

CHAPTER 845. TEXAS WORK & FAMILY CLEARINGHOUSE

PROPOSED RULES TO BE PUBLISHED IN THE *TEXAS REGISTER*. THIS DOCUMENT WILL HAVE NO SUBSTANTIVE CHANGES BUT IS SUBJECT TO FORMATTING CHANGES AS REQUIRED BY THE OFFICE OF SECRETARY OF STATE.

ON **NOVEMBER 7, 2023**, THE TEXAS WORKFORCE COMMISSION PROPOSED THE RULES BELOW WITH PREAMBLE TO BE SUBMITTED TO THE *TEXAS REGISTER*.

Estimated Publication Date of the Proposal in the *Texas Register*: **November 24, 2023**

Estimated End of Comment Period: **December 25, 2023**

The Texas Workforce Commission (TWC) proposes amendments to the following sections of Chapter 845, relating to Texas Work and Family Clearinghouse:

Subchapter A. General Provisions, §845.1 and §845.2

Subchapter B. Dependent Care Grants, §§845.11 - 845.13

PART I. PURPOSE, BACKGROUND, AND AUTHORITY

The purpose of the proposed amendments to Chapter 845 is to implement House Bill (HB) 2975, 88th Texas Legislature, Regular Session (2023), relating to TWC's powers and duties with respect to work and family policies.

The Work and Family Policies Clearinghouse was created to house a grant program to provide assistance and information on dependent care and employment-related family issues, but its funding mechanism was repealed before it was implemented. HB 2975 amended Texas Labor Code Chapter 81 to disband the Clearinghouse and assigns all related responsibilities and rulemaking authority to TWC.

PART II. EXPLANATION OF INDIVIDUAL PROVISIONS

(Note: Minor editorial changes are made that do not change the meaning of the rules and, therefore, are not discussed in the Explanation of Individual Provisions.)

Texas Government Code §2001.039 requires that every four years each state agency review and consider for readoption, revision, or repeal each rule adopted by that agency. TWC has conducted a rule review of Chapter 845, Texas Work & Family Clearinghouse, and any changes are described in Part II of this preamble.

CHAPTER 845. TEXAS WORK AND FAMILY CLEARINGHOUSE

TWC proposes the following amendment to the title of Chapter 845:

The Chapter 845 title is amended to remove "Clearinghouse" to align with Texas Labor Code Chapter 81 as amended by HB 2975. The chapter title is amended to read "Texas Work and Family Policies Resources."

SUBCHAPTER A. GENERAL PROVISIONS

TWC proposes the following amendments to Subchapter A:

§845.1. Goals and Purpose

Section 845.1 is amended to replace "Clearinghouse" with "Policies Resources" to align with Texas Labor Code Chapter 81, as amended by HB 2975.

§845.2. Definitions

Section 845.2 is amended to remove the definition of "Clearinghouse" in accordance with Texas Labor Code §81.001, as amended by HB 2975. Remaining subsections are renumbered accordingly.

Renumbered §845.2(2) is amended for clarification to replace "Commission" with "Agency."

Renumbered §845.2(3) is amended to replace "Clearinghouse" with "Agency," because HB 2975 removed the clearinghouse from Texas Labor Code Chapter 81 and assigned its former responsibilities to TWC.

SUBCHAPTER B. DEPENDENT CARE GRANTS

TWC proposes the following amendments to Subchapter B:

§845.11. Submission of Grant Requests

Section 845.11 is amended for clarification to replace "Commission" with "Agency."

§845.12. Criteria for Awarding Grants

Section 845.12 is amended for clarification to replace "Commission" with "Agency."

§845.13. Cancellation or Other Corrective Action

Section 845.13 is amended for clarification to replace "Commission" with "Agency."

PART III. IMPACT STATEMENTS

Chris Nelson, Chief Financial Officer, has determined that for each year of the first five years the rules will be in effect, the following statements will apply:

There are no additional estimated costs to the state and to local governments expected as a result of enforcing or administering the rules.

There are no estimated cost reductions to the state and to local governments as a result of enforcing or administering the rules.

There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rules.

There are no foreseeable implications relating to costs or revenue of the state or local governments as a result of enforcing or administering the rules.

There are no anticipated economic costs to individuals required to comply with the rules.

There is no anticipated adverse economic impact on small businesses, microbusinesses, or rural communities as a result of enforcing or administering the rules.

Based on the analyses required by Texas Government Code, §2001.024, TWC has determined that the requirement to repeal or amend a rule, as required by Texas Government Code, §2001.0045, does not apply to this rulemaking.

Takings Impact Assessment

Under Texas Government Code, §2007.002(5), "taking" means a governmental action that affects private real property, in whole or in part or temporarily or permanently, in a manner that requires the governmental entity to compensate the private real property owner as provided by the Fifth and Fourteenth Amendments to the US Constitution or the Texas Constitution, §17 or §19, Article I, or restricts or limits the owner's right to the property that would otherwise exist in the absence of the governmental action, and is the producing cause of a reduction of at least 25 percent in the market value of the affected private real property, determined by comparing the market value of the property as if the governmental action is not in effect and the market value of the property determined as if the governmental action is in effect. TWC completed a Takings Impact Assessment for the proposed rulemaking action under Texas Government Code §2007.043. The primary purpose of this proposed rulemaking action, as discussed elsewhere in this preamble, is to implement changes in accordance with HB 2975, 88th Texas Legislature, Regular Session (2023) relating to TWC's powers and duties with respect to work and family policies.

