

**Consideration of Proposed New 22 Tex. Admin. Code § 211.10, relating to
Training and Education Reimbursement**

Background: Tex. Gov't. Code §656.047 authorizes a state agency to spend public funds as appropriate 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 or education program. Pursuant to Tex. Gov't. Code §656.048, a state agency is required to adopt rules relating to the eligibility of the agency's employees for training and education supported by the agency, as well as the obligations assumed by employees upon receiving those funds. Additionally, the state agency must adopt a policy governing the training of employees pursuant to Tex. Gov't Code §656.102. This policy is required to be posted on the agency's website.

The proposed new section, as set out in Attachment "A", codifies the Board's current policy regarding education expense reimbursement in rule. A copy of the Board's reimbursement policy, as is also required by statute, is attached as Attachment "B" for reference.

Staff Recommendation: Move to approve proposed new 22 Tex. Administrative Code §211.10, with authority for the General Counsel to make editorial changes as necessary to clarify rule and Board intent and to comply with the formatting requirements of the *Texas Register*. If no negative comments and no request for a public hearing are received, move to adopt new 22 Tex. Administrative Code §211.10, as proposed.

§211.10. Training and Education Reimbursement.

(a) The Board may use public funds to reimburse for the training and education for its employees. The training or education must be related to the duties or the prospective duties of the employee.

(b) An employee may be eligible for education and training reimbursement if the employee is taking the course at the request of the agency or:

(1) has been employed full-time at the Board for a period in excess of six (6) months;

(2) is currently employed full-time;

(2) has a performance evaluation of 3.0 or above; and

(3) does not have a current employment disciplinary record.

(c) If the course is completed at an accredited institution of higher education, the employee must achieve a grade of "C" or above for undergraduate work or a grade of "B" or above for graduate work to be eligible for reimbursement.

(d) If the education or training is a pass/fail activity, the employee must pass the course to be eligible for reimbursement.

(e) Permission to participate in any education or training program must be approved by the Executive Director and may be withdrawn if the Executive Director determines that participation would negatively impact the employee's job duties or performance or that participation is no longer in the agency's best interest.

(f) If the employee does not remain employed at the agency for one (1) year following completion of the course or training, the employee will be required to refund all

expenses reimbursed by the Board.

(g) Before an employee of the agency may be reimbursed, the Executive Director must authorize the reimbursement.

(h) For purposes of this rule, reimbursement only includes tuition, building fees, lab fees and student service fees. Tuition will be reimbursed up to half of the cost with a maximum of \$1,000 per fiscal year contingent upon availability of agency resources.

Training and Educational Reimbursement Policy

It is the policy of the Texas Board of Nursing to provide training and education for eligible staff members in accordance with the State Employees Training Act (Texas Government Code, §§656.041 - 656.104) and Board Rule 211.10.

The training and education program benefits both the Board and the participating employees by: (1) preparing for technological, nursing, and legal developments; (2) increasing work capabilities; (3) increasing the number of qualified employees in areas for which the Board has difficulty in recruiting and retaining employees; and (4) increasing the competence of agency employees.

The training or education must be related to the essential functions or prospective duties of an employee. Board employees may be required to complete a training or education program related to the employee's duties or prospective duties as a condition of employment.

A. Eligibility for Training or Education Reimbursement

1. The employee must have been continuously employed by the Board for more than six months at the time of application unless the employee is taking the course at the request of the agency.
2. An employee who has a performance evaluation below 3.0 or a current employment disciplinary record may not be considered for training or education reimbursement unless the employee is taking the course at the request of the agency.

3. The employee must be employed on a full-time basis at the time of the application.

4. An employee approved for training or education reimbursement is agreeing to a service commitment of one (1) year continuous employment with the Board of Nursing following completion of the course.

Transferring to another position within the agency does not invalidate the participant's eligibility for training or education reimbursement.

B. Training and Education Reimbursement Requirements

1. The employee must receive a satisfactory grade of "C" or better for undergraduate courses or courses not credited towards a degree, "B" or better for graduate courses, or "passing," if a pass/fail activity.

2. Nontraditional and online courses not credited for a degree will be considered. However, a course of questionable value to the agency will not be reimbursed. A decision will be made by the Executive Director with a recommendation from the Department Director.

3. The employee must observe and comply with all Board policies and work rules.

4. The Executive Director may deny an employee further reimbursement for education or training if the employee fails to meet performance, program, or academic requirements and expectations, or if the Executive Director determines that participation is no longer in the agency's best interest.

5. Reimbursement is not a contract for any duration of continued employment, and the employee is guaranteed no special rights or privileges in addition to those

granted to other Board employees. Continued employment is subject to the same policies and employment practices that govern all Board employees.

6. Employees may not use work hours for attending classes, studying, taking exams or other activities associated with their coursework or exam. When such activities fall within an employee's normal work schedule, the employee must use leave hours to compensate for time away from the job.

7. Employees who do not comply with the length of service requirement must reimburse the Board for the cost of the training or education activities and any reasonable expenses incurred by the Board in obtaining restitution, including reasonable attorney's fees.

C. Reimbursement Amount

Reimbursement only includes tuition, building fees, lab fees and student service fees. Tuition will be reimbursed up to half of the cost with a maximum of \$1,000 per fiscal year contingent upon availability of agency resources (receipts required).

D. Procedures for Reimbursement

Before reimbursement is made, an employee must submit the Training and Education Reimbursement Request form to the Operations Director indicating the tuition or fees paid (receipts required). Verification of successful completion including certificate, grades, official grade reports or transcripts with the college/university's name must be submitted to the Operations Director within 30 days of completing the course(s).

The Operations Director will attach the verification to the reimbursement request and submit it to the accounting department for processing.

E. Reimbursement for Training or Education Requiring 3 Month Absence

Before an employee intends or expects to receive training or education paid for by the agency which will prevent the employee from performing the employee's regular duties for three or more months, the employee must agree in writing to work for the agency following the training period for one year or pay the agency for all costs associated with the training that were paid during the training period, including any amounts of the employee's salary that were paid and not accounted for as vacation or compensatory leave.

F. Appeal Process

If the employee is denied Education and Training Reimbursement, the employee may appeal by following the grievance procedure set forth in the Human Resource Manual.