

CJA Revisions to Chair Daniel 803 Rules Proposal

§803.1. Scope and Purpose

(a) Add public state colleges

Need to include Sec. 803.1 (b) “Goal of the Skills Development Fund is to increase the skills level and wages of the Texas workforce” because the statute 303.004 (b)(1)(A) requires review of the effectiveness of the programs in improving the wages of participants who complete the programs.

We are expending taxpayer dollars need to ensure that this will result in wage increase to employee, not leave the person in poverty.

§803.2. Definitions (1)(B) add subsection (iii) public state college

(2) add public state college

(4) Private Partner delete “an individual” include public state college

(9) include public state college to definition of training provider and delete “individual”

803.3 Uses of the Fund

(b) Uses of the Fund train employees of public hospitals in response to declared emergencies? Delete this section it is not needed because Section 803.32 providers waiver authority to the Executive Director to suspend or waive a section of this chapter not statutorily imposed upon a showing of good cause a finding that the public interest would be served by such a suspension or waiver.

Sec. 803.4 (b) (1) and (2) add public state colleges

803.4(c)(3) delete “and” and replace with “OR” per statute

803.4 add subsection (f) that includes agency process for acceptance of gifts and permission to reject a gift deemed unsuitable.

The commission may solicit and accept gifts, grants and donations from any public or private source for the purpose of this section. Gifts exceeding

\$500 must be accepted as prescribed by Section 301.021 of the Labor Code and Chapter 575 of the Texas Government Code. The Commission reserves the right to refuse any donation it deems unsuitable.

803.4 Use of Fund to Encourage Employer Expansion and Recruitment (Recruit Texas)

(b)(1) and (2) add public state colleges

(c)(3) delete “and” and use word “OR” to mirror statute

Add subsection (f) that sets forth the parameters of accepting a gift or donation and allows the agency to refuse any donation unsuitable.

(f) The commission may solicit and accept gifts, grants and donations from any public or private source for the purpose of this section. Gifts exceeding \$500 must be accepted as prescribed by Section 301.021 of the Labor Code and Chapter 575 of the Texas Government Code The Commission reserves the right to refuse any donation it deems unsuitable.

803.12 Limitations on Awards

(a) delete limitation and change to “*The Executive Director may limit the award amount of any single employer project*”.

Delete section (b) Question what if there is a need for another training project in the same area in order to increase capacity? This may be the case especially in South Texas where you have simultaneous LNG projects, Space X and Red River Steel

Subsection (c) Move to Section 803.15 Procedural for Proposal Evaluation

Section 803.13 Program Guidelines and Objectives

Important goals and objectives of the program need to be stated in Rule to provide clarity for program participants. Creation of high value, high skills jobs for the state, projects resulting in wage progression or resulting in 60% job retention

are all important goals. These are taxpayer training dollars and we need to make sure we have results and program participants are aware of those goals and that the Agency stands behind those goals.

Contracts may last 2 years. Guidance means you may or may not have to follow, it is permissive. Rule specific regarding expectations as set forth by the statute. Child Care guidelines are every four years. Reinsert goals but change workforce board areas back to original language "area" since Comptroller requires reporting by comptroller areas [803.13(1)] and change (2) to promote collaboration, awareness, and develop projects in all areas of the state.

Reinsert goals as in proposed rule but change workforce board areas back to original language "area" since Comptroller requires reporting by comptroller areas [803.13(1)] and change (2) to promote collaboration, awareness, and develop projects in all areas of the state.

Section 803.14 Procedure for Requesting Funding and Proposal Evaluation

Insert

(a) After obtaining the review and comments of the Board in the applicable workforce area(s), where there is a significant impact on job creation or incumbent worker training, a private partner or a trade union, together with a public community, public state college or technical college or TEEX, shall present to the executive director, or designee, a proposal requesting funding for a customized training project or other appropriate use of the fund provided that a local workforce board is not competing for an SDF grant application that targets the same employers and the development of the same skills.

(b) A local workforce board shall not submit an SDF grant application unless it certifies that no other qualified organization was reasonable available to fill the boards contemplated role in the grant.

(c) add public state college