

Employment Service Guide

Texas Workforce Commission

March 10, 2025

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Overview of Guide

The Employment Service (ES) program administered by the Texas Workforce Commission (TWC) is governed by the Wagner-Peyser Act and federal regulations published by the U.S. Department of Labor's (DOL) Employment and Training Administration (ETA). The program is funded by unemployment insurance (UI) taxes assessed on employers through the [Federal Unemployment Tax Act](#) (26 United States Code (USC), Chapter 23).

The [Wagner-Peyser Act of 1933](#), which established a nationwide system of public employment offices known as the Employment Service (formerly known as Job Service), was amended by the Workforce Investment Act (WIA) of 1998 to establish the one-stop service delivery model. The one-stop service delivery system is intended to provide universal access to an integrated array of labor-exchange (job-matching) services through staff assistance or self-service. This allows employers, workers, and job seekers to obtain the services they need, when they need them, and in the manner that they prefer (for example, online, in person, or by phone). WIA was replaced by the [Workforce Innovation and Opportunity Act \(WIOA\) of 2014](#), which further amended the Wagner-Peyser Act to align and improve employment, training, and education programs, and strengthen the workforce development system through innovation.

On November 24, 2023, DOL published the Wagner-Peyser Act (WPA) Staffing Final Rule, which revised the ES regulations to:

- require the use of ES Merit staff for the provision of ES services;
- strengthen the provision of services to migrant and seasonal farmworkers (MSFWs); and
- enhance the protections of the Monitor Advocate System and the ES and Employment-Related Law Complaint System (Complaint System).

TWC is implementing the ES Staffing Model required by the DOL's WPA Staffing Final Rule to enhance the delivery of ES services. Under the ES Staffing Final Rule, TWC has administrative oversight, as well as management responsibility for directing daily work assignments, assigning individual performance goals, hiring, initiating disciplinary action, and evaluating staff performance for state merit staff providing ES services in a local Workforce Solutions Office.

The following definitions apply to ES Service Delivery:

Contract Supervisor—Workforce Solutions Office Manager, supervises contract service provider staff in a local Workforce Solutions Office. May provide training, coaching, mentoring, and scheduling of ES Merit staff to cover lunch/breaks in a Workforce Solutions Office.

ES Merit Staff—TWC employees responsible for providing ES services required under the WPA, to jobseekers and employers in a Workforce Solutions Office. ES Merit staff members are TWC staff.

ES Supervisory Staff—TWC staff overseeing the provision of ES services in a Workforce Solutions Office, responsible for the management of state merit staff.

Workforce Solutions Office Staff—staff providing services at a Workforce Solutions Office, including Board contract service providers, state merit staff providing ES services under WPA, or staff of other partner programs collocated within the Workforce Solutions Office.

ES Roles and Responsibilities in a Workforce Solutions Office

ES Merit Staff—ES Merit staff members are responsible for providing ES services required under the WPA to anyone that comes into a Workforce Solutions Office. ES Merit staff are responsible for providing ES services to employers. ES Merit staff may provide other support services such as covering the front desk during lunches or breaks, helping in a resource room during lunches or breaks. Primary focus for ES Merit staff should be the provision of ES services to job seekers and employers.

ES Supervisory Staff—ES Merit staff members who are responsible for hiring state staff, posting vacancies, interviewing and selection decisions, managing personnel—including ES Merit staff performance reviews. ES Supervisory staff may include feedback from contract supervisors on-site, but is solely responsible for drafting, finalizing, and delivering ES Merit staffs' performance review. ES Supervisory staff should coordinate staff work schedules based on the needs of the local Workforce Solutions Office. This coordination should include contractor staff considerations such as setting fixed work schedules and determining lunch and break times.

Contract Supervisor—May provide training, coaching, mentoring and scheduling lunch/break coverage in their assigned Workforce Solutions Office to ES Merit staff by coordinating these efforts with the state staff members' supervisor.. The ES provided under WPA is a core program required under WIOA and an integral component of the one-stop delivery system. ES service in Workforce Solution Offices is a key component of overall workforce system service delivery and all roles are responsible for working together to provide seamless customer service experience.

ES provides a variety of employment-related services (sometimes referred to as Wagner-Peyser services) for job seekers and employers depending on the needs of the labor market.

Services for job seekers include the following:

- Job search assistance, job referral, and placement assistance for job seekers
- Reemployment services for unemployment claimants (in addition to reemployment services provided by the Reemployment Services and Eligibility Assessment [RESEA] program)
- Assessment of skill levels, abilities, and aptitudes
- Career guidance
- Job search workshops
- Referral to workforce system partner programs for training
- Validation of the work test requirement for UI benefits

Employer services include the following:

- Referral of qualified job seekers to available job openings
- Recruitment services for employers with job openings

- Assistance with developing job order requirements
- Matching job seekers with job requirements, skills, and other attributes
- Assisting employers with special recruitment needs
- Arranging and staffing job fairs
- Assisting employers with analyzing hard-to-fill jobs
- Assisting with job restructuring
- Helping employers mitigate the impact of layoffs

In addition to universal access for employers and job seekers, ES provides services to the following:

- Veterans
- Individuals with disabilities
- Migrant and seasonal farmworkers
- Second-chance individuals
- Youth
- Older workers
- UI claimants

The core principles of the ES program are as follows:

- Help employers fill jobs by recruiting, screening, and referring qualified job seekers who meet job requirements
- Help job seekers find employment for which they are qualified, to help establish long-term employment stability and earning potential
- Facilitate job matching between employers and job seekers
- Participate in clearing labor between states, including the use of a standardized classification system (Agricultural Recruitment System [ARS])
- Ensure that unemployment claimants meet the work-test requirement by registering with the state labor exchange system (completion of the Wagner-Peyser registration in WorkInTexas.com)
- Provide information about labor market conditions
- Address or help address labor issues regarding state and federal laws
- Validate work-test requirements for UI benefits

The purpose of this guide is to:

- provide information about ES policies and requirements; and
- highlight how ES supports the primary mission of TWC and Local Workforce Development Boards (Boards).

The objectives of this guide include:

- establishing a comprehensive resource for ES policy information and guidance on federal and state requirements and oversight of service delivery;
- communicating expectations for program design and service delivery; and
- ensuring a consistent level of service.

Part A—Employment Service Program Administration

A-100: Program Requirements

A-101: Code of Federal Regulations, Part 652 Minimum Requirements

Code of Federal Regulations (CFR), [Title 20, Chapter V, Part 652](#) (Establishment and Functioning of State Employment Services) requires that, at a minimum, each state administer a labor exchange (job matching) system that has the capacity to do the following:

- Help job seekers find employment
- Help employers fill job openings
- Facilitate the match between job seekers and employers
- Participate in a system for clearing labor between the states (ARS), including the use of standardized classification systems issued by the Secretary of Labor
- Meet the work-test requirements of the state unemployment compensation system
- Provide labor exchange services as identified in 20 CFR, Chapter V, §678.430(a), §7(a) of the Wagner-Peyser Act, and WIOA §134(c)(2)(A)(iv).

A-102: Unemployment Insurance Work Test

Workers who lose their jobs through no fault of their own may be eligible for unemployment benefits, which are funded by a state employer tax or direct reimbursements by certain employers. One of the conditions for ongoing eligibility requires that an unemployment claimant comply with the work-test requirements by being able and available to accept suitable work and by actively seeking full-time work if required to do so.

The TWC Unemployment Insurance (UI) Division determines whether a job is suitable based on the following:

- The unemployment claimant's experience, qualifications, and training
- Working conditions and pay for similar work in the claimant's local workforce development area (workforce area)
- Any risks to the claimant's health, safety, or morals
- Distance to work from the claimant's home with consideration of local commuting patterns
- How long the claimant has been unemployed

During claimants' first eight weeks of unemployment, claimants must be willing to accept a suitable job that pays at least 90 percent of their normal wage. After claimants have been unemployed for eight weeks, claimants must be willing to accept a suitable job that pays at least 75 percent of their normal wage.

TWC and Boards must ensure that when Workforce Solutions Office staff determines that a claimant has failed to comply with the work test requirements, staff reports the failure using the WF-42 form located in WorkInTexas.com to the local Workforce/Unemployment Insurance (WF/UI) coordinator, who in turn, reports the issue to the state WF/UI coordinator.

For additional information, refer to the following:

- [D-401](#): About Employment Service/Unemployment Insurance Coordination
- [20 CFR §652.210](#)
- [Texas Unemployment Compensation Act](#) §207.008 and §207.021(a)(1), (3), (4), and (5)
- TWC's UI rules at [40 Texas Administrative Code \(TAC\), Chapter 815, §815.20 and §815.28](#)

A-103: Intrastate and Interstate Clearance Orders

A clearance order is a job order that is processed through the clearance system under the Agricultural Recruitment System (ARS). Intrastate and interstate clearance orders ensure job seekers and employers in local and multistate labor areas have full access to agricultural job opportunities and the available labor pool, respectively, without regard to workforce area or state boundaries. This is primarily directed at, and particularly helpful to, agricultural employers and laborers.

The ARS is a method or series of steps for processing intrastate (within the state) and interstate (outside of the state/between states) clearance orders that seek U.S. workers (both MSFW and non-MSFW) to perform farmwork on a temporary basis (less than 12 consecutive calendar months). The ARS provides both employers and workers with recruitment and referral services for temporary employment in agriculture.

TWC must ensure ES Merit staff follows the steps below to administer the ARS:

- Recruit within the local labor market area by publicizing the availability of ES services through various channels, including newspapers, electronic media, private and public community agencies, agricultural associations, and MSFW groups.
- Make clearance order information available at the local Workforce Solutions Office and in WorkInTexas.com.
- Ensure all farmworkers are informed about the terms and conditions of employment set forth in intrastate and interstate clearance orders. This includes providing the workers with clear and concise information regarding:
 - wage payment schedules;
 - working conditions;
 - worker's rights; and
 - other relevant details from the clearance order.
- If the employer experiences a worker shortage in the workforce area, or if the local Workforce Solutions Office anticipates a shortage of workers, staff must place a job order through intrastate clearance.
- If the clearance order cannot be filled through intrastate clearance, it must be placed through interstate clearance (with employer approval).
- If there are not sufficient U.S. workers who are able, willing, qualified, and available for the requested positions and the employment of foreign workers will not adversely affect the wages and working conditions of similarly employed U.S. workers, the employer may use the H-2A program to hire foreign workers on a temporary basis to perform agricultural work. For additional information regarding the hiring of foreign workers, refer to [C-1000: Foreign Labor Certification](#).

When placing ARS clearance orders, Workforce Solutions Office staff must:

- use ETA [Form 790](#) (or its subsequently issued form).
Note: If the clearance order incorporates offices beyond the local office commuting area, Workforce Solutions Office staff must withhold employer information to ensure smooth movement of workers within the state ES system;
- determine, through a preoccupancy housing inspection that the housing assured by the employer is either available and meets the applicable housing standards or has been approved for conditional access to the clearance system as required in [20 CFR § 653.502](#); and
- record all intrastate clearance orders and referrals and submit to the TWC ARS coordinator. TWC will verify that the order meets requirements and authorize statewide access.

When an out-of-state employer requests to post a clearance order in WorkInTexas.com, Workforce Solutions Office staff must direct the employer to the AJC in the employer's home state for assistance with incorporating the clearance order into the ARS.

TWC responsibilities regarding clearance orders include:

- ensuring intrastate and interstate clearance orders do not contain any unlawful discriminatory specifications, including, for beneficiaries (as defined in 29 CFR 38.4) only, on the basis of citizenship status or participant status;
- stating all the material terms and conditions of the employment, including:
 - the crop;
 - the nature of the work;
 - the anticipated period and hours of employment;
 - the anticipated starting and ending dates of employment;
 - the anticipated number of days and hours per week for which work will be available;
 - the hourly wage rate or the piece rate estimated in hourly wage rate equivalents for each activity and unit size;
 - any deductions to be made from wages;
 - a specification of any nonmonetary benefits to be provided by the employer;
 - any hours, days, or weeks for which work is guaranteed;
 - for each guaranteed week of work, except where the employer has amended the start date in the allotted time, the exclusive manner in which the guarantee may be abated due to weather conditions or other acts of God beyond the employer's control; and
 - any bonus or work incentive payments or other expenses which will be paid by the employer in addition to the basic wage rate, including the anticipated time periods within which such payments will be made;
- ensuring that wages offered are not less than the applicable prevailing wages or the applicable federal or state minimum wage, whichever is higher;
- ensuring that working conditions offered are not less than the prevailing working conditions among similarly employed farmworkers in the area of intended employment;
- ensuring that the employer has agreed to provide or pay for the transportation of the workers and their families at or before the end of the period of employment specified in

the job order on at least the same terms as transportation is commonly provided by employers in the area of intended employment to farmworkers and their families recruited from the same area of supply. Under no circumstances may the payment or provision of transportation occur later than the departure time needed to return home to begin the school year, in the case of any worker with children 18 years old or younger, or be conditioned on the farmworker performing work after the period of employment specified in the job order;

- ensuring that the employer makes the appropriate assurances in the clearance order; and
- making every effort to place the workers in alternate job opportunities, especially if the workers are already in route or at the job site or if weather conditions, over-recruitment, or other conditions have eliminated the scheduled job opportunities.

Note: Employment opportunities for year-round farmwork are not included in the ARS.

To find an American Job Center in a particular state, go to [America's Service Locator](#) and enter the ZIP code or other location information.

A-104: Nondiscrimination

Regulations at [20 CFR §652.8\(j\)\(1\)](#) require, in part, that no individual be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of, or in connection with, any services or activities authorized under the Wagner-Peyser Act in violation of any applicable nondiscrimination law. The regulations implementing this provision, administered and enforced by DOL's Civil Rights Center (CRC), apply to all programs and activities that are part of the one-stop delivery system. Refer also to [29 CFR §38.2](#). [29 CFR §38.2](#). Refer to [A-203: ES Complaints Regarding Unlawful Discrimination](#)

Regulations at [20 CFR §652.8\(j\)\(2\)](#) require, in part, that discriminatory job orders must not be accepted, except where the stated requirement is a bona fide occupational qualification. (Refer to [C-507: Job Orders with a Bona Fide Occupational Qualification](#).)

TWC and Boards must ensure that job orders comply with all applicable federal and state laws, such as the Fair Labor Standards Act, the Texas Child Labor Law, and the Texas Payday Law.

A-105 Services to Individuals with Disabilities

The Wagner-Peyser Act and the Americans with Disabilities Act (ADA) provide for voluntary disclosure of disabilities. ADA also requires that reasonable accommodations be provided upon request to job seekers seeking Workforce Solutions Office services. For additional information on providing reasonable accommodations, refer to Workforce Development [\(WD\) Letter 24-01](#), issued June 22, 2001, and titled "Prohibition Against Discrimination Based on Disability or Limited English Proficiency in the Administration of Workforce Services," and subsequent issuances.

The nondiscrimination and universal access requirements of WIOA §188 and its regulations for individuals with disabilities at 29 CFR §38 require the one-stop delivery system and one-stop career centers to ensure universal access and equal opportunity for individuals with disabilities in the workforce development system. Boards must ensure that Workforce Solutions Office programs, services, and facilities are accessible to individuals with disabilities and other barriers

to employment and comply with federal and state requirements. Boards must submit the name and telephone number of a liaison on accessibility-related issues to TWC's EO Officer at EO.Reports@twc.texas.gov.

Boards may refer to DOL's resources and guidance to evaluate Workforce Solutions Offices and develop service plans that address accessibility for individuals with disabilities.

Workforce Solutions Office staff must not disclose information to potential employers about a job seeker's disability.

To ensure accessibility for individuals who are deaf, hard-of-hearing, or speech-disabled, the use of relay services for communication is sometimes required. For a list of relay services and providers, refer to [TA Bulletin 311](#), issued September 23, 2024, and titled "Customers Requiring Relay Services," and subsequent issuances.

A-106: Security of Sensitive Personal Information

Workforce Solutions Office staff and other TWC grantees must ensure the security and confidentiality of customers' personal identity data by adhering to the following guidelines for security:

Physical Security

- Limit access to sensitive printed materials.
- Use proper storage for materials that include personal identity data.
- When possible, after use, shred documents that include personal identity data.
- Secure laptop computers when not in use.
- Do not leave documents that include personal identity data in plain view.

Electronic Security

- Do not share passwords, personal identification numbers, security tokens (for example, smartcards), or any data or equipment used for authentication and identification purposes.
- Lock or log off computers when leaving them unattended, no matter for how short a time.
- Do not send any personal identity data in the subject or body of an email; instead, save the data to a secure document using the password-protection option, email the password to the recipient, and send the document as an attachment in a separate email.
- Use password protection when saving personal identity data in a document that will be transported on a laptop computer or portable storage device.
- Require each WorkInTexas.com staff user to complete and sign Form P-41, TWC Information Resources Usage Agreement, on the TWC Business Operations—Human Resources SharePoint page. (TWC's SharePoint pages are not available to the public.)

Additionally, Workforce Solutions Office staff and other TWC grantees must ensure that a customer's confidential personal identity data is not provided to anyone other than that customer, and then only after the customer provides enough information to establish their identity.

For further information, refer to the following:

- [WD Letter 02-18, Change 1](#), issued March 18, 2024, and titled “Handling Sensitive Personal Information and Other Confidential Information—Update,” and subsequent issuances
- [WD Letter 11-16, Change 1](#), issued August 21, 2024, and titled “Access and Data Security for Workplace Applications—Update,” and subsequent issuances
- [WD Letter 14-08](#), issued March 19, 2008, and titled “Modifications to Unemployment Insurance Benefits System Access,” and subsequent issuances
- Agency Board Agreement (ABA) 2023 (and subsequent agreements), Section 2.4—Privacy Awareness and Training

A-107: Financial Literacy

As set forth in [Texas Labor Code §302.0027](#), TWC and Boards must ensure that all workforce development programs offered in the state include financial literacy training.

Boards and Workforce Solutions Office staff may use the Money Smart curriculum—available in English, Spanish, Chinese, Korean, and Vietnamese—to ensure that financial literacy training is available to Workforce Solutions Office customers.

Information on the Money Smart curriculum, including instructions on how to order free copies, is available through the Federal Deposit Insurance Corporation (FDIC) website on the [Money Smart](#) web page.

Workforce Solutions Office staff may check local policies to learn more about the financial literacy programs in the workforce area.

A-108: Professional Standards

To avoid any appearance of impropriety, TWC and Boards must ensure that Workforce Solutions Office staff members are prohibited from accomplishing any of the following tasks without obtaining management permission:

- Completing, updating, or keying in a job seeker account for themselves, a coworker, a relative, or a friend using their WorkInTexas.com staff login
- Referring themselves, a coworker, a relative, or a friend to a job order using their WorkInTexas.com staff login

Note: If the service provided is a referral to, or contact on, a job order, Workforce Solutions Office staff must ensure that management approval is documented on the WorkInTexas.com **Case Notes** page for the employer attached to the affected job order.

Additionally, TWC and Boards must ensure that Workforce Solutions Office staff does not make inquiries in the UI Tax or UI Benefits systems for themselves, a coworker, a relative, or a friend.

If a conflict occurs or the appearance of impropriety emerges, TWC and Boards must ensure that Workforce Solutions Office staff members immediately report the incident to their supervisors.

