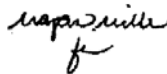


TEXAS WORKFORCE COMMISSION LETTER

ID/No:	WD 39-08
Date:	October 3, 2008
Keyword:	TANF/Choices
Effective:	Immediately

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



From: Laurence M. Jones, Director, Workforce Development Division

Subject: **Implementation of Amended Choices Rules**

PURPOSE:

To provide Local Workforce Development Boards (Boards) with information and guidance on implementing the Texas Workforce Commission's (Commission) amended Chapter 811, Choices rules.

BACKGROUND:

The Commission adopted amendments to Chapter 811, Choices rules, on September 9, 2008, and the rules are effective September 29, 2008. The amended rules are available at

http://www.twc.state.tx.us/twcinfo/rules/20072008/adopch811_090908.pdf.

The Choices rules were amended to implement Temporary Assistance for Needy Families (TANF) final regulations (final regulations) issued by the United States Department of Health and Human Services (HHS) on February 5, 2008. The final regulations include changes from the June 29, 2006, TANF interim final regulations and clarify a number of elements retained from the interim final regulations.

Changes in the TANF final regulations include:

- a requirement that documentation and verification of work activities occur at least once monthly;
- a limit on unsupervised homework time; and
- adjustment of the job search and job readiness limits from a six-week measurement to an hourly measurement.

Additionally, the Choices rules were amended to:

- align with previous Commission guidance released through Workforce Development (WD) Letters, Technical Assistance Bulletins, and policy clarifications;
- implement changes based on findings of the State Auditor’s Office October 2007 audit of the Choices program; and
- incorporate technical changes for clarification and consistency throughout the chapter.

PROCEDURES:

Effective immediately, Boards must adhere to the requirements and procedures set forth in the amended Choices rules.

NLF

Boards must be aware that at this time, projection of hours for paid work activities as provided in §811.5(c) is not allowed.

NLF

The Commission is amending the TANF Work Verification Plan (TANF plan) and will include a provision allowing Boards the flexibility to project hours for up to three months. However, until the Administration for Children and Families approves the TANF plan and automation changes accommodating projected hours are made, Board must ensure that this provision is not implemented. Further guidance will be provided when the TANF plan is approved and automation changes completed.

NLF

Attachment 1 to this WD Letter, Chapter 811: Choices Rules Matrix, provides Boards with clarification and guidance on the amended Choices rules.

INQUIRIES:

Direct inquiries regarding this WD Letter to wfpolicy.clarifications@twc.state.tx.us.

ATTACHMENT:

Attachment 1: Chapter 811: Choices Rules Matrix

RESCISSIONS:

None

REFERENCE:

- Deficit Reduction Act of 2005 (Public Law 109-71)
- U.S. Department of Health and Human Services, Administration for Children and Families, Temporary Assistance for Needy Families Final Rule, 45 C.F.R. Parts 261, et al
- Texas Workforce Commission Choices Rules: 40 TAC, Chapter 811
- WD Letter 58-07, issued September 27, 2007, and entitled “Choices: Serving Nonrecipient Parents”
- WD Letter 59-07, issued September 27, 2007, and entitled “Choices: New and Expiring TWIST Activity Codes”
- WD Letter 62-07, Change 1, issued January 11, 2008, and entitled “Acceptable Verification and Documentation for Choices and Food Stamp Employment and Training Work Activities”

FLEXIBILITY RATINGS:

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

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