procedures.

#### **§811.14. Noncooperation.**

- (a) A Board shall ensure that cooperation by Choices participants is verified each month to ensure that the Choices participants:
  - (1) comply with work requirements as set forth in the family employment plan; or
  - (2) have good cause as described in this chapter.
- (b) If Choices participants have not cooperated with work requirements and do not have good cause, a Board shall ensure that:
  - (1) a penalty is requested for mandatory Choices participants; or
  - (2) Choices services, including support services, are terminated for exempt Choices participants.
- (c) A Board shall ensure that timely and reasonable attempts, as defined by the Agency, are made to contact a mandatory Choices participant prior to requesting a penalty to:
  - (1) determine the reason for noncooperation and whether good cause is applicable, as described in §811.16(c);
  - (2) inform the mandatory Choices participant of:
    - (A) the violation, if good cause has not been determined;
    - (B) the right to appeal; and
    - (C) the necessary procedures to demonstrate cooperation.
- (d) A Board shall ensure that timely and reasonable attempts, as defined by the Agency, are made to contact a sanctioned family and conditional applicants upon discovery of noncooperation during their demonstrated cooperation period to determine if good cause exists.
- (e) A Board shall ensure that the reasonable attempts to contact a mandatory Choices participant are

documented.

(f) A Board shall ensure that:

(1) HHSC is notified of a mandatory Choices participant's failure to comply with work requirements; and

(2) the notification of noncooperation is submitted as early as possible in the same month in which the noncooperation occurs.

*The provisions of this §811.14 adopted to be effective September 29, 2008, as published in the Texas Register, September 26, 2008, 33 TexReg 8192.*

### **8.7.15 NONCOOPERATION AND TIMELY/REASONABLE NOTICE**

WST service provider staff will provide weekly case note documentation to support verification that Choices customers are meeting required work requirements, have good cause, or have not cooperated and a penalty has been requested.

Note that TWC guidance regarding this issue outlined in ~~WD-08-09~~ Choices Guide B-801 that allows for seven day timely and reasonable attempt; however, service provider shall follow guidance below, as WST has chosen a more restrictive approach.

In addition, according to ~~WD-36-07, Change 1~~ Choices Guide B-801, a timely and reasonable attempt must be made to contact the Mandatory participant to determine the reason for noncooperation prior to requesting a sanction. If good cause is not established, the mandatory participant must be informed of the violation requiring sanction, the right to appeal, and the necessary procedures to demonstrate cooperation. If good cause is established, the participants will not be sanctioned for not meeting participation requirements.

A timely and reasonable attempt is a telephone conversation with the customer or a outreach letter that details the penalty for not responding, the right to appeal, and how to reinstate the mandatory Choices eligible's benefits.

If a penalty has been requested, case file documentation will contain information to support either Category 1, 2, 3, or 4 below as documentation of the timely and reasonable notice. Category 1-4 information follows:

#### **Category 1: Names in Outreach Pool and/or Never Seen Customers**

Initial Letter – First & Final Notice that will include

- ♦violation for not responding to outreach
- ♦right to appeal
- ♦procedures to reinstate TANF benefits

Outreach letter can be personally delivered via home visits. If customer is not home, outreach letter can be taped to customer's door.

~~In these circumstances, a~~ penalty will be requested no later than 72 hours after initial failure to respond to outreach.

### **Category 2: Active Participants – Daily Contact Requirement, i.e., Job Search/STAR**

- ~~—~~Daily written notification that contains First & Final Notice language from
- Category 1 above (First & Final Notice letter) will be provided to all customers during job search activities at the workforce center who have a daily contact requirement.
- If no response, within 72 hours, staff will attempt at least one telephone contact.
- Penalty will be requested no later than 72 hours after initial failure to participate/cooperate.

### **Category 3: Active Participants – Weekly Contact Requirement, i.e., working/school/ community svc**

- Once aware of failure to participate (quit job without good cause, failed to maintain weekly contact, failed to provide good cause), send written Final Notice Letter (Good Cause Letter).
- If good cause cannot be determined by a phone call or personal contact/~~home visit~~, within 72 hours, send a written notice of sanction that contains First & Final Notice language. Home visit can occur to deliver written notice of sanction.
- Penalty can then be requested no later than 72 hours after initial appointment date in notice of sanction.~~failure to participate/cooperate.~~

### **Category 4: A Sanctioned Family in their Demonstrated Cooperation Month**

- Once aware of failure to participate (quit job without good cause, failed to maintain weekly contact, failed to provide good cause), send written Final Notice Letter (Good Cause Letter).
- If good cause cannot be determined by a phone call or personal contact/home visit, within 72 hours, send a written notice of sanction that contains First & Final Notice language.
- Service provider will close client's case if client does not reengage or have good cause.
- ~~—~~Penalty will be requested no later than 72 hours after initial failure to participate/ cooperate

Once timely and reasonable notice procedures have been followed, and good cause can not be determined, WST service provider will submit a penalty request to HHSC within 48 working hours of determination. All information will be documented in TWIST and case notes.

### **§811.15. Demonstrated Cooperation.**

- (a) Conditional applicants are required to demonstrate four consecutive weeks of cooperation to become eligible for reinstatement of TANF cash assistance.
- (b) Sanctioned families are required to demonstrate one month of cooperation as a condition of eligibility for TANF cash assistance.
- (c) A Board shall ensure that HHSC is immediately notified if:
  - (1) a sanctioned family denied TANF cash assistance because of one month of noncooperation has demonstrated full cooperation with work requirements for the program month immediately following the program month in which the family noncooperated;
  - (2) a conditional applicant whose TANF case is closed because of two or more months of noncooperation has demonstrated full cooperation with work requirements for four consecutive weeks; or
  - (3) a sanctioned family or conditional applicant has been granted good cause during the demonstrated cooperation period.

*The provisions of this §811.15 adopted to be effective February 26, 2007, as published in the Texas Register, February 23, 2007, 32 TexReg 906.*

### **8.7.16 DEMONSTRATED COOPERATION**

WST service provider will ensure all components of TWC Rule §811.15 are followed for conditional applicants and sanctioned families who are required to demonstrate cooperation in order to become eligible for reinstatement of TANF cash assistance. Conditional applicants and sanctioned families will be provided immediate access to all Choices program services and activities in order to serve their demonstrated cooperation month. ~~Per WD-36-07 Choices Guide B-804,~~ sanctioned families are required to demonstrate cooperation for the program month following the month of noncooperation. Service provider will ensure that a letter is sent immediately after customer is sanctioned with an appointment to begin participation during their demonstrated cooperation month. The letter will outline penalties that will be applied if participation is not met during the demonstrated cooperation month.

~~In addition, e~~Conditional applicants are required to attend a WOA and immediately begin demonstrating cooperation for the next four consecutive weeks. Conditional applicants are required to continue to cooperate with their Choices work requirement while waiting for their TANF benefits to be certified. Conditional applicants may have their first week of demonstrated cooperation prorated, if they begin demonstrating cooperation on any day other than Monday. WST service providers will ensure that HHSC is notified no later than the fifth calendar day of the month following the demonstrated cooperation month if any of the conditions in TWC Rule §811.15(c) are met. After a conditional applicant completes the demonstrated cooperation period, staff must return Form 2588 to HHSC by the same process used for regular TANF applicants.

### **§811.16. Good Cause for Choices Participants.**

- (a) Good cause applies to Choices participants. A Board shall ensure that good cause is determined as provided in this chapter.
- (b) A Board shall ensure that a good cause determination:
  - (1) is based on individual and family circumstances;
  - (2) is based on face-to-face or telephone contact;
  - (3) covers a temporary period when Choices participants may be unable to attend scheduled appointments or participate in ongoing work activities;
  - (4) is made at the time the change in circumstances is made known to the Board's service provider; and
  - (5) is conditional upon efforts to address circumstances that limit the ability to participate in Choices services as required in the family employment plan.
- (c) The following reasons may constitute good cause for purposes of this chapter:
  - (1) Temporary illness or incapacitation;
  - (2) Choices participants with disabilities or caring for a disabled family member who participate to the extent determined able, as supported by medical documentation, but less than the required participation hours, as set forth in §811.25(b)–(d) and §811.31(b);
  - (3) Court appearance;
  - (4) Caring for a disabled family member who requires the Choices participant's presence in the home. Boards shall ensure the need for such care is supported by medical documentation;
  - (5) A demonstration that there is:
    - (A) no available transportation and the distance prohibits walking; or
    - (B) no available job within reasonable commuting distance, as defined by the Board;
  - (6) An inability to obtain needed child care, as defined by the Board and based on the following reasons:
    - (A) Informal child care by a relative or under other arrangements is unavailable or unsuitable. Informal child care may also be determined unsuitable by the parent;
    - (B) Eligible child care providers are unavailable, as defined in Chapter 809 of this title;
    - (C) Affordable child care arrangements within maximum rates established by the Board are unavailable; and
    - (D) Appropriate child care within a reasonable distance from home or the work site is unavailable;
  - (7) An absence of other support services necessary for participation;
  - (8) 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;
  - (9) An individual or family crisis or a family circumstance that may preclude participation, including substance abuse, mental health, and disability-related issues, provided the Choices participant engages in problem resolution through appropriate referrals for counseling and support services; or
  - (10) A Choices participant is a victim of family violence.
- (d) A Board shall ensure that mandatory Choices participants in single-parent families caring for children under age six are informed of:
  - (1) the penalty exception to the family work requirement, including the criteria and applicable definitions for determining whether a mandatory Choices participant has demonstrated an

inability to obtain needed child care, as defined in subsection (c)(6)(A)–(D) of this section.

(2) a Board's policy and procedures for determining a family's inability to obtain needed child care, and any other requirements or procedures, such as fair hearings, associated with this provision, as required by 45 C.F.R. §261.56.

(e) A Board shall ensure that good cause:

- (1) is reevaluated at least on a monthly basis;
- (2) is extended if the circumstances giving rise to the good cause exception are not resolved after available resources to remedy the situation have been considered;
- (3) that is based on the existence of family violence does not exceed a total of twelve consecutive months per occurrence; and
- (4) is determined separately from granting Choices participants short-term excused absences from participation, as defined in §811.34(2).

The provisions of this §811.16 adopted to be effective September 29, 2008, as published in the Texas Register, September 26, 2008, 33 TexReg 8192.

### **8.7.17 GOOD CAUSE**

Pursuant to TWC Rule §811.16, WST service providers will determine good cause on a case-by-case basis through individual face-to-face or telephone contact with TANF mandatory recipient Choices customers on at least a monthly basis. Good cause will be determined only for the reasons listed in Rule §811.16(c) and will be for a temporary period. WST service providers will ensure that medical documentation is obtained prior to granting good cause for reasons stated in §811.16(c2, 4). Prior to granting good cause, WST service providers will support customers in offering opportunities/options to obtain additional hours by the end of the service month to supplement missed hours due to short-term issues such as temporary illness, court appearances, or lack of transportation for a day, in order to encourage customer responsibility in meeting participation requirements. If missed hours can be made up by the end of the service month, no good cause will be granted. Good cause will be granted as a last resort measure.

Good causes granted for customer's inability to participate in program requirements due to a medical condition will require written documentation from a physician that customer is physically unable to participate in program requirements for an extended period. Good cause will not be granted for illnesses lasting less than one week.

Although TWC Rule §811.16(c)(5)(A) permits good cause for "no available transportation and the distance prohibits walking," WST service providers will assist customers in researching all available options, such as: public transportation (TAPS), seeking ride-sharing opportunities, opportunities to borrow transportation or procure transportation from family or friends, prior to granting good cause.

In order to comply with TWC Rule §811.16(c)(5)(B) WST's definition of "reasonable commuting distance" is defined as customers commuting one hour on a one-way basis to or from home to a child care provider and an employment opportunity.

TWC Rules §811.16(c)(6)(A-D) details specific instances when good cause may be granted for inability to obtain needed childcare. WST service provider will assist Choices customers in researching all available child care alternatives. Eligible Choices customers needing child care services will be referred to a child care staff member for assistance in exploring relative care options or eligible child care provider options. In addition, WST service provider will assist customers in developing a back-up plan for child care should the primary child care provider be unable to provide child care on a short-term basis. With the wide range of child care options available in the Texoma area, it is unlikely that good cause will need to be granted on an extended basis for this reason. WST's definition of "inability to obtain needed child care" is a short-term emergency situation that should last no longer than a one-month period. Good cause for inability to obtain child care should be granted for no more than a one-month period and should only be granted when all other alternatives have been researched.

WST service providers will notify Choices customers that failure to participate for lack of child care can not exempt customers from Choices program requirements on an extended basis and will only be granted when all other available options have been explored. WST service providers will document in detail options explored by customers and reasons why customers state they cannot obtain child care in TWIST case notes prior to granting good cause.

All good causes will be reevaluated on a monthly basis by a face-to-face or telephone contact. WST service providers will work with customers in resolution of barriers or circumstances that led to the customer's inability to participate in the Choices program.

Specific details for reasons behind granting good cause will be documented in the case notes section of TWIST. Additionally, good cause reasons related to the reduced work requirement (1836 tab) or due to caring for a disabled family member shall be entered in TWIST.