TWC and Boards must ensure that Workforce Solutions Office staff complies with the following:

- Will not access or monitor any records except those that are absolutely necessary to complete assigned job duties
- Are aware that certain information is of a personal nature, is sensitive and confidential under law, and will be disclosed only in compliance with Texas Labor Code §301.085, TWC guidelines, and the Public Information Act
- Refer to [A-106](#): Security of Sensitive Personal Information
- Refer to [A-300](#): Requests for Information

A-109: Veterans Priority

Serving veterans is the responsibility of all Workforce Solutions Office staff. Eligible veterans are entitled to priority in receiving workforce services over all other equally eligible individuals.

To reinforce the federal priority of service provisions under the [Jobs for Veterans Act of 2002](#), and to implement state priority of service provisions, Workforce Solutions Office staff must ensure that eligible veterans are:

- identified as eligible veterans at the point of entry;
- informed of their entitlement to priority of service; and
- provided priority of service in all programs or services that are funded in whole or in part by DOL.

For additional information, refer to the following:

- [Title 38 USC §4215](#)
- [20 CFR Part 1010, Priority of Service for Covered Persons](#)
- [TEGL No. 10-09](#), issued November 10, 2009, and entitled “Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in whole or in part by the US Department of Labor (DOL)”
- [Texas Labor Code §302.014](#)
- [Texas Family Code, Chapter 264](#)
- [WD Letter 01-21, Change 1](#), issued March 18, 2024, and entitled “Applying Priority of Service and Identifying and Documenting Veterans and Transitioning Service Members—Update,” and subsequent issuances

A-200: Complaint Procedures

A-201: About Complaint Procedures

The Employment Service and Employment-Related Law Complaint System (Complaint System):

- addresses complaints involving failure to comply with ES regulations;
- addresses complaints against an employer about the specific job to which the applicant was referred through the ES;
- accepts, refers, and, under certain circumstances, tracks complaints involving employment-related law; and
- addresses apparent violations (suspected or observed violations of employment-related laws or ES regulations by an employer).

Complaints related to the type and quality of services provided by a Workforce Solutions Office include complaints submitted to TWC regarding staff actions or omissions under ES regulations.

Under [20 CFR, Part 658, Subpart E](#), each state must establish and maintain a Complaint System, which includes:

- ensuring procedures are established for the processing of complaints and apparent violations;
- maintaining a central complaint log that lists all complaints received by Workforce Solutions Offices and TWC; and
- displaying approved Complaint System posters prominently.

TWC and Boards are responsible for the operation of the Complaint System in each Workforce Solutions Office. Additionally, each Workforce Solutions Office must be assigned a trained ES Complaint System representative to process ES complaints and to maintain a log for recording all complaints received. Although a physical office presence isn't required, each office must have a designated ES Complaint System Representative available, even if virtually.

All staff located in the Workforce Solutions Office may receive complaints. TWC and Boards must provide Workforce Solutions Office staff access to training regarding the Complaint System.

A-202: Filing ES Complaints

To be processed, a complaint or apparent violation must adhere to the following requirements:

- Be in writing. Complaints should be documented using [Form ETA 8429](#).
- Contain the following information:
 - The complainant's name and address (or another means of contacting the complainant)
 - The respondent's contact information (employer or state agency)
 - A description of the complainant or apparent violation
 - Whether the complainant is an MSFW
 - The complainant's signature or the signature of the complainant's authorized representative (for complaints)

If an individual or their representative indicates interest in filing an ES or employment-related law complaint, staff receiving the complaint must:

- offer to explain the Complaint System;
- offer to take the complaint in writing, using ETA form 8429;
- make every effort to obtain all necessary information in order to investigate the complaint;
- request all the physical addresses, email addresses, telephone numbers, and any other helpful methods of contact during the investigation of the complaint;
- facilitate access to the nearest Complaint System Representative before the complainant leaves the office or area, if possible, and explain the need to maintain contact during the investigation;
- ensure the complainant submits the complaint using Form ETA 8429;

Note: A written (letter or email) complaint signed by the complainant, or their representative may also be used in place of Form ETA 8429; and

- offer to assist the complainant in completing the form and submitting all necessary information and must do so if the complainant desires such assistance.

At a minimum, the complaint log must include the following:

- Date the complaint was filed or the apparent violation was identified
- Name of the complainant (for complaints)
- Name of the respondent (TWC, Workforce Solutions Office, or employer)
- Address of the complainant (when available)
- Whether the complaint is made by or on behalf of an MSFW or whether the apparent violation affects an MSFW
- Whether the complaint or apparent violation concerns an employment-related law or the ES regulations
- Description of the complaint
- Actions taken including any documents sent or received and the date the actions were taken, and whether the complaint or apparent violation has been resolved (informally or formally)
- Date of outcome

A-203: ES Complaints Regarding Unlawful Discrimination

Any individual who believes they, or a specific class of individuals, have been subjected to unlawful discrimination by TWC or an entity receiving federal funding from or through TWC can file a complaint alleging unlawful discrimination. This discrimination must be based on one or more of the following characteristics:

- Age
- Race
- Sex, including:
 - pregnancy;
 - childbirth; and
 - related medical conditions;
- Color
- Religion
- National origin (including limited English proficiency)
- Disability
- Political affiliation or belief
- Citizenship status
- Participation in any WIOA program or activity

This also applies to any beneficiary of, applicant to, or participant in programs financially assisted under WIOA.

Complaints alleging unlawful discrimination must be addressed as follows:

1. Workforce Solutions Office staff accepts a hard copy or electronic complaint from the complainant or their representative using Form ETA 8429 that describes the alleged unlawful discrimination.
2. Once received, the Complaint System Representative must record the complaint in the complaint log and immediately refer the complaint to the TWC EO Officer via email.
3. The Complaint System Representative must notify the complainant of the referral to the TWC EO Officer via letter or email.

A charge of discrimination must be filed within 180 days of the alleged act of discrimination.

Email: EO.complaint@twc.texas.gov

Attn: EO Compliance department, Fraud Deterrence and Compliance Monitoring Division

For additional assistance, contact the EO Compliance department by phone at (512) 463-2400 or Relay Texas: 7-1-1, 1+ (800) 735-2989 (TDD), or 1+ (800) 735-2988 (Voice).

A-204: Complaints Regarding the ES

TWC and Boards must ensure that when an ES complaint is filed against an employer or Workforce Solutions Office, the Workforce Solutions Office serving the area where the employer is located processes the complaint.

Additionally, Boards must ensure that when an ES complaint is filed against a Workforce Solutions Office, the complaint is processed by the Workforce Solutions Office where the alleged violation occurred. If a Workforce Solutions Office receives an ES complaint against another Workforce Solutions Office, and the alleged violation did not occur in the receiving office's area, the complaint must be referred to the appropriate Workforce Solutions Office.

Complaints filed at the Workforce Solutions Office or TWC regarding failure to comply with ES regulations must be addressed as follows:

1. Workforce Solutions Office staff accepts a hard copy or electronic complaint from the complainant or their representative using Form ETA 8429 that describes the alleged violation.
2. Once received, the local Complaint System representative must investigate and attempt to resolve the complaint immediately.
3. If the complaint is not resolved within 15 working days (or five working days for complaints filed by or on behalf of MSFWs), the Complaint System representative must send the complaint to the TWC Complaint System Coordinator for resolution.
4. The Complaint System representative must notify both the complainant (or their representative) and the respondent, in writing, of the determination of the complaint investigation or referral to TWC.
5. Once received, the TWC Complaint System Coordinator must investigate immediately and make a determination within 30 working days (or 20 working days for complaints filed by or on behalf of MSFWs) of receipt.
6. All ES complaint determinations must be sent to the parties and/or their representative(s) by certified mail, and a copy of the TWC Determination Notice will be sent via email (when available). The TWC Determination Notice will include:
 - the results of the investigation;

- the conclusions reached on the allegation(s) of the complaint;
-
- tconfirmation that TWC will initiate procedures for the discontinuation of services to the employer when there is a final determination indicating a violation of ES regulations by the employer;
- an explanation of why the complaint was not resolved if a resolution was not reached; and
- a statement advising the complainant or employer of their right to appeal and informing them that requests for appeal hearings must be made within 20 working days after the certified date of receipt of the TWC Determination Notice, if the complaint is against TWC or if the complaint is against an employer and the TWC Determination Notice shows that the employer has not violated ES regulations.

A complaint regarding the ES regulations must be processed to resolution only if it is made within two years of the alleged occurrence.

A statement advising the complainant or employer of their right to appeal and informing them that requests for appeal hearings must be made within 20 working days after the certified date of receipt of the TWC Determination Notice, if the complaint is against TWC or if the complaint is against an employer and the TWC Determination Notice shows that the employer has not violated ES regulations.

A-205: Complaints Regarding Employment-Related Laws

When a complaint is filed regarding an employment-related law, the Workforce Solutions Office staff member receiving the complaint must determine if the complainant is an MSFW.

Complaints submitted by non-MSFWs must be addressed as follows:

1. Workforce Solutions Office staff accepts a hard copy or electronic complaint from the complainant or their representative using Form ETA 8429 that describes the alleged violation(s) of the employment-related law(s).
2. The complaint is referred to the local Complaint System representative.
3. Once received, the local Complaint System Representative must record in the complaint log and immediately refer the complaint to the appropriate enforcement agency, another public agency, a legal aid organization, and/or a consumer advocate organization, as appropriate.
4. Complaints for non-MSFWs regarding employment-related laws may be referred as follows:
 - Refer complaints alleging violations of employment-related laws, such as the Fair Labor Standards Act and wage and hour issues, to DOL's Wage and Hour Division.
 - Refer complaints alleging unsafe working conditions to DOL's Occupational Safety and Health Administration.
 - Refer complaints alleging discrimination by an employer that did not have an internal job order in WorkInTexas.com to [TWC's EO Office](#).
5. No follow up is required once the complaint has been sent to the proper enforcement agency.

If the complainant is an MSFW, the complaint must be addressed as follows:

1. Workforce Solutions Office staff accepts a hard copy or electronic complaint from the MSFW or their representative using Form ETA 8429 that describes the alleged violations(s) of the employment-related law(s).
2. Once received, the local Complaint System Representative must attempt to resolve the complaint informally at the local level, unless:
 - the complaint was submitted to TWC, and the TWC Complaint System Coordinator determines immediate action is necessary; or
 - informal resolution at the local level would be detrimental to the MSFW.
3. If the complaint is not resolved within five working days, the Complaint System Representative must forward the employment-related complaint to the appropriate enforcement agency.
4. If a complaint alleges an employer in a different state violated an employment-related law a copy of the completed Form ETA 8429 must immediately be sent to the state workforce agency in the other state. Copies must also be sent to the ETA Regional Office.

If an enforcement agency makes a final determination that the employer violated an employment-related law and the complaint is connected to a job or clearance order, TWC will initiate procedures for discontinuation of services immediately. TWC will notify both the MSFW and the employer of this action.

A-206: Required Posters

Boards must ensure that all Workforce Solutions Offices prominently display approved Complaint System posters, including the following:

- [“Know Your Rights” Poster](#) in English and Spanish
- [ETA’s Complaint System Poster](#) in English and Spanish

These and other posters are available online from TWC or DOL:

- [Posters for the Workplace—TWC](#)
- [Posters—DOL](#)

A-300: Requests for Information

A-301: General Information

TWC and Boards must comply with Texas Government Code §552.001 relating to the Public Information Act and disclosure of information.

Individuals or entities requesting information include, but are not limited to, the following:

- Employers
- Job seekers
- Press (TV, radio, newspapers, and other media)
- Other government agencies

- Private-sector entities such as banks and schools

A-302: Open Records Requests

All general ES program information—for example, performance measures, budget, and strategic planning—is public information. However, information identifying any individual or past or present employer or employing unit, and information that could be combined with other publicly available information to reveal information identifying any individual or past or present employer or employing unit is confidential under [Texas Labor Code §301.085](#) and may be disclosed only for the purpose of job matching. Unemployment compensation information (including wage records) and job-matching services information is not public information for purposes of the Public Information Act.

Unauthorized release of confidential unemployment compensation and job-matching services information is a Class A misdemeanor.

Refer to [Title 40, TAC, Part 20, Chapter 843 Job Matching Services §843.1](#) and [40 TAC Chapter 815 Unemployment Insurance §§815.161-815.168](#) for more information on confidentiality and disclosure of confidential information.

Boards must comply with the responsibilities and requirements set forth in the Open Meetings and Public Information Acts, and in [WD Letter 80-05, Change 1](#), issued March 19, 2008, and titled “Senate Bill 286: Open Meetings and Public Information Training Requirements for Elected and Appointed Public Officials and Board Responsibilities under the Open Meetings Act and Public Information Act,” and subsequent issuances.

Requests for public information must be:

- immediately directed to the TWC Open Records coordinator; and
- submitted by the requester in writing.

An [Open Records Request](#) form and instructions are available online.

A “written request” is one submitted in almost any form that can be read, including an email, letter, memo, or handwritten note. Requests must include the following:

- Specifics regarding what information is needed
- The requester’s name and contact information
- In the case of unemployment claimants and other individuals seeking access to their confidential information, the individual’s SSN, a copy of the individual’s state- or government-issued photo ID (for identification verification purposes), and the individual’s signature

Charges may apply to a request for records.

Except for information that is confidential by law or is defined in state statute as not being “public information” for purposes of the Public Information Act—including claimant information, employer tax information, identifying information of job seekers and employers in the job-matching systems, and student records—nearly all recorded information maintained by TWC is subject to disclosure under the Public Information Act. TWC is required to respond to

any written request as promptly as possible—but no later than 10 business days after the date the information is requested—with the following:

- Request for an Attorney General Ruling, if an exception to disclosure is being asserted
- Cost estimate if the request is over \$40
- Release of the information either:
 - without redactions; or
 - with redactions with an explanation of authority for redacting the information
- A certification of the date the information will be released

A [one-hour training](#) on the Public Information Act is available online.

Boards must do the following:

- Respond to requests for records collected from customers through the Boards (for example, child care and employment and training records)
- Direct all requests for information collected and maintained by TWC (for example, employer tax reports) to:

TWC Open Records
101 East 15th Street, Room 266
Austin, Texas 78778-0001
Phone: (512) 463-2422
Fax: (512) 463-2990
Email: open.records@twc.texas.gov

A-303: Unemployment Benefit Information

Unemployment claimants can access information on their most recent unemployment claim for benefits, such as benefit amounts, remaining balance, and payment information by:

- logging into the [Unemployment Benefits Services](#) web page;
- calling the automated telephone system, TeleServ, at (800) 558-8321; or
- requesting a TWC staff callback through the [External Contact Request System](#).

If, after searching online for specific unemployment information, individuals find that the information is not available, Workforce Solutions Office staff must instruct the individual to submit a request through the [External Contact Request System](#) or call the Tele-Center at 800-939-6631 and make a verbal request for the required information and documents. If the information the claimant requested is not available online or from the Tele-Center, the Tele-Center customer service representative will submit a request for a special written letter containing the necessary information.

A-305: Law Enforcement Information Requests

Boards must not release any official, confidential, or sensitive personal information (SPI), except as identified in previous sections, even to law enforcement representatives.

Boards must ensure that all requests for such protected information are routed to TWC's Open Records Division for proper verification.

Boards must redirect requests to:
TWC Open Records
101 East 15th Street, Room 266
Austin, Texas 78778-0001

Phone: (512) 463-2422

Fax: (512) 463-2990

Email: open.records@twc.texas.gov

Part B—Delivery of Services

B-100: Employment Service

TWC and Boards must ensure that a variety of services and multiple levels of services are offered to employers and job seekers at Workforce Solutions Offices. ES is one segment of the services available in Workforce Solutions Offices. The Wagner-Peyser Act states that “the basic purpose of ES is to improve the functioning of the nation’s labor markets by bringing together individuals who are seeking employment and employers who are seeking workers.”

ES provides universal access to the following:

- Job search and placement assistance
- Job referrals
- Labor market information (LMI)
- An array of other services available in Workforce Solutions Offices throughout the state

The WPA Staffing Final Rule requires state merit staff (ES Merit staff) to provide ES services.

B-200: WorkInTexas.com

B-201: About WorkInTexas.com

WorkInTexas.com helps employers and job seekers connect through an internet-based labor exchange system. Employers and job seekers can register online, browse job seekers or jobs, and request matches against job orders and résumés.

WorkInTexas.com features available free of charge to employers include:

- online self-registration;
- online job order and job matching in real time;
- the ability to view résumés and contact job seekers immediately;
- email notification of matches, if requested;
- current LMI;
- The Virtual Recruiter tool; and
- other recruiting tools and information.

WorkInTexas.com features available free of charge to job seekers include:

- online self-registration;
- résumé creation;
- online creation of a State of Texas Application for Employment to apply for state jobs;
- online job matching;
- ability to browse jobs and contact employers immediately;
- email notification of matches, if requested;
- current LMI;
- access to career tools and training resources; and
- access to job notices from other sources (for example, [National Labor Exchange](http://NationalLaborExchange.com)).

B-202: WorkInTexas.com Support and Use

TWC and Boards must ensure the following:

- Appropriate Workforce Solutions Office staff are trained to use WorkInTexas.com as the job matching and public labor exchange tracking system
- Appropriate Workforce Solutions Office staff members are assigned suitable levels of access to WorkInTexas.com

TWC and Boards must ensure that Workforce Solutions Office staff do not enter, alter, or otherwise update:

- any individual registration without first consulting the job seeker; or
- an employer, professional employer organization (PEO), or third-party registration (including job orders) without first consulting the primary user for that entity or location.

B-202.a: WorkInTexas.com Support Network

TWC and Boards must use the following two-tiered WorkInTexas.com support network.

1. WorkInTexas.com—Local Workforce Development Area Support

TWC and Boards must ensure the following:

- At least two Workforce Solutions Office staff members in each workforce area are designated as WorkInTexas.com liaisons to provide support and up-to-date system information to appropriate Workforce Solutions Office staff in the workforce area
- Up-to-date and correct contact information for WorkInTexas.com liaisons is maintained
- A process for distributing information, routing questions and addressing issues concerning WorkInTexas.com is established
- Resolution of all questions and problems regarding WorkInTexas.com is attempted first through local WorkInTexas.com liaisons

2. Workforce Systems Support Desk

TWC and Boards must be aware that TWC's Workforce Systems Support Desk:

- provides technical support on issues that local WorkInTexas.com liaisons are unable to resolve; and
- operates Monday through Friday during standard [TWC business hours](#).

B-202.b: Procedures for Contacting the Workforce Systems Support Desk

TWC and Boards must ensure the following:

- Appropriate Workforce Solutions Office staff members first contact the workforce area's local WorkInTexas.com liaison for resolution of system problems
- Only local WorkInTexas.com liaisons may contact the Workforce Systems Support Desk regarding unresolved system problems

TWC and Boards must ensure that local WorkInTexas.com liaisons report problems and request assistance by doing the following:

- Complete the WorkInTexas.com Problems and Questions template (Form TWN-027), available on TWC's intranet (The intranet is not available to the public.)
- Navigate to TWC's [Service Now](#) portal, select **Workforce Automation**, then select **WorkInTexas.com**, and submit the problem or question along with the TWN-027 form for resolution by the WorkInTexas.com support team
- Email the form to the Workforce Systems Support Desk at the address listed in the form's instructions

TWC and Boards must ensure that Workforce Solutions Office staff does not provide Workforce Systems Support Desk contact information to employers or job seekers.

B-202.c: Improving WorkInTexas.com Job Match Quality

TWC and Boards must ensure that Workforce Solutions Office staff reviews relevant account information for all individuals and employers receiving staff-assisted services to ensure that WorkInTexas.com contains the information needed to generate appropriate job matches.

