

33.05.01 Use of Public Funds for Employee Training

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Regulation Statement

State law provides that public funds may be used to provide training for state employees, with certain restrictions. This regulation addresses the use of public funds for employee training within The Texas A&M University System.

Reason for Regulation

This regulation addresses the use of public funds to provide training for A&M System employees.

Procedures and Responsibilities

1. GENERAL

- 1.1 The A&M System and its members may use public funds to provide training for eligible employees. The training must relate to an employee's duties or prospective duties.
- 1.2 Employees may seek training on their own time and at their own expense for any reason. In addition, employees may seek a degree or continuing education under the provisions of System Regulation *31.99.01, Employees Registering as Students*.

2. RESTRICTIONS ON CERTAIN TRAINING

- 2.1 Training funded by the A&M System or A&M System Member under this Section 2 must relate to an employee's duties following the training. The term "training" under this Section 2 includes only training that is not normally received by A&M System employees and that enhances the employee's ability to perform his or her job. This training may include a course of study at a public, private or independent institution of higher education. However, training that is required by state or federal law or that the

A&M System or System Member has determined to be necessary and offered to all employees performing similar jobs is exempt from the requirements of this Section 2.

2.2 A&M System or A&M System Member-funded training that is anticipated to result in an employee not performing normal employment duties for three months or more is subject to specific legal requirements. Before the employee receives training, a written agreement between the employee and the System Member must be executed requiring the following conditions:

2.2.1 Following the completion of the training, the employee will work for a period of time equal to no less than one month for each month of the training period; or

2.2.2 The employee will reimburse the System Member for all costs associated with the training that were paid during the training period, including any salary paid and not accounted for as paid vacation or compensatory time during the training.

2.3 The Board of Regents may, in a public meeting, adopt an order waiving the requirement of Section 2.2 if it is in the best interest of the A&M System or if it is warranted because of extreme personal hardship to the employee.

Related Statutes, Policies, or Requirements

Texas Government Code, Chapter 656, Subchapters C and D
<http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.656.htm>

Policy 33.05, *Employee Training*
<http://policies.tamus.edu/33-05.pdf>

Regulation 33.05.02, *Required Employee Training*
<http://www.tamus.edu/offices/policy/policies/pdf/33-05-02.pdf>

Regulation 31.99.01, *Employees Registering as Students*
<http://policies.tamus.edu/31-99-01.pdf>

Definitions

“Private or independent institution of higher education” in this regulation has the meaning assigned by Section 61.003, Texas Education Code and:

includes only a private or independent college or university that is:

- (A) organized under the Texas Non-Profit Corporation Act (Article 1396-1. 01 et seq., Vernon's Texas Civil Statutes);
- (B) exempt from taxation under [Article VIII, Section 2, of the Texas Constitution](#) and [Section 501\(c\)\(3\) of the Internal Revenue Code](#) of 1986 ([26 U.S.C. Section 501](#)); and
- (C) accredited by:
 - (i) the Commission on Colleges of the Southern Association of Colleges and Schools;
 - (ii) the Liaison Committee on Medical Education; or
 - (iii) the American Bar Association.

See Tex. Gov't Code § 656.101(2); Tex. Educ. Code § 61.003(15).

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