## **SUBCHAPTER C. CHOICES SERVICES**

### **§811.21. General Provisions.**

- (a) A Board shall ensure that services are available to assist Choices eligibles with obtaining employment as quickly as possible and, if employed, with retaining employment. These services may include:
  - (1) job readiness and job search-related services;
  - (2) work-based services;
  - (3) post-employment services;
  - (4) education and training services as described in this chapter; and
  - (5) support services.
- (b) A Board shall ensure that employment and training activities are conducted in compliance with the Fair Labor Standards Act (FLSA) as specified in §811.29.
- (c) A Board shall ensure that placement in work-based services does not result in the displacement of currently employed workers or impair existing contracts for services or collective bargaining agreements.
- (d) A Board shall ensure that job development services identify, at a minimum, job openings for current mandatory Choices participants.

*The provisions of this §811.21 adopted to be effective September 29, 2008, as published in the Texas Register, September 26, 2008, 33 TexReg 8192.*

### **8.7.18 CHOICES SERVICES**

In accordance with §811.21(a), WST's service providers will ensure that job readiness/search services, work-based services, post-employment services, education and training services, and support services support Choices customers' goals of obtaining and retaining employment. In addition, all employment and training activities required by WST services providers for Choices participants will be in compliance with the Fair Labor Standards Act (FLSA) as detailed in TWC Rule §811.21(b), §811.29, and WST Policy 8.7.27.

## **§811.22. Assessment.**

- (a) A Board shall ensure that initial and ongoing assessments are performed to determine the employability and retention needs, including wage advancement and career development needs, of Choices participants as follows:
  - (1) An assessment is required for Choices participants who are:
    - (A) at least age 18; or
    - (B) heads of household, 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.
  - (2) An assessment shall be provided to applicants who choose to participate in Choices services.
  - (3) Ongoing assessments shall be provided to former recipients who choose to participate in Choices services.
- (b) Assessments shall include evaluations of strengths and potential barriers to obtaining and retaining employment, such as:
  - (1) skills and abilities, employment, and educational history in relation to employers' workforce needs in the local labor market;
  - (2) pre- and post-employment skills development needs to determine the necessity for job-specific training;
  - (3) unmet housing needs and whether those needs are a barrier to full participation in the workforce and progression to self-sufficiency;
  - (4) support services needs; and
  - (5) individual and family circumstances that may affect participation, including the existence of family violence, substance abuse, mental health, or disability-related issues, as one of the factors considered in evaluating employability.
- (c) A Board shall ensure that the assessment identifies Choices eligibles with higher than average barriers to employment, as defined by the Board.
- (d) A Board shall ensure that if the skills assessment indicates that a Choices participant requires job-specific training for placement in a job paying wages that equal or exceed the Board's identified self-sufficiency wage, the Board shall, to the extent funds are available and to the extent allowed under this chapter, place 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; and
- (e) For mandatory Choices participants who are at least age 18, or who are heads of household but are not yet age 18 and have not completed secondary school or received a GED credential and are not attending secondary school:
  - (1) The assessments shall also include evaluations of the mandatory Choices participants':
    - (A) vocational and educational skills, experience, and needs; and
    - (B) literacy level by using a statewide standard literacy assessment instrument unless the Choices participants are mandatory Choices participants coded by HHSC as working at least 30 hours per week, earning at least \$700 per month, and receiving the EID.
  - (2) A Board shall ensure that the grade-level results or other literacy information are provided to HHSC for use in determining the appropriateness of the initial state time-limit designation for TANF cash assistance as described in the Texas Human Resources Code §31.0065, relating to state time-limited benefits.
- (f) **Assessment Outcome.** Assessments shall result in the development of a family employment plan,

as described in §811.23.

The provisions of this §811.22 adopted to be effective February 26, 2007, as published in the Texas Register, February 23, 2007, 32 TexReg 906.

### **8.7.19 CHOICES ASSESSMENT POLICY**

WST Service Provider will perform initial and ongoing assessments for all Choices participants identified in TWC Rule §811.22. Assessment is an on-going process of gathering information, analyzing the information to identify customers' strengths and needs, and determining the steps necessary to enable the customer to obtain and retain employment and self-sufficiency goals. Initial and on-going assessment will be performed for TANF applicants, recipients and former recipients who participate in the Choices program. Types of assessments used should be individualized per each customer's needs. Assessment information should be used to develop/revise/update the Family Employment Plan.

Assessments will consist of utilization of customer interviews, standardized assessments, and other means to assist customers in determining barriers to obtaining and retaining employment. WST service provider will develop procedures to support the assessment process that will include ongoing employability assessments, literacy assessment utilizing the complete Battery of the TABE, including the Locator Test and identified TABE Survey Level. The Supera, the Spanish language literacy assessment instruments, will be used for Choices participants who cannot communicate in English.

The TABE test should be administered during the EPS session or during the job-search time frame. WST service provider will strive to schedule Choices customers to take the TABE prior to the end of their first week of Choices participation. Additional guidance offered by WD 61-067, [Change 1 and 2](#), in regards to Educational Functional Levels in TWIST for out-of-school youth who are given the TABE test will be followed. For Choices customers who enter the Choices program already employed, the TABE test will be administered at a time other than scheduled customer work hours. WST service provider will ensure that the TABE test is administered prior to the Choices customer exiting the program unless the mandatory Choices participant is coded by HHSC (P) as working at least 30 hours per week earning at least \$700 per month and receiving the EID.

Pursuant to TWC Rule §811.22(c), assessments will be used to identify Choices individuals with higher than average barriers to employment. Higher than average barriers to employment may include customers with family violence, substance abuse, or mental health issues; or those customers who are identified as having little or no education. Referrals to community resources will be made for customers who are identified to have higher than average barriers to employment. WD Letter 40-08, [Change 1](#), will be followed specifically for substance abuse and mental health referrals in accordance with the MOU between these service providers and WST.

If funds are available, Choices customers who are identified through skills assessments to need job-specific training for placement in a job paying wages that equal or exceed the current identified Board minimum wage will be referred to vocational educational or job skills training activities if said customer has not previously exceeded authorized training time-limits, as required pursuant to TWC Rule §811.22(d). Choices customers who are identified to need job-specific training will only be referred to said training if co-enrollment, local tuition reimbursement, or TANF funds are available for training.

All assessment results (including the scale score) must be documented in TWIST case notes. In addition, TABE results must also be documented in TWIST for HHSC use.

### **§811.23. Family Employment Plan.**

- (a) Boards must ensure that prior to the development of a family employment plan Choices participants receive general information about services provided through the One-Stop Service Delivery Network that will assist them in obtaining employment, if the Choices participants did not receive this information during the WOA.
- (b) Family employment plans are required for all Choices participants.
- (c) Family employment plans shall be developed with applicants and former recipients who choose to participate in Choices services.
- (d) A Board shall ensure that a family employment plan is developed during the assessment and:
  - (1) is based on assessments, as described in §811.22;
  - (2) contains the goal of self-sufficiency through employment to meet the needs of the local labor market;
  - (3) contains the steps and services to achieve the goal, including:
    - (A) connecting the Choices participant immediately to the local labor market;
    - (B) addressing potential barriers that limit the Choices participant's ability to work or participate in activities;
    - (C) arranging support services for the Choices participant or the family to address circumstances that limit the Choices participant's ability to work or participate, including services for substance abuse, mental health, family violence, and disability-related issues;
    - (D) developing specific post-employment service strategies with methods and time frames for reaching the goal of an identified self-sufficiency wage; and
    - (E) requiring Choices participants to notify the Board's service provider of changes in family circumstances that may preclude participation in Choices services;
  - (4) is signed by the Choices participant—unless the Choices participant is a mandatory Choices participant coded by HHSC as working at least 30 hours per week, earning at least \$700 per month, and receiving the EID—and a Board's service provider;
  - (5) assigns required hours and sets forth the participation agreement for compliance with work requirements. Family employment plans for two-parent families must include a description of how the required hours of participation will be distributed between one or both adults in the two-parent household; and
  - (6) provides information about the penalty process, good cause process, right of appeal, and the importance of immediately contacting a case manager should individual or family circumstances arise that prevent participation.
- (e) A Board shall ensure that progress towards meeting the goals of the family employment plan is evaluated and the family employment plan is modified as appropriate to meet employer needs in the local labor market.

The provisions of this §811.23 adopted to be effective February 26, 2007, as published in the Texas Register, February 23, 2007, 32 TexReg 906.

### **8.7.20 EMPLOYMENT PLANNING POLICY**

All mandatory TANF recipients will be required to attend an Employment Planning Session (EPS), unless they enter the program already employed. TANF applicants will be given a written EPS appointment either when they attend the WOA or through

Outreach. Outreach will occur to invite mandatory and exempt TANF recipients to the EPS. Written copies of the EPS invitation will be required to be placed in the Choices file if not documented through the TWIST system. The EPS is scheduled to provide Choice Program services and expectations, to begin the assessment and employment planning process, and to begin job search activities. As with the assessment process, the employment planning process continues from initiation through closure of the customer's case. It is imperative that timely request for a penalty be entered into TWIST for customers who do not attend their EPS sessions, unless good cause can be identified.

The EPS will be provided in a motivating, positive, upbeat manner, and will include a review of the Choices program requirements and services, an explanation of the client's rights including confidentiality, nondiscrimination, and the right to file appeals about program decisions and the procedures for doing so, client assessment and employability planning, registration of customer for work in the job matching system, explanations of job search services and requirements, and, for those individuals who did not attend the WOA, an explanation of all required WOA content information.. Each EPS session scheduled for the customer will be given to the customer in writing with a copy maintained in the customer file.

Through the EPS session(s), WST Service Provider will develop procedures to ensure that the customer's employability plan is created on an individual basis for all individuals participating in the Choices program. In accordance with §811.23(d)(4), all FEPs are required to be signed by the Choices participant and the case manager; except for Choices participants coded by HHSC (P) as working at least 30 hours per week, earning at least \$700 per month, and receiving the EID. Choices customers receiving EID will have a Family Employment Plan (FEP) for the purposes of outlining post-employment services, supportivesupport services, referrals, and customer's responsibilities to report their hours of employment.

For participating Choices customers, the FEP must be completed prior to beginning job search or any other activity, except for assessment activities. In addition, the FEP will have a specific employment goal based on the individual / family assessment that is targeted to assisting the customer to obtain or maintain employment and self-sufficiency. The FEP will contain objectives to assist the customer in meeting the employment goal within a specific timeframe and be reevaluated as needed with a minimum review period every 3 months. The FEP will also include supportivesupport services, community referrals, and customer's responsibilities in participating in the Choices program. A copy of each FEP will be provided to the Choices customer with the original to be placed in the customer file. WST service provider will ensure that all other guidelines listed in TWC Rule §811.23 in the development and maintenance of the FEP will be followed.

WST Service Providers will develop employment planning procedures in accordance with the above WST Policy and TWC Rule §811.23. In addition, WST service provider will ensure that TWIST data entry and case notes are completed for all service activities.

**§811.24. Family Work Requirement Form for Two-Parent Families.**

A Board shall ensure that a Family Work Requirement form is developed for all two-parent families that:

- (1) contains an agreement by both adults in the family to comply with the family work requirements through distribution of required hours of participation between one or both adults in the two-parent family; and
- (2) is signed by the adults in the household that are required to participate in Choices services, unless the Choices participants:
  - (A) are mandatory Choices participants who are temporarily unable to sign the form, such as a Choices participant who is temporarily unavailable; or
  - (B) are mandatory Choices participants coded by HHSC as working at least 30 hours per week, earning at least \$700 per month, and receiving the EID whose only participation requirement is to report their hours of employment.

*The provisions of this §811.24 adopted to be effective February 26, 2007, as published in the Texas Register, February 23, 2007, 32 TexReg 906.*

**8.7.21 TWO-PARENT PROGRAM POLICY**

TANF Two-Parent Families are a priority group for the Texoma Board area. In accordance with TWC Rule §811.24 and ~~WD letter 35-01~~ Choices Guide B-307, both adults in the two-parent family will sign their Family Employment Form, unless they are coded by HHSC as working at least 30 hours per week, earning at least \$700 per month, and receiving the EID. WST Service Provider can use the form (E-120) from ~~WD letter 35-01~~ Choices Guide B-2000 or a locally developed form as long as it meets all requirements in TWC Rules §811.23, 811.24, and ~~WD 35-01~~ Choices Guide. Two-Parent Family FEP's will be updated as needed or at least every three months.

Both exempt and mandatory Two-Parent Family members will be encouraged to participate in the Choices Program. However, no penalty will be requested for exempt customers who decide to not participate. SupportiveSupport services will be provided on an as-needed basis and be re-evaluated promptly if the exempt Two-Parent Family member does not meet program requirements. Child Care will only be provided when requested by the customer if both family members are mandatory or if the exempt family member is meeting program requirements. On a monthly basis, performance expectations for two-parent families will be achieved when employment is obtained (or a combination of core/non-core activities) equals 35 average hours for two-parent families not utilizing Commission-funded child care and 55 average hours per week for two-parent families utilizing Commission-funded child care.