Online self-service job-matching systems like WorkInTexas.com are only as good as the information they contain. The best job matches occur when job seekers and employers:

- provide as much detail as possible in advance; and
- document skills effectively by using the skill-coding functions that are a standard part of online job-matching systems.

To help ensure quality matches in WorkInTexas.com, Workforce Solutions Office staff and other appropriate users may log in to WorkInTexas.com to access the following training tools in the **Learning Center**:

- [Individual courses](#), which include the following topics:
 - Registration for Job Seekers
 - State of Texas Application for Job Seekers
 - Finding a Job
 - The Virtual Recruiter for Individuals
 - My Workspace Overview
- [Employer courses](#), which include the following topics:
 - Post a Job
 - Candidate Résumé Search
 - The Virtual Recruiter for Employers
 - My Employer Workspace Overview

B-203: Went to Work

WorkInTexas.com's **Went to Work** service allows Workforce Solutions Office staff to track when job seekers find work on their own. Workforce Solutions Office staff record **Went to Work** services in WorkInTexas.com.

Part C—Services to Employers

C-100: Employer Services

The employer services component is an integral part of the local workforce system. As part of the Texas workforce system, TWC must establish and maintain an effective working relationship with their local business community. Employer services are a critical link between workforce services and employer needs.

TWC must establish a process that meets the needs of local businesses. TWC must direct employer services toward:

- promoting the use of the full range of Texas workforce system services and facilities;
- identifying the specific employment needs of individual employers, and providing the appropriate solutions available through the Texas workforce system;
- providing recruitment and placement assistance;
- obtaining and maintaining current information from local employers concerning:
 - labor needs;
 - employment and training opportunities; and
 - other information to use in providing services to employers and job seekers.

Employer services include:

- Outreach to promote using Workforce Solutions Office facilities and services
- Entry, review, and maintenance of job orders in WorkInTexas.com
- Making contacts and filling job orders
- Specialized testing
- WorkInTexas.com technical assistance
- Recruitment assistance
- Information on employment-related issues
- Employer training services
- Rapid response to mass layoffs and permanent facility, store, enterprise, or plant closures
- Agricultural clearance
- Incumbent worker training
- Work Opportunity Tax Credit (WOTC)
- Fidelity bonding

C-200: Employer Access to Systems and Services

C-201: Employer Access

For the purposes of ES, an employer is defined by the DOL ([20 CFR §651.10](#)) as follows:

A person, firm, corporation, or other association or organization (1) that currently has a location within the United States to which US workers may be referred for employment and that proposes to employ a worker at a place within the United States and (2) that has an employer relationship with respect to employees under this subpart as indicated by the fact that it hires, pays, fires, supervises, and otherwise controls the work of such employee. An

association of employers must be considered an employer if it has all the indications of an employer set forth in this definition. Such an association, however, must be considered as a joint employer with the employer member if either share in exercising one or more of the definitional indications.

Note: Federal contractors associated with the military as employers are considered employers, even if the jobs are located outside the U.S.

TWC must ensure that ES Merit staff follows the employer approval process outlined below prior to providing employer services, including:

- employer outreach (in-person or by telephone);
- Workforce Solutions Office orientation;
- employer site recruiting;
- interview rooms;
- job fairs; and
- customized employer training.

TWC must ensure that when a new employer self-registers an account in WorkInTexas.com, the entity has both:

- a TWC UI Tax ID; and
- a Federal Employer Identification Number (FEIN) related to that tax account number.

TWC must ensure that ES Merit staff with access to the mainframe system through the Resource Access Control Facility (RACF) provides employers with their tax account number or FEIN upon request, but only after confirming the employer's identity.

C-202: Approval of New Employer Accounts

Entities that do not have both a state tax account number and FEIN will be:

- unable to access the system at that time; and
- directed to contact their local Workforce Solutions Office for assistance with account registration.

When an entity without a TWC UI Tax ID and FEIN wishes to post a job opening in WorkInTexas.com, TWC must ensure ES staff approves the new employer account if the entity:

- meets the definition of employer as set forth in [20 CFR §651.10](#) ; and
- agrees to comply with the job order requirements in the [Employer Use Agreement](#) available on TWC's intranet. (The intranet is not available to the public.)

When screening a potential new employer, it is important to perform due diligence by following through on extra steps and asking additional questions to verify the eligibility of an entity.

To locate a possible preexisting account, ES Merit staff first conducts an employer name search, which helps to eliminate duplicate employer accounts in WorkInTexas.com.

Note: The presence of a preexisting WorkInTexas.com account does not guarantee an entity's legitimacy.

If an entity meets the above criteria, TWC must ensure that staff assists with the following:

- Establishing a WorkInTexas.com employer account for the new employer
- Helping with entering job orders
- Providing the employer with workforce services, as appropriate

TWC must ensure that only employers that have paid wages and request to establish a tax account number are referred to the [Unemployment Tax Registration](#) web page.

When an out-of-state employer wishes to post a job in WorkInTexas.com, TWC must ensure the following:

- If the job is in Texas, ES Merit staff follows the same procedures used for Texas employers that do not have a TWC UI Tax ID and FEIN.
- If the job is out-of-state, ES Merit staff refers the out-of-state employer to the ES agency in the employer's home state. Staff may use the [Workforce Development Board Finder](#) to find locations throughout the nation.

If the employer wishes to post farm work or food-processing jobs—regardless of the state in which the employer operates—TWC must ensure that the employer is referred to Workforce Solutions Office staff for assistance with the ARS before referring the out-of-state employer to TWC's [ARS Coordinator](#).

C-203: Ineligible Employers and Entities

WorkInTexas.com is the state labor exchange system designed to facilitate job matching between employers and job seeking individuals.

An employer or entity can be determined ineligible for a new or existing employer account in WorkInTexas.com. An entity may be deemed ineligible if the employer or entity:

- is an independent contractor;
- is not an employer of record (no bona fide employer-employee relationship);
- offers business opportunities, not jobs;
- is a multilevel marketing group;
- seeks to hire replacement workers during a labor dispute; or
- charges a referral or application fee.

If an employer or entity is determined to be ineligible to use WorkInTexas.com, TWC and Boards must ensure that Workforce Solutions Office staff does the following:

- Clearly communicate the reasons for ineligibility to the entity
- Document the conversation and outcome using employer **Case Notes** in WorkInTexas.com, as follows:
 - For new employers that are determined ineligible before registration, document the conversation and outcome in the **Case Notes** attached to the Ineligible Employers and Entities account (Employer Site ID 1217527).

- For existing employer accounts that are determined ineligible after registration, document the conversation and outcome in the **Case Notes** attached to the existing employer account, as well as the **Case Notes** attached to the Ineligible Employers and Entities account (Employer Site ID 1217527).

Workforce Solutions Office staff can find additional tools and detailed information to help determine whether an employing entity should be granted access to WorkInTexas.com in the appendixes to this guide.

- [Appendix A](#): Employer-Employee Relationship Flowchart
- [Appendix B](#): Employer Definitions for Use with WorkInTexas.com
- [Appendix C](#): Entity Authentication Resources

C-204: Discontinuation of Services to Employers

TWC must discontinue services to employers if employers:

- submit and refuse to alter or withdraw job orders containing specifications that are contrary to employment-related laws;
- submit job orders and refuse to provide assurances that the jobs offered are in compliance with employment-related laws;
- are found, through field checks or otherwise, to have either misrepresented the terms or conditions of employment specified on agricultural intra- or interstate job orders or failed to comply with assurances made on job orders;
- are found by a final determination by an appropriate enforcement agency to have violated any employment-related laws, and notification of this final determination has been provided to TWC by that enforcement agency;
- are found by TWC to have violated ES regulations;
- refuse to accept qualified workers referred through the interstate clearance system; and/or
- refuse to cooperate in field checks conducted as set forth in [20 CFR §653.503](#).

Additionally, TWC may immediately discontinue services to employers when exhaustion of the administrative procedures regarding discontinuation of services would cause substantial harm to a significant number of workers.

Employers, as defined in [20 CFR §651.10](#), are required to adhere to the following established criteria when using WorkInTexas.com. Violations of these policies may result in the loss of access to privileges.

- Job postings must be valid, describe an immediate opening, and provide a detailed job description. Note: Business Opportunities or Contract Bids (RFPs) are not considered valid or immediate openings.
- Postings cannot contain material that is obscene, scandalous, inflammatory, pornographic, profane, unlawful, threatening, libelous, defamatory, or otherwise inappropriate.
- Race, creed, color, gender, age, religion, disability status, or national origin cannot be used to deny employment to any job seeker.

- Job seekers cannot be charged a fee to access a job or as a condition of accepting a job. Usual and customary licensing fees or certifications, such as a real estate broker's license are acceptable. Application fees, purchasing kits, and work-from-home plans are not acceptable.
- This service/site cannot be used to recruit replacement workers in a labor dispute, either through job postings or résumé searches.

Résumés cannot be used for any purpose other than to fill an immediate job opening. The résumé is the property of the job seeker and selling or reposting it, whether in whole or in part, violates their privacy rights.

In any of the above situations, Workforce Solutions Office staff must document the following information in the employer's **Case Notes** in WorkInTexas.com and try to contact the employer to address the situation:

- WorkInTexas.com employer identification number
- Employer name and location
- Date the job order was submitted
- Job order identification number
- Brief description of the problem or situation
- Brief description of the Workforce Solutions Office staff member's efforts to address the situation

If the employer is unwilling or Workforce Solutions Office staff is unable to resolve the situation, Workforce Solutions Office staff must send a discontinuation of services request to TWC's Workforce Systems Support Desk (refer to [B-202.b](#)). In addition to the information listed above, this request must include a summary of the employer's violations of ES regulations and how Workforce Solutions Office staff has addressed the situation.

TWC will initiate procedures for discontinuation of services in accordance with [20 CFR, Part 658, Subpart F](#), when the decision is based on one of the above violations.

Additionally, TWC will:

- advise Workforce Solutions Office staff of the outcome of any investigation and what action should be taken, including the discontinuation or reinstatement of the provision of services;
- expect Workforce Solutions Office staff to notify the employer of such determination; and
- issue a statement advising the employer of their right to appeal and informing them that requests for appeal hearings must be made within 20 working days after the certified date of receipt of the TWC Determination Notice, if the complaint is against TWC or if the complaint is against an employer and the TWC Determination Notice shows that the employer has not violated ES regulations.

C-300: Job Orders in WorkInTexas.com

C-301: General Information

WorkInTexas.com gives employers access to the largest database of job seekers in Texas. Employers can enter, update, and archive job orders securely.

When entering job orders in WorkInTexas.com, employers may:

- specify job qualifications based on skills and experience;
- conduct a search of the job seeker database for matches based on job qualifications;
- view résumés and contact job seekers immediately;
- receive email notification of matches;
- receive a list of qualified job seekers; and
- access LMI.

The WorkInTexas.com job seeker database includes everyone from skilled professionals to temporary laborers. The system allows for quick viewing of a list of skills and qualifications for each job seeker. Interested employers can also access job seeker contact information.

Workforce Solutions Office staff can access both employer job orders and individual job seeker accounts entered into WorkInTexas.com.

Employers can post their own jobs or provide job order information to Workforce Solutions Office staff for the matching and referral of qualified job seekers. The job order information allows Workforce Solutions Office staff to:

- evaluate the employer's hiring requirements and determine whether those requirements are legal and related to job performance; and
- evaluate the job seeker's qualifications.

When an employer's job order is provided to job seekers through the referral process, TWC and Boards must ensure that Workforce Solutions Office staff does the following:

- Reviews the job order to ensure that the individual meets the job order requirements before making a referral or providing any other staff-directed activity
- Reviews the job order for illegal or discriminatory questions or statements
- Directs concerns regarding potentially illegal or discriminatory statements in an employer's job order to the Board's local Equal Opportunity officer for review and determination

C-302: Job Orders in Local Workforce Areas Served by Other Workforce Solutions Offices

Workforce Solutions Office staff may be contacted regarding job order requests that:

- are from an employer located in a workforce area served by another Workforce Solutions Office;
- specify the work is to be performed in another workforce area; or
- recruit workers from another workforce area.

In these cases, TWC and Boards must ensure the following:

- Workforce Solutions Office staff encourages the employer to contact a Workforce Solutions Office that is in the workforce area in which the work site is located to facilitate coordination between the employer and Workforce Solutions Office staff at that Workforce Solutions Office.
- If the employer insists on listing the job order at a Workforce Solutions Office that does not serve the workforce area in which the work site is located, Workforce Solutions Office staff must notify and coordinate with Workforce Solutions Office staff at the Workforce Solutions Office that does serve that workforce area of the job order either by telephone or email.
- Workforce Solutions Office staff enters accurate requirements for these job orders, including associating each job order with appropriate work locations.

C-303: Job Order Maintenance

TWC and Boards will establish procedures for updating job orders and updating the status of a contact.

The process allows information to be shared and job order activity and responsibility to be coordinated with the Business Services Unit, other Workforce Solutions Office staff, Texas Veterans Commission staff and other appropriate partner program staff.

TWC and Boards must ensure that appropriate Workforce Solutions Office staff review new job orders manually entered by preferred employers in WorkInTexas.com daily to ensure that the job orders:

- are associated with valid employer accounts;
- contain:
 - descriptions of immediate openings;
 - correct occupational categories;
 - appropriate job requirements;
 - documentation of the employer's claim of a BFOQ;
 - complete descriptions of the terms and conditions of employment (for example, drug screening, proficiency tests or assessments, credit checks); and
- do not contain:
 - violations of state or federal laws, including equal employment opportunity, child labor, and minimum wage laws;
 - union or nonunion specifications;
 - openings for jobs vacated as a result of a strike or lockout;
 - openings for business opportunities or contract bids (RFPs);
 - recruitments for training;
 - discriminatory remarks or improper conditions;
 - inappropriate language;
 - requirements that the job seeker provide credit card or bank account information to apply; and
 - fees charged to the job seeker to apply for or fill the job.

TWC and Boards must ensure that, after reviewing new job orders, Workforce Solutions Office staff:

- contacts the employer before making any modifications to a job order, including modifications to the number of job openings within a job order; and
- places the job order on hold until the employer is contacted if employer contact is necessary.

TWC and Boards may determine whether designated Workforce Solutions Office staff members need supervisory approval to modify a job order after an employer requests or agrees to modifications.

TWC and Boards must ensure that designated Workforce Solutions Office staff members do not delete, cancel, or modify a job order—including modifying the number of job openings within the job order—if the following is true:

- The employer does not wish to modify the job order.
- The job order meets the requirements set forth in this guide.

WorkInTexas.com job orders cannot be deleted once an individual has applied for the job through WorkInTexas.com.

TWC and Boards must ensure that Workforce Solutions Office staff do the following:

- Enters all hires (if applicable)
- Closes job orders in a timely manner using WorkInTexas.com
- Contacts the workforce area's local WorkInTexas.com liaison for instructions on the following:
 - Running job matches
 - Conducting real-time job searches
 - Entering employer services
 - Entering hires
 - Maintaining job orders
 - Generating reports

Building a good relationship with an employer requires keeping the employer informed about the status of its job orders—from the time Workforce Solutions Office staff receive the job order until it is filled or canceled. Additionally, follow-up contact with employers during the job-filling process ensures that Workforce Solutions Office staff have current and accurate information about job orders, including the following:

- Whether information provided is complete
- Whether the occupation entered is correct
- Whether job requirements are included
- Whether job seekers meet the minimum qualifications
- Whether a sufficient number of qualified job seekers have applied
- Whether the position has been filled
- The name of the job seeker hired and the start date

TWC, Boards and ES Supervisory staff must also ensure that the **Case Notes** associated with the employer account in WorkInTexas.com are used to document any relevant information, including conversations between Workforce Solutions Office staff and the employer about a job order.

TWC and Boards must ensure that appropriate Workforce Solutions Office staff members use the **Case Notes** page only for employer or job order management entries, such as the following:

- Supervisory instructions
- Notes related to changes to job orders
- Records of changes to or discussion with employer contacts
- Notations of employer exceptions to quality referral/contact standards
- Job order status (for example, long periods on hold, special searches/referrals, feedback regarding quality of referrals)

Discussions and information obtained from employers are sensitive. Certain information is confidential under law and will be disclosed only in compliance with [Texas Labor Code §301.085](#), TWC guidelines, and the Public Information Act.

C-304: National Labor Exchange Job Orders in WorkInTexas.com

WorkInTexas.com, the state labor exchange, and the [National Labor Exchange](#) continue to work together to increase the number of job orders available to job seekers and to introduce WorkInTexas.com to employers that may not have previously used the system.

The National Labor Exchange continues to upload job orders to WorkInTexas.com nightly, and these jobs can be found in WorkInTexas.com when searching for job orders by checking the National Labor Exchange as the source.

C-400: Job Orders That Violate Federal or State Law

C-401: About Job Orders That Violate Federal or State Law

Job orders that include certain types of hiring criteria may violate federal or state law. These typically include job orders that:

- have union or nonunion specifications;
- predesignate the job seeker to be referred;
- contain discriminatory specifications or have citizenship specifications;
- involve a fee to the job seeker for filling a job;
- violate child labor laws by allowing youth (ages 14–17) to be referred;
- are below the prevailing wage or are substandard job orders; and
- fill a job vacated due to a strike or lockout.

C-402: Union or Nonunion Specifications

Job orders specifying membership or non-membership in a labor organization as a condition of employment may violate federal or state law.

Unions and labor organizations are subject to Texas Right to Work laws, which make a job order illegal if there is an agreement between an employer and a union that requires union membership

immediately or after a certain period. An agreement that requires individuals to pay union membership dues even if they are not members also is illegal.

Texas Right to Work laws do not apply to the following:

- A railroad or “carrier,” as defined in the Railway Labor Act
- A federal enclave or any type of federal installation
- Work performed outside the state of Texas

For additional information, refer to the following:

- Texas Labor Code, Chapter 101, Labor Organizations
- Texas Business and Commerce Code, Title 2, §15.05(e)(1)–(2)
- The National Labor Relations Act, [29 USC, Chapter 7, Subchapter II, §158\(a\)\(3\) and §164\(b\)](#)

C-403: Predesignating the Job Seeker

TWC and Boards must ensure that Workforce Solutions Office staff do not take action on a job order in which the employer requests that Workforce Solutions Office staff refers a certain job seeker. The only exceptions to this are agricultural and agricultural-related job orders for a specific crew leader or worker ([20 CFR Regulations Part 653.501\(d\)\(2\)](#)).

C-404: Discriminatory Specifications

Federal law and ES regulations and policies prohibit selecting and referring job seekers based on any discriminatory specifications. This includes job orders with a citizenship requirement unless specifications are based on a legal requirement for workers in certain jobs or situations. (Many jobs in federal, state, county, and municipal service are by law available only to US citizens.)

C-405: Charge for Filling a Job

TWC and Boards must ensure that Workforce Solutions Office staff do not take action to fill a job order that would result in a placement fee for bringing the job seeker and employer together. However, there are certain acceptable preemployment costs to the job seeker, such as:

- a physical examination (under ADA guidelines, this examination may only be performed after an offer of employment is made); and
- usual and customary licensing fees or certifications.

In these instances, TWC and Boards must ensure the following:

- The cost is reasonable and customary for that workforce area.
- The fee has supervisor/manager approval.
- The information regarding the preemployment cost is specific and listed in the job order.
- The details of the cost are reviewed with the job seeker before contact with the employer.

Note: Application fees, purchasing kits, and work-from-home plans are not acceptable.

