

1 **CHAPTER 839. APPRENTICESHIP PROGRAMS - ADDITIONAL**

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

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8 **ON SEPTEMBER 13, 2022**, THE TEXAS WORKFORCE COMMISSION ADOPTED
9 THE RULES BELOW WITH PREAMBLE TO BE SUBMITTED TO THE *TEXAS*
10 *REGISTER*.

11
12 Publication Date of the Adoption in the *Texas Register*: **September 30, 2022**
13 The Rules are Effective: **October 3, 2022**

14
15 The Texas Workforce Commission (TWC) adopts new Chapter 839, relating to
16 Apprenticeship Programs - Additional, including the following subchapter:

17
18 Subchapter B. Grants to Facilitate Participation in Registered Apprenticeship
19 Programs by Certain Veterans and Military Personnel, §§839.20 - 839.23

20
21 New §§839.20 - 839.23 are adopted *without changes* to the proposed text as published in
22 the July 22, 2022, issue of the *Texas Register* (47 TexReg 4294), and, therefore, the
23 adopted rule text will not be published.

24
25 **PART I. PURPOSE, BACKGROUND, AND AUTHORITY**

26 The purpose of the Chapter 839, Subchapter B rules is to implement Senate Bill (SB) 337
27 from the 87th Texas Legislature, Regular Session (2021).

28
29 SB 337 amended Texas Labor Code, Chapter 302, Subchapter A by adding §302.00341,
30 Grants to Facilitate Participation in Apprenticeship Training Programs by Certain
31 Veterans and Military Personnel.

32
33 Texas Labor Code, §302.00341(a) defines "apprenticeship training program" and
34 "nonprofit organization."

35
36 Texas Labor Code, §302.00341(b) requires TWC to "develop and administer a program
37 under which the commission may award grants to one or more nonprofit organizations
38 duty military service members who are transitioning into civilian employment."

39
40 Texas Labor Code, §302.00341(c) stipulates that a grant awarded under Texas Labor
41 Code, §302.00341 may be used only to recruit or assist veterans or transitioning service
42 members.

43
44 Texas Labor Code, §302.00341(d) requires TWC to adopt rules to administer this grant.
45 These rules must include a process to verify that state funds awarded to a nonprofit
46 organization under Texas Labor Code, §302.00341 are used appropriately.

1 **PART II. EXPLANATION OF INDIVIDUAL PROVISIONS**

2
3 **SUBCHAPTER B. GRANTS TO FACILITATE PARTICIPATION IN**
4 **REGISTERED APPRENTICESHIP PROGRAMS BY CERTAIN VETERANS**
5 **AND MILITARY PERSONNEL**

6 TWC adopts new Subchapter B as follows:

7
8 **§839.20. Purpose and Goal**

9 New §839.20 states the purpose and goal for Chapter 839, Subchapter B.

10
11 **§839.21. Definitions**

12 New §839.21 defines the terms related to Chapter 839, Subchapter B.

13
14 **§839.22. Grants to Facilitate Participation in Registered Apprenticeship Programs**

15 New §839.22 states that TWC may provide grant(s) to nonprofit organization(s) that
16 apply for such through a TWC-developed application, to facilitate participation in
17 registered apprenticeships by recruiting and assisting veterans or transitioning services
18 members. Grant recipients shall repay any and all funds provided by grant if not used for
19 these purposes.

20
21 **§839.23. Recruitment and Assistance Services**

22 New §839.23 states that applicants shall include cost estimates in grant applications.
23 Grant recipients shall provide receipts for actual costs. The new section describes
24 recruitment and assistance services allowable under grant(s) and includes an exception
25 for use of up to 15 percent of the grant award for funds required to pay staff salaries
26 dedicated to recruitment or assistance activities under such grant.

27
28 TWC hereby certifies that the adoption has been reviewed by legal counsel and found to
29 be within TWC's legal authority to adopt.

30
31 **PART III. PUBLIC COMMENTS**

32 The public comment period closed on August 22, 2022. No comments were received.

33
34 **PART IV. STATUTORY AUTHORITY**

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

38
39 The new rules implement SB 337, which added Texas Labor Code, §302.00341, Grants
40 to Facilitate Participation in Registered Apprenticeship Programs by Certain Veterans
41 and Military Personnel.

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5 **AND MILITARY PERSONNEL**

6
7 **§839.20. Purpose and Goal.**

- 8
9 (a) The purpose of this subchapter is to establish the grant program in Texas
10 Labor Code, §302.00341, Grants to Facilitate Participation in Apprenticeship
11 Training Programs by Certain Veterans and Military Personnel.
12
13 (b) The goal of this subchapter is to establish a program to award grants to
14 facilitate the participation of certain veterans and military personnel in
15 apprenticeship training programs, as set forth in Texas Labor Code,
16 §302.00341.

17
18 **§839.21. Definitions.**

19
20 The following words and terms, when used in this subchapter, shall have the
21 following meanings.