### **§§811.25. TANF Core and TANF Non-Core Activities.**

- (a) Participation hours are subject to the restrictions regarding TANF core and TANF non-core activities as set forth in 42 U.S.C. §607, 45 C.F.R. §§261.10, 261.12, 261.31, 261.32, and 261.33, as set forth in this section, and as set forth in §§811.26, 811.27, and 811.28.
- (1) TANF core activities are:
- (A) unsubsidized employment, as described in §811.42;
  - (B) subsidized employment, as described in §811.43;
  - (C) work experience, as described in §811.45;
  - (D) on-the-job training, as described in §811.44;
  - (E) job search and job readiness assistance, as described in §811.41;
  - (F) community service, as described in §811.46;
  - (G) vocational educational training, as described in §811.48; or
  - (H) child care services to a Choices participant in community service, as described in §811.47.
- (2) TANF non-core activities are:
- (A) job skills training, as described in §811.49; or
  - (B) educational services for Choices participants who have not completed secondary school or received a GED credential, as described in §811.50.
- (b) Choices participants in a single-parent family are required to participate for at least a minimum weekly average of 30 hours. An average of 20 hours per week must be derived from participation in core activities. Up to an average of 10 hours per week may be derived from participation in non-core activities.
- (c) Choices participants in two-parent families who are not receiving Commission-funded child care are required to have one or both adults in the family participate for at least a minimum weekly average of 35 hours. An average of 30 hours per week must be derived from participation in core activities. Up to an average of five hours per week may be derived from participation in non-core activities.
- (d) Choices participants in two-parent families who are receiving Commission-funded child care are required to have one or both adults in the family participate for at least a minimum weekly average of 55 hours. An average of 50 hours per week must be derived from participation in core activities. Up to an average of five hours per week may be derived from participation in non-core activities.

The provisions of this §811.25 adopted to be effective February 26, 2007, as published in the Texas Register, February 23, 2007, 32 TexReg 906.

## **8.7.22 CORE / NON-CORE ACTIVITIES POLICY**

TWC Rule §811.25(a)(1-2) and ~~additional TWC policy clarification~~ [Choices Guide C-107](#) defines Core and Non-Core activities as follows:

### **CORE ACTIVITIES:**

- Occupational / Vocational Training
- On-the-Job Training
- Unpaid Public Work Experience
- Unpaid Nonprofit Work Experience
- Unpaid For-profit Work Experience
- Job Search Assistance
- Supervised Job Search
- Job Readiness / Pre-employment Skills
- Unsubsidized Employment
- Community Service
- Subsidized Employment
- Substance Abuse Treatment

~~(A) — unsubsidized employment~~

~~subsidized employment~~

~~work experience~~

~~on-the-job training~~

~~job search and job readiness assistance~~

~~community service~~

~~vocational educational training~~

~~Additional guidance from ACF and WD~~

~~Letter 23-07, Change 1, states that the provision of child care to~~

~~participants in community service must be conducted in a supervised~~

~~setting. Because of the extensive staff involvement required, the~~

~~Commission has removed this work activity from the list of allowable~~

~~Choices activities. If a Choices participant expresses interest in the child~~

~~care field, WST may explore enrolling the participant in another applicable~~

~~Choices activity that provides child care experience, such as unsubsidized~~

~~employment or community service.~~

### **NON-CORE ACTIVITIES:**

- Basic Educational Skills / ABE
- English as a Second Language
- High School – CHOICES
- GED
- Short-Term Work Readiness
- Entrepreneurial Training
- Work-Based Literacy
- Middle School

~~(A) — job skills training~~

~~(B) — educational services for Choices participants who have not completed secondary school or received a GED credential.~~

WST Service Providers will ensure that all Choices customer's participation hours in any activity code will be entered into TWIST, whether or not the activity/hours count toward

participation hours. Refer to Matrix below to determine which TWIST Choices activity codes can be utilized for Core or Non-Core activities and participation requirements. For additional guidance on Core and Non-Core activities, service provider shall utilize the Systems Services Matrix located at <http://intra.twc.state.tx.us/intranet/plan/html/plan-resources.html>.

Hours for Code 53, High School-CHOICES, and Code 54, GED, are only countable toward adult participation if the adult does not have a high school diploma or GED. Teen Heads of Household who do not have a High School Diploma or GED must be enrolled in educational activities (services 53 or 54).

Pursuant to WD Letter 47-09, English as Second Language (ESL) classes are offered as a non-core activity designed to increase employability while Choices individuals are concurrently enrolled in Choices core activities.

WST has established local-area partnerships with Grayson County College who offers ESL classes in all three counties in the WST area and the Fannin Literacy Council, which offers ESL classes in Fannin County. In compliance with WD 47-09, ESL classes should be directly linked to job readiness or employment. In addition, ESL instruction should be part of a continuum of services leading to employment and noted as such on the customers employment plan. In support of this requirement, the service provider must document participation in job training services and when ESL classes are provided in relation to other services.

WST has established local-area partnerships with Grayson County College, Denison Boys & Girls Club, Sherman Boys & Girls Club, the Fannin Literacy Council, and North Central Texas College to refer TANF/Choices customers for GED preparation classes. Customers participating in these classes will be responsible for turning in proof of supervised time spent in these classes.

WST Service provider is referred to WD 47-09 to develop procedures to assist Choices customers with their ESL needs.

Pursuant to WD Letter 60-05, WST services include financial literacy training through the utilization of AZTEC and Alchemy SYSTEMS Training. WST's service provider will data enter Choices individual's participation in TWIST. This training is a non-core activity in the area of Job Skills Training.

In accordance with ~~TWC Rule §811.25 (b-d), 811.29 (b), and 811.30~~ Choices Guide C-107, the following outlines the required minimum participation requirements for Choices participants:

	<b>Required Weekly Minimum Hours</b>	<b>Minimum CORE Hours</b>	<b>Maximum Non-CORE Hours</b>	<b>30-Day Month Reg Hours</b>	<b>31-Day Month Reg Hours</b>
<u>Single Parent with Child Under 6</u>	<b>20</b>	<b>20</b>	<i>none</i>	<b>86</b>	<b>89</b>
<u>Single-Parent Child 6 or Over</u>	<b>30</b>	<b>20</b>	<b>10</b>	<b>129</b>	<b>133</b>
<u>Two Parent Families Not Receiving Commission-Funded Child Care</u>	<b>35</b>	<b>30</b>	<b>5</b>	<b>155</b>	<b>150</b>
<u>Two Parent Families Receiving Commission-Funded Child Care</u>	<b>55</b>	<b>50</b>	<b>5</b>	<b>236</b>	<b>244</b>
<u>Teen Heads of Household attending school satisfactorily (B-401.g)</u>	<i>none</i>	<i>none</i>	<i>none</i>	<i>none</i>	<i>none</i>
<u>Teen Heads of Household attending Other Educational Activities (B-401.g)</u>	<b>20</b>	<i>None</i>	<i>none</i>	<b>86</b>	<b>89</b>
<u>Teen Heads of Household Not Participating in Educational Activities</u>	<b>30</b>	<b>20</b>	<b>10</b>	<b>129</b>	<b>133</b>
<u>Individuals with Disabilities</u>	<u>Participation requirements determined by a physician on Form 1836A or 1836B.</u>				
<u>Individuals Caring for a Disabled Adult or Child</u>					

**NOTE:** Educational activities, including school attendance do not count as core activities.

**§811.26. Special Provisions Regarding Community Service.**

- (a) Choices participants, with the exception of those described in §811.30 and §811.33, who are not in an employment activity, must be placed into community service after four weeks of enrollment in Choices. Choices participants who are not in an employment activity after reaching their hourly limit per 12-month period, as set forth in §811.27, in job search and job readiness activities must be placed into community service. An employment activity is defined as:
- (1) unsubsidized employment, as described in §811.42;
  - (2) subsidized employment, as described in §811.43;
  - (3) on-the-job training, as described in §811.44; or
  - (4) work experience, as described in §811.45.
- (b) Choices participants required to participate in a community service activity must be scheduled to participate no less than the minimum weekly average hours calculated as specified in §811.21(b).
- (c) Exempt Choices participants are not subject to the requirements set forth in subsection (a) of this section.

The provisions of this §811.26 adopted to be effective September 29, 2008, as published in the Texas Register, September 26, 2008, 33 TexReg 8192.

### 8.7.23 COMMUNITY SERVICE SPECIAL PROVISIONS

Community service activities will comply with the Fair Labor Standards Act and guidelines outlined in TWC Rules §811.26, 811.46, and WST Policy 8.7.38 and 8.16. Community service activities will be designed to assist Choices customers in gaining knowledge, skills, and abilities that are transferable to gaining future employment. For additional information about Community Service provisions, see TWC Rule §811.46 and 8.7.38 and 8.16.

Participants, with the exception of those described in §811.30 and §811.33, who are not in an employment activity or those that have reached their hourly limit per 12-month period, as set forth in §811.27, must be placed into community service after four weeks of enrollment—consecutive job search activities in Choices. For additional information on employment activities, see §811.26 (a)(1-4).

Exceptions to placement in community service after four weeks of job search activities include:

- teen heads of household;
- conditional applicants;
- sanctioned families; and
- exempt Choices participants.

#### **§811.27. Special Provisions Regarding Job Search and Job Readiness.**

- (a) Choices participants in unsubsidized employment as defined in §811.42, who lose that employment, may participate in job search activities as defined in §811.41(c) and job readiness activities as defined in §811.41(d) unless they have reached the 120- or 180-hour limit per 12-month period set forth in subsection (b)(2) of this section.
- (b) Job search and job readiness activities as defined in §811.41 are limited as follows:
  - (1) Choices participants may not be enrolled for more than four weeks of consecutive activity;
  - (2) Choices participants may not be enrolled for more than:
    - (A) 120 hours per 12-month period for single parents with a child under age six; and
    - (B) 180 hours per 12-month period for all other Choices eligibles; and
  - (3) After four consecutive weeks of participation in job search and job readiness activities, Choices participants are not eligible for additional participation in job search and job readiness activities until they have complied with §811.26(a), which requires that Choices participants be engaged in an employment activity or in community service.
- (c) A Board may count a partial week (i.e., three or four days) of participation in job search and job readiness activities as a full week of participation only once for any Choices participant in a 12-month period.

The provisions of this §811.27 adopted to be effective September 29, 2008, as published in the Texas Register, September 26, 2008, 33 TexReg 8192.

## **8.7.24 JOB SEARCH AND JOB READINESS SPECIAL PROVISIONS**

WST service provider will ensure that limitations outlined in §811.27 regarding Choices customers participating in job search and job readiness activities are followed. In compliance with the WST work-first strategy outlined at 8.7.2 and ~~WD-39-08~~ [Choices Guide B-404](#)–Choices customers will be stacked in a job search component along with other component activities to allow for the maximum program benefit possible. This will ensure that service provider has opportunity to engage customers in additional activities that will assist the customers in gaining workplace skills and have an opportunity to demonstrate learned skills. Additionally, per §811.26, customers who are not in an employment activity, must be placed into community service after 4 (four) [consecutive weeks](#) of enrollment in Choices [job search activities](#). Details of allowable job search and job readiness activities are outlined at §811.41, [Choices Guide B-501.b](#), –and WST Policy 8.7.34. Under no circumstances will mandatory or exempt Choices participants participate in more than 120 hours (single parents with a child under six) and 180 hours (all other Choices eligibles) during a rolling 12-month period-. Participation in job search and job readiness activities beyond the 120 or 180 hour limit will not count towards Choices participation rates.

Additionally, a Choices week is defined as Sunday through Saturday with participation at any time counting toward a participant’s four consecutive weeks. A partial week (three or four days) of participation in job search and job readiness activities may count as a full week of participation only once for any participant in a 12-month period. [See Choices Guide 501.a for additional details on documenting partial week in TWIST.](#)

Choices participants in unsubsidized employment who lose that employment, may participate in job search and job readiness activities unless they have reached the 120 or 180 hour limit per 12-month period as set forth in §811.27(b)(2).

WST refers service provider to §811.5 Documentation, Verification, and Supervision of Work Activities for additional information.

### **8.7.24.1 SUPERVISED JOB SEARCH**

[Supervised job search activities can occur in individual or group settings in a designated area. WST service provider is directed to B-501b\(1\) for additional details.](#)

According to ~~WD Letter 41-07, Change 2~~ [Choices Guide B-501.b\(1\)](#), self-attestation does not serve as acceptable documentation for Choices participation hours. Choices participation in job search activities must be documented and verified.

~~However, TA Bulletin 190~~ [Choices Guide B-601](#) also offers a detailed definition of Self-Declaration and how it relates to participation hours. [Self-declaration hours must be verified with an acceptable form of verification.](#) ~~Additionally, WD Letter~~

~~62-07, Change 2 and policy clarification (11/3/08) address the removal of phone calls as a source of documentation to verify participation hours.~~

Supervised job search must include supervision of participation to ensure that:

- 1) an adequate amount of time is spent in the activity
- 2) participants are on task
- 3) WFC staff is available to answer questions and provide guidance.

Only the following forms of documentation to verify hours of participation in supervised job search will be accepted.

- 1) attendance records from the service provider
- 2) time cards or timesheets signed by the service provider or the service provider's designated representative (supervisor)
- 3) signed letters, by mail or fax from the service provider or the service provider's designated representative, certifying the participant's hours of participation

Online job search is allowed only if it is conducted in a supervised setting (Workforce Center) or another setting with a responsible party physically present to verify that the participant is conducting online job search activities.