C-406: Referring Youth

TWC and Boards must ensure that Workforce Solutions Office staff makes all youth job order contacts in accordance with federal and state laws relating to school attendance and child labor standards.

Refer to Texas Child Labor Law ([Texas Labor Code, Chapter 51](#)) for more information.

C-407: Substandard Job Orders

If an employer posts a substandard job order that offers wages, hours, or working conditions that are substantially less favorable to the job seeker than those existing for similar work in the area, ES Merit staff should contact the employer.

If discussion with the employer fails to result in a change to the job order, ES Supervisory staff must ensure that ES Merit staff do the following:

- Informs the employer that:
 - the job order is substandard in comparison with previous job orders for similar jobs in WorkInTexas.com; and
 - there is a limited chance of the opening being filled.
- Refers the job order to the appropriate ES Supervisory staff to ensure uniform decisions are made.

C-408: Labor Disputes

During a labor dispute, such as a strike or employee lockout, no job order will be accepted, and no job referral will be made directly or indirectly to fill a job opening that is at issue in the labor dispute. ES Supervisory staff must designate a local workforce/unemployment insurance (WF/UI) coordinator to be responsible for communicating with the state WF/UI coordinator when ES Merit staff becomes aware of a labor dispute.

To notify DOL, and to prevent any job referrals on job orders impacted by a labor dispute, ES Supervisory staff must ensure that local WF/UI coordinators follow the steps below when a labor dispute affects a job order:

1. Verify the existence of the labor dispute, when ES Supervisory staff or ES Merit staff becomes aware of a labor dispute that involves a work stoppage.
2. Place any current job orders for the affected vacancies in “hold” status.
3. Determine whether the labor dispute impacts any other vacancies posted in WorkInTexas.com, and if so, place those vacancies in “hold” status.
4. Notify the state WF/UI coordinator of the labor dispute using TWC’s Report of Labor-Management Disagreement (Form WF-41), available on TWC’s intranet (The intranet is not available to the public.)

The state WF/UI coordinator will forward the information to the DOL Regional Office.

Additionally, TWC staff will lock the employer’s account if there are any affected job orders, and the employer will be unable to access their WorkInTexas.com account. (However, ES Merit staff will be able to access the employer’s account.)

ES Supervisory staff also must ensure the following:

- The employer is notified that WorkInTexas.com may not list a job order for vacancies affected by the labor dispute.
- ES Merit staff continues to assist the employer, if requested, in listing job orders for vacancies that are not related to the labor dispute.

Further, ES Supervisory staff must ensure ES Merit staff does not make job contacts (referrals) on job orders in any manner—with contacts to temporary help firms, PEOs or staff leasing companies—that would aid directly or indirectly in filling a job opening that is vacant because of the following:

- The former occupant is on strike.
- The former occupant is being locked out during a labor dispute.
- The job opening is otherwise at issue in a labor dispute involving work stoppage.

ES Supervisory staff must ensure that ES Merit staff does the following:

- Provides to all job seekers referred to jobs not at issue in a labor dispute the Job Seeker Notice of Labor Dispute (Form E-12), available on TWC's intranet (The intranet is not available to the public), which explains the following:
 - A labor dispute exists in the employing establishment.
 - The job opening to which the job seeker was referred is not at issue in the dispute.
- Retains a signed copy of the Job Seeker Notice of Labor Dispute form.

ES Supervisory staff must ensure that ES Merit staff do not accept or work existing job orders from temporary help firms, staff leasing companies, or PEOs for positions at issue in a labor dispute.

If TWC state-level staff become aware of a labor dispute before ES Supervisory staff, the state WF/UI coordinator will do the following:

- Verify the existence of the labor dispute.
- Notify all appropriate local WF/UI coordinators of the labor dispute and which occupations are affected.
- Notify all appropriate ES Supervisory staff of the labor dispute and which occupations are affected.

The Job Seeker Notice of Labor Dispute (Form E-12), and Report of Labor-Management Disagreement (Form WF-41), are available on TWC's intranet under Employment Services Forms (The intranet is not available to the public.)

C-409: Employment Scams

The potential for fraudulent employment scams in WorkInTexas.com, may be disguised as legitimate employer-posted job opportunities that are usually entered by self-service users. ES Merit staff must be diligent in their review of all new job orders, looking for indicators of potentially fraudulent activity. Indicators include, but are not limited to, employers or orders that do the following:

- Require a job seeker to create an instant message account to conduct an interview
- Require a job seeker to provide bank account/check routing information before starting work
- Require a job seeker to cash a check from the employer before starting work
- Require a job seeker to contact the employer at an email address from a free email provider, such as Gmail, Yahoo, AOL, Yandex, or other free email providers
- Require a job seeker to submit any kind of payment for equipment, licenses, certifications, starter kits, software packages, and the like, before starting work or before the employer's legitimacy has been validated
- Claim to hire a job seeker sight unseen or without validating credentials

C-500: Special Types of Job Orders

C-501: About Special Types of Job Orders

The following job orders require specific selection and referral procedures to ensure federal and state laws and TWC rules and policies are followed:

- Contract compliance job orders
- Job orders from temporary help firms and PEOs
- Federal contractor job listings
- Military recruiting job orders
- On-the-job training job orders
- Job orders with a BFOQ

C-502: Contract Compliance Job Orders

Some job openings have been mandated by written notification to allow an employer to recruit in specific categories (for example, "women only" or "Hispanics only"). In these cases, DOL's Office of Federal Contract Compliance Programs have reviewed the hiring patterns of the employer in question and found that the employer needed to increase recruitment for employees in specific categories.

ES Supervisory staff must ensure the following:

- ES Merit staff does not enter a compliance job order unless the employer supplies a copy of the federal letters or documents requiring that type of recruitment.
- Such information is retained for a minimum of three years.

For employers that are not under a compliance mandate and that express an interest in recruiting from certain targeted populations to improve the demographics of their companies, ES Supervisory staff must ensure that ES Merit staff does the following:

- Informs the employer that job seekers cannot be referred exclusively from targeted populations
- Assures the employer that any qualified individuals from targeted populations will be referred

C-503: Job Orders from Temporary Help Firms and Professional Employer Organizations

Temporary help firms employ workers and assign them to client companies to support or supplement the customer's workforce during employee absences, temporary skills shortages, seasonal workloads, special assignments and projects, and other similar work situations. A temporary help firm is the employer of record for workers provided to its customers.

A PEO provides services to a customer company, such as employee benefits management, payroll and workers' compensation, recruiting, risk/safety management and training and development. Businesses that provide professional employer services in Texas must be licensed by the Texas Department of Licensing and Regulation (TDLR). A licensed PEO is the employer of record for workers provided to its customers.

ES Supervisory staff must ensure that when PEOs request access to WorkInTexas.com, ES Merit staff does not approve connections to employer accounts without approval of Primary Employer Contact(s). ES Merit staff must check the [TDLR License Data Search](#) web page to ensure that the PEO has been licensed before staff approval of PEO access to WorkInTexas.com.

PEOs do not have functional capabilities to add new job orders in WorkInTexas.com. The PEO connection to an employer account is primarily related to the PEO's management of various tasks associated with the Tax ID on behalf of the employer.

ES Supervisory staff must ensure that when a third-party agent (TPA) requests access to WorkInTexas.com to add new job orders on behalf of an employer, ES Merit staff does not approve connections to employer accounts without the approval of the Primary Employer Contact(s). Once the employer contact has approved the TPA's access to the account, the TPA can add, edit, manage, and recruit for any of the job orders associated with the employer account.

Employer contacts with appropriate privileges in WorkInTexas.com may approve PEO and/or TPA access to their accounts without staff assistance.

ES Supervisory staff must ensure that ES Merit staff only accepts job orders from temporary help firms and PEOs when provided the following:

- Proof the PEO is licensed by TDLR
- Proof there is a current and available job vacancy with their customer employer
- Assurance that the temporary help firm or PEO will not charge the job seeker a fee to secure or keep the job

ES Supervisory staff must ensure that ES Merit staff advises job seekers who are referred to these job orders—including unemployment claimants—that the positions are being filled through a temporary help firm or PEO. Workforce Solutions Office staff must also advise job seekers that unemployment benefits may be denied if the worker does not follow the written procedures established by the temporary help firm or PEO on reporting for reassignment when an assignment to a customer is concluded.

For additional information, refer to the following:

- [Texas Labor Code, Chapter 91, Professional Employer Organizations](#)

- [Title 40, TAC, Part 20, Chapter 815 Unemployment Insurance §815.133, Professional Employer Organizations and Temporary Help Firms](#)
- [TDLR License Data Search, License Type: Professional Employer Organization](#)

C-504: Federal Contractor Job Listings Job Orders

The affirmative action provision of the [Vietnam Era Veterans' Readjustment Assistance Act of 1974](#), as amended (VEVRAA) requires employers (and their subcontractors) with government contracts of \$100,000 or more to list their job openings with the state labor exchange system (WorkInTexas.com). These Federal Contractor Job Listings (FCJL) job orders provide protected veterans with priority referrals to such jobs. The Office of Federal Contract Compliance Programs is responsible for ensuring compliance.

WorkInTexas.com can help federal contractors comply with many of the requirements of VEVRAA and [Section 503 of the Rehabilitation Act](#). For more information, refer to [Final Rules on VEVRAA and Section 503](#).

When entering a new job order in WorkInTexas.com, ES Supervisory staff must ensure that ES Merit staff indicates whether it is an FCJL job order. To find an FCJL job, go to **Job Search Criteria—Advanced Search**—Select “Yes” for Federal Contractor from the **Preferred Employer Criteria** section.

C-505: Military Recruiting Job Orders

Boards and ES Supervisory staff are encouraged to develop local partnerships with military recruiters to:

- develop WorkInTexas.com job orders for specific active and reserve component military occupations;
- refer job seekers who indicate an interest in military service to local military recruiting offices; and
- provide recruiters with an active presence in Workforce Solutions Offices, including periodic on-site recruitment opportunities and space for recruiting materials, such as brochures.

C-506: On-the-Job Training Job Orders

Boards must be aware that, when Workforce Solutions Office staff refers an individual to an employer for on-the-job training (OJT), a job order may be entered in WorkInTexas.com only if the following occur:

- The individual is a WIOA participant and has been determined eligible for this type of training.
- The individual will participate in training as an employee and will receive wages and benefits as a current employee.
- The job order is designated as an OJT order in the Job Description section of WorkInTexas.com.
- The **Staff Information - Category** section of the job order identifies it as “WIOA/OJT.”

C-507: Job Orders with a Bona Fide Occupational Qualification

A BFOQ is a qualification based on age, sex, national origin, or religion that is necessary to the individual's ability to perform the job in question.

Except as stated in [42 USC §2000\(e\)–2\(e\)](#) and in 29 CFR Parts [1604](#), [1605](#), [1606](#) and [1625](#), ES Supervisory staff must ensure that discriminatory job orders that specify referrals are to be made on the basis of age, sex, religion, or national origin are not accepted.

A characteristic may be a BFOQ only if there has been a specific court ruling or the employer has received such a determination from the Equal Employment Opportunity Commission (EEOC). ES Supervisory staff must ensure that, if an employer claims a BFOQ, ES Merit staff does the following:

- Consults with ES Supervisory staff before including the BFOQ on a job order
- Indicates the BFOQ status of the job order using **Case Notes** associated with the employer account

C-600: Recruitment Assistance

C-601: About Recruitment Assistance

Employer recruitment assistance includes the following:

- Assistance with making contacts and filling job orders
- Provision of interview rooms
- Job fair assistance
- Specialized testing
- On-site staffing assistance
- LMI

ES Supervisory staff must ensure that before providing an employer with workforce services, Workforce Solutions Office staff verifies that the employer has an account in WorkInTexas.com or is eligible to establish an account in WorkInTexas.com. Refer to [C-200: Employer Access to Systems and Services](#).

C-602: Making Contacts and Filling Job Orders

ES Supervisory staff must ensure that after an employer enters a job order in WorkInTexas.com, the process of searching for qualified job seekers to refer to the employer begins. Job seekers registered in WorkInTexas.com are a primary source of qualified job seekers. Instructions for conducting automated searches for qualified job seekers are in the WorkInTexas.com User Guide.

ES Supervisory staff must ensure that ES Merit staff adheres to the following guidelines in the referral and placement process:

- Give eligible veterans priority over all other equally qualified individuals in the receipt of services funded in whole or in part by the DOL, in accordance with [20 CFR, Part 1010](#). This process is automated in WorkInTexas.com during the two-day veterans hold.

- Give eligible veterans priority over all other equally qualified individuals in the receipt of employment assistance or job training services funded in whole or in part by state funds, in accordance with [Texas Labor Code, Chapter 302, Subchapter G](#).
- Give eligible foster youth priority over all other equally qualified individuals except eligible veterans in the receipt of federal- and state-funded services.
- Do not extend referral preference to any job seeker or group of job seekers, except in accordance with legal requirements, such as veterans' priority ([20 CFR §652.8](#)).
- Ensure that only job seekers suitably qualified for job openings are referred to employers. Referring an unqualified job seeker to an employer is a disservice to both the employer and the job seeker and is disrespectful of their time. Failure to screen job seekers according to the employer's specifications results in the loss of the employer's confidence and eventually compels the employer to seek assistance elsewhere.
- When referring job seekers to an employing establishment where a labor dispute exists, provide the Job Seeker Notice of Labor Dispute (Form E-12) to the job seeker indicating that such dispute exists and that the position to which the job seeker is being referred is not at issue in the dispute ([20 CFR §652.9](#)).
- Do not make a job order contact to a position where the services to be performed or the terms or conditions of employment violate federal or state law. Such orders must be put on hold.
- Do not actively recruit for employment if the wages, hours, or other conditions of work offered are substantially less favorable to the individual than those existing for similar work in the workforce area.
- Search the job seeker's registration for occupational experience that align with the job order. If this approach fails, extend the search to include related occupations.
- When possible, refer job seekers to job orders that use their highest-level skills.
- Enter all job order contacts/referrals in WorkInTexas.com at the time the referral is made. However, discuss the job opening with the job seeker to ensure the terms and conditions of the job are acceptable (job location, wages, benefits, work hours, duration, working conditions, or opportunity for advancement) before the contact/referral is entered in WorkInTexas.com.

Success in filling an employer's job order depends on the ability of ES Merit staff to locate qualified job seekers who are acceptable to the employer and to whom the job is acceptable. It is recommended that ES Supervisory staff formulate a plan for locating suitable job seekers as quickly as possible.

C-602.a: Definition of Job Development

Job development occurs when ES Merit staff contacts an employer and secures a referral to that employer on behalf of a specific job seeker who possesses skills sought by the employer, and for whom there is no suitable job posted from that employer in WorkInTexas.com.

For purposes of job development, a "referral" is described as one of the following:

- An interview between the job seeker and the employer
- The agreement of the employer to accept the job seeker's résumé or application

ES Supervisory staff must ensure that under the definition above, the presence of a job development service on a job seeker's service record must reflect receipt of a positive response—in the form of a referral—from the employer contacted in the job development service.

The following examples are not considered job development services:

- While talking with a job seeker, staff discovers that the job seeker is working and asks for the job seeker's start date and the name of the employer.
- Staff searches other job search websites (for example, Monster or CareerBuilder) and finds a job for a job seeker.
- At a local mall, staff sees a "Now Hiring" sign in a store window and tells a job seeker to go to the store and apply.
- An employer schedules a job fair at a Workforce Solutions Office. During the job fair, staff obtains a list of the job seekers who spoke with the employer.
- Staff receives a hired list from an employer but cannot find a matching job order for this employer or a contact listing in WorkInTexas.com.
- Staff uses the mainframe's wage records to confirm that a job seeker is receiving wages, but no contact listing exists in WorkInTexas.com for the employer.

ES Supervisory staff must ensure that if a pattern of job developments to the same employer emerges—but the employer is not posting job orders in WorkInTexas.com—ES Merit staff consults with the employer to determine if a job order is appropriate.

C-602.b: Definition of Hire

A hire is the employing of a job seeker by an employer as a direct result of a contact (referral) or job development made through and documented in WorkInTexas.com.

Additional information on hires is available at [20 CFR §651.10](#).

C-602.c: Hiring Information Validation

Boards and ES Supervisory staff must perform random verifications on hires and services recorded in WorkInTexas.com. This method helps managers and appropriate supervisors determine customer satisfaction with job seeker referrals and other Workforce Solutions Office services.

Workforce Solutions Office staff can validate hiring information by calling the employer to verify employment status (that the individual did go to work, not that the individual is necessarily still working there), calling the job seeker, or verifying wages using the **TWC Wage Record Inquiry** function.

C-603: Provision of Interview Rooms

TWC and Boards must ensure that, based on request and availability, Workforce Solutions Office staff provide employers with suitable accommodations at Workforce Solutions Offices for conducting interviews and testing job seekers. This is a critical service for employers because:

- Workforce Solutions Office staff can assist with screening and setting appointments

- Workforce Solutions Office staff can assist with preliminary testing, as described in [C-605: Specialized Testing](#);
- job seekers may be familiar with the location of the Workforce Solutions Office, and in many cases, public transportation is available;
- a jobsite may be under construction; and
- a jobsite may lack appropriate office space and equipment.

C-604: Job Fair Assistance

A job fair is a gathering of multiple employers for the purpose of taking applications, interviewing, and contacting potential job seekers to fill current job openings. One employer with multiple positions hosting an event is not a job fair, but is considered a hiring event, application session, or hiring fair.

Job fairs accomplish the following:

- Provide a central location for job seekers to complete multiple applications
- Allow for quick and efficient mass hiring
- Encourage networking among job seekers and employers
- Advertise multiple openings throughout the workforce area
- Provide an important job matching service to job seekers and employers
- Promote Workforce Solutions Office services in the community

Workforce Solutions Office staff may assist employers with local job fairs and may also plan and conduct job fairs for area employers.

An employer service for JF—(JF) Job Fair is entered into WorkInTexas.com only if the following occur:

- The employer attends a TWC or Board-sponsored job fair
- TWC or the Board cosponsors the job fair and performs one of the following activities:
 - Secures or helps with venue setup
 - Assists with registering job fair attendees (job seekers)
 - Staffs the booth for employer breaks, and so forth

TWC must ensure that a job fair employer service is entered into WorkInTexas.com only after an employer has participated in the job fair. To document preplanning activities, such as recruiting and registering employers, TWC must ensure that Workforce Solutions Office staff use one of the Employer Outreach services in WorkInTexas.com and enters the employer's request to participate in the **Case Notes** associated with the employer's account.

C-605: Specialized Testing

Many tools and techniques are available for evaluating a job seeker's occupational skills, aptitudes, achievement levels, and interests. Testing is a valuable service available to employers as needed or requested (for example, when making employment decisions such as hiring, promotion, referral, and retention).

It is recommended that TWC and Boards direct Workforce Solutions Office staff to do the following:

- Only use test instruments for job selection and referral purposes that meet EEOC's Uniform Guidelines on Employee Selection Procedures ([41 CFR Part 60-3](#))
- Become familiar with the guidelines before purchasing commercially developed tests

If commercially developed tests are used to make employment decisions, TWC and Boards must ensure that Workforce Solutions Office staff is aware that the tests and test administration procedures are subject to the [Uniform Guidelines on Employee Selection Procedures](#).

