

**ADOPTION OF SUBCHAPTER AA. EMPLOYEE TRAINING****Repeal 28 TAC §§1.2701-1.2703**

**INTRODUCTION.** The Texas Department of Insurance adopts the repeal of 28 TAC Chapter 1, Subchapter AA, concerning Employee Training and the reenactment of the subject matter as new Subchapter DD, concerning Employee Training and Education. TDI adopts the repeal and new sections without changes to the proposal published in the August 14, 2015, issue of the *Texas Register* (40 TexReg 5134).

The adoption will conform TDI's education and training programs with the State Employees Training Act, Government Code §656.041-§656.104, including amendments made by HB 3337, 84th Legislature, Regular Session (2015).

**REASONED JUSTIFICATION.** Programs for the training and education of state administrators and employees materially aid effective state administration. A state agency's training and educational program may include preparing for technological and legal developments, increasing work capabilities, increasing the number of qualified employees, and increasing employee competence.

TDI repeals Subchapter AA and reenacts its subject matter as Subchapter DD to facilitate a separate reorganization of Chapter 1. The adopted new sections allow more flexibility in TDI's employee education programs and education policy. The new sections

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add that TDI may require an employee to remain employed at TDI for a specific length of time or repay the reimbursement.

**SUMMARY OF COMMENTS AND AGENCY RESPONSE.** There were no comments.

**STATUTORY AUTHORITY.** TDI proposes the repeal of Chapter 1, Subchapter AA, under Government Code §656.048 and Insurance Code §36.001. Government Code §656.048 requires TDI to adopt rules relating to the eligibility of employees for training and education supported by the agency, and the obligations assumed by the employees on receiving the training and education. Insurance Code §36.001 provides that the commissioner may adopt rules and regulations to execute the duties and functions of TDI only as authorized by statute.

**TEXT.**

## **SUBCHAPTER AA. EMPLOYEE TRAINING.**

§1.2701. General Provisions.

§1.2702. Employee Training Program.

§1.2703. No Effect on At-will Status.

**SUBCHAPTER DD. EMPLOYEE TRAINING AND EDUCATION.****New Sections §§1.3101-1.3105**

**STATUTORY AUTHORITY.** TDI proposes new Chapter 1, Subchapter DD under Government Code §656.048 and Insurance Code §36.001. Government Code §656.048 requires TDI to adopt rules relating to the eligibility of employees for training and education supported by the agency, and the obligations assumed by the employees on receiving the training and education. Insurance Code §36.001 provides that the commissioner may adopt rules and regulations to execute the duties and functions of TDI only as authorized by statute.

**SUBCHAPTER DD. EMPLOYEE TRAINING AND EDUCATION.****§1.3101. General Provisions.**

(a) TDI may use state funds to provide education and training for its employees.

(b) The education and training program benefits the TDI and participating employees

by:

(1) preparing for technological and legal developments;

(2) increasing work capabilities;

(3) increasing the number of qualified employees; and

(4) increasing the competence of employees.

(c) Approval to participate in an education or training program is not automatic and

may be subject to the availability of funds.

§1.3102. Eligibility requirements.

(a) The education or training must be related to the employee's current position or prospective job duties.

(b) In order for an employee to be eligible for tuition reimbursement or education leave, an employee may be required to meet certain conditions, including, but not limited to, an employment period, performance ratings, and disciplinary actions.

§1.3103. Participation.

(a) Participation in an education or training program may include:

(1) mandatory TDI-sponsored training required for all employees;

(2) education and training relating to technical or professional certifications and licenses;

(3) education and training relating to the promotion of employee development;

(4) employee-funded external education;

(5) TDI-funded external education; and

(6) other TDI-sponsored education and training.

(b) Employees may be required to complete an education or training program related to the employee's duties or prospective duties as a condition of employment.

(c) Permission to participate in any education and training program may be withdrawn if TDI determines that participation would negatively impact the employee's

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job duties or performance.

§1.3104. Obligations. On completion of an education or training program, an employee's manager may require that the employee assume certain additional obligations, including, but not limited to:

(1) discussing and sharing information obtained at the training with other employees;

(2) assuming the additional job duties that the training prepared the employee for;

(3) conducting training for other employees concerning the information or skills taught at the training program; and

(4) remaining employed at TDI for a specific length of time or repay the reimbursement.

§1.3105. No Effect on At-Will Status. Approval to participate in any portion of the education and training program will not affect an employee's at-will status or constitute a guarantee or indication of continued employment, nor will it constitute a guarantee or indication of future employment in a current or prospective position.

**CERTIFICATION.** This agency certifies that legal counsel has reviewed the proposal and found it to be within the agency's legal authority to adopt.

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TITLE 28. INSURANCE  
Part I. Texas Department of Insurance  
Chapter 1. General Administration

Adoption of Repeal and New Sections  
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Sara Waitt  
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Texas Department of Insurance

The commissioner adopts the repeal of 28 TAC Chapter 1, Subchapter AA, concerning Employee Training and the reenactment of the subject matter as new Subchapter DD, concerning Employee Training and Education.



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David C. Mattax  
Commissioner of Insurance

COMMISSIONER'S ORDER NO. **4117**