#### **8.7.24.2 SELF-DIRECTED JOB SEARCH**

~~WD Letter 41-07, Change 2~~ Choices Guide B-501.b(2) also states that all participants in self-directed job search activities must maintain a daily log of their job search participation and employment contacts and submit their logs at least weekly. WST job search logs should be turned in for verification each day during STAR class attendance. Printouts of job applications submitted while in an unsupervised setting are not acceptable verification of employer contacts. Only the following forms of verification of participation in self-directed job search will be accepted:

- 1) fax transmittal receipts for resumes/applications submitted to employers-only if the fax number has been verified as belonging to the listed employer
- 2) business cards or brochures from the contacted employer
- 3) signed contact verification forms
- 4) printouts of e-mail submissions of resumes/applications-only if the e-mail address had been verified as belonging to the employer.
- 5) Contact Verification Form approved by the Board may be used by customers to provide independent verification of self-directed job search activities.

#### **8.7.24.3 VERIFICATION OF SELF-DIRECTED JOB SEARCH**

~~WD Letter 41-07, Change 2~~ Choices Guide B-1105 offers additional guidance on verification of participation in self-directed job search by offering three options to

Boards. WST will utilize Option 1, 100% Verification, in which Choices participants will furnish service provider staff with verification for 100% of the employer contacts on each job search log. Service provider staff will enter all job search hours into TWIST. Job search hours that are unverified employer contacts will not be data entered into TWIST as verified. Service provider staff will enter verification for 10% of the verified employer contacts into TWIST.

Participation hours and case notes relating to job search activities must be data entered in TWIST on a weekly basis. WST service provider staff must continually check SAVERR/TIERS to ensure participant's status and remove the participant from job search activities when TANF benefits are denied. For additional details on Subsidized Employment and Training- activities, see WST P&P Chapter 8, Section 17.

**§811.28. Special Provisions Regarding Vocational Educational Training and Educational Services.**

- (a) Choices participants may not be enrolled in vocational educational training, as defined in §811.48, for more than a cumulative total of 12 months.
- (b) No more than 30% of Choices participants engaged in work activities in a month may be included in the Board's numerator because they are:
  - (1) participating in vocational educational training; and
  - (2) teen heads of household participating in educational activities as described in §811.30.
- (c) Choices participants shall be enrolled only in core and non-core activities.

*The provisions of this §811.28 adopted to be effective February 26, 2007, as published in the Texas Register, February 23, 2006, 32 TexReg 906.*

**8.7.25 VOCATIONAL EDUCATIONAL TRAINING AND EDUCATIONAL SERVICES SPECIAL PROVISIONS**

WST service provider will ensure that mandatory and exempt recipients involved in vocational educational training and educational services programs meet the 12 month minimum standards as outlined in §811.28. In addition, service provider staff will track total population percentages of individuals involved in these training activities to ensure the 30% cap detailed in §811.28(b) is followed. Additional information pursuant to allowable vocational educational training and educational services can be located at §811.48, Choices Guide B-507, and WST Policy 8.7.40. ~~Additional policy clarification received 10/28/08 confirms~~ §811.48(c)(1) ~~that~~ excludes participation hours for an accredited university leading to an advanced degree.

**§811.29. Special Provisions Regarding the Fair Labor Standards Act.**

- (a) A Board shall ensure that employment and training activities are conducted in compliance with FLSA as follows.
  - (1) The amount of time per week that a Choices participant may be required to participate in activities that are not exempt from minimum wage and overtime under FLSA shall be

determined by the TANF cash assistance and Food Stamp 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; or

- (2) The amount of time per week that a sanctioned family or conditional applicant may be required to participate in activities that are not exempt from minimum wage and overtime under FLSA shall be determined by the Food Stamp 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; and
- (3) 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:
  - (A) The training is similar to that given in a vocational school;
  - (B) The training is for the benefit of the trainees;
  - (C) The trainees do not displace regular employees;
  - (D) The employers derive no immediate advantage from trainees' activities;
  - (E) The trainees are not entitled to a job after training is completed; and
  - (F) The employers and trainees understand that trainees are not paid.
- (b) The number of hours that a Choices participant is required to participate in community service or another unpaid work activity shall be determined in compliance with FLSA as described in subsection (a) of this section. If a Choices participant's hours of community service or other unpaid work activity are not sufficient to meet the core work activity requirement as set forth in §811.25(b)–(d), the Choices participant shall be enrolled in additional non-FLSA-covered core activities.

The provisions of this §811.29 adopted to be effective September 29, 2008, as published in the Texas Register, September 26, 2008, 33 TexReg 8192.

## 8.7.26 FAIR LABOR STANDARDS ACT REQUIREMENTS

Community service or work experience training requirements for mandatory Choices customers who have completed at least 4 job search weeks will be utilized. Program participation in activities that are not exempt from minimum wage and overtime under the FLSA for TANF recipients, sanctioned families or conditional applicants will be determined as described in TWC Rule §811.21(b) and 811.29. Under no circumstances will participants be required to participate in community service or work experience training for more hours than is equal to their TANF/~~FSE&FSNAP~~ benefit calculation as stated above. WST service provider will ensure that re-calculation of the TANF/~~FSE&FSNAP~~ allocation is accomplished each month by checking SAVERR/TIERS for monthly benefits to ensure that participants are provided with the correct amount of community service hours each month. WST service provider is referred to ~~TA Bulletin 207–Choices Guide B-405~~ for additional guidance in calculating allowable community service hours, and B-605 regarding special provisions for FLSA calculations.

The Department of Labor's six criteria for determining if a recipient participating in an unpaid work activity is considered an "employee" or "trainee" under FLSA, as detailed in

TWC Rule §811.29(3), will be used by WST service providers in establishing community service worksites and procedures.

Lastly, if a Choices participant's hours of community service or other unpaid work activity are not sufficient to meet the core work activity requirement as set forth in §811.25(b)-(d), the Choices participant should be enrolled in additional non-FLSA-covered core activities.

#### **§811.30. Special Provisions for Teen Heads of Household.**

- (a) A Board shall ensure that teen heads of household who have not completed secondary school or received a GED credential are enrolled in educational activities as defined in §811.50.
- (b) Teen heads of household who have not completed secondary school or received a GED credential count as engaged in work if they:
  - (1) maintain satisfactory attendance at a secondary school or the equivalent during months in which school is in session;
  - (2) participate in allowable activities, as described in §811.25, during months in which school is not in session;
  - (3) participate in education directly related to employment for at least an average of 20 hours per week during the month; or
  - (4) participate in Choices employment and training activities as specified in §811.25.

The provisions of this §811.30 adopted to be effective February 26, 2007, as published in the Texas Register, February 23, 2007, 32 TexReg 906.

### **8.7.27 TEEN HEAD OF HOUSEHOLD SPECIAL PROVISIONS**

Teens are required to participate in at least 20 hours per week of educational activities while school is in session. Verification from the school or educational institution of teen's satisfactory attendance at school must be maintained in the case file either through written documentation from the school. Additional guidance offered through policy clarification, 10/28/08, confirms that teens that are home-schooled may count the hours towards participation. Guidance also confirms that the child or teen parent's own parent may provide documentation of satisfactory attendance while home-schooled. Service provider is referred to §811.30(a-d), [and Choices Guide B-401.g](#) for additional information regarding teen heads of household who are engaged in work activities. Pursuant to TWC Rule §811.30(b)(2), when educational activities are not an option, such as summer, breaks, etc., teens are required to participate in regular core and non-core activities, as described in §811.25, 8.7.23, 8.7.27, and 8.7.28 for an average of 20 hours per week in order to meet expected participation. Education directly related to employment is defined as short-term vocational education to supplement an existing employment opportunity to that will lead directly into a new employment opportunity. WST service providers can refer to [Choices Guide C-102: Choices Single-Parent Family Desk Aid TWC WD 35-01](#) for additional participation clarification for Teen Heads of Household.

WST service providers will provide ongoing collaboration with community service providers to ensure teens are enrolled in High School or GED activities that are effective for individual teen needs. WST has designated teens as a priority group to receive child care service in order to complete educational components. WST service providers will develop procedures to ensure that teens be provided child care and other ~~supportives~~support services as needed to allow them to stay or return to school to obtain High School Diplomas or GEDs. Teens with a high school diploma or GED are more marketable in the workforce. Case management strategies will be targeted to assisting teens in completing educational activities with a focus on entering the job market, considering continuing education, and encouraging parental responsibility.

**§811.31. Special Provisions for Choices Participants in Single-Parent Families with Children under Age Six.**

- (a) A Board shall ensure that Choices participants in single-parent families with children under age six are notified of the penalty exception to Choices participation as described in §811.16(d).
- (b) A Choices participant in a single-parent family with children under age six shall count as engaged in work if he or she participates in core activities for at least an average of 20 hours per week.

*The provisions of this §811.31 adopted to be effective February 26, 2007, as published in the Texas Register, February 23, 2007, 32 TexReg 906.*

**8.7.28 SINGLE PARENT FAMILY WITH CHILD UNDER SIX  
WORK REQUIREMENTS SPECIAL PROVISIONS**

As per TWC Policy §811.31, TANF recipients with a child under the age of 6 will meet Choices program participation requirements by participating in an average of twenty hours per week of core activities, as defined in 8.7.23 above. These participants will be encouraged to set goals of working or participating an average of 35-40 hours per week to plan for unexpected circumstances and for the time when their HHSC status changes.

**§811.32. Special Provisions Regarding Exempt Choices Participants and Choices Participants with Reduced Work Requirements.**

- (a) A Board shall not provide Choices services or support services as set forth in §§811.25–811.33 to exempt Choices participants who fail to meet work requirements.
- (b) A Board shall ensure that a penalty is not requested for:
  - (1) exempt Choices participants;
  - (2) Choices participants with disabilities who participate to the extent determined able, as supported by medical documentation, but less than the required participation hours, as specified in §811.25(b)–(d) and §811.31(b); or
  - (3) Choices participants who are caring for a disabled family member, as supported by medical documentation, when the Choices participant participates to the extent determined able, but less than the required participation hours, as specified in §811.25(b)–(d) and §811.31(b).

*The provisions of this §811.32 adopted to be effective February 26, 2007, as published in the Texas Register, February 23, 2007, 32 TexReg 906.*

### **8.7.29 EXEMPT RECIPIENTS SPECIAL PROVISIONS**

As long as funding is available, WST service providers are encouraged to outreach the largest number possible of exempt TANF recipients with the goal of engaging them in employment activities. Exempt individuals and nonrecipient parents are subject to the same programmatic requirements as mandatory individuals. ~~According to WD 58-07, the service provider must outreach and provide Choices services to non\_recipient parents. In addition, n~~Nonrecipient parents are exempt from Choices work requirements but may volunteer to participate and if they do volunteer, they are eligible for all Choices services and supportivesupport services. The service provider must ensure that non recipient parents are not sanctioned for failure to participate in Choices services. ~~See WD 58-07 for further details regarding the work codes that will identify non recipient parents in TWIST and specific definitions of non\_recipient parents.~~As with mandatory participants, it is imperative that quick action be taken to cancel supportivesupport services for those exempt recipients who fail to meet participation requirements. WST service providers will make a determination about exempt customers continuing status in the Choices program within 48 hours of non-participation. If the customer is not complying with Choices program rules at that time, all supportivesupport services will be terminated and the case will be closed.

In order for an exempt participant to be re-enrolled in the Choices program whose case has been previously closed for non-compliance with the Choices program, a face-to-face meeting will be held with customer's career specialist and at least one management staff. A new FEP will be created during this meeting detailing that details specific requirements for customer's participation in the Choices program as well as consequences for non-compliance.

Service provider is referred to Choices Guide B-410.d for additional guidance in developing procedures to serve exempt Choices participants.

Guidance in §811.32(b) will be followed in not requesting penalties for exempt participants, participants with medical documentation supporting a disability, and participants providing medical documentation who are caring for a disabled family member.

### **8.7.30 PERSONS WITH DISABILITIES SPECIAL PROVISIONS**

To comply with §811.32, WST service provider will ensure that Choices customers are screened to determine if an individual or family disability is significant enough, as specified by a physician statement, to prohibit the participant from fully participating in job-search or work-related activities. Service providers will ensure customers who are disabled or who have a qualified family member who is disabled are enrolled in allowable activities as determined by their physician, and that all information pertinent to qualifying hours is fully documented in TWIST and transmitted to HHSC.

### **§811.33. Other Special Provisions.**

- (a) Conditional Applicants. A Board shall ensure that conditional applicants enrolled in job search activities, as described in this chapter, receive staff-assisted services as defined in §811.41(b)(1)(B).
- (b) Sanctioned Families. A Board shall ensure that sanctioned families enrolled in job search activities, as described in this chapter, receive staff-assisted services as defined in §811.41(b)(1)(B).

*The provisions of this new §811.33 adopted to be effective February 26, 2007, as published in the Texas Register, February 23, 2007, 32 TexReg 906.*

### **8.7.31 CONDITIONAL APPLICANTS SPECIAL PROVISION**

In compliance with §811.33, conditional applicants will receive staff-assisted services as identified in §811.41(b1B). In addition, service provider will ensure that conditional applicants are provided access to WOA (8.7.7) and all programmatic services and limitations are followed (8.7.17, 8.7.19, and 8.7.24). Pursuant to WST Policy 8.7.25, conditional applicants in their demonstrated cooperation period may participate in job search activities in excess of the Federal fiscal year limitation as long as they are not receiving TANF benefits. WST service provider staff must continually check SAVERR/TIERS to verify applicant's status and remove the applicant from job search activities when TANF benefits are restored.