Employment decisions include, but are not limited to, the following:

- Selecting a candidate for training
- Selecting a candidate for transfer
- Hiring
- Referring a candidate to a suitable employer
- Licensing and verification

Test Validation

TWC and Boards must do the following:

- Ensure that purchased tests have been developed in accordance with the validation requirements set forth in the Uniform Guidelines on Employee Selection Procedures
- Review the manufacturer's most current validation study
- Include language in purchasing contracts requiring the manufacturer to provide copies of current validation studies to TWC upon request and at a negotiated minimal cost
- Provide copies of the current validation studies to interested parties upon request

Test Administration

TWC and Boards must ensure that, prior to administering tests to job seekers, Workforce Solutions Office staff:

- follows appropriate manufacturer guidance to understand the tests and learn how to use the corresponding materials (such as software and scoring guidelines);
- coordinates with the employer to properly document the skill sets required to perform the responsibilities specified in the job description;
- ensures that skills tests will be administered only to applicants for jobs requiring the use of the corresponding skills on the job, as set out in the job description;
- consults with the employer to set appropriate and reasonable benchmarks to determine which job seekers are referred, consistent with normal expectations of acceptable proficiency in the workforce; and
- provides a suitable testing environment.

Records Retention

TWC and Boards must ensure that all test materials—paper and electronic—completed by job seekers in connection with employment decisions are retained for at least 3 years from the date of administration of the test.

TWC and Boards must maintain and have available for inspection any records disclosing the impact of selection procedures on employment opportunities. Records must show the identifiable race, sex, and ethnic group of any job seeker to whom a test has been administered.

TWC and Boards must adopt safeguards to ensure that records are used only for intended purposes and are not used improperly.

TWC and Boards must ensure that Workforce Solutions Office staff maintain confidentiality of all records relating to the selection and referral of job seekers to employment opportunities.

C-606: On-site Staffing

TWC may outreach and assist local employers by sending ES Merit staff to the jobsite to do the following:

- Recruit
- Screen
- Administer specialized testing (as discussed in [C-605: Specialized Testing](#))
- Schedule interviews

C-700: Provision of Information on Employment-Related Issues

C-701: Provision of Information

TWC must ensure that ES Merit staff assists employers with employment-related issues by providing information and services available through the Texas workforce system, including the following:

- LMI
- Wage range surveys
- Access to available talent pool
- Recruitment services
- Training resources
- Employment rules and regulations
- Equal employment opportunity (EEO) regulations
- Unemployment compensation tax and labor law information
- Resources for submitting unemployment compensation claims appeals documentation and attending appeals hearings

C-702: Definition of Labor Market Information

LMI, when defined as an employer service, is providing substantive and customized information to a specific employer regarding occupational staffing or hiring patterns, working conditions, salary, local employment history and trends, available job seeker pool, and the like, in response to the employer's specific needs or requests.

LMI does not include the following:

- Mass mailings or newsletters containing information about the job market in the employer's workforce area
- Calling an employer to follow up on a referral list (to learn who was hired)
- Attending job fairs and talking to all the participating employers
- Providing the employer with their TWC tax account number or FEIN (if unknown or not available)

- Discussing WorkInTexas.com (including introduction to LMI pages)
- Providing advice regarding wages based on previous job orders
- Discussing Workforce Solutions Office programs and services
- Providing general information regarding the labor market as described above

C-703: Providing the Labor Market Information Service to Employers

When providing the service to an employer, TWC must ensure that ES Merit staff:

- determine the employer's specific needs;
- prepare a substantive and customized LMI report based on the employer's specific needs that contains the criteria specified in the definition of the LMI service for employers, above; and
- provide the customized report to the employer by the employer's preferred method (hard copy or electronic report).

The following web pages provide tools that may assist with creating customized LMI reports for employers:

- [Texas LMI](#)
- [WorkInTexas.com](#)
- TWC Tableau Reports (not available to the public)
- [Lightcast](#)
- [Sites on Texas](#)

C-704: Documenting a Labor Market Information Service in WorkInTexas.com

TWC must ensure that ES Merit staff record an LMI service provided to an employer in WorkInTexas.com only when the service provided meets the definition of "LMI for employers."

C-900: Rapid Response

For employers facing major layoffs, rapid response is an on-site, early intervention program that provides transition and reemployment services to affected workers. The goal of rapid response services is to help affected workers transition to new employment as quickly as possible and preferably before they become eligible to receive unemployment benefits.

Rapid response is administered at the state level but operated at the Board level. Each Board has a Rapid Response Coordinator who can provide more information about rapid response services.

Refer to the [Rapid Response Guide](#) for additional information

C-1000: Foreign Labor Certification

C-1001: About Foreign Labor Certification

DOL's Foreign Labor Certification nonimmigrant visa program permits employers to hire foreign workers to perform temporary labor or services. Prior to filing a petition for the workers with the US Department of Homeland Security's US Citizenship and Immigration Services (USCIS), employers must file an application with DOL certifying the following:

- There are not sufficient workers who are able, willing, qualified, and available at the time and place where the foreign worker is to perform the work.
- Employment of the foreign worker will not adversely affect the wages and working conditions of similarly employed US workers.

TWC's Foreign Labor Certification (FLC) Unit is responsible for assisting employers that have job opportunities in Texas to file their temporary applications for labor certification. This involves coordinating recruitment efforts and assisting DOL in the gathering of information needed, which forms the basis for the DOL Certifying Officer's determination to grant or deny labor certifications.

The certification process and recruitment efforts start with job orders in WorkInTexas.com that have worked through the ARS and failed to find qualified U.S. workers and fall into one of the following two categories:

- H-2A jobs, targeting foreign temporary or seasonal agricultural workers
- H-2B jobs, targeting foreign temporary nonagricultural workers

The FLC Unit processes the following:

- H-2A agricultural and H-2B nonagricultural job orders
- Prevailing wage and prevailing practice surveys

To contact the FLC Unit, call (512) 475-2571 or email foreignlabor@twc.texas.gov.

Workforce Solutions Office staff may assist employers by verifying the employment eligibility of job seekers.

Workforce Solutions Office must not alter or update any job order details on job orders with an FLC status.

C-1002: H-2A Job Orders

TWC and Boards must ensure the following:

- No referrals are made for H-2A job orders unless the order has been accepted by TWC's FLC Unit for WorkInTexas.com.
- Workforce Solutions Office staff conduct an employer name search in WorkInTexas.com to determine if the employer's National Electronic Job Registry (Job Registry) order has been accepted for recruitment in Texas by the FLC Unit.

If the Job Registry order has been accepted by the FLC Unit and entered into WorkInTexas.com, TWC and Boards must ensure that Workforce Solutions Office staff:

- verifies that the job seeker is qualified and interested in traveling to the job opportunity;
- verifies receipt of the hard copy of the clearance order ([Form ETA-790](#)) and a copy of the employer's attachment of assurances);
- requests a hard copy of the clearance order from the FLC Unit if it has not been received;
- explains in detail—and in a language readily understood by the job seeker—the terms and conditions of employment;

- follows all contact instructions issued by the FLC Unit and listed in the WorkInTexas.com order;
- provides to each job seeker a copy of TWC's Job Seeker Agricultural Checklist (Form E-50) and Protection for Farmworkers (Form E-83) for review, both available on TWC's intranet;
Note: TWC's intranet is not available to the public.
- ensures that the job seeker signs and dates the completed forms upon acceptance of the terms and conditions;
- calls the contact person on the clearance order/WorkInTexas.com order—with the job seeker present—to coordinate and arrange the interview process; and
- enters the information below—after the job seeker is referred—into WorkInTexas.com Job Order **Case Notes:**
 - date the E-50 and E-83 forms were given to job seeker; and
 - date the E-50 form was completed.

If the H-2A job order is not in WorkInTexas.com and the employer's job order has not been cleared by the FLC Unit, TWC and Boards must ensure that Workforce Solutions Office staff:

- notifies the FLC Unit at (512) 475-2571 or foreignlabor@twc.texas.gov of a job seeker's interest in referral to the employer, if the job order can be accepted for recruitment; and
- refers the job seeker to other temporary or permanent agricultural job orders in WorkInTexas.com.

TWC and Boards must ensure that Form E-83 is provided to all job seekers who are farmworkers whether or not the WorkInTexas.com job order to which the job seeker is referred is an H-2A job order.

TWC and Boards must ensure that Workforce Solutions Office staff maintains all forms for the appropriate retention period (current year plus three).

C-1003: H-2B Job Orders

Identification of H-2B Job Orders in WorkInTexas.com

TWC and Boards must ensure that Workforce Solutions Office staff can identify H-2B job orders. In WorkInTexas.com, these job orders are indicated by the following:

- FLC Job Type H-2B
- An FLC case number, if the order was entered by FLC staff
- A statement in the job description indicating that the employment is temporary, including the start and end dates

Requirement to Recruit U.S. Workers

TWC and Boards must ensure that Workforce Solutions Office staff assists employers in recruiting U.S. citizens for WorkInTexas.com job orders in which employers are seeking H-2B visa applicants. That assistance may include recruitment activities such as the following:

- Informing unemployment recipients, including RESEA-eligible claimants, about available H-2B job orders

- Disseminating information about the job vacancies, including to organizations that serve disadvantaged populations
- Contacting local training providers in the workforce area where workers are needed
- Circulating job orders to appropriate union offices or hiring halls, consistent with [20 CFR 655.33\(b\)\(5\)](#)
- Directly referring U.S. workers for available H-2B job orders in WorkInTexas.com

C-1004: Prevailing Wage Surveys

The FLC Unit will conduct prevailing wage surveys for the H-2A process only.

Additional FLC information is available at the following:

- [TWC's Foreign Labor Certification](#) web page
- [DOL's Foreign Labor Certification](#) web page
- [USCIS](#) website
- [20 CFR Part 655, Subparts A, B, and H](#), and [Part 656](#)

C-1100: Work Opportunity Tax Credit (WOTC)

The Work Opportunity Tax Credit (WOTC) is a federal tax credit available to employers for hiring and employing individuals from certain targeted groups who have faced significant barriers to employment. DOL and the U.S. Department of the Treasury, through the Internal Revenue Service (IRS), jointly administer the implementation of the WOTC program.

WOTC's intent is to reduce the federal tax liability of employers that hire employees from the following target groups:

- Disabled veterans
- Unemployed veterans
- Veterans with a service-connected disability
- Veterans receiving Supplemental Nutrition Assistance Program (SNAP) benefits
- Long-term family assistance recipients
- TANF recipients
- Second-chance individuals
- TWC Vocational Rehabilitation (TWC-VR) referrals
- SNAP recipients
- Supplemental Security Income (SSI) recipients
- Long-term unemployment recipients

In order for an employer to qualify for WOTC tax credits for a new employee, TWC and Boards must ensure that Workforce Solutions Office staff inform employers to:

- Complete the following forms:
 - IRS Pre-Screening Notice and Certification Request for the Work Opportunity Credit ([Form 8850](#), which must be completed on/before the employee's start date)

- Individual Characteristics ([ETA Form 9061](#))

Note: If the new hire has been given the Conditional Certification ([ETA Form 9062](#)), it may be used in lieu of the ETA Form 9061.

- Submit the completed forms within 28 days to the TWC WOTC Unit.

Employers may mail, fax, or email forms to:

Texas Workforce Commission
WOTC Unit
101 East 15th Street, Room 202T
Austin, Texas 78778-0001
Fax: (512) 463-8819
Email: wotc@twc.texas.gov

When a job seeker's eligibility for WOTC can be verified prior to the hire date, WOTC certification is issued on a conditional basis. Conditional certifications are hiring tools that job seekers in WOTC target groups present to prospective employers to alert the employers that there is a high probability they will be certified for WOTC if the job seeker is hired.

Conditional certifications benefit both employers and job seekers by offering employers a valuable tax credit and improving job seekers' chances of obtaining employment.

TWC and Boards must ensure that Workforce Solutions Office staff issue WOTC conditional certifications only for individuals from the following target groups, and for which documentation can be provided prior to the hire date:

- Unemployed veterans
- Second-chance individuals
- TWC-VR referrals

TWC and Boards must ensure that Workforce Solutions Office staff verify an individual's conditional certification eligibility as follows:

- Disabled veterans must provide the following:
 - A U.S. Department of Veterans Affairs (VA) rating letter verifying the job seeker's disabled veteran service-connected disability status
 - Certificate of Release or Discharge from Active Duty (Form DD-214, Member 4 or Service copy), which verifies active military service
- Unemployed veterans must provide the following:
 - Form DD-214, Member 4 or Service copy
 - Unemployment documents that verify the receipt of unemployment benefits for four weeks. To verify receipt of unemployment benefits, use the Unemployment Benefits System. An electronic or paper copy must be retained.
 - Second-chance individuals must provide appropriate court documents.
 - TWC-VR referrals must provide an Individual Employment Plan (IEP).

TWC and Boards must ensure that Workforce Solutions Office staff assist the job seeker by preparing a Conditional Certification Work Opportunity Tax Credit (ETA Form 9062), which can be completed electronically using TWC's WOTC Online Portal.

Within three to five business days after the submission of a conditional certification, the WOTC Online Portal automatically mails the following items to the job seeker:

- Cover letter
- [Form 9062](#)
- Blank IRS Form 8850

TWC and Boards must ensure that Workforce Solutions Office staff do the following:

- Inform job seekers that ETA Form 9062 and IRS Form 8850 will be delivered to the job seeker by mail
- Advise job seekers to inform prospective employers that the official WOTC certification will be issued subsequently if the job seeker maintains the eligibility requirements as determined by the WOTC Unit

The WOTC Unit will issue the official WOTC certification once the following have occurred:

- The job seeker is hired.
- The employer has timely filed the IRS Form 8850 application.
- WOTC staff has verified the job seeker's eligibility by reviewing the WOTC Online Portal

TWC and Boards must ensure that questions regarding the certification process for the remaining WOTC target groups are directed to the WOTC Unit at (800) 695-6879:

- TANF recipients
- Veterans receiving SNAP benefits
- SNAP recipients
- SSI recipients
- Long-term family assistance recipients

TWC and Boards must ensure that, when eligible job seekers receive WOTC conditional certifications, Workforce Solutions Office staff enter the **WOTC Eligibility** job seeker service into WorkInTexas.com.

Boards must ensure that cooperative agreements with service providers address the provision of WOTC services, including eligibility determinations.

TWC and Boards must ensure that Workforce Solutions Office staff receive training prior to providing WOTC conditional certifications to eligible job seekers. For training or assistance, contact the WOTC Unit at (800) 695-6879.

TWC and Boards must retain electronic or paper copies of all conditional certifications and supporting documentation for four years.

Forms are available on the [Work Opportunity Tax Credit Program](#) web page.

Part D—Services to Job Seekers

D-100: Job Seeker Services

D-101: About Job Seeker Services

The Wagner-Peyser Act requires that TWC assist job seekers in:

- finding employment; and
- meeting the work test requirements of the state unemployment compensation system.

The Workforce Solutions Office is often an unemployment claimant's first resource when seeking employment because the claimant may be required to have an active WorkInTexas.com job seeker account to receive unemployment benefits. ES is one of the most important services available to help all job seekers, including unemployment claimants, achieve their employment goals.

TWC must ensure that, at a minimum, ES Merit staff in all Workforce Solutions Offices provide the following core ES services:

- Labor exchange services
- Job search and placement assistance
- Career counseling
- Basic reemployment services
- LMI
- Knowledge, skills, and abilities evaluation and assessment
- Validation of work test requirements for UI benefits
- Referral to support services

D-102: WorkInTexas.com Registration

ES customers are job seekers who usually are registered with WorkInTexas.com. Job seekers who are not registered can self-register by completing the online application. Workforce Solutions Offices provide public access computers for online registration.

WorkInTexas.com registration requires that job seekers provide four types of general information:

1. identifying and contact information—including name, date of birth, gender, address, telephone number and email address;
2. eligibility information—collected to help determine eligibility for services including:
 - Veterans' services (voluntary disclosure of veteran status);
 - Unemployment benefit claimant services;
 - MSFW services;
 - WIOA dislocated worker services; and
 - Trade Adjustment Act (TAA) services
3. qualification information—including work experience, occupational skill sets, education, training, and certifications; and

4. job preference information—including desired job locations, pay, shift, duration, and workweek.

Optional information that may be included in a WorkInTexas.com registration includes:

- Ethnicity
- SSN (required if filing for unemployment benefits)
- Disability

TWC and Boards must ensure that Workforce Solutions Office staff **do not enter or alter—under any circumstances**—a job seeker registration without first consulting the job seeker.

Information from registration may be used to do the following:

- Determine eligibility for priority or specialty services
- Assess qualifications
- Determine skill sets

TWC and Boards must ensure that Workforce Solutions Office staff does not refer a job seeker to a specific job without the job seeker’s prior consent or knowledge.

D-103: Referral to a Job Order

Once a job seeker completes registration in WorkInTexas.com, the job matching and contact process begins. In accordance with US DOL regulations and TWC rules and policies, TWC and Boards must ensure that Workforce Solutions Office staff selects and refers equally qualified job seekers to job orders in the following order:

- Eligible veterans
- Eligible foster youth
- Noneligible individuals (everyone else)

A two-day veterans hold is automatically placed on all job orders in WorkInTexas.com to ensure that veteran job seekers are given first opportunity to match all jobs before the general public.

The “Veterans Only” status on a new job order can be set to one of the following:

- **Yes**—indicating that, for the life of the order or until the status is changed, only veterans will match or be referred
- **No**—indicating that after the automatic two-day hold, the order will be available to all job seekers regardless of veteran status

TWC and Boards must ensure that Workforce Solutions Office staff continue to refer veteran job seekers to job orders in accordance with federal and state requirements for priority of service.

In addition to giving priority to eligible veterans and foster youth, TWC and Boards must ensure that Workforce Solutions Office staff:

- Gives a referral only when the job seeker’s work experience, skill sets, and education match the job order requirements

- Does not make a job order contact that results in a fee being charged to the job seeker
- Does not make a job order contact to fill a job where a labor dispute exists, such as a strike or lockout
- Does not make a job order contact to a position where the services to be performed or the terms or conditions of employment are contrary to federal or state law

D-104: Labor Market Information

TWC and Boards must ensure that Workforce Solutions Office staff provide information about occupational requirements and labor market trends to employers, job seekers, and students.

Job seekers often request information about occupational requirements or vocational options. The [Job Market Information](#) web pages in WorkInTexas.com include information on geographic areas, industries, education, and specific occupations. Additionally, the following career counseling websites are valuable tools for employers, job seekers, and Workforce Solutions Office staff:

- [Texas Labor Analysis](#)—includes economic and labor market data
- [O*NET](#)—identifies skill sets needed and tasks performed in specific occupations
- [Texas Career Check](#)—provides information on in-demand occupations and on colleges and universities that provide training
- [Texas Reality Check](#)—relates desired lifestyle to occupations and career paths
- [mySkills myFuture](#)—aids previously employed job seekers in matching their occupational skills and experiences to the skills needed in other occupations
- [My Next Move](#)—allows job seekers to explore occupational pathways for their future
- [Lightcast](#) – offers industry information

D-105: Knowledge, Skills, and Abilities Evaluation Assessment

If a job seeker is unsuccessful in locating a suitable job in WorkInTexas.com, TWC and Boards must ensure that Workforce Solutions Office staff:

- asks the job seeker about additional experience or training not shown on the job seeker's individual profile; and
- updates and continually assess the job seeker's work registration.

Additionally, TWC and Boards must ensure that Workforce Solutions Office staff informs job seekers of other services, like the following:

- Job readiness classes (if available)
- Counseling
- Vocational guidance services
- Support services (for example, transportation or child care)
- Educational services
- Job service plan/assistance
- Job development
- Job training
- Training program information

- Postemployment services
- Work experience
- Internships
- Relocation assistance
- Tutorial services
- LMI (Refer to [D-104](#): Labor Market Information.)

