

## **CHAPTER 27. RULES FOR ADMINISTRATIVE SERVICES.**

### **Subchapter A. GENERAL PROVISIONS.**

#### **§27.21. Commission Employee Training.**

- (a) “Training,” as used in this section, means instruction, teaching, or other education received by a commission employee that is not normally received by all commission employees and that is designed to enhance the ability of the employee to perform the employee’s job.
  - (1) The term includes a course of study at an institution of higher education, as defined by Texas Education Code §61.003(8), if the commission spends money to assist the employee to meet the expense of the course of study or pays salary to the employee to undertake the course of study as an assigned duty.
  - (2) The term does not include instruction, teaching, or other education that is required either by state or federal law or that is determined necessary by the commission and offered to all commission employees performing similar jobs.
- (b) The commission may make public funds available to its employees for training in accordance with the State Employees Training Act, Texas Government Code §§656.041 – 656.104. The State Employees Training Act allows the commission to spend public funds to pay the salary, tuition and other fees, travel and living expenses, training stipend, expense of training materials, and other necessary expenses of an instructor, student, or other participant in a training program.
- (c) Training paid for, in part or in whole, by the commission, or training undertaken by an employee of the commission as an assigned duty, must be related to the duties or prospective duties of the employee.
- (d) Employees may be required to complete training related to the employee’s duties or prospective duties.
- (e) Requirements for eligibility and participation in training must be in accordance with this section and the commission’s current employee handbook.
- (f) Permission to participate in training, including commission-sponsored training, must not in any way affect an employee’s at-will status or constitute a guarantee of continued employment, nor will it constitute a guarantee or indication of future employment in a prospective position.
- (g) Permission to participate in any training may be denied or withdrawn at the discretion of the commission’s executive director for any reason, including a determination that participation may negatively impact the employee’s job duties or performance.
- (h) Permission to participate in any training may be contingent upon reasonable requirements set in writing in advance by the employee’s supervisor. If pre-determined requirements are not met:
  - (1) Permission to participate or continue participating in the training may be denied or withdrawn; or
  - (2) The employee may be, at the discretion of the commission’s executive director, required to repay the commission any amounts paid toward the training.
- (i) For an authorized training program offered by an institution of higher education or a private or independent institution of higher education: the commission will only reimburse the tuition expenses for each program course successfully completed by the employee at an accredited institution of higher education (including online courses or courses not credited towards a degree); and the commission’s executive director must authorize the tuition reimbursement payment before the employee may be reimbursed.
- (j) An employee who does not perform the employee’s regular duties for three or more months as a result of training paid for by the commission must:
  - (1) work for the commission following the training for at least one month for each month of the training period; or

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- (2) repay the commission for all the costs associated with the training that were paid during the training period, including any amounts of the employee's salary that were paid for time spent on training and were not accounted for as paid vacation or compensatory leave, and any reasonable expenses the commission incurs in obtaining restitution, including reasonable attorney's fees.
  
- (k) The commission's executive director may require an employee who requests full or partial payment or reimbursement of tuition for training necessary to obtain a degree or certification to agree in writing before payment or reimbursement is made to pay the commission for any amounts paid if the employee voluntarily leaves employment with the commission within one year after the training is completed.
  - (1) Amounts paid by the commission will be prorated to credit any full calendar month of employment following completion of the training.
  - (2) This subsection only applies to an employee to whom subsection (j) of this section does not apply because the employee either continued to perform the employee's regular duties during training or did not perform the employee's regular duties for a period of time during training that was less than three months.
  
- (l) The commission may waive the requirements prescribed under subsection (j) of this section by an order adopted in a public meeting if the commission finds that such action is in the best interest of the commission or is warranted because of an extreme personal hardship suffered by the employee.
  
- (m) Before an employee receives training that will be paid for by the commission and during which the employee will not be performing the employee's regular duties for three months or more, the employee must agree in writing to comply with the requirements prescribed under subsection (j) of this section.
  
- (n) All materials received by an employee through commission-funded training are the property of the commission.