### **§811.34. Participation Provisions.**

A Board shall count only actual hours of participation in TANF core and non-core activities as allowable work participation hours with the following exceptions, unless otherwise specified in this chapter:

- (1) For paid work activities set forth in §§811.42–811.44, Boards may count paid holidays or other paid leave as actual participation hours.
- (2) For unpaid work activities set forth in §811.41 and §§811.45–811.50, Boards may count short-term excused absences as actual participation if they meet the following conditions:
  - (A) A short-term excused absence:
    - (i) is because of a holiday; or
    - (ii) totals a maximum of 80 additional hours within a 12-month period and does not exceed 16 hours of excused absences per month.
  - (B) The Choices participant must have been scheduled to participate in an unpaid work activity during the time period in which the holiday or excused absence falls. Boards shall ensure credited participation hours do not exceed the number of hours the Choices participant was scheduled to participate.
- (3) A Board may project participation hours in unsubsidized employment (except self-employment), subsidized employment, and on-the-job training, up to six months at a time, using an average of four weeks of current, verified, and documented actual hours. For self-employment, a Board:

(A) may project participation hours in self-employment, up to six months at a time, using an average of three months of current, verified, and documented actual hours.

(B) may not count more hours toward the work participation rate for self-employed Choices participants than the number derived by dividing the Choices participant's net self-employment income (gross self-employment wages minus business expenses) by the federal minimum wage.

The provisions of this §811.34 adopted to be effective September 29, 2008, as published in the Texas Register, September 26, 2008, 33 TexReg 8192.

## 8.7.32 WORK ACTIVITIES PARTICIPATION PROVISIONS

WST service provider will ensure that actual hours of TANF core and non-core activities are counted as participation hours. However, for participants in unsubsidized employment, holidays or other paid leave can be counted as participation hours. Participants in unpaid work activities can count short-term excused absences as actual participation if they meet conditions specified in §811.34(2).

### 8.7.32.1 Excused Absences

~~WST TA Bulletin 152, Attachment 1~~ Choices Guide B-606 provides further guidance on excused absences. Excused absences for unpaid Choices activities count as actual participation hours if they are approved holiday excused absences and short-term excused absences. Additionally, WST may grant a holiday excused absence for an approved holiday only when the service provider or worksite is closed on the holiday and the Choices participant was scheduled to participate on that holiday. Participation hours for an excused absence will be limited to the maximum number of hours that the Choices participant was scheduled on the day the excused absence was requested.

~~TA Bulletin 152~~ Choices Guide B-606a gives numerous examples of what will ~~and will not~~ count for short-term excused absences. This section of the guide ~~WD Letter 23-07, Change 1 (12/27/07) advises~~ also advises that some short term excused absences ~~are~~ can be for the same reasons as good cause reasons but are expected to last only one or two days rather than an entire month. Excused absences can be granted for both core and non-core activities as long as they are unpaid and the Choices participant's attendance is satisfactory. In addition, any participation hours granted as an excused absence counts as one day toward a participant's excused absence limit. Excused absences can not be used for religious holidays. Only federal holidays, as listed in ~~WD 23-07, Attachment 1~~ Choices Guide B-607, are allowable as holiday excused absences. However, Boards are allowed to consider using short-term excused absences for participation hours missed due to religious holidays and observances.

~~As WD Letter 23-07, Change 1 states, changes have been made to TWIST to incorporate excused absences.~~ WST will use the time-tracking screen in TWIST to enter and document excused absences. As there is no current way to track granted Excused Absences in TWIST, WST service provider is instructed to maintain one separate case note to document all excused absences so the 80 hours within a 12 month period and no more than 16 hours of excused absences per month can be tracked. Documentation of justification for each excused absence must be maintained in case notes using Excused Absence as the Subject. WST Service provider should note that the start date for the 12 month period is not based on a calendar year but on the month the first excused absence was granted.

### ~~**8.7.32.2 Projecting Participation Hours**~~

~~Pursuant to WD 39-08, attachment 1, WST service provider will not implement guidance noted in §811.34(3) concerning projection of participation hours pending additional guidance from TWC.~~

## **SUBCHAPTER D. CHOICES WORK ACTIVITIES**

### **§811.41. Job Search and Job Readiness Assistance.**

- (a) Job search and job readiness are core activities as defined in §811.25(a)(1).
- (b) A Board shall ensure that job search and job readiness activities:
  - (1) incorporate the following:
    - (A) individual and group activities;
    - (B) staff-assisted services in which Texas Workforce Center staff provide direction and guidance to Choices participants, including appropriate referrals based on their skills and abilities to pre-scheduled job interviews; and preparatory activities that are essential to obtaining and retaining employment; and
    - (C) customer-directed activities that do not require direct staff involvement, and include activities in which Choices participants independently identify employment opportunities based upon their employment strengths, and perform preparatory activities that are essential to obtaining and retaining employment.
  - (2) are limited to activities necessary for Choices participants to secure immediate employment.
  - (3) provide individual assistance or coordinated, planned, and supervised activities that prepare Choices participants for seeking employment.
- (c) Job search activities are defined as acts of seeking and obtaining employment, including:
  - (1) job referrals;
  - (2) information on available jobs;
  - (3) occupational exploration, including information on local emerging and demand occupations;
  - (4) job fairs;
  - (5) applying or interviewing for job vacancies; and
  - (6) making contacts with potential employers.
- (d) Job readiness activities are designed to assist Choices participants with addressing issues that will aid them in seeking, obtaining, and retaining employment, including:
  - (1) life skills;
  - (2) guidance and motivation for development of positive work behaviors necessary for the labor market;
  - (3) job skills assessment;
  - (4) substance abuse treatment, mental health treatment, and rehabilitation activities, if the need for treatment and therapy activities is documented by a qualified medical, substance abuse, or mental health professional;
  - (5) job counseling;
  - (6) interviewing skills and practice interviews; and
  - (7) assistance with applications and resumes.
- (e) Job search and job readiness activities are time-limited as defined in §811.27.

*The provisions of this §811.41 adopted to be effective September 29, 2008, as published in the Texas Register, September 26, 2008, 33 TexReg 8192.*

### **8.7.33 JOB SEARCH AND JOB READINESS ASSISTANCE POLICY**

Pursuant to TWC Policy §811.27 and 8.7.25, mandatory TANF recipients participating in the Choices program are limited to 120 or 180 hours of intensive job search and job readiness activities per 12 rolling months. Of these 120 or 180 hours, no more than 4 weeks of consecutive activity will be allowed. Per §811.26, participants who are not in an employment activity must be placed into community service after four weeks of enrollment in Choices prior to allow recipients to participate in the additional two allowed weeks of job search and job readiness activities. Choices Guide B-806.a notes that the total limits are job search activities are waived for sanction families during their penalty month and for conditional applicants during their demonstrated cooperation period. For additional details on Subsidized Employment and Training activities, see WST P&P Chapter 8, Section 17.

According to the Choices Guide B-501, job search activities are limited to:

- no more than four consecutive weeks in the preceding 12-month period;
- 120 hours per 12-month period for single parents with a child under age six; or
- 180 hours per 12-month period for all other work-eligible individuals
- 120/180 hours per 12 month period for each parent in a two parent household.

WST service providers will develop procedures that will enable Choices customers to participate in high-quality, intensive job-search activities designed to engage customers in employment in the fastest possible manner. Pursuant to TWC Policy §811.41, job search and job assistance activities will be provided at all WST WFCs. Customer's participation in job search and job assistance activities as outlined in the core activities of §811.25. All job search activities will be targeted to ensuring that customers obtain the needed skills and information that will enable them to secure immediate employment. These activities are countable as core hours as defined in 8.7.23 and are time limited as described in 8.7.25.

In order to meet WST's work first objectives, WST service providers will establish procedures for providing intensive, staff-assisted job search and job assistance services to Choices customers that are targeted to engagement to the labor market as soon as possible. Since job search and job readiness weeks are time limited, the primary focus for customers during these weeks should be on job search activities. Neither work experience or community service should be stacked with job search activities, unless participants need these hours in order to meet participation requirements. Intensive job search and job readiness during the allowable 120 or 180 hour limit per rolling 12-month period should yield the best use of this time-limited benefit for our customers. All Choices customers will be registered in the state job matching system and will be provided specific job referrals targeted to their educational and vocational levels. Career specialists will work with BSU staff to coordinate job referral opportunities.

SupportiveSupport services requested by customers will be provided as described in 8.7.44. A FEP (see 8.7.21 and 8.7.22) is required for all customers participating in these activities. Job search and job assistance activities will receive continuous assessment and evaluation to ensure customers are receiving the types of services that meet their needs. All job search and job assistance activities will be documented in TWIST with detailed descriptions of activities customer has participated in that must equate to the number of hours required for customer to meet participation requirements.

Additionally, if mental health treatment, rehabilitation activities, or therapy activities is required for a Choices participant, only documentation of such is now required as described in §811.41 (d)(4).

#### **§811.42. Unsubsidized Employment.**

- (a) Unsubsidized employment is a core activity as defined in §811.25(a)(1).
- (b) Unsubsidized employment includes the following:
  - (1) full-time or part-time employment, in which wages are paid in full by the employer;
  - (2) unsubsidized internship with wages paid by the internship employer; and
  - (3) self-employment.

*The provisions of this §811.42 adopted to be effective February 26, 2007, as published in the Texas Register, February 23, 2007, 32 TexReg 906.*

### **8.7.34 UNSUBSIDIZED EMPLOYMENT POLICY**

Pursuant to TWC Rule §811.42-and Choices Guide B-502, WST supports any type of unsubsidized employment that will enable customer to meet monthly participation requirements. In cases where there is full or part-time employment, independent verification can occur through a phone contact with the employer, paycheck verification, bank records, or other documentation with sources other than the customer. Verification of unsubsidized internship could include a phone call with the employer, a timesheet signed by the employer, or other documentation independent from customer attestation. Self-employment documentation could include copies of a time log or date book kept by the customer documenting hours worked, copies of checks made in payment for the employment activity, bank records, a written statement by the individual the customer is providing service(s) for, or some other means of independent verification.

WST requires an independent verification of all work-related (performance) activity on an at least monthly basis.

#### **8.7.34.1 SELF-EMPLOYMENT**

Choices Guide, Table C-105.d outlines acceptable verification sources and minimum TWIST documentation required. Choices Guide B-502 gives further guidance on calculation of self-employment hours. Hours for self-employment wages can be determined by dividing the participant's net self-employment

income (gross self-employment wages minus business expenses) by the federal minimum wage.

Odd jobs where taxes are not reported or withheld can count as participation under self-employment, if verification of wages is received. In-kind work as self-employment is also allowable. In-kind work performed by a Choices participant counts as participation hours but those hours must be calculated using the self-employment method. Boards must inquire about the value of rent and utilities provided and then divide this by minimum wage to calculate participation hours.

Additionally, case managers must ensure that in-kind work assists the family in meeting the goal of achieving self-sufficiency, and explore other options if it does not.

#### **§811.43. Subsidized Employment.**

- (a) Subsidized employment is a core activity as defined in §811.25(a)(1).
- (b) Subsidized employment is full-time or part-time employment that is subsidized in full or in part and complies with this section. Subsidized employment may occur in either the private sector or public sector. A Board shall not be the employer of record for Choices participants enrolled in a subsidized employment activity. Subsidized employment includes but is not limited to the following:
  - (1) subsidized internship with a portion of the Choices participant's wages subsidized;
  - (2) subsidized employment with a staffing agency acting as the employer of record; and
  - (3) subsidized employment with the actual employer acting as the employer of record.
- (c) Wages.
  - (1) Wages shall be at least federal or state minimum wage, whichever is higher.
  - (2) Employers must provide the same wages and benefits to subsidized employees as for unsubsidized employees with similar skills, experience, and position.
- (d) Boards shall ensure subsidized employment placements prepare and move Choices participants into unsubsidized employment.
- (e) Boards shall ensure subsidized employment placements are allotted to employers who expect 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.

The provisions of this §811.43 adopted to be effective September 29, 2008, as published in the Texas Register, September 26, 2008, 33 TexReg 8192.

### **8.7.35 SUBSIDIZED EMPLOYMENT POLICY**

For additional details on Subsidized Employment activities, see WST P&P Chapter 8, Section 17, Subsidized Employment & Training, including guidance offered from [Choices Guide B-503](#) and [WD 56-09](#).

#### **§811.44. On-the-Job Training.**

- (a) On-the-job training is a core activity as defined in §811.25(a)(1).
- (b) A Board shall ensure that a determination is made on a case-by-case basis whether to authorize, arrange, or refer a Choices participant for subsidized, time-limited training activities, to assist the Choices participant with obtaining knowledge and skills that are essential to the workplace while in a job setting. On-the-job training is training by an employer that is provided to a Choices participant on or off the work site while engaged in productive work in a job that:
  - (1) provides knowledge or skills essential to the full and adequate performance of the job;
  - (2) provides reimbursement to the employer of a percent of the wage rate of the Choices participant for the extraordinary costs of providing the training and additional supervision related to the training;
  - (3) 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 Choices participant, and the service strategy of the Choices participant, as appropriate; and
  - (4) includes training specified by the employer.
- (c) Unsubsidized employment after satisfactory completion of the training is expected. A Board shall not contract with employers who have previously exhibited a pattern of failing to provide Choices participants in on-the-job training 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.
- (d) Boards shall ensure on-the-job training placements are allotted to employers who expect to retain Choices participants as regular unsubsidized employees once the on-the-job training placement has ended, unless successful completion of the placement is expected to result in unsubsidized employment with a different employer.