D-106: Services through Community-Based Organizations, Faith-Based Organizations, Nonprofits, and Private Organizations

Federal and state law allow states to administer and provide workforce development and support services through contracts with CBOs, FBOs, nonprofits, and private organizations.

Boards must develop and implement strategies for involving CBOs, FBOs, nonprofits, and private organizations in the delivery of services in their workforce areas, in accordance with federal and state laws. Boards must develop policies and procedures that foster cooperation, coordination, and participation with these organizations in workforce development programs and services.

Boards' outreach, procurement, and contracting efforts must include these organizations as potential providers of services to customers. Boards must become familiar with relevant federal and state provisions for contracting with CBOs, FBOs, nonprofits, and private organizations.

Boards must share this information with the following groups within their workforce areas:

- TWC staff
- Workforce Solutions Office staff
- Service providers
- Customers
- CBOs
- FBOs
- Nonprofits
- Private organizations.

Boards must promote and encourage cooperation with these organizations through financial and nonfinancial agreements. Workforce services that may be contracted by Boards to CBOs, FBOs, nonprofits, and private organizations include, but are not limited to, activities provided under the following:

- Child Care
- Choices
- Supplemental Nutrition Assistance Program Employment and Training (SNAP E&T)
- WIOA (Adult, Dislocated Worker and Youth programs)
- Reemployment Services and Eligibility Assessment (RESEA)

D-107: Referral to Support Services

TWC and Boards must ensure that Workforce Solutions Office staff makes a complete and up-to-date list of support services provided by community and state agencies available to job seekers and make that list available to all Workforce Solutions Office staff.

The list can be created and maintained by the Board, an independently published list provided to or purchased by the Board, or an enterprise-wide incorporation of the Texas Information and Referral Network (2-1-1 Texas).

2-1-1 Texas is a referral line answered by nationally certified specialists who have access to the most comprehensive database of CBOs, government agencies, and nonprofit organizations in Texas that provide assistance with food, rent, utilities, child care, and other benefits. Job seekers can dial 2-1-1 or visit the [2-1-1 Texas](#) website.

D-200: Migrant and Seasonal Farmworkers

D-201: Provision of Service to Migrant and Seasonal Farmworkers

In accordance with ES regulations at 20 CFR, Part 653, MSFWs must receive employment services that are comparable in quality and quantity to those provided to other job seekers. Therefore, MSFWs must have equal access to job search assistance, training, and other resources that address their specific needs, such as language barriers or transportation challenges. Additionally, the ES regulations ensure a fair and equitable approach to supporting all workers, including those in the agricultural sector.

Services to MSFWs are federally mandated to ensure that MSFWs are offered the full range of employment services, benefits, and protections, including the full range of counseling, testing, and job training referral services. This includes an internal monitoring system, outreach, a complaint processing procedure, performance measures, and indicators of compliance for MSFWs. The purpose of the mandate is to enhance the MSFW population's employability and to provide needed services.

D-202: Migrant and Seasonal Farmworkers Outreach Program

Revisions to the ES regulations strengthen the provision of services to MSFWs and enhance the protections afforded by the Monitor Advocate System and the Complaint System. The revisions ensure equitable and nondiscriminatory provision of services to MSFWs, including measures to:

- better serve MSFWs and promote equity in the workforce system, such as requiring states to use state merit staff to provide ES services;
- improve outreach to MSFWs in Texas, a Significant MSFW State, by requiring the Texas Workforce Commission (TWC) to:
 - conduct outreach to MSFWs on an ongoing basis;
 - conduct outreach to a majority of MSFWs in the state; and
 - ensure outreach staff spends 100 percent of their time on their outreach responsibilities;

The purpose of the outreach program is to:

- enhance the employability of MSFWs;
- provide support services; and
- ensure a majority of MSFWs across the state are contacted on an annual basis.

The goals of the outreach program are to:

- contact MSFWs where they work, live, or gather to inform them of the full range of employment and training services available at Workforce Solutions Offices;
- explain their employment rights to MSFWs and make them aware of the availability of the Complaint System;
- provide supportive services and referrals to other service providers as needed; and
- work with agricultural employers to advise them about the availability of the ARS for US workers and to provide compliance assistance where appropriate.

As one of 20 states with the highest estimated year-round MSFW activity, DOL designated Texas as a “Significant MSFW State.” As such, MSFW outreach staff must:

- be year-round ES Merit employees;
- devote 100 percent of their time to outreach responsibilities;
- contact a majority of MSFWs in the state on an annual basis, and
- provide information to MSFWs at their working, living, or gathering areas (including day-haul sites) regarding:
 - services available at the local Workforce Solutions Office, including training, supportive services, career services, and specific employment opportunities;
 - information on the Complaint System;
 - information on the other organizations serving MSFWs in the area; and
 - a basic summary of farmworker rights, including farmworker rights with respect to the terms and conditions of employment.

DOL also designated Significant Workforce Solutions Offices. These Workforce Solutions Offices have MSFW populations that account for 10 percent or more of annual participants or reportable individuals in the workforce area as well as those included due to special circumstances such as an estimated large number of MSFWs in the workforce area.

Refer to the Migrant Seasonal Farmworker Guide for additional information.

D-300: Priority of Service

D-301: About Priority of Service

By law, TWC and Boards must ensure that eligible veterans and eligible foster youth receive priority over all other equally qualified individuals in the receipt of workforce services.

Boards must ensure that written copies of local priority of service policies and procedures are maintained at all service delivery points and, provided to all Workforce Solutions Office staff, and to the extent practicable, posted in a way that makes it possible for the public to easily access them.

D-302: Eligible Veterans

Applicability of Priority of Service for Veterans

TWC and Boards must ensure that requirements for priority of service for veterans apply to all workforce service programs funded in whole or in part by DOLETA funds or state funds.

Definitions

TWC and Boards must ensure that the following definitions are used when implementing priority of service for eligible veterans.

Veteran—a person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable as specified at [38 USC 101\(2\)](#). Active services include full-time duty in the National Guard or a Reserve component, other than full-time for training purposes.

Note: This definition does not apply to eligibility for services provided by Disabled Veterans' Outreach Program (DVOP) staff or Consolidated DVOP/Local Veterans' Employment Representatives (LVERs) staff under the Jobs for Veterans State Grants (JVSG) program.

For additional information about the JVSG program, please refer to [WD Letter 19-22](#), issued August 24, 2022, and titled "Jobs for Veterans State Grants Program: Reforms and Responsibilities of Workforce Solutions Office Staff Serving Veterans," and subsequent issuances.

Federal-qualified spouse—the spouse of:

- any veteran who died of a service-connected disability;
- any member of the Armed Forces serving on active duty who, at the time of the application for priority, is listed in one or more of the categories below and has been so listed for a total of more than 90 days:
 - missing in action;
 - captured in line of duty by a hostile force; and/or
 - forcibly detained or interned in line of duty by a foreign government or power;
- any veteran who has a total disability resulting from a service-connected disability, as evaluated by the Department of Veterans Affairs; or

Note: The spouse of a living veteran or service member will lose their eligibility if the veteran or service member loses the status that is the basis for eligibility. For example, the spouse of a veteran with a total service-connected disability will not be eligible if the veteran's disability is revised to a lower level. Similarly, a spouse whose eligibility is derived from a living veteran or service member will lose their eligibility upon divorce from the veteran or service member.

- any veteran who died while a total disability resulting from a service-connected disability was in existence.

State-qualified spouse—a spouse who meets the definition of federal-qualified spouse of any member of the armed forces who died while serving on active military, naval, or air service.

Transitioning Service Member— an individual:

- in active-duty status (including separation leave) who is within 24 months of retirement or 12 months of separation. A transitioning service member is still considered employed by the military and is therefore not a veteran.’
- on terminal leave with a DD 214, Member 4 or Service copy, which indicates a discharge status other than “dishonorable” is considered a veteran and is eligible for priority of service.

Noneligible person—an individual who does not meet the definition of eligible veteran or the definition of eligible foster youth.

Point of entry—may include reception through a Workforce Solutions Office, as part of an application process for a specific program, or through any other method by which eligible veterans express an interest in receiving services, either in-person or online.

Identifying and Informing Eligible Veteran of Priority of Services

TWC and Boards must ensure that eligible veterans are:

- identified at the point of entry;
- screened in order to determine if they have a qualifying employment barrier (QEB), as defined in DOL Veterans’ Program Letter (VPL) [05-24](#), Jobs for Veterans State Grants Staff Roles and Responsibilities and Coordination with Workforce Innovation and Opportunity Act Services to Veterans and
- informed of:
 - the full array of employment, training, and placement services;
 - information on any applicable eligibility requirements for those programs and services; and
 - their entitlement to priority of service.

TWC and Boards must ensure that Workforce Solutions Office staff use the [DVOP Eligibility Triage Form](#) (Attachment 1 of [WD Letter 19-22](#)) to determine if individuals seeking services are transitioning service members (TSMs), eligible veterans or eligible persons identified as having a qualifying employment barrier (QEB) . The screening tool must be uploaded to WorkinTexas.com.

TWC and Boards must ensure that when screening individuals to determine their status, Workforce Solutions Office staff do the following:

- Determine the purpose of the visit,
- Explain that the purpose of the triage tool is to determine which Workforce Solutions Office staff is best suited to assist them,
- Ensure that customers identify whether they are eligible veterans or eligible spouses, and
- Ensure that eligible veterans and eligible spouses confirm whether any of the QEB criteria or the U.S. Secretary of Labor additional population categories apply

TWC and Boards must ensure that TSMs, eligible veterans identified as having an QEB or eligible persons identified as having an SBE is immediately referred to DVOP or Consolidated DVOP/LVER staff.

TWC and Boards must ensure that Workforce Solutions Office staff, are available to provide services to eligible veterans and eligible people if a DVOP or Consolidated DVOP/LVER staff member is not available.

Eligibility Claim Misrepresentation

Title 7 Texas Penal Code §32.54 makes it a Class C misdemeanor to falsely use or claim to hold a military record for the purpose of receiving priority of service.

TWC and Boards must ensure that eligible veterans are informed of the penalties associated with proclaiming “Eligible Veteran” status that is fraudulent, fictitious, or has been revoked.

Implementing Priority of Service

TWC and Boards must ensure Workforce Solution Office staff implement priority of service. “Priority of service” means the right of eligible veterans to take precedence over noneligible persons in obtaining workforce services. “Taking precedence” can mean either of the following:

- Eligible veterans receive access to workforce services before noneligible persons.
- If workforce services are limited, eligible veterans receive access to workforce services instead of or before noneligible persons.

TWC and Boards must ensure that noneligible persons who are currently receiving workforce services are not displaced to provide priority of service to eligible veterans. Instead, Boards must ensure that the next available workforce services are provided to eligible veterans. Examples are provided below.

Example 1: An eligible veteran enters a Workforce Solutions Office to use a resource room computer for job search. However, all computers are being used by noneligible persons and there are several noneligible persons in line. In this case, the eligible veteran would receive priority by being moved to the front of the line but does not displace one of the noneligible persons already using a computer.

Example 2: For a service such as classroom training, priority of service applies to the selection procedure as follows:

- First, if there is a waiting list for the formation of a training class, the eligible veteran will receive priority by being moved to the top of that list.
- Second, priority of service applies when an individual is both:
 - approved for funding; and
 - accepted or enrolled in a training class.

Therefore, once a noneligible person has been both approved for funding and accepted or enrolled in a training class, an eligible veteran who is identified subsequently will not take the place of the noneligible person from that training class.

For more information on priority order related to WIOA employment and training programs, please refer to the [WIOA Guidelines for Adults, Dislocated Workers, and Youth](#).

Local Policies and Procedures

Boards must ensure that local procedures are implemented and made available to all Workforce Solutions Office staff:

- to identify eligible veterans at intake by allowing individuals to self-identify as eligible veterans and eligible persons (such as placing a sign-in sheet at the reception desk at Workforce Solutions Offices that prompts all customers to declare their “Eligible Veteran” status prior to receiving services); and
- that do not require completion of a self-attestation form.

D-303: Eligible Foster Youth

Definitions

TWC and Boards must ensure that the following definitions contained in [Title 40, TAC, Part 20, Chapter 801, Local Workforce Development Boards](#) are used when implementing priority of service for eligible foster youth:

- **Current foster youth**—A youth, age 14 or older, who is receiving substitute care services under the managing conservatorship of the Texas Department of Family and Protective Services (DFPS), including youth residing in private foster homes, group homes, residential treatment centers, juvenile correctional institutions, and relative care
- **Former foster youth**—A youth, up to 23 years of age, who was under the managing conservatorship of DFPS until:
 - a court transferred the conservatorship;
 - the youth was legally emancipated or the youth’s minority status was removed by a court; or
 - the youth attained 18 years of age.

Priority Order

TWC and Boards must ensure the following:

- Eligible foster youth receive priority over all other equally qualified individuals—except eligible veterans—in the receipt of federal- and state-funded services.
- Workforce services are prioritized and targeted for youth transitioning out of the foster care system and for former foster youth.

D-304: Priority of Service for Support Services

To ensure that eligible veterans and eligible foster youth receive priority over all other equally qualified individuals in the receipt of workforce services, eligible veterans and eligible foster youth also must have access to needed support services (such as child care or transportation).

Implementing priority of service for the majority of support services is not difficult; however, because child care services are unique, the following additional guidance is provided.

Child Care

TWC and Boards must be aware that the priority for child care services for eligible veterans and eligible foster youth is contingent on the availability of TWC child care funds. Boards with a waiting list for TWC-funded child care services must not discontinue care for a child currently

enrolled in child care services in order to serve a child of an eligible veteran or a child of a foster youth.

For more information on priority of service for child care support services, please refer to Section B-400 of the [Child Care Services Guide](#).

D-400: Benefits Coordination

D-401: About Employment Service/Unemployment Benefits Coordination

UI Claimants are a priority population for the receipt of employment services and assistance. TWC has expressed its interest in ensuring that Boards Workforce Solutions Office staff are treating claimants as a priority population and are providing a full range of basic career services and labor exchange services, including career services as specified in WIOA.

TWC and Boards must be aware of the following:

- Each Board must designate a local Workforce/Unemployment Insurance (WF/UI) coordinator to communicate with the state WF/UI coordinator on issues related to claimants.
- TWC strongly encourages the design of employment services that provide early intervention for claimants.
- Providing continued comprehensive services for claimants throughout the life of their unemployment claims leads to reemployment.
- Workforce Solutions Office staff should establish claimant protocols that include continued one-on-one reemployment services.

The longer individuals receive unemployment benefits, the more likely they are to exhaust their benefit amount. Thus, it is important that staff is aware of the key points within the life of the claim are reflected in Boards' service delivery strategies.

For example:

- At the time of filing for benefits, a claimant must seek—and accept, if offered—a suitable job that pays at least 90 percent of the claimant's previous wage. Following the eighth week of unemployment, a claimant must consider jobs paying 75 percent of their previous wage.
- Claimants on the initial claims list who have not responded to a welcome letter by week three may be notified, either by letter or by messaging through their WorkInTexas.com account, to attend available workforce orientations (including online orientation through WorkInTexas.com) and/or receive employment services.
- At week five, which is three weeks before a claimant must accept a job paying 75 percent of their previous wage, it is important that employment services be increased accordingly.

Most claimants are required to do the following:

- Register for work in WorkInTexas.com within three business days from the date of submitting their initial claim for unemployment benefits
- Be able and available for full-time work

- Actively search for employment

Individuals who do not have to register in WorkInTexas.com or search for employment include those who are:

- employed by a company that is participating in an approved Shared Work Program, as described in [Texas Labor Code §215](#);
- on temporary layoff with a definite return-to-work date;
- participating in training approved by TWC’s three-member Commission; and
- members in good standing of a nondiscriminatory union hiring hall.

These individuals are considered “workforce-attached” and are not truly available to other employers.

If the claimant is required to register and seek work, the claimant’s résumé must be in active status the entire time the claimant is receiving unemployment benefits or is appealing a determination from TWC not to pay benefits. Additionally, the claimant must do the following:

- Make an active search for employment if required to do so, and document those efforts, in the event that TWC requests evidence of acceptable work search
- Be physically able to work
- Be available for full-time employment
- Apply for and accept suitable employment
- Call or report to a Workforce Solutions Office when instructed
- Participate in required reemployment activities if referred to the Reemployment Services and Eligibility Assessment (RESEA) program after being determined likely to exhaust benefits
- Request payment for weeks of unemployment

If the claimant does not register for WorkInTexas.com within the prescribed time, a WorkInTexas.com registration for the claimant is automatically created using basic information from the individual’s claim. These automatically created registrations are sufficient for job matching but are of lower quality than ones completed by the claimant.

As a best practice, it is recommended that Workforce Solutions Office staff outreach all claimants listed in the claimant report. One reason for not self-registering is poor or limited computer skills. The report provides a list of claimants who can potentially benefit from and appreciate direct staff assistance.

TWC and Boards must ensure that Workforce Solutions Office staff follows the requirements set forth in policy guidance letters, the ES Guide, Board-administered program contracts, and the TWC-Board Agreement when assisting claimants at Workforce Solutions Offices. These requirements include the following:

- Advising claimants of the requirement to register for work in WorkInTexas.com if they are required to do so
- Entering timely and accurate data for claimants who lack access to WorkInTexas.com when claimants request staff assistance to register for work

- Entering all services provided to claimants into WorkInTexas.com in a timely manner
- Advising claimants of all methods for applying for unemployment benefits or requesting payment of unemployment benefits, emphasizing application and payment request options available via the internet

Note: Regardless of the method, claimants must key or call in their own information.

- Directing claimants and employers to refer questions and problems to a UI Tele-Center
- Providing claimants and employers with UI Tele-Center phone numbers

Note: Refer to [Unemployment Benefits Contact Information for Claimants](#) and [Unemployment Benefits Contact Information for Employers](#).

- Directing claimants to the [Work Search Requirements](#) web page

D-402: Texas Caller's Identity—Tele-Center procedures

If unsure of a Texas caller's identity, Tele-Center staff must instruct the caller to go to a Workforce Solutions Office and present a valid SSN card and a current Texas driver's license or other government issued photo identification. Workforce Solutions Office staff then contacts TWC using the Help Line number assigned to the workforce area and notifies UI staff if the individual's identity can be verified by the documents provided. Identity can be confirmed only if a Tele-Center agent speaks directly with Workforce Solutions Office staff.

TWC and Boards must ensure that the help line numbers are not given to claimants; they are available to Workforce Solutions Office staff only for use when it is necessary to speak immediately with a Tele-Center agent about a pressing unemployment claim issue.

D-403: Work Search

Boards must establish the required minimum number of weekly work search contacts for their workforce area, as set forth in [Title 40, TAC, Part 20, Chapter 815 Unemployment Insurance §815.28, Work Search Requirements](#).

For additional information, refer to [WD Letter 01-12, Change 1](#), issued June 23, 2021, and titled "Unemployment Insurance Weekly Work Search Contact Requirements—Update," and subsequent issuances.

TWC and Boards must ensure that Workforce Solutions Office staff assist unemployment claimants with their work searches, including those activities set forth in:

- [Title 40, Texas Administrative Code \(TAC\), Part 20, Chapter 815, Section 815.28](#) (Work Search Requirements); and
- the [list of acceptable work search activities](#).

