

Narrative CJA's Revision to Staff's Rule Proposal

Section 803.2 Definitions

(1)(B) add public state college

(2) add public state college to grant recipient

(4) delete "individual" or "person" from list of eligible grant recipients

(9)(E) delete word "individual" or "person". Section 303 SDF Labor code only uses the term "individual" to refer to the employee being trained, not used to refer to a training provider.

Section 803.4 Use of Funds to Encourage Employer Expansion and Recruitment

(b)(1) and (2) add public state colleges. Section 303.0031(c)(1) Skills statute allows public state colleges to participate in Recruit Texas.

(c)(3) change and to "or" to mirror statute

Add subsection (f) set forth the parameters of accepting gifts, grants and donations. Section 303.0031(f) of the Labor Code states "The Commission may solicit and accept gifts, grants, and donations from any public or private source for the purpose of this section.

Section 301.021 of the Labor Code and Chapter 575 of the Texas Government Code require acceptance or acknowledgement of the donation or gift in an open meeting and require that the name of the donor, the description of the donation or gift and the statement of the purpose

Insert:

(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.

Section 803.12 Limitations on Awards

(1) Delete award limit and insert

The Executive Director may limit the award amount of any single employer project.

Internal audit noted too many waivers for this item so provide more flexibility.

Section 803.13 Project Objectives

(1) May want to leave as “areas” Sec.303.006(b) Labor code reporting requires information be presented by comptroller areas.

Section 803.14 Procedure for Requesting Funding

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.

Add public state college to (c) and (d)

Delete (e) “The training proposal shall not duplicate a training project available in the workforce area in which the private partner or trade union is located” because there may be an issue in some areas due to not enough capacity i.e. LNG projects, SpaceX and Red River Steel in the RGV.