The provisions of this §811.44 adopted to be effective September 29, 2008, as published in the Texas Register, September 26, 2008, 33 TexReg 8192.

### **8.7.36 ON-THE-JOB TRAINING POLICY**

For additional details on OJT activities, see WST P&P Chapter 8, Section 17, Subsidized and Unsubsidized Employment [and Choices Guide B-504](#).

#### **§811.45. Work Experience.**

- (a) Work experience is a core activity as defined in §811.25(a)(1).
- (b) A Board shall ensure that a determination is made on a case-by-case basis whether to authorize, arrange, or refer Choices participants for unsalaried, work-based training positions to improve the employability of Choices participants who have been unable to find unsubsidized employment.
- (c) A Board shall ensure that all Choices participants who are unemployed after completing job search services are evaluated on an individual basis to determine if enrollment in work experience shall be required, based on available resources and the local labor market.
- (d) A Board shall ensure that each work experience placement:
  - (1) is time-limited;
  - (2) is designed to move Choices participants quickly into regular employment; and

(3) has designated hours, tasks, skills attainment objectives, and daily supervision.

- (e) A Board shall ensure that entities that enter into nonfinancial agreements with a Board, identify work experience positions and provide job training and work experience within their organization. These positions shall enable Choices participants to gain the skills necessary to compete for positions within the entity as well as positions in the labor market.

The provisions of this §811.45 adopted to be effective September 29, 2008, as published in the Texas Register, September 26, 2008, 33 TexReg 8192.

#### **§811.46. Community Service.**

- (a) Community service is a core activity as defined in §811.25(a)(1).
- (b) A Board shall ensure that a determination is made, on a case-by-case basis, whether to authorize, arrange, or refer Choices participants to a community service program that provides employment or training activities to Choices participants through unsalaried, work-based positions in the public or private nonprofit sectors. A Board shall not allow Choices participants to arrange their own community service placements. A Board shall ensure 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.
- (c) A Board shall ensure that all mandatory Choices participants subject to §811.26(a) are referred to a community service program.
- (d) Community service positions may include, but are not limited to, work performed in:
- (1) a school or Head Start program;
  - (2) a church;
  - (3) a government or nonprofit agency; or
  - (4) Americorps, VISTA, or other volunteer organizations.
- (e) A Board shall ensure community service placements are limited to positions that serve a useful community purpose in fields such as health, social service, environmental protection, education, urban and rural redevelopment, welfare, recreation, public facilities, public safety, and child care.

*The provisions of this §811.46 adopted to be effective September 29, 2008, as published in the Texas Register, September 26, 2008, 33 TexReg 8192.*

### **8.7.37 WORK EXPERIENCE AND COMMUNITY SERVICE POLICY**

For additional details on Community Service and Work Experience activities and Non-Financial (Workfare) Agreements see WST P&P Chapter 8, Section 17, Subsidized Employment & Training [and Choices Guide B-505-506](#).

### ~~**8.7.38 CHILD CARE SERVICES PROVIDED AS AN ALLOWABLE ACTIVITY DURING COMMUNITY SERVICE**~~

~~TA Bulletin 152, Attachment 1, page 20 and WD Letter 59-07 states that TWC has removed the provision of child care to participants in community service as an activity for other Choices participants as an allowable list of Choices activities due to ACF clarifications concerning the supervision of this activity.~~

#### **§811.48. Vocational Educational Training.**

- (a) Vocational educational training is a core activity as defined in §811.25(a)(1).
- (b) A Board shall ensure that a determination is made, on a case-by-case basis, whether to authorize, arrange, or refer Choices participants for vocational educational training.
- (c) The vocational educational training shall:
  - (1) prepare Choices participants for a specific trade, occupation, or vocation that requires training other than a baccalaureate or advanced degree;
  - (2) include activities that provide Choices participants with the knowledge and skills to perform a specific trade, occupation, or vocation;
  - (3) relate to current or emerging occupations;
  - (4) be consistent with employment goals identified in the family employment plan, when possible;
  - (5) be provided only if there is an expectation that employment will be secured upon completion of the training;
  - (6) be subject to the time limitations as detailed in this subchapter; and
  - (7) be provided by education or training organizations, including but not limited to, vocational or technical schools, community colleges, postsecondary institutions, career schools and colleges, nonprofit organizations, and secondary schools offering vocational education.

*The provisions of this §811.48 adopted to be effective September 29, 2008, as published in the Texas Register, September 26, 2008, 33 TexReg 8192.*

### **8.7.389 VOCATIONAL EDUCATIONAL TRAINING POLICY**

All vocational educational training for Choices participants will be tied to the needs of the employer and local labor market. Vocational educational training is provided by a post-secondary institution such as a university, community college, non-profit or for-profit trade school, and lasts no more than 12 months. WST service provider will ensure that participants participate in training targeted to current or emerging occupations in the Texoma WDA, in accordance with §811.48 (c3). Current or emerging occupations can be located at Appendix A of this policy.

Pursuant to TWC Rule §811.28(a), WST service provider will ensure that eligible Choices customers are not enrolled in vocational education training for more than a cumulative total of 12 months. In addition, as stated in TWC Rule §811.28(b), WST service providers will ensure that no more than 30% of the total numerator (engaged in work activities (Core)) of TANF recipient Choices population is enrolled in a vocational activity. However, if TANF recipients are meeting required participation requirements without the inclusion of the vocational education hours, they can still attend vocational education and they would not be counted in the 30%. ~~However, supportive support~~ services (pursuant to §811.61-811.67, and WST Policy 8.7.44) will only be provided for those hours that count toward participation requirements (core and non-core activities).

Vocational educational activities are only allowable if there is an expectation that employment can be secured upon completion of the training. Vocational activities include vocational educational training and teen heads of household participating in secondary school, GED, or educational activities that are directly related to employment

(see §811.48). Vocational education training is not an employment activity for the purpose of §811.28, even though it is listed as a core activity. After the 4<sup>th</sup> week in the Choices program, a participant's hours of participation in vocational educational training must be combined with the required hours in an employment activity (unsubsidized or subsidized employment, OJT, or work experience) or community service. For additional details on Community Service, Work Experience, Subsidized Employment and OJT activities, see WST P&P Chapter 8, Section 17.

Pursuant to §811.5(e)(1-6) and Choices Guide B-501.a no more than one hour ~~per week~~ of for every class hour of unsupervised study or homework time may be counted toward the participation requirement. All study and homework time in excess of one hour per hour of class time is directly monitored, supervised, verified, and documented. Service provider must ensure that study or homework time is only counted towards the participation requirement if the time is directly correlated to the demands of the course work for out-of-class preparation and if the educational institution's policy requires a certain number of out-of-class preparation hours. In addition, WST service provider must obtain documentation from the training provider of the number of out of class study hours that are required and that the participant is making good or satisfactory progress at least monthly on the Attendance Record/Timesheet Form. All participation must be supervised daily and verified and documented in TWIST weekly.

In order to ensure that participants enrolled in vocational educational training are supervised daily, WST service provider will ensure that signed statements/timesheets are received from the instructor documenting the amount of time spent in each class.

TWIST Weekly data entry is required for all vocational activity. In addition, pursuant to WD 33-07, WST service provider will ensure training codes and information is correctly entered into TWIST in the Service Detail window. Also, service provider will ensure that the correct service completion reason and date is entered to close the training component.

#### **§811.49. Job Skills Training.**

- (a) Job skills training is a non-core activity as defined in §811.25(a)(2).
- (b) Job skills training services are designed to increase a Choices participant's employability. Job skills training may also include activities ensuring that Choices participants become familiar with workplace expectations and exhibit work behavior and attitudes necessary to compete successfully in the labor market. Various types of activities, which are directly related to employment, may qualify, such as personal development and preemployment classes.
- (c) A Board shall ensure that a determination is made on a case-by-case basis whether to authorize, arrange, or refer Choices participants for job skills training as set forth in the family employment plan.
- (d) Job skills training shall be:
  - (1) directly related to employment; and
  - (2) consistent with employment goals identified in the family employment plan, when possible.

(e) Job skills training includes:

- (1) language instruction or literacy instruction;
- (2) entrepreneurial training provided prior to business start up; and
- (3) self-employment assistance:
  - (A) for Choices participants currently engaged in operating a small business;
  - (B) for Choices participants based upon an objective assessment process that identifies Choices participants who are likely to succeed; and (C) that may include microenterprise services such as:
    - (i) business counseling;
    - (ii) financial assistance; and
    - (iii) technical assistance.

*The provisions of this §811.49 adopted to be effective September 29, 2008, as published in the Texas Register, September 26, 2008, 33 TexReg 8192.*

## **8.7.3940 JOB SKILLS TRAINING POLICY**

WST service providers will provide Job Skills Training under the guidelines outlined in TWC Policy §811.49. Justification as to why the Choices participant is being referred to job skills training must be documented. Determination of referral for job skills training must be made on an individualized basis with documented information that the training is directly related to employment and consistent with employment goals outlined in the FEP. All available community resources will be utilized for this training prior to spending Choices program funding. Due to funding limitations, WST service providers must obtain approval from the WST Executive Director prior to spending Choices program funding on job skills training.

### **§811.50. Educational Services for Choices Participants Who Have Not Completed Secondary School or Received a General Educational Development Credential.**

- (a) Educational services, which are non-core activities as defined in §811.25(a)(2), are only available for Choices participants who have not completed secondary school or who have not received a GED credential.
- (b) A Board shall ensure that a determination is made, on a case-by-case basis, whether to authorize, arrange, or refer Choices participants who are age 20 and older for the following educational or other training services:
  - (1) secondary school, as defined in §811.2(13), when required as a prerequisite for employment;
  - (2) Adult Basic Education (ABE), language instruction, or literacy instruction; or
  - (3) other educational activities which are directly related to employment.
- (c) A Board shall ensure educational services related to employment directly provide education, knowledge, and skills for specific occupations, work settings, jobs, or job offers.

*The provisions of this §811.50 adopted to be effective September 29, 2008, as published in the Texas*

### **8.7.40~~1~~ EDUCATIONAL SERVICES POLICY**

Educational services, which are non-core activities as defined in §811.25 (a)(2) and Choices Guide B-510, are only available for Choices participants who have not completed secondary school or who have not received a GED credential. Pursuant to §811.50(b), referrals to local community resources for educational services for adults in the Choices program who are age 20 and over that have not completed a secondary school or received a GED will be determined on a case-by-case basis. Referral for services may include secondary school education, GED, basic skills and literacy, and English language proficiency, and workforce adult literacy and language instruction from local community providers. All available community resources will be utilized for these services prior to spending Choices program funding. WST service providers must obtain approval from the WST Executive Director prior to spending Choices program funding these types of educational services.

Reasons for determination to refer and enroll a participant age 20 and older in educational services must be documented in TWIST case notes. These non-core hours must also be documented in TWIST, if applicable/appropriate.

See §811.5(e)(1-6), Choices Guide B-501.a, -and WST ~~8.7.40~~ 8.7.38 for directions on counting no more than one hour per week of unsupervised study or homework time as participation hours.

#### **§811.51. Post-Employment Services.**

- (a) A Board shall ensure that post-employment services, which include job retention, career advancement, and reemployment services, are offered to Choices participants who are employed, and to applicants, conditional applicants, and former recipients who have obtained employment but require additional assistance in retaining employment and achieving self-sufficiency.
- (b) A Board shall ensure that post-employment services are monitored, and ensure that hours of employment are required and reported by Choices participants for at least the length of time the Choices participants receive TANF cash assistance.
- (c) A Board shall ensure that ongoing contact is established with Choices eligibles receiving post-employment services at least monthly.
- (d) A Board may include mentoring techniques as part of a post-employment strategy.
- (e) The post-employment services may include the following:
  - (1) assistance and support for the transition into employment through direct services or referrals to resources available in the workforce area;
  - (2) child care, if needed, as specified in rules at Chapter 809 of this title;
  - (3) work-related expenses, including those identified in §811.64;
  - (4) transportation, if needed;

- (5) job search, job placement, and job development services to help a former recipient who loses a job to obtain employment;
  - (6) referrals to available education or training resources to increase an employed Choices eligible's skills or to help the individual qualify for advancement and long-term employment goals;
  - (7) additional career planning and counseling; or
  - (8) referral to support services available in the community.
- (f) The maximum length of time a former recipient, conditional applicant, and sanctioned family may receive services under this section is dependent upon:
- (1) family circumstances;
  - (2) the risk of returning to public assistance. A person is considered at risk of returning to TANF cash assistance if he or she is a food stamp recipient, or receives Commission-funded child care;
  - (3) the ongoing need for these services; and
  - (4) the availability of funds for these services.
- (g) Post-employment service providers may include employers, community colleges, technical colleges, career schools and colleges, faith-based and community-based organizations.

