

SUBCHAPTER E. Client Eligibility Process Requirements  
40 TAC §809.93

The Texas Workforce Commission (Commission) proposes new §809.93, concerning the receipt of Texas Workforce Commission Applicant Child Care.

Proposed §809.93 establishes a priority for receiving child care subject to the availability of funds for individuals who need child care to accept employment, reside in a county where TWC Choices services are available, receive a referral from a Department of Human Services (DHS) Texas Works Advisor to attend a Workforce Orientation for Applicants, and secure employment prior to Temporary Assistance for Needy Families program (TANF) certification.

Ms. Charlotte Brantley, Director of Child Care/Work and Family Clearinghouse, has determined that for each of the first five years the rule is in effect, the public benefit anticipated as a result of enforcing the rule will be a more positive and effective implementation of House Bill 1863, 74th Legislature, Regular Session. Specifically, the purpose of the above cited legislation will be more meaningfully effected in that more clients will be able to receive help in paying for child care in order to maintain meaningful employment as an alternative to receiving TANF cash benefits. Ms. Brantley and Randy Townsend, Director of Finance have determined there is no anticipated adverse impact on small business as a result of enforcing or administering the proposed rule.

Randy Townsend, Director of Finance, has determined that for the first five-year period the rule is in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the proposed rule.

Mr. Townsend has certified that there will be no foreseeable impact on local economies or overall employment as a result of enforcing or administering the proposed rule. The adoption of the rule will result in no foreseeable economic cost to persons who are required to comply with the rule, and no foreseeable cost associated with implementing this section. All official comments submitted to Charlotte Brantley will be considered before the final rule is adopted.

Comments on the proposed rule may be submitted to Charlotte Brantley, Director of Child Care/Work and Family Clearinghouse, Texas Workforce Commission, 101 East 15th Street, Room 416T, Austin, Texas 78778, (512) 936-3227. Comments may also be submitted via fax to Ms. Brantley at (512) 936-3223 or e-mailed to: cbrantle@twc.state.tx.us. Comments must be received by the Commission within 30 days from the date this proposal is published in the Texas Register.

The new rule is proposed under Texas Labor Code, §301.061, which provides that the Commission has the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of the Act.

The proposed new rule affects the Texas Labor Code, Title 4, particularly Chapters 301 and 302 and the Texas Human Resources Code, Chapter 44.

§809.93. Texas Workforce Commission Applicant Child Care.

(a) Subject to the availability of funds, the Child Care Management Services Contractor shall provide Child Care for up to one year for individuals who meet the following criteria. The client shall:

- (1) need child care to accept employment;
- (2) reside in a county where Choices services are available;
- (3) receive a referral from the Department of Human Services Texas Works Advisor to attend a Workforce Orientation for Applicants;
- (4) locate employment prior to TANF certification; and
- (5) provide verification of a valid social security number.

(b) To receive Applicant Child Care, individuals shall also meet the requirements stated in the following sections:

- (1) Section 809.2 of this title (relating to the definition of Family Members);
- (2) Section 809.61(a) of this title (relating to Basic Requirements to Obtain Child Care Services from the Child Care Management Services (CCMS) System);
- (3) Section 809.65 of this title (relating to Eligibility Criteria for

Commission Funded Child Care Services);

(4) Section 809.67(a) of this title (relating to Income Limits for Child Care Services); and

(5) Section 809.68 of this title (relating to Income Inclusions for Child Care Eligibility Determination).

(c) To receive Applicant Child Care, individuals shall not have voluntarily terminated paid employment of at least thirty hours a week within thirty days prior to receiving the referral from the Department of Human Services Texas Works Advisor to attend a Workforce Orientation for Applicants.

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

Filed with the Office of the Secretary of State, on May 28, 1998.

TRD-9808689

J. Randel (Jerry) Hill

General Counsel

Texas Workforce Commission

Earliest possible date of adoption: July 12, 1998

For further information, please call: (512) 463-8812