The proposed rulemaking action will not create any additional burden on private real property or affect private real property in a manner that would require compensation to private real property owners under the US Constitution or the Texas Constitution. The proposal also will not affect private real property in a manner that restricts or limits an owner's right to the property that would otherwise exist in the absence of the governmental action. Therefore, the proposed rulemaking will not cause a taking under Texas Government Code Chapter 2007.

Government Growth Impact Statement

TWC has determined that during the first five years the rules will be in effect, they:

- will not create or eliminate a government program;
- will not require the creation or elimination of employee positions;
- will not require an increase or decrease in future legislative appropriations to TWC;
- will not require an increase or decrease in fees paid to TWC;
- will not create a new regulation;
- will not expand, limit, or eliminate an existing regulation;
- will not change the number of individuals subject to the rules; and
- will not positively or adversely affect the state's economy.

Economic Impact Statement and Regulatory Flexibility Analysis

TWC has determined that the rules will not have an adverse economic impact on small businesses or rural communities, as the proposed rules place no requirements on small businesses or rural communities.

Mariana Vega, Director, Labor Market Information, has determined that there is not a significant negative impact upon employment conditions in the state as a result of the rules.

Mary York, Director, Outreach & Employer Initiatives, has determined that for each year of the first five years the rules are in effect, the public benefit anticipated as a result of enforcing the proposed rules will be to provide employment-related information to Texas employers.

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

PART IV. COORDINATION ACTIVITIES

HB 2975 amended Texas Labor Code Chapter 81 resulting in the need for TWC to update the rules under Texas Administrative Code Chapter 845, Texas Work & Family Clearinghouse.

PART V. PUBLIC COMMENTS

Comments on the proposed rules may be submitted to TWCPolicyComments@twc.texas.gov and must be received no later than December 25, 2023.

PART VI. STATUTORY AUTHORITY

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

The rules are also proposed under the specific authority of HB 2975, 88th Texas Legislature, Regular Session (2023). The bill amended Texas Labor Code §81.0045(b) and §81.007 to grant all program rulemaking authority to TWC, which was previously shared with the Work and Family Policies Clearinghouse, which was abolished by HB 2975.

The proposed rules affect Title 2, Texas Labor Code, particularly Chapter 81.

**CHAPTER 845. TEXAS WORK & FAMILY POLICIES
RESOURCES~~CLEARINGHOUSE~~**

SUBCHAPTER A. GENERAL PROVISIONS

§845.1. Goals and Purpose.

The purpose of the Texas Work and Family Policies Resources~~Clearinghouse~~ is to provide technical assistance and information on dependent care and other employment-related family issues to public and private employers, state agencies, policymakers, and individuals.

§845.2. Definitions.

~~In addition to the definitions contained in §800.2 of this title, The~~ the following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

~~(1) Clearinghouse--The Texas Work and Family Clearinghouse established under Texas Labor Code Chapter 81, relating to Work and Family Policies.~~

~~(1)~~(2) Dependent care--Care for a child, adult, or disabled relative who,~~that~~ is claimed as a dependent for federal income tax purposes, that has an impact on employment-related family issues.

~~(2)~~(3) Grant applicant--A public or private person as defined in the request for proposal or request for application published by the Agency~~Commission~~.

~~(3)~~(4) Grant recipient--A public or private person awarded a grant from the Agency~~Clearinghouse~~.

SUBCHAPTER B. DEPENDENT CARE GRANTS

§845.11. Submission of Grant Requests.

- (a) A grant applicant may submit a grant request to the Agency~~Commission~~ in response to requests for proposals or requests for applications.
- (b) The Request for Proposal or Request for Application will include a deadline for submission if applicable, a statement of work related to the use of the funds, any information related to the use of the funds and any other requirements established by the Agency~~Commission~~.

§845.12. Criteria for Awarding Grants.

The Agency~~Commission~~ may consider the following factors in awarding grants:

- (1) the purpose for which the specific grant is intended;
- (2) coordination requirements with employer organizations, employee organizations, child health agencies, and the category of dependent care to be addressed;
- (3) reporting and monitoring requirements;
- (4) the appeal process applicable to the grant; and
- (5) other criteria included by the [AgencyCommission](#).

§845.13. Cancellation or Other Corrective Action.

- (a) Cancellation. The [AgencyCommission](#) may cancel a grant if the [AgencyCommission](#) determines that the grant recipient has failed to perform as required in the grant request or award, or for circumstances that lead the [AgencyCommission](#) to believe the grant recipient will fail to substantially comply with the terms set forth in the request for proposal, request for application, contract, or interagency agreement. Grounds for cancellation may also include: failure to ensure a program's intended results; waste, fraud or abuse of resources; and failure to timely capture, report, or use information to improve decision making.
- (b) Corrective Action. The [AgencyCommission](#) may take corrective action in lieu of cancellation if it is determined by the [AgencyCommission](#) to be the best course of action to facilitate the maximum use of funds.