The provisions of this §811.51 adopted to be effective September 29, 2008, as published in the Texas Register, September 26, 2008, 33 TexReg 8192.

### **8.7.412 POST-EMPLOYMENT SERVICES POLICY**

WST's post employment services will include those services described in TWC's §811.51 and Choices Guide B-900 ~~and~~ These services are designed to ensure that Choices customers obtain lasting employment and achievement of self-sufficiency. All available options in the local community as well as screening customers for concurrent enrollment on other Board-operated programs will be explored in order to assist customers in retaining employment.

TANF applicants, current and former TANF recipients, as well as TANF recipients receiving the Earned Income Deduction (EID) and coded "P" by the Texas Health and Human Services Commission (HHSC) can request post employment services. Post-employment services will be provided to said individuals who are working at least 30 hours per week and receiving a salary of at least \$700.00 per month or for those former TANF recipients who have lost a job and need assistance to retain additional employment. TANF recipients coded "P" are a priority group and are required to be given post-employment assistance. All post employment services provided to TANF recipients coded "P," including ~~supportive~~support services, case notes, and weekly hours worked, will be entered in TWIST. This data entry will continue until the TANF case is denied at which time all Choices activities will be closed and a final termination reason code will be entered. A "Failed to Participate" penalty request must be initiated for TANF recipients coded "P" whose work hours cannot be verified by either the customer or the employer.

Due to limited funding availability, post employment services can only be provided to former TANF recipients for a period of six months after denial of TANF benefits.

Child-care, work-related expenses and transportation assistance will be provided to former TANF recipients, if funding is available. Former TANF recipients who are eligible for transitional child-care will be referred to CCS for eligibility determination. TANF applicants who become employed at least 30 hours per week and receive \$700.00 per month after attending the WOA and prior to becoming TANF-certified may be eligible to receive 12 months of child care services and should be referred to CCS for eligibility determination.

All individuals receiving post employment services will have a family employment plan outlining responsibilities to receive said services. All post employment services provided to TANF applicants must be data entered into TWIST under the TANF Applicant, Case Type 7 module. This module should be closed after services are provided.

All post-employment services for former TANF recipients, including ~~supportive~~support services and case notes, will be documented in TWIST on a weekly basis. These cases must be initiated for no longer than a 90 day period with monthly re-determination of need required thereafter in order to continue to receive services. Weekly verification and monthly independent confirmation of work hours must be documented with weekly TWIST data entry. In addition, the total number of hours must be entered in the "Actual Hours" screen on the Service Activity Detail screen prior to closing the case.

WST service provider can refer to ~~WD Letter 02-02~~Choices Guide B-900 for additional guidance in developing post employment procedures.

## **SUBCHAPTER E. SUPPORT SERVICES AND OTHER INITIATIVES**

### **§811.61. Support Services.**

- (a) A Board shall ensure that support services as specified in this subchapter are provided, if needed, to Choices participants to address barriers to employment or participation in Choices services, subject to availability of resources and funding. A Board shall ensure that support services provided to Choices participants are coordinated with the employer, when appropriate.
- (b) A Board shall ensure that support services, including Commission-funded child care, are provided only to Choices participants who are meeting work requirements set forth in §§811.16, 811.23, and 811.25–811.34 , and as set forth in §809.45 of this title. In applying this provision, a Board shall ensure support services are provided to Choices participants if it is determined support services are needed to comply with work requirements set forth in §§811.16, 811.23, and 811.25–811.34, and as set forth in §809.45 of this title.
- (c) A Board shall ensure that:
  - (1) support services are terminated immediately upon a determination of failure to meet work requirements by Choices participants unless otherwise determined by the Board's service provider as referenced in subsection (b) of this section;
  - (2) the Board's child care contractor is notified immediately of the failure to meet work requirements; and
  - (3) upon notification, the Board's child care contractor immediately notifies the child care provider that services are terminating due to failure to meet work requirements.
- (d) A Board shall ensure that support services, classified as cash assistance, for:
  - (1) applicants and former recipients do not extend beyond four months for those who are unemployed and not receiving TANF cash assistance; and
  - (2) unemployed conditional applicants and sanctioned families do not extend beyond their demonstrated cooperation period.

*The provisions of this §811.61 adopted to be effective February 26, 2007, as published in the Texas Register, February 23, 2007, 32 TexReg 906.*

### **§811.62. Child Care for Choices Eligibles.**

- (a) A Board shall ensure that child care is provided if needed, as specified in Chapter 809 of this title.
- (b) Transitional child care is provided as needed, as specified in §809.48 of this title.
- (c) Choices child care is provided as needed, as specified in §809.45 of this title.
- (d) TANF Applicant child care is provided as needed, as specified in §809.46 of this title.

*The provisions of this §811.62 adopted to be effective February 26, 2007, as published in the Texas Register, February 23, 2007, 32 TexReg 906.*

### **§811.63. Transportation.**

A Board shall ensure that transportation assistance shall:

- (1) be provided if needed to enable a Choices individual to work, attend, and participate in required Choices services, or access necessary support services if alternative transportation resources are not available; and
- (2) use the most economical means of transportation that meets the Choices individual's needs.

The provisions of this §811.63 adopted to be effective November 18, 2003, as published in the Texas Register, November 14, 2003, 28 TexReg 10261.

#### **§811.64. Work-Related Expenses.**

- (a) If other resources are not available, work-related expenses necessary for Choices individuals to accept or retain specific and verified job offers that pay at least the federal minimum wage may be provided or reimbursed.
- (b) Work-related expenses may include: tools, uniforms, equipment, transportation, car repairs, housing or moving expenses, and the cost of vocationally required examinations or certificates.

*The provisions of this §811.64 adopted to be effective September 29, 2008, as published in the Texas Register, September 26, 2008, 33 TexReg 8192.*

#### **§811.65. Wheels to Work.**

- (a) The Commission may develop a Wheels to Work initiative in which local nonprofit organizations provide automobiles for Choices eligibles who have obtained employment but are unable to accept or retain the employment solely because of a lack of transportation.
- (b) A Board may, through local policies and procedures, establish services to assist Choices eligibles who verify the need for an automobile to accept or retain employment by referring them to available providers.
- (c) Persons or organizations donating automobiles under a Wheels to Work initiative shall receive a charitable donation receipt for federal income tax purposes.

*The provisions of this §811.65 adopted to be effective February 26, 2007, as published in the Texas Register, February 23, 2007, 32 TexReg 906.*

#### **§811.66. General Educational Development Credential Testing Payments.**

A Board shall ensure that the cost of GED testing and issuance of the credential is paid through direct payments to the GED test centers and the Texas Education Agency for Choices participants referred for testing by a Board's provider of Choices services.

*The provisions of this §811.66 adopted to be effective February 26, 2007, as published in the Texas Register, February 23, 2007, 32 TexReg 906.*

#### **§811.67. Individual Development Accounts.**

- (a) A Board may set local policy and procedures to provide for implementation and oversight of Individual Development Accounts (IDAs) under this section using TANF funds in accordance with 45 C.F.R. §§263.20-263.23. An IDA means an account established by, or for, an eligible individual to allow the individual to accumulate funds for specific purposes.
- (b) A Board shall ensure that any IDAs created and matched with TANF funds are established and administered through a contract with a private nonprofit entity or through a state or local government entity acting in cooperation with a private nonprofit entity. The private nonprofit entity, or cooperating state or local entity, must coordinate with a financial institution in administering the accounts.
- (c) Choices participants may be eligible for IDAs if all of the requirements of this section are met.
- (d) IDAs may be established for an eligible individual, and may be contributed to with the individual's earned income and up to fifty percent of the individual's federal Earned Income Tax Credit refund. Federal Earned Income Tax Credit refunds shall not be matched with TANF funds.

- (e) Federal TANF funds, as well as public or private funds, may be used to provide matching funds for qualified expenses and to administer IDAs, and shall be expended in a manner consistent with applicable federal and state statutes and regulations, with the exception of federal Earned Income Tax Credit refunds.
- (f) Use of funds in an individual's IDA, shall be in accordance with the Social Security Act §404(h) (42 U.S.C. §604(h)) and 45 C.F.R. §§263.20-263.23 and limited to expenses related to:
  - (1) postsecondary educational expenses;
  - (2) first home purchase; or
  - (3) business capitalization.
- (g) A Board shall ensure that only qualified withdrawals are made by eligible individuals, and must develop policies and procedures to address unauthorized withdrawals, to include notification:
  - (1) to the individual that unauthorized withdrawals may impact the individual's eligibility for public assistance programs;
  - (2) to the individual of forfeiture of the entitlement to the matching funds for an unauthorized withdrawal; and
  - (3) to HHSC within seven working days of the unauthorized withdrawal.

The provisions of this §811.67 adopted to be effective February 26, 2007, as published in the Texas Register, February 23, 2007, 32 TexReg 906.

### **8.7.432 CHOICES SUPPORTIVESUPPORT SERVICES POLICY**

Choices Guide B-700 outlines state guidance on support services, and WST policy 8.16 outlines board guidance on support services. TANF applicants who are offered employment will be eligible for a maximum of \$100.00 in work related expenses, as outlined in the WST Support Services Policy & Procedures, in order to accept employment. Upon customer request, child care services can be provided on the first day of employment.

SupportiveSupport services such as transportation, child care, etc. will only be provided to participants who are meeting participation requirements through participation in core and non-core activities. Details of allowable amounts of supportivesupport services are outlined in the WST Support Services Policy & Procedures (Chapter 8, Section 15).

Allowable supportivesupport services will be provided upon the request of the customer if no local alternative or funding is available and will be determined on a case-by-case basis throughout the ongoing assessment process. SupportiveSupport services are reserved for use of participants meeting program requirements only. WST service providers will take action immediately to terminate supportivesupport services for Choices participants not in compliance with program rules. Immediately is defined as the first time a customer misses an appointment or scheduled activity without good cause or notification to the career specialist, or the first time the career specialist is unable to reach the customer at any of the provided addresses or phone locations, such as through employment, family, or at home.

WST service provider will ensure that supportivesupport services payments to unemployed customers not receiving TANF and unemployed conditional applicants and sanctioned families meet the restrictions outlined in §811.61(d).

Effective October 22, 2009, service provider is no longer required to enter supportivesupport service information on the Support Services tab in TWIST. However, there must be TWIST case note documentation of request for supportivesupport services and research of local alternatives. All incentive information will be data entered as a support service in accordance with WD 27-08.

### **8.7.423.1 CHOICES CHILD CARE POLICY**

WST service providers will ensure child care is provided to only those Choices participants who are meeting program requirements. However, ~~per Choices Guide B-701.a per WD 36-07~~, during the demonstrated cooperation periods, sanctioned families and conditional applicants are eligible to receive child care support services. ~~See WD 36-07 for further details~~. WST service providers will ensure Choices customers fill out and return CC required paperwork in a timely manner. WST service provider staff will work together to develop integrated case management and referral procedures for child care as detailed in §811.62.

#### **8.7.423.1.1 Applicant Child Care**

Pursuant to Rule §809.46 and Choices Guide B-701.a, applicant child care will only be provided to assist applicants in accepting or retaining employment. In addition, applicant child care will only be provided after attendance at a WOA and the following limits apply:

- a. Parents employed at least 30 hours a week at the time of application are limited to 12 months of child care. Child care may be discontinued earlier if the family exceeds WST's Child Care eligibility limits.
- b. Parents employed less than 15 hours a week at the time of application are limited to 90 days of applicant child care. However, if the employment hours increase to 30 hours per week, child care can be extended to a total of 12 months, inclusive of the 90 days.
- c. Applicant child care will also be provided to conditional applicants who gain employment during their demonstrated cooperation period.

#### **8.7.423.1.2 Choices Child Care**

Pursuant to §809.45 and Choices Guide B-701, Choices Child Care will be provided to the following individuals:

- a. mandatory individuals and exempt recipients who voluntarily participate
- b. sanctioned families and conditional applicants who demonstrate cooperation prior to resuming TANF assistance (note-see 8.7.44.1.1 (c) for applicants who gain employment)

- c. Choices customers who are waiting to enter an approved initial component may receive up to two weeks of child care when the child care will prevent the loss of a job placement.

Choices Child Care will be terminated within one business day of determination of the Choices customer missing an appointment or scheduled activity without good cause or notification to the career specialist, or the first time the career specialist is unable to reach the customer at any of the provided addresses or phone locations, such as through employment, family, or at home.

### **8.7.423.1.3 Transitional Child Care**

Pursuant to §809.48 and Choices Guide B-701.c, transitional child care will be provided to Choices customers who were denied cash assistance due to employment or when cash assistance was denied due to expiration of TANF time limits. Individuals whose TANF time limits have expired must make application within 30 days of their date of cash assistance denial to be eligible for Transitional child care. WST service provider will determine transitional child care eligibility using the most current Child Care eligibility code card based on the family's household income. Eligibility for transitional care begins the first month the former recipient is deemed ineligible for cash assistance. WST Service provider will refer to the WST Child Care Policy, 8.4 for additional information concerning transitional eligibility and termination of child care for transitional individuals.

