

1 **CHAPTER 803. SKILLS DEVELOPMENT FUND**

2
3 **ADOPTED RULES TO BE PUBLISHED IN THE *TEXAS REGISTER*. THIS**
4 **DOCUMENT WILL HAVE NO SUBSTANTIVE CHANGES BUT IS SUBJECT TO**
5 **FORMATTING CHANGES AS REQUIRED BY THE OFFICE OF THE SECRETARY**
6 **OF STATE.**

7
8 The Texas Workforce Commission (TWC) adopts amendments to the following section of
9 Chapter 803, relating to the Skills Development Fund:

10
11 Subchapter B. Program Administration, §803.14

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13 The amendment is adopted *without changes* to the proposed text as published in the September 9,
14 2022, issue of the *Texas Register* (47 TexReg 5466), and, therefore, the adopted rule text will not
15 be published.

16
17 **PART I. PURPOSE, BACKGROUND, AND AUTHORITY**

18 The amendment to Chapter 803 is adopted to streamline the grant proposal and approval process.

19
20 In Fiscal Year 2021, TWC implemented Skills Development Fund (SDF) Contingent Proposals
21 to respond quickly and to effectively assist in the COVID-19 recovery effort by helping Texas
22 employers, including small businesses, to train and hire employees while simultaneously aiding
23 Texas workers in regaining employment and reducing the number of individuals depending on
24 unemployment assistance. The new process has proven to be successful in streamlining the SDF
25 approval process and shortening the grant development time by saving anywhere from 40 to 55
26 days. To be able to use this new process, the Outreach and Employer Initiatives Division
27 developed a rule waiver pursuant to 40 TAC §803.32 for approval by TWC's executive director.
28 The adopted amendment will remove the need for a waiver and allow the use of the streamlined
29 process moving forward.

30
31 Texas Government Code, §2001.039, requires that every four years each state agency review and
32 consider for reoption, revision, or repeal each rule adopted by that agency. TWC reviewed the
33 rules in Chapter 803 and determined that the rules are needed, reflect current legal and policy
34 considerations, and reflect current TWC procedures. The reasons for initially adopting the rules
35 continue to exist and any changes to the rules are described in Part II of this preamble.

36
37 **PART II. EXPLANATION OF INDIVIDUAL PROVISIONS**

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

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41 **SUBCHAPTER B. PROGRAM ADMINISTRATION**

42 TWC adopts the following amendments to Subchapter B:

43
44 **§803.14. Procedure for Requesting Funding**

45 Section 803.14 is amended to add subsection (i) to outline the procedure for requesting a
46 contingency proposal.

1
2 TWC hereby certifies that the adoption has been reviewed by legal counsel and found to be
3 within TWC's legal authority to adopt.

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5 **PART III. PUBLIC COMMENTS**

6 The public comment period closed on October 10, 2022. No comments were received.

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8 **PART IV. STATUTORY AUTHORITY**

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

12
13 The adopted rule implements Texas Labor Code, Chapter 303.

- 1 (1) The number of proposed jobs created and/or retained;
- 2
- 3 (2) A brief outline of the proposed training project, including the skills acquired
- 4 through training and the employer's involvement in the planning and design;
- 5
- 6 (3) A brief description of the measurable training objectives and outcomes;
- 7
- 8 (4) The occupation and wages for participants who complete the customized
- 9 training project;
- 10
- 11 (5) A budget summary, disclosing anticipated project costs and resource
- 12 contributions, including the dollar amount the private partner is willing to
- 13 commit to the project;
- 14
- 15 (6) A signed agreement between the private partner or trade union and the Board,
- 16 public community or technical college, or TEEEX outlining each entity's roles
- 17 and responsibilities if a grant is awarded;
- 18
- 19 (7) A statement explaining the basis for the determination that there is an actual or
- 20 projected labor shortage in the occupation in which the proposed training
- 21 project will be provided that is not being met by an existing institution or
- 22 program in the workforce area;
- 23
- 24 (8) A comparison of costs per trainee for the customized training project and costs
- 25 for similar instruction at the public community or technical college, TEEEX, and
- 26 the Board;
- 27
- 28 (9) A statement describing the private partner's or trade union's equal opportunity
- 29 employment policy;
- 30
- 31 (10) A list of the proposed employment benefits;
- 32
- 33 (11) An indication of a concurrent proposal as required by subsection ~~(g)~~(e) of this
- 34 section; and
- 35
- 36 (12) Any additional information deemed necessary by the Agency to complete
- 37 evaluation of a proposal.

38
39 (i) An applicant may, with the approval of the executive director or his or her designee,
40 submit a proposal for funding that does not contain or identify all of the required
41 elements under subsection (h) of this section. The release of any funding is
42 contingent upon the applicant's submission, and the Agency's approval, of all the
43 required elements in subsection (h) of this section.