- 22
23 (1) Active duty--As defined under Texas Occupations Code, Chapter 55,
24 active duty means current full-time military service in the armed forces
25 of the United States or active-duty military service as a member of the
26 Texas military forces, as defined in Texas Government Code,
27 §437.001, or similar military service of another state.
28
29 (2) Agency--The unit of state government established under Texas Labor
30 Code, Chapter 301 that is presided over by the Commission and
31 administered by the executive director to operate the integrated
32 workforce development system and administer the unemployment
33 compensation insurance program in this state as established under the
34 Texas Unemployment Compensation Act, Texas Labor Code, Title 4,
35 Subtitle A, as amended. The definition of "Agency" shall apply to all
36 uses of the term in this subchapter.
37
38 (3) Assistance--Provision of services designed to promote continued
39 participation in a registered apprenticeship program by military
40 veterans or transitioning service members.
41
42 (4) Commission--The body of governance of the Texas Workforce
43 Commission composed of three members appointed by the governor as
44 established under Texas Labor Code, §301.002, that includes one
45 representative of labor, one representative of employers, and one

1 representative of the public. The definition of Commission shall apply
2 to all uses of the term in this subchapter.

- 3
- 4 (5) Grant recipient--A nonprofit organization that is awarded funding
5 under this subchapter.
- 6
- 7 (6) Military veteran--An individual who has served on active duty and who
8 was discharged or released from active duty, as defined under Texas
9 Occupations Code, Chapter 55.
- 10
- 11 (7) Nonprofit organization--An organization exempt from federal income
12 taxation under Internal Revenue Code, §501(a), as an organization
13 described by Internal Revenue Code, §501(c)(3).
- 14
- 15 (8) Recruitment--Provision of services to promote enrollment in a
16 registered apprenticeship program by military veterans or transitioning
17 service members.
- 18
- 19 (9) Registered apprenticeship program--A training program that provides
20 on-the-job training, preparatory instruction, supplementary instruction,
21 or related instruction in a trade that has been certified as an
22 apprenticeable occupation by the United States Department of Labor
23 Office of Apprenticeship, as defined under Texas Education Code,
24 Chapter 133.
- 25
- 26 (10) Transitioning service member (TSM)--An individual in active duty
27 status (including separation leave) who is within 24 months of
28 retirement or 12 months of separation from military service.
- 29

30 **§839.22. Grants to Facilitate Participation in Registered Apprenticeship**
31 **Programs.**

- 32
- 33 (a) The Commission may award grants to one or more nonprofit organizations
34 that facilitate the participation in registered apprenticeship programs of
35 military veterans and TSMs.
- 36
- 37 (b) A nonprofit organization may apply to the Agency for a grant award under
38 this subchapter. An application, developed by the Agency for the purpose of
39 this subchapter, shall include such information necessary to determine
40 eligibility for such award.
- 41
- 42 (c) A grant awarded under this subchapter may only be used to recruit or assist
43 veterans who have received an honorable discharge or a general discharge
44 under honorable conditions and TSMs whose statement of service letter
45 indicates an honorable discharge or a general discharge under honorable
46 conditions to participate in a registered apprenticeship program in accordance

1 with §839.23 of this subchapter (relating to Recruitment and Assistance
2 Services).

- 3
- 4 (d) A grant recipient shall provide such information determined by the Agency
5 to be necessary to determine that the grant funds are used in compliance with
6 subsection (c) of this section. Such information shall be provided in a manner
7 and at a frequency determined by the Agency.
- 8
- 9 (e) If funds awarded under this subchapter are not used in accordance with
10 subsection (c) of this section, the grant recipient shall be required to repay
11 any funds not used in accordance with subsection (c) of this section.

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13 **§839.23. Recruitment and Assistance Services.**

- 14
- 15 (a) A nonprofit organization that applies under §839.22(b) of this subchapter
16 (relating to Grants to Facilitate Participation in Registered Apprenticeship
17 Programs) shall include cost estimates for services included in this section.
- 18
- 19 (b) A nonprofit organization shall provide actual costs and receipts for any
20 services included in this section in accordance with §839.22(d) of this
21 subchapter.
- 22
- 23 (c) Recruitment services, specific to military veterans and TSMs, allowable
24 under this subchapter, may include:
- 25
- 26 (1) outreach materials and services, which may include flyers, web
27 services, or other promotional services; or
- 28
- 29 (2) other costs related to recruitment, if such costs are approved by the
30 Agency prior to those costs being incurred.
- 31
- 32 (d) Assistance services, provided to military veterans and TSMs, allowable
33 under this subchapter, may include:
- 34
- 35 (1) tuition payments for the education portion of registered apprenticeship
36 programs;
- 37
- 38 (2) mentoring services;
- 39
- 40 (3) support services, as set forth in Texas Government Code,
41 §2308.312(c)(6); or
- 42
- 43 (4) other assistance services, if such costs are approved by the Agency
44 prior to those costs being incurred.
- 45
- 46 (e) Funds may be used for staffing costs only if:

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- (1) staff time is dedicated to subsections (c) and (d) of this section; and
- (2) such costs do not exceed 15 percent of the total grant awarded under this subchapter.