### **8.7.423.2 CHOICES TRANSPORTATION POLICY**

Transportation is an allowable ~~supportive~~support services expense for Choices participants meeting program requirements. WST service providers will ensure that the most economical means of transportation is provided for each customer. TANF applicants attending the WOA will be provided transportation assistance to ~~to~~ and from the WOA. Those applicants who agree to begin job search and job readiness services will also be provided transportation assistance. Service provider is referred to Choices Guide B-702, TA Bulletin 178, Change 2 and WD Letter 34-09 for additional guidance regarding allowable transportation expenses.

As per Rule §811.61(d)(1), upon request for job search purposes, former applicants and former recipients who are unemployed and not receiving temporary cash assistance can receive limited transportation assistance if there is sufficient funding available. However, this assistance cannot extend beyond a four-month period for applicants and former recipients, and, beyond the demonstrated cooperation period for unemployed conditional applicants and sanctioned families.

### **8.7.432.3 CHOICES WHEELS-TO-WORK POLICY**

There is currently no Commission-developed Wheels to Work initiative in the Texoma Board area available for Choices customers.

### **8.7.423.4 CHOICES GED TESTING PAYMENTS POLICY**

In compliance with Rule §811.66 and Choices Guide B-705, WST will pay for GED testing for eligible, referred customers. WST service provider staff will follow WST Support Services Policy & Procedures, with appropriate budget and purchase order request sent to WST Fiscal Officer. WST Service Provider will develop procedures in accordance WST Support Services Policy & Procedures (Chapter 8, Section 15) and TWC Rule §811.66. GED Testing payments are required to be entered into TWIST on a weekly basis.

### **8.7.423.5 CHOICES INDIVIDUAL DEVELOPMENT ACCOUNTS POLICY**

Due to limited funding availability, there are no options available at this time to establish IDA's for Choices participants. Should additional funding become available, specific policies and procedures will be developed for this activity.

### **8.7.423.6 NONMONETARY INCENTIVES POLICY**

Per Choices Guide B-707 and WD 27-08, WST will work with Service Provider to develop a menu of nonmonetary incentives to offer Choices participants that are eligible and that achieve or exceed goals of the program. Service provider will develop procedures that provide guidance on the specific use and accurate documentation of nonmonetary incentives. Additionally, procedures developed should identify eligible participants; establish time frames for attaining achievements and strategies for issuing nonmonetary incentives. WST Service provider will ensure that all non-monetary incentives are entered into TWIST under support services code 219-incentives, as described in Choices Guide B-707.a and on page 5 of WD 27-08.

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.

### **8.7.443 CHOICES APPEALS POLICY**

WST's Program Grievance/Complaint Policy is outlined in WST Policy 8.2, and supports TWC Chapter 823 and Choices Guide B-800 that establishes uniform procedures and

time frames for complaints and appeals processes for all Board-administered workforce services. WST's Choices Service Provider will develop procedures to ensure that all customers receive written notice of their right to appeal program decisions in accordance with WST Policy 8.2, Chapter 823 and WD 08-08. Further, these procedures will support referring customers back to HHSC to appeal decisions regarding termination or reduction of cash assistance benefits in accordance with Chapter 823.

### **8.7.445 PRIORITY OF SERVICE FOR ELIGIBLE VETERANS AND ELIGIBLE FOSTER YOUTH POLICY**

Pursuant to House Bill 1452 (enacted by the 81<sup>st</sup> Texas Legislature), Texas Family Code §264.121, Jobs for Veterans Act of 2002, USDOL TEGL 5-03, USDOL TEGL 10-09, TWC WD Letters 04-09 (and Changes 1, 2 & 3), 01-08, and 58-05, qualified Veterans and foster youth will receive priority of service in the following priority order for workforce services:

1. Federal/State qualified veterans,
2. Federal qualified spouse,
3. State qualified spouse

These persons will continue to receive priority over all other equally qualified individuals in the receipt of services funded in whole or in part by DOL, in accordance with 38 U.S.C. §4215.

Eligible foster youth (includes current and former foster youth) receive priority over all other equally qualified individuals—except federal qualified veterans and spouses, and state qualified veterans as defined in Chapter 801—in the receipt of federal and state-funded services.

Service provider must ensure that eligible veterans are identified at the point of entry in all workforce centers and that they are informed of their right to priority of service, the full array of services available, and any applicable eligibility requirements for such programs. Service provider will develop and implement procedures to ensure the actions noted above occur. Provider will also ensure that non-eligible persons who are currently receiving workforce services are not displaced in order to provide priority of service to eligible veterans. Additionally, service provider will ensure that any Veteran that receives staff-assisted services sign a self-attestation form to certify that they meet the definition of eligible veteran. However, per WD 04-09, Change ~~23~~, if a veteran presents a DD-214 upon arrival at a workforce center, staff may use the DD-214 instead of a self-attestation form. Additionally, if a DD-214 is on file at the workforce center or if the veteran is registered in WorkInTexas.com, the self-attestation form is neither necessary nor required.

The following three categories of qualified job training programs in which priority of service will apply are:

1. Universal access programs
2. Discretionary targeting programs
3. Statutory targeting programs (Temporary Assistance for Needy Families)

Service provider will determine each individual's eligible veteran status and apply priority of service as described in WD 04-09 (and subsequent Changes 1, 2 & 3).

Service provider will ensure workforce services are prioritized and targeted for youth transitioning out of the foster care system and for former foster care youth.

Additionally, to ensure that eligible veterans and foster youth receive priority over all other equally qualified individuals in the receipt of workforce services, they also must have access to needed support services. However, child care for state qualified veterans and eligible foster youth is contingent upon the availability of Commission child care funds. When a waiting list exists, care can not be discontinued for a child already enrolled in child care services in order to serve the child of a state qualified veteran or child of a foster youth. The following priority order exists for children on the waiting list:

1. children who need to receive protective services child care
2. children of a qualified veteran
3. children of an eligible foster youth
4. children of teen parents
5. children with disabilities

Additionally, service provider will document the receipt of staff-assisted workforce services in TWIST or WorkInTexas.

Service provider will utilize WD 04-09, Change 23, for specific definitions and further explanation of priority of service expectations.

## REFERENCES

[TWC Choices Guide, 2/11](#)

TWC Rule 811, Choices, Adopted 10/7/08

(<http://www.twc.state.tx.us/twcinfo/rules/twcrules.html>)

TWC Rule 809, Child Care Services, Adopted 1/29/07) – sections 809.45-Choices Child Care; 809.46-Temporary Assistance for Needy Families Applicant Child Care; 809.48-Transitional Child Care; 809.54-Child Care for Children with Disabilities; 809.52-Child Care for Children of Teen Parents

(<http://www.twc.state.tx.us/twcinfo/rules/20072008/07adopch809r.doc>)

WD Letters located at: <http://www.twc.state.tx.us/boards/wdletters/wdsubject.html>

- ~~WD 35-01 – Temporary Assistance for Needy Families State Program for Two-Parent Households (9/17/01) [Rescinded and Replaced by WD 08-11](#)~~
- ~~WD 02-02 – Post-employment/Job Retention Services for Temporary Assistance for Needy Families/Choices Applicants, Recipients, and Former Recipients (1/16/02) [Rescinded and Replaced by WD 08-11](#)~~
- ~~WD 05-05 – Charitable Choice Notice for Choices Individuals (1/6/05) [Rescinded and Replaced by WD 08-11](#)~~
- WD 60-05 – Implementation of Financial Literacy Training in Workforce Developmental Services (10/28/05)
- WD 61-06, Change 1 – Literacy and Numeracy Testing for Out-of-School Youth: Update (3/1/07) Only Page 4 of Attachment 1 is rescinded per 61-06, Change 2 (4/1/08)
- ~~WD 12-07 – Choices: Workforce Orientations for Applicants (2/28/07) [Rescinded and Replaced by WD 08-11](#)~~
- ~~WD 23-07, Change 1 – Implementation of Amended Choices Rules: *Update* (12/27/07) [Rescinded and Replaced by WD 08-11](#)~~
- ~~WD 36-07 – Choices: Full Family Sanction Process 6/22/07) [Rescinded and Replaced by WD 08-11](#)~~
- ~~WD 36-07, Change 1 to Attach 1 & 2 – Choices Full Family Sanction Process (9/10/07) [Rescinded and Replaced by WD 08-11](#)~~
- ~~WD 58-07 – Choices: Serving **Nonrecipient Parents** [Rescinded and Replaced by WD 08-11](#)~~
- ~~WD 03-08 – Choices: New Post-Employment Stipend for Parents Exempt Because of Caring for a Child under the Age of One (1/29/08) [Rescinded – Not Replaced](#)~~
- WD 33-07 – Training Services Information in the Workforce Information System of Texas (6/6/07)
- ~~WD 59-07 – Choices: New and Expiring TWIST Activity Codes (9/27/07) [Rescinded and Replaced by WD 08-11](#)~~
- WD 62-07, Change 1 – Acceptable Verification and Required Documentation for Choices and Food Stamp Employment and Training Work Activities (1/11/08) Only Attachment 1 was rescinded per 62-07, Change 2 (10/22/08) [Rescinded and Replaced by WD 08-11](#)
- WD 61-06, Change 2 – Literacy and Numeracy Testing for Out-of-School Youth: Revised (4/1/08)
- WD 08-08 – Implementation of the New Integrated Complaints, Hearings, and Appeals Rules (4/29/08)
- ~~WD 41-07, Change 2 – Verification Procedures for Choices and Food Stamp Employment and Training Participation in Job Search – Additional Guidance (9/23/08) [Rescinded and Replaced by WD 08-11](#)~~
- ~~WD 39-08 – Implementation of Amended Choices Rules (10/3/08) [Rescinded and Replaced by WD 08-11](#)~~

- ~~WD 62-07, Change 2 – Acceptable Verification and Required Documentation for Choices and Food Stamp Employment and Training Work Activities: Update (10/22/08) [Rescinded and Replaced by WD 08-11](#)~~
- ~~WD 27-08 – Guidelines for the Provision of Nonmonetary Incentives for Workforce Investment Act and Choices Participants (10/23/08) [Rescinded and Replaced by WD 27-08, Change 1](#)~~
- [WD 27-08, Change 1 – Guidelines for the Provision of Incentives for Workforce Investment Act and Choices Participants, 6/18/10](#)
- ~~[WD 40-08, Change 1 – Local Memorandum of Understanding with Texas Department of State Health Services Contractors – Revised \(12/8/08\) Rescinded and Replaced by WD 08-11](#)~~
- ~~WD 08-09 – Choices: New Seven-Day Timely and Reasonable Attempt Policy (3/31/09) [Rescinded and Replaced by WD 08-11](#)~~
- WD 34-09 – Transportation Services and Job Access and Reverse Commute Projects (9/15/09)
- WD 38-09 – Changes to Reporting Training Activities in the Workforce Information System of Texas (9/16/09)
- WD 47-09 – Job Training Course Requirements for English as a Second Language Classes (11/30/09)
- WD 56-09 – Temporary Assistance for Needy Families Subsidized Employment Initiatives (11/30/09)
- WD 04-09, Change 3 – Priority of Service for Eligible Veterans and Eligible Foster Youth: *Update* (2/20/10)
- [WD 36-10 – Workforce Automated Systems' Data Entry Deadlines for Board Contract Year 2011 \(9/28/10\)](#)

TWC Workforce Policy Questions and Answers,  
<http://intra.twc.state.tx.us/intranet/wf/html/index.html>

- TA Bulletins located at: <http://www.twc.state.tx.us/boards/tabull/tabull.html>
- TA Bulletin 55 – Community Service (3/17/04) [Rescinded by WD 08-11](#)
- TA Bulletin 133 – Temporary Assistance for Needy Families Reauthorization: Questions and Answers Posted on the TWC Intranet (10/19/06) [Rescinded by WD 08-11](#)
- TA Bulletin 144 – Procedures for the Determination of Partial Service Months (3/16/07)
- ~~[TA Bulletin 152 – Choices Regional Work Sessions: Questions and Answers \(7/13/07\) Rescinded by WD 08-11](#)~~
- ~~TA Bulletin 170 – TWIST: Entry of Participation Hours and Verification of Participation Hours for Choices and Food Stamp Employment and Training (1/11/08) [Rescinded by WD 08-11](#)~~
- ~~TA Bulletin 178 – Transportation Services (4/18/08)~~

TA Bulletin 202 – Single-Parent and Two-Parent Choices Work Codes Desk Aids  
(3/5/09)

~~TA Bulletin 178, Change 1 – Transportation Services (5/13/09)~~ (Rescinded per TA Bulletin 178, Change 1 (9/15/09))

TA Bulletin 182 – Edits on the Daily Time Tracking Verification Screen (5/30/08)

~~TA Bulletin 183 – Calculating Participation Hours Subject to the Fair Labor Standards Act Using the New Minimum Wage (5/28/08)~~

TA Bulletin 190 – Choices and Food Stamp Employment and Training Clarification of Self-Attestation and Self-Declaration (9/23/08)

TA Bulletin 197 – Exclusion Reasons and Performance Outcomes (3/3/09)

TA Bulletin 207 – Calculating Participation Hours Subject to the Fair Labor Standards Act Using the New Minimum Wage (6/9/09)

TA Bulletin 178, Change 2 – Transportation Services – *Update* (9/15/09)

Appendix A – CURRENT AND EMERGING OCCUPATIONS

To be presented at the April 2011 Board Meeting.