Assistance that can be provided to claimants includes the following:

- Making contact with a claimant very early in the claim cycle and sustaining contact with the claimant throughout the claim cycle—TWC strongly encourages TWC and Boards to dedicate necessary resources to provide sustained contact with claimants to assist them with their employment efforts
- Reinforcing the requirement that claimants must actively seek work in order to continue receiving unemployment benefits

- Collaboratively reviewing and updating claimants' WorkInTexas.com registrations to ensure the best possible opportunity for matches to job orders
- Teaching claimants how to search WorkInTexas.com for job orders
- Encouraging claimants to register with and search for jobs using other job boards if they have limited matches in WorkInTexas.com
- Reviewing claimants' résumés and making suggestions on possible improvements
- Advising claimants of available workshops on résumé writing, interview preparation, and so forth
- Periodically running job searches for claimants in WorkInTexas.com, and if appropriate matches are identified, contacting the claimants to offer them a job referral.
Note: A search can be run whether or not the claimant is present, but the claimant must accept the job referral before a Contact is entered into WorkInTexas.com.
- Determining if additional services, such as referral to WIOA, are necessary to assist the claimant in returning to work
- Enrolling claimants in WIOA dislocated worker services

Additionally, it is important to consider more highly targeted strategies for serving claimants, such as the following:

- Establishing job clubs for claimants not referred to the RESEA program who have not secured employment within a specified amount of time (for example, four weeks). For example, have claimants attend a job club at the Workforce Solutions Office and assist them with improving their résumés and interview skills, searching for job opportunities, and scheduling job interviews.
- Comparing the workforce area's claimant population to available job orders in the workforce area, particularly in WorkInTexas.com. In instances in which there are an inadequate number of job orders in a particular occupation for the number of claimants, it is important for TWC's Business Services Units to contact employers and engage in job development.
- Using a job developer to assist in locating potential jobs for individual claimants for whom no current opening is listed in WorkInTexas.com.
- Using WIOA Dislocated Worker funds, providing eligible claimants with access to career services, including training services when appropriate.

TWC and Boards must ensure the following:

- Claimants receive the full range of labor exchange services available to facilitate their earliest return to work
- Claimants requiring assistance in seeking work receive the necessary guidance and counseling to ensure that they make a meaningful and realistic work search
- The local WF/UI coordinator notifies the state WF/UI coordinator if staff becomes aware that an unemployment claimant:
 - is not able to, or available for, work;
 - refused work or a staff-generated job referral; or
 - is not actively seeking work.
- The local WF/UI coordinator, when notifying the state WF/UI coordinator of a potential issue:

- provides a brief description of the potential issue;
- does not investigate the issue; and
- uses the Potential Work Issue Reporting Template (WF-42) located in WorkInTexas.com to inform the state WF/UI coordinator of potential issues by email.
- Workforce Solutions Office staff do not manually open or close a claimant's Wagner-Peyser application in WorkInTexas.com and do not enter or alter—under any circumstances—a claimant's registration without first consulting with the claimant.

WorkInTexas.com automatically transmits certain outcome information, including job contact outcomes, to the Unemployment Benefits System to provide notification of a potential eligibility issue. When WorkInTexas.com transmits the following job contact outcomes, the Unemployment Benefits System flags the claimants so the information can be reviewed to determine if the claimants are eligible to continue receiving unemployment benefits:

- Did not report to work
- Did not accept job
- Did not report for interview
- Did not accept WorkInTexas.com contact generated by staff (refused referral)

TWC and Boards must ensure that Workforce Solutions Office staff record the job contact outcomes listed above in WorkInTexas.com in order for WorkInTexas.com to automatically transmit the information to the Benefits System.

In addition to the job contact outcomes previously listed, there are several other potential issues that require the local WF/UI coordinator to manually communicate with the state WF/UI coordinator, including the following:

- Transportation problems
- Child care problems
- Vacations or other events that require the claimant to be out of town
- Extended illness or injury
- Return to full-time work and continuing to file for unemployment benefits
- An undeliverable outreach letter returned by the US Post Office
- Any other issue that impedes a claimant's ability to obtain employment

TWC and Boards must ensure that the local WF/UI coordinator uses the Potential Work Issue Reporting Template (WF-42) located in WorkInTexas.com to inform the state WF/UI coordinator of potential issues by email.

D-404: Suitable Work

TWC and Boards must ensure that prior to entering a claimant into education or training; Workforce Solutions Office staff tests the labor market to determine if suitable work is available.

TWC and Boards must ensure that Workforce Solutions Office staff determines if a job is suitable based on the following:

- The job seeker's experience, qualifications, and training

- Working conditions and pay for similar work in the workforce area
- Any risks to the job seeker's health, safety, or morals
- Distance to work from the job seeker's home with consideration of local commuting patterns

D-405: TWC-Approved Training for Claimants

Generally, claimants can participate in any type of training and remain eligible for benefits; however, only certain training is recognized as TWC-approved training. As stated in the [Federal Unemployment Tax Act §3304](#), participation in TWC-approved training exempts claimants from their work search requirement while attending training and prevents denial of unemployment benefits based on:

- availability for work; and
- refusing an offer of suitable work.

The following trainings are considered approved:

- WIOA-funded training
- TAA-funded training
- Any training funded by one of the following entities:
 - TWC-VR
 - Federal or state veterans' agency
 - A program specifically designated by the Texas Workforce Commission (TWC)

[Title 40, TAC, Part 20, Chapter 815, Unemployment Insurance](#) specifies that, if the funding source does not qualify the training for automatic approval, training may be approved if the claimant's current occupation is not a high-demand occupation and the training is for an occupation that is in-demand.

TWC and Boards must ensure that Workforce Solutions Office staff assessments of TWC-approved training are made in the following situations:

- Tele-Center staff advises the claimant to contact a Workforce Solutions Office if questions arise regarding approval of training.
- While working with a claimant, Workforce Solutions Office staff becomes aware that a claimant is already enrolled in training or needs training.

TWC and Boards must ensure that when making assessments in these situations, Workforce Solutions Office staff do the following:

- Determine whether the training is funded by TWC-VR, TAA, or a federal or state veterans' agency.
- When completing the assessment, consider:
 - the claimant's current skills and occupation to determine the likelihood of reemployment within a reasonable time;
 - the quality of the claimant's WorkInTexas.com registration to ensure that it is sufficient to result in quality matches; and

- the number and types of WorkInTexas.com matches the claimant is receiving—matching jobs must meet the minimum suitable work requirements in [Texas Unemployment Compensation Act §207.008](#).

Note: If the claimant has no suitable job matches in WorkInTexas.com, it may be appropriate to consider determining eligibility for training.

- Assist the claimant in determining the appropriate type of occupational training, if an assessment finds that a claimant is appropriate for participation in training. Training in occupations on the Statewide Target Occupations List or a Board’s Target Occupations List meets the criteria for TWC-approved training.

TWC and Boards must ensure that training provided entirely through distance learning results in a nationally recognized degree or credential as set forth in [WD Letter 37-07, Change 1](#), issued January 2, 2008, and titled “Workforce Investment Act: Application of Definitions of Credential, Degree/Diploma, and Certificate: Clarification,” and subsequent issuances.

TWC and Boards must be aware of the following:

- Boards are not required to fund all claimant requests for training.
- Assessments can be conducted by phone or in person.
- Tele-Center staff makes the final determination—based on the assessment provided by Workforce Solutions Office staff—on whether training is recognized as TWC approved.

Once an assessment has been completed and a claimant determined to be enrolled in training, the local WF/UI coordinator uses the Potential Work Issue Reporting Template (Form WF-42) located in WorkInTexas.com to inform the state WF/UI coordinator of the training by email. The WF-42 should include the following:

- Training provider
- Training start date
- Anticipated end date
- Estimated number of hours per week in training
- Occupation for which the claimant is being trained
- Funding Sources
- If claimant’s current occupation is on the Target Occupations list
- If the claimant has any relevant job matches in WorkInTexas.com
- If the training is on the state/Board’s Target Occupations list

D-406: Unemployment Benefits Appeals

UI appeals processes involving Workforce Solutions Office staff occur under the following circumstances:

- A claimant or an employer requests the use of Workforce Solutions Office resources to submit an appeal without staff assistance (self-service appeal).
- An appealing party requests use of Workforce Solutions Office resources to participate in a TWC hearing.

- A claimant or an employer submits an appeal in person at a Board office or Workforce Solutions Office.
- An appealing party submits an appeal by US mail directly to a Board office or Workforce Solutions Office.

Staff Support for Claimants and Employers

TWC and Boards must ensure that Workforce Solutions Office staff adhere to the following procedures:

- When a claimant or employer visits a Workforce Solutions Office and requests to submit an appeal, Workforce Solutions Office staff inform the appealing party that **the preferred way to file an appeal is through the online UI Benefits Services Portal**, as that is the fastest submission process; however, mailed or faxed appeals are acceptable.

Note: Appeals may not be submitted by email or phone.

Instructions for claimants are available on the [Claimant Appeals](#) web page. Instructions for employers are available on the [Employer Appeals](#) web page.

- When a Board Workforce Solutions Office receives an appeal by mail, Workforce Solutions Office staff must date-stamp the appeal on the day received and scan and attach the postmarked envelope in which it arrived. Forward both by email within one business day of receipt to appeals.fax@twc.texas.gov.

Access to Workforce Solutions Office Resources

TWC and Boards must be aware that claimants and employers may request to use a Workforce Solutions Office computer, telephone, or fax machine to address matters related to their claims, including appeals, without providing specific information on the appeal.

TWC and Boards must ensure that, upon request, Workforce Solutions Office staff provide claimants and employers access to the following:

- Computer with internet access
- Telephone/speakerphone
- Fax machine
- Private location in which to participate in an unemployment telephone first-level investigation or subsequent appeal hearing

TWC and Boards must ensure the following:

- Unemployment benefits transactions take priority over other fax usage
- Claimants and employers are provided any necessary assistance with equipment
- A notice in English and Spanish is posted by the fax machine informing claimants and employers that they can request a confirmation of the fax transmittal if one is not automatically provided
- Claimants and employers have access to resources and assistance at all times during a Workforce Solutions Office's regular business hours

It is recommended that Boards have Workforce Solutions Office staff post a notice in English and Spanish on any publicly accessible Workforce Solutions Office doors reminding claimants

and employers that they can submit an appeal immediately by mail, fax, or the online appeal form.

D-407: Unemployment Benefit Payment Methods

TWC pays unemployment benefits by direct deposit or through a debit card. For more information on these benefit payment options, please refer to the following TWC web pages:

- [Receiving Benefit Payments by Direct Deposit](#)
- [Receiving Benefit Payments by Debit Card](#)

D-408: Prohibited Activities

TWC and Boards must ensure that Workforce Solutions Office staff do not engage in the following activities:

- Answering questions or making predictions about unemployment benefits eligibility and receipt. Workforce Solutions Office staff must direct all individuals with unemployment benefits questions and problems to an Unemployment Tele-Center at (800) 939-6631 or by submitting a request for TWC staff contact through the [External Contact Request System](#).
- Collecting work search logs, except as required as part of the RESEA UI Eligibility Review.
- Accepting custody of debit cards voluntarily surrendered by claimants or others. TWC and Boards must ensure that Workforce Solutions Office staff:
 - do not, for any reason, accept a returned debit card; and
 - direct any individual who attempts to surrender a debit card to contact a Tele-Center customer service representative.
- Setting up a fictitious claim by calling a Tele-Center or using the online Apply for Benefits application as an example for a claimant or as a way to test that the system is accepting claims.
- Listening to or participating in claimant conversations. It is inappropriate for Workforce Solutions Office staff to monitor claimant conversations when a claimant is using a telephone at a Workforce Solutions Office to submit a claim, participate in an appeal hearing, or provide information requested by a Tele-Center.

D-500: Reemployment Services and Eligibility Assessment

The goal of the Reemployment Services and Eligibility Assessment (RESEA) program is to provide claimants with a wide array of available resources that support reemployment as quickly as possible and to connect claimants to reemployment services, including coenrollment in Wagner-Peyser-funded employment services, the WIOA Dislocated Worker program, or other program services, as appropriate. RESEA participants who have been prioritized and referred to Boards are considered to have met the eligibility criteria for “Dislocated Worker.”

At the direction of TWC, designated ES Merit staff must:

- register RESEA claimants for ES services in WorkInTexas.com (charging staff time to “RESEA grant”);

- provide immediate (within one business day) personal or remote services to noncompliant RESEA claimants (charging staff time to “RESEA grant”); and
- assist Workforce Solutions Office staff when:
 - gaps in staff coverage occur; and
 - larger than normal claimant pools are experienced. (ES Merit staff, when providing services under these two circumstances, may NOT charge time to “RESEA grant.”)

For more information, refer to the [RESEA Program Guide](#) and Board Contract Attachment A—Board Grant Reemployment Services and Eligibility Assessment Statement of Work—Project Requirements.

D-600: Texas Payday Wage Claim Process

TWC’s [Wage and Hour](#) department enforces the [Texas Payday Law](#) (Texas Labor Code, Chapter 61), which:

- protects employees who have not been paid earned wages; and
- provides employers and employees with a method for resolving wage disputes without the necessity of court action.

TWC and Boards must ensure that Workforce Solutions Office staff assists individuals with filing a Texas Payday Law claim, filing or responding to an appeal on a Payday Law claim, or submitting documentation needed for a Payday Law claim or appeal. A customer could be an individual filing a wage claim or an employer responding to a wage claim. Customers must be allowed to use available Workforce Solutions Office resources such as computers, fax machines, or phones. Staff must assist individuals by adhering to the following established procedures:

- Refer to FDCM Letter 04-22, Change 1 issued June 28, 2024, titled “Board Instructions: Texas Wage and Hour Assistance— Update Change 1,” and its attachment, Texas Payday Wage Claim Process Desk Aid available on TWC’s intranet (The intranet is not available to the public.)
- Refer individuals to **How to Submit a Wage Claim Under Texas Payday Law** section of TWC’s [Texas Payday Law—Wage Claim](#) page for more information about the wage claim process. This page provides links to the Texas Payday Law Wage online claim application and paper forms in English and Spanish.
- Recommend individuals file a wage claim by using TWC’s online system, which is the quickest method for filing and ensures complete information is provided.
 - [Online Wage Claim in English](#)
 - [Online Wage Claim in Spanish](#)
- Advise individuals that wage claims can also be filed using Form WH-1. If the paper form is used, the entire wage claim form must be complete, accurate and legible.
 - [English Wage Claim \(Form WH-1\) in PDF](#)
 - [Spanish Wage Claim \(Form WH-1\) in PDF](#)
- Form WH-1 must be signed by the wage claimant declaring that all information is true under penalty of perjury.

- Workforce Solutions Office staff should not use older versions of the form, labeled as “LL-1.” Copies of any payroll checks or stubs, or any information to support the claim, must be submitted with the wage claim form.

The completed wage claim form with attachments must be faxed to (512) 524-6211 or mailed to:

Texas Workforce Commission
Wage and Hour Department
101 East 15th Street, Room 514
Austin, Texas 78778-0001

TWC and Boards must ensure that Workforce Solutions Office staff does not:

- pre-sign blank wage claims;
- print copies of the WH-1 on any kind of letterhead (as Wage and Hour cannot accept altered forms);
- give advice to individuals about the Texas Payday Law; or
- accept, or swear to, copies of signed wage claims with nonoriginal signatures.

TWC and Boards also must ensure that Workforce Solutions Office staff:

- distributes the most recent [Payday Wage Claim form](#);
- is aware of current wage claim process procedures; and
- instructs individuals to direct any questions to TWC’s Wage and Hour department at (800) 832-9243 or (512) 475-2670.

D-601: Texas Payday Wage Claim Appeals

TWC and Boards must be aware of the following circumstances that involve Workforce Solutions Office staff in the [Payday Wage Claim appeals process](#):

- A claimant or an employer request the use of Workforce Solutions Office resources to submit an appeal without staff assistance (self-service appeal).
- An appealing party requests use of Workforce Solutions Office resources to participate in a TWC hearing.
- A claimant or an employer submits an appeal in person at a Board office or Workforce Solutions Office.
- An appealing party submits an appeal by US mail directly to a Board office or Workforce Solutions Office.

Staff Support for Claimants and Employers

TWC and Boards must ensure that Workforce Solutions Office staff adheres to the following procedures:

- When a claimant or employer visits a Workforce Solutions Office and requests to submit an appeal, Workforce Solutions Office staff should inform the appealing party that **the preferred way to file an appeal is through the online [Wage Claim Appeal application](#)**, as that is the fastest submission process; however, mailed or faxed appeals are acceptable. **Note: Appeals may not be submitted by email or phone.**

Instructions for filing a Texas Payday Law Appeal are available at [Texas Payday Law Appeals](#).

- When Workforce Solutions Office staff receives an appeal by mail, Workforce Solutions Office staff must date-stamp the appeal on the day received and scan and attach the postmarked envelope in which it arrived. Staff must forward both the appeal and envelope by fax within one business day of receipt to [Special Program Appeals](#) at (512) 463-9318.

Access to Workforce Solutions Office Resources

Claimants and employers may request to use Workforce Solutions Office resources, such as computer, phone, or fax machine to address matters related to their claims, including appeals, without providing specific information on the appeal.

TWC and Boards must ensure that, upon request, Workforce Solutions Office staff provides claimants and employers access to the following:

- Computer with internet access
- Phone/speakerphone
- Fax machine
- Private location in which to participate in a wage claim examination or subsequent appeal hearing

TWC and Boards must ensure the following:

- Wage claim transactions take priority over other non-UI fax usage
- Claimants and employers are to be provided any necessary assistance with equipment.
- A notice in English and Spanish is posted by the fax machine informing claimants and employers that they can request a confirmation of the fax transmittal if one is not automatically provided.
- Claimants and employers have access to resources and assistance at all times during a Workforce Solutions Office's regular business hours

It is recommended that Boards post a notice in English and Spanish on any publicly accessible Workforce Solutions Office doors reminding claimants and employers that they can submit an appeal immediately by mail, fax, or the online appeal application.

Part E—Oversight

E-100: Performance Measures

E-101: About Performance Measures

Performance measures are indicators of progress in administering effective services to employers and job seekers. TWC is responsible for developing the system of performance accountability for Boards.

The Wagner-Peyser Act requires delivery and oversight of the following core ES activities:

- Labor exchange services
- Job search and placement assistance
- Career counseling
- Basic reemployment services
- LMI
- Knowledge, skills, and abilities evaluation and assessment
- Validation of work test requirements for UI benefits
- Referral to support services

DOL measures each state's success in delivering employment services based on the five activities listed above by instituting performance measures relating to:

- ES;
- services to veterans; and
- services to MSFWs.

TWC measures each Board's success in delivering services to career and training participants based on Reemployment and Employment Engagement Measures (REEMs) that are included in the Board's contract with TWC.

TWC and Boards' ES performance is reported monthly through TWC's monthly performance report.

E-102: Services to Eligible Veterans

Federal law requires that Workforce Solutions Office staff provide the maximum level of services to veterans.

Veterans are included in the calculation of Boards' ES performance measures.

E-103: Migrant Indicators of Compliance

TWC, Boards, and Workforce Solutions Office staff must ensure federal standards for services to MSFWs are met. This is accomplished by tracking services provided by Workforce Solutions Office staff to MSFWs compared to services provided to non-MSFWs, to ensure that MSFWs are receiving services that are qualitatively equivalent and quantitatively proportionate to services provided to non-MSFWs.

TWC and Boards must ensure that Workforce Solutions Office staff does the following:

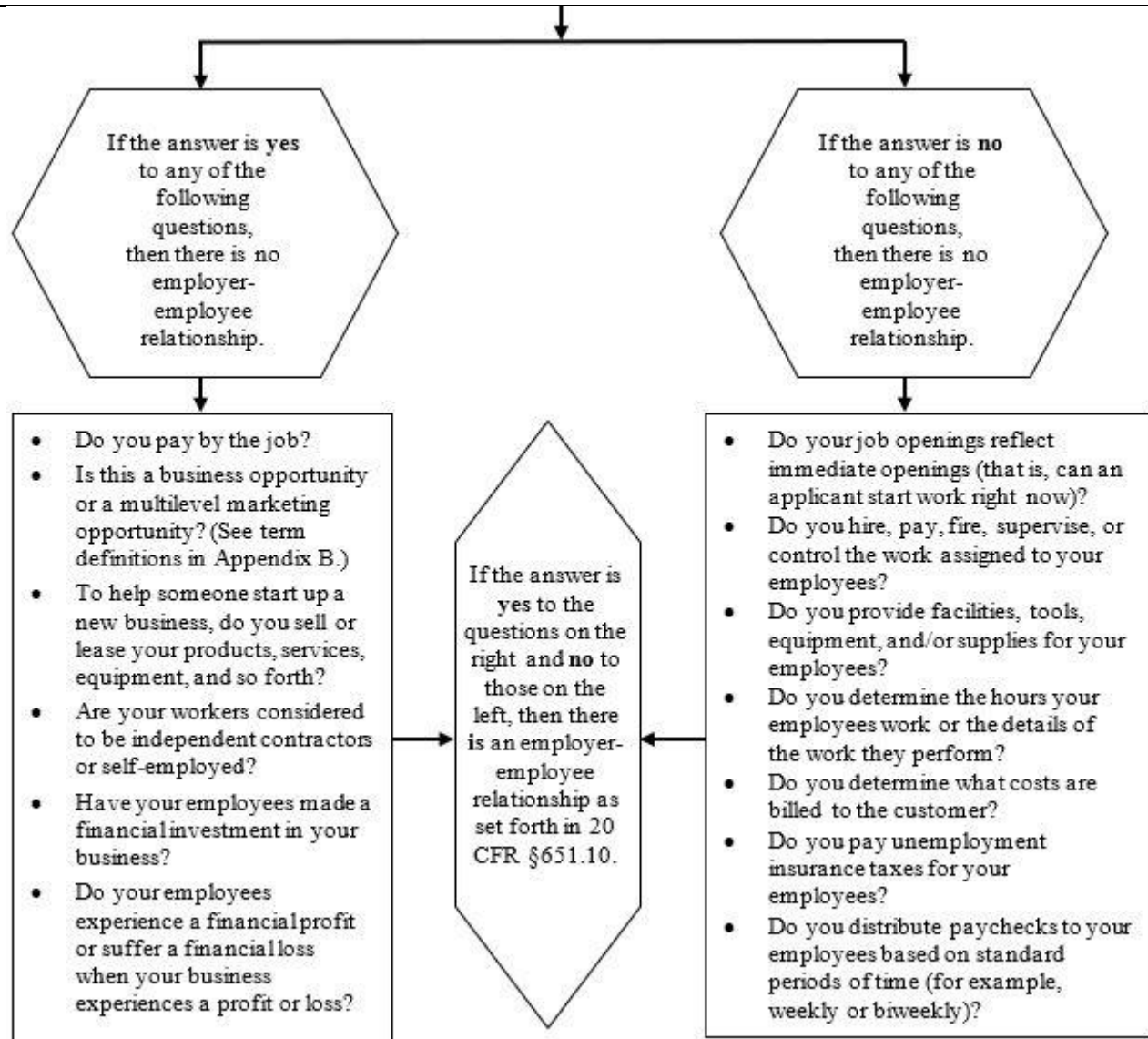
- Identify job seekers who are MSFWs
- Indicate in WorkInTexas.com that a job seeker is an MSFW
- Provide and record services to MSFWs

Appendix A: Employer-Employee Relationship Flowchart

TWC, Boards, and Workforce Solutions Office staff may use the flowchart below to determine an entity's potential eligibility based on whether an employer-employee relationship exists.

If the entity's identity cannot be verified with a TWC tax ID, an existing WorkInTexas.com Employer ID, or a Federal Employer Identification Number, begin investigating whether there is a bona fide employer-employee relationship as set forth in 20 CFR §651.10.

If the entity provides Form 1099, refer to the Internal Revenue Service's [Employer's Supplemental Tax Guide](#) to determine if the entity is an independent contractor or a contract labor employer.



Appendix B: Employer Definitions for Use with WorkInTexas.com

Employer—DOLETA defines an employer as a person, firm, corporation, or other association or organization that:

- has an employer relationship with respect to employees, as indicated by the fact that it hires, pays, fires, supervises, and otherwise controls the work of such employees; and
- currently has a location within the United States to which US workers may be referred for employment and proposes to employ a worker at a place within the United States.

Note: Federal contractors associated with the military are considered employers, even if the jobs are located outside the United States.

An association of employers is considered an employer if it has all the attributes of an employer set forth in this definition. However, such an association is considered a joint employer with the employer member if either shares in exercising one or more of the definitional attributes of “employer.”

Professional Employer Organization—Under Chapter 91 of the Texas Labor Code, Professional Employer Organizations (PEOs) provide services through co-employment relationships in which all or a majority of the employees providing services to a client, a division, or a client’s work unit are covered employees. The term does not include:

- temporary workers;
- independent contractors;
- the provision of services that otherwise meet the definition of a PEO by one individual solely to other individuals who are related to the service provider by common ownership; or
- a temporary common worker employer as defined in [§92.002\(7\) of the Texas Labor Code](#), Chapter 92.

PEOs:

- lease covered employees on a long-term or continuing basis to a client;
- assign covered employees for a long duration;
- do not necessarily maintain their own pool of labor (PEOs approach an existing company and offer to take over the company’s employment responsibilities, and the client pays the PEO a fee to lease the covered employees); and
- must register with TDLR.

Multilevel Marketing—Independent, unsalaried salespeople of multilevel marketing (MLM) plans are often referred to as distributors, associates, independent business owners, dealers, franchise owners, sales consultants, consultants, and independent agents. They represent a parent company and receive a commission based on the volume of product sold through each of their independent businesses or organizations.

MLM distributors grow their organizations by building an active customer base that buys directly from the parent company or by recruiting a “downline” of other distributors that build their own customer bases. Additionally, independent distributors can earn a profit by retailing products they purchased from the parent company at a wholesale price. For MLM plans to be considered legal, distributors must earn more from product sales than from the recruitment of downline independent distributors. Distributors must also be able to get a refund of not less than 90 percent of upfront payments for unused, resalable products.

Note: The Federal Trade Commission warns that the practice of earning commissions from recruiting new members, also known as “pyramiding,” is illegal in most states. Under the Texas Deceptive Trade Practices Act, pyramid promotion is a state jail felony punishable by imprisonment for up to two years and a fine of up to \$10,000.

Independent Contractor—An independent contractor is an individual who, in the pursuit of an independent business, undertakes a specific type of work for other individuals using their own means and methods without submitting to the control of the other individuals with respect to the details. Some factors for determining whether an individual is an independent contractor are:

- the independent nature of the business;
- the obligation to furnish tools, supplies, and materials necessary to perform the job; and
- the right to control the progress of the work, excepting the final result.

(*Pitchfork Land & Cattle Co. v. King*, 162 Tex. 331, 346 S.W.2d 598 (1961))

Additionally, TWC uses [Form C-8, Employment Status—A Comparative Approach](#), found in [Texas Payday Law §821.5](#), to help distinguish between independent contractors and employers.

Business Opportunity—Under the [Texas Business and Commerce Code Chapter 51](#), a business opportunity is regulated by law if:

- it requires the buyer to make an investment to start the business;
- the seller promises that the buyer will earn, or is likely to earn, a profit exceeding the initial investment; and
- the seller will:
 - provide locations or help find locations that are not owned or leased by the buyer or seller for the use or operation of the products, equipment, supplies, or services;
 - provide a sales, production, or marketing program (this does not apply to franchise start-ups); or
 - buy back, or is likely to buy back, products, supplies, or equipment that the buyer purchased or a product that the buyer made, produced, fabricated, grew, or bred using in whole or in part the products, supplies, equipment, or services that the seller initially sold, leased, or offered for sale or lease to the buyer.

The seller must provide the following to the buyer at least 10 days before the buyer signs a contract or makes a financial investment:

- names and addresses of all individuals affiliated with the seller in the business;
- a copy of the seller’s current financial statement;
- a complete description of the services the seller agrees to perform for the buyer;

- if training is promised, a description of the training and travel and lodging costs;
- if services are promised, a description of the services provided, and agreements made with the owners or managers of business locations; and
- full disclosure of any adjudication resulting from a bankruptcy or a civil suit involving fraud or embezzlement in the past seven years.

Appendix C: Entity Authentication Resources

Verify the authenticity of an employer's identity by doing any of the following:

- Check that the web address of the company website matches the web address provided by the employer.
- Check that the company email address includes the company name.
- Ask the following questions:
 - Are you the point of contact for your business?
 - What is your job title?
 - What is your telephone number?
 - What is your fax number?
 - Is your job opening in Texas?
 - What are the principal activities or products manufactured by your company?
- Check the Employer Master File (mainframe) to search for a TWC tax ID using the entity's business telephone number or business address.
- If an employer account for the entity already exists in WorkInTexas.com, check the **Case Notes** section to determine the employer's current standing in the system, and note any problems previously reported regarding this employer.
- Check with the [Better Business Bureau](#) to learn if there are any reports on the company.
- Refer to the online version of [Especially for Texas Employers](#) and consult the index to find [the ABC test](#) for ascertaining whether an entity is an independent contractor or a contract labor employer.

Appendix D: TWC Wage Change Request Form



Wage Change Request Form

DATE:

TO:

Email Tax department at taxwagerecordcorrection@twc.texas.gov.

FROM:

Workforce Board Name or Department Name:

Individual's Name:

Business Title:

SUBJECT:

Wage Change Request

OVERVIEW:

The purpose of this document is to request a change to current wage information.

1. Complete the required information below.
2. Provide copies of the supporting documentation, acceptable documents to include:
Social Security card, driver's license/government ID
3. Provide a copy of TWC screen showing wages (Do not redact information.)

NOTE: DO NOT REDACT ANY INFORMATION.

IMPORTANT INFORMATION:

- The Tax department does not delete wages unless authorized by the employer, a Tax department investigation/audit, or a court of law.
- The Tax department will change the SSN to a pseudo-number.
- The name of the original individual will remain the same and the wages will show as zero for audit trail purposes.
- No changes can be made to wages marked used in a prior UI claim.
- No wages can be changed to a matching name unless ID theft is reported **and a copy of a police report is attached.**
- No wages will be changed that are older than the statute of limitations (three years).

First and last name of person making the complaint.
Name:

Social Security Number (SSN):

Incorrect Name Listed (1st Field), Employer Name (2nd Field) and Account Number (3rd Field, if known):

For example: 1st Quarter 2022 = 1Q22

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List of Revisions

The tables below include a comprehensive list of the substantive changes made to this guide, including the revision date, the section revised, and a brief explanation of the specific revision.

Note: This guide also contains minor, non-substantive editorial changes that are not included in the List of Revisions.

March 10, 2025

Section	Revisions
All Sections	Changes throughout in accordance with Wagner-Peyser Act Staffing Final Rule revising the ES regulations that require the use of state ES Merit staff to provide ES services
Overview	Adds Wagner-Peyser Act Staffing Final Rule publication and associated revisions
A-103	Adds intrastate clearance orders, adds ARS procedures
A-105	Section rescinded due to Executive Order
A-106	Rescinds TA Bulletin 225
A-107	Changes Personal Data Information (PDI) and Personal Identifiable Information (PII) to Sensitive Personal Information (SPI), adds Section 2.4—Privacy Awareness and Training to list of references
A-200	Updates ES complaints procedures in accordance with Wagner-Peyser Act Staffing Final Rule
D-202	Adds provision to ensure MSFWs have access to these services in a way that meets their unique needs, adds updated MSFW outreach procedures, adds new MSFW Guide as a reference
C-800	Section rescinded
C-900	Removes detail regarding Rapid Response program
C-1100	Removes “Agricultural Recruitment Services” from this section as it is detailed in A-103.

Section	Revisions
D-302	Adds updated screening criteria and procedures for identifying veterans and eligible persons for priority of service
D-500	Adds updated definition for RESEA program, adds ES Merit staff may assist in registering RESEA claimants into WP services as well as deliver RESEA services

October 17, 2023

Section	Revisions
A-302	Updates wage change request process for Local Workforce Solutions Offices
Appendix E	Adds TWC's Wage Change Request Form
D-600	Updates Texas Payday Wage Claim information
D-601	Adds Texas Payday Wage Claim Appeals information

September 2022

Section	Revisions
A-103	Updates farm work or food processing jobs to agricultural jobs
B-203	Removes Went to Work WorkInTexas.com service elements
C-100	Adds incumbent worker training and fidelity bonding to employer services
C-604	Removes reference to TA Bulletin 192, Change 1
D-403	Removes RESEA funding information
D-500	Moves RESEA staffing for direct services information here from D-403 and updates information about staff providing RESEA services

June 2, 2022

Section	Revisions
A-110	Replaces WD Letter 25-15 with WD Letter 01-21

Section	Revisions
C-802	Updates WD Letter 06-14
C-805	Updates SSF training information
D-302	Replaces WD Letter 25-15 with WD Letter 01-21
D-403	Replaces WD Letter 25-15 with WD Letter 01-21 and clarifies which staff member may provide RESEA services
D-406	Updates information about the appeals process and includes links for online instructions, updates contact information for processing appeals received by mail, and adds language about allowing computer access at Workforce Solutions Offices

August 5, 2021

Section	Revisions
C-1003	Adds guidance on H-2B job orders and placement of US citizens in those jobs

December 1, 2020

Section	Revisions
A-110	Adds reference to Appendix D
B-202c	Adds subsection detailing guidance for staff to improve quality job order matches for individuals and employers
C-202	Adds preexisting account search language
C-203	Adds language to clarify that an employer-employee relationship must exist between employing entities and individuals Adds listing of ineligibility reasons for entities and links to appendixes
C-204	Adds multilevel marketing (MLM) opportunities to disallowed job order examples
D-303	Updates age of former foster youth in accordance with TWC Rule
E-103	Removes references to Web Report #219 and related TA Bulletin 248

Section	Revisions
Appendix A	Adds employer-employee relationship verification flowchart
Appendix B	Adds definitions of employing entities
Appendix C	Adds steps to verify entity by local staff
Appendix D	Adds guidance to ensure quality of veteran job seeker registrations

February 20, 2020

Section	Revisions
All Sections	Update references from WIA to WIOA
A-102	Moves Unemployment Insurance Work Test section from A-107
A-103	Moves Interstate Clearance of Job Postings section from A-102
A-104	Moves Nondiscrimination section from A-103 and updates non-exclusion requirement to include any applicable nondiscrimination law
A-105	Adds new section on Discrimination Based on Gender Identity, Gender Expression, and Sex Stereotyping
A-106	Moves Services to Persons with Disabilities section from A-109
A-107	Moves Security of Personal Identity Data section from E-200
A-108	Moves Financial Literacy section from E-400
A-109	Moves Professional Standards section from A-113
A-110	Moves Veterans Priority section from A-108 and updates WD Letter reference
A-200	Moves all Complaint Procedures sections from E-100
A-202	Adds details of 29 CFR §37.73 requirements and updates form reference
A-300	Moves all Request for Information sections from E-300
A-301	Updates guidance to minimize risk of PII sharing
A-303	Adds information on unauthorized release of confidential information and references to TWC rules Chapters §815 and §843
A-305	Adds new section Law Enforcement Information Requests

Section	Revisions
B-202a	Removes WorkInTexas.com Forms section and moves WorkInTexas.com Support Network section from B-202b
B-202b	Moves Procedures for Contacting the Workforce Systems Support Desk section from B-202c
B-203	Updates details of Went to Work service elements
C-203	Updates information on ineligible employers account documentation
C-204	Adds employer-use job order requirement details
C-301	Updates job order details list and removed service levels
C-303	Moves information related to professional employer organizations (PEOs) to section C-503
C-304	Updates information related to National Labor Exchange, formerly known as US.Jobs
C-503	Updates information on PEOs and TPAs based on new system function
C-506	Updates process to list OJT in WorkInTexas.com
C-703	Updates LMI websites list
C-803	Updates customized training information
C-1003	Updates information for H2-B jobs
C-1200	Updates WOTC-eligible categories
D-102	Removes paper application reference and updates required individual information
D-103	Removes TA Bulletin 194 information
D-104	Updates LMI website's list
D-302	Removes job training programs information, adds WD Letter 25-15 information, and removes priority of service information for WIOA programs
D-304	Updates priority for child care services list
D-403	Updates available claimant services
D-405	Updates DADS to TWC-VR

Section	Revisions
D-406	Updates section to clarify audience
D-408	Removes statement that claimants are priority population
D-500	Updates sections from RRES to RESEA and moves program details into RESEA Guide
E-100	Moves Performance Measures sections from F-100

August 17, 2017

Section	Revisions
E-302	Adds language about the statute of limitations for corrections and information about zero wage records

April 10, 2015

Section	Revisions
A-107	Adds updated information on suitable work
A-111	Adds updated information from Texas Labor Code §301.085
B-202	Adds staff limitation on entry of employer and individual registration without prior consultation
B-202.b	Adds updated information—name changed to Workforce Systems Support Desk
B-203	Adds information on WorkInTexas.com service Went to Work
C-201	Adds updated information to correspond with WorkInTexas.com Release 6.1—November 7, 2013, on employer access
C-204	Adds updated information from 20 CFR §653.503
C-303	Adds information to correspond with WorkInTexas.com Employer Use Agreement
C-304	Adds updated information on US.Jobs from TA Bulletin 264 and WorkInTexas.com Release 6.7—April 2, 2015

Section	Revisions
C-408	Adds information to correspond with section D-400
C-409	Adds new section on Employment Scams
C-503	Adds updated information on temporary help firms and professional employer organizations
C-601	Adds information to correspond with section C-201
C-802	Adds updated information to correspond with OJT employer reimbursement waiver
C-806	Adds updated information on work experience
C-900	Adds updated information on rapid response services
C-1003	Adds information on Form I-9 from WD Letter 15-10, Attachment 1
C-1200	Updates list of approved target groups for Work Opportunity Tax Credit conditional certifications
D-104	Adds information from TA Bulletin 233 on mySkillsmyFuture.com
D-106	Adds new section on services through community- and faith-based organizations
D-302	Adds information on veterans with significant barriers to employment from WD Letter 08-15
D-304	Updates priority of service populations according to TWC rule §809.43(a)(2)
D-400	Adds new and updated information on ES/UI coordination, work search requirements, suitable work, TWC-approved training for UI claimants, and UI appeals
D-401	Clarifies claimant requirement to accept suitable jobs
D-500	Adds information to correspond with WorkInTexas.com Release 5.4—September 27, 2012, and the WIA Eligibility Guidelines
D-600	Adds new section with information on the Texas payday wage claim process from TA Bulletin 185 and adds restriction on printing wage claim forms on local Board letterhead
E-300	Adds updated information on open records requests

Section	Revisions
E-300	Adds updated information on open records requests
Rescissions	WD Letters 33-00; 33-00 Ch. 1; 33-00 Ch. 2; 13-07; 55-09; 15-10
Rescissions	TA Bulletins 113; 145; 171; 185; 229; 233; 264