

The Texas Workforce Commission (Commission) adopts new Chapter 843 Job Matching Services, §843.1 Employer and Job Seeker Services and §843.2 Public Employer Requirements Regarding Veterans Preference with changes as published in the January 4, 2002 issue of the Texas Register, (27 TexReg 122).

The rule provides information to the public regarding job matching services and the veterans employment preferences. Specifically, §843.1 clarifies for employers and job seekers the methods of accessing job matching services and provides the framework for how public entities may comply with §843.2. Section 843.2 sets forth the requirements for how public employers may comply with posting job openings with the Commission as required by Texas Government Code §657.009 relating to the veterans preference in public employment. New Chapter 843 establishes a location for rules relating to job matching services.

Background. The Agency makes available to the public job postings and related information provided by public and private employers through job matching services. Job matching services are provided through utilizing the Governor's Job Bank, Hire Texas, and the job services matching system to facilitate the exchange of employment information between employers and job seekers including individuals entitled to the veterans preference under Texas Government Code Chapter 657 (Chapter 657). Further information about the Governor's Job Bank, Hire Texas, the job services matching system and the veterans preference in public employment follows.

The Governor's Job Bank provides a clearinghouse for state agencies to post job openings in compliance with Texas Government Code Chapter 656 relating to Job Notices and Training. The Governor's Job Bank also provides an electronic resource of comprehensive postings of current openings for job seekers desiring to work for government entities. State agencies have the option of posting job opening information themselves or sending the information to the Commission for posting into the system. When viewing the Governor's Job Bank over the Internet, job seekers can click on a link to the Uniform State Application for Employment and print it for submission to any state agency. Hire Texas provides self-service Internet access to the job services matching system for employers and job seekers. It enables employers to post job openings and search for workers. It also enables job seekers to register for work and search for jobs. Through Hire Texas public and private employers can establish their own account, enter and code job postings to search for specific criteria, and obtain a list of candidates ranked and scored by how well each meets job opening criteria. Hire Texas displays posted job openings and allows for cross-posting of job openings to America's Job Bank, which is a national data exchange system for employers and job seekers. Hire Texas also includes access to an applicant database with information on all types of job seekers from temporary laborers to skilled professionals. The format of Hire Texas allows employers to quickly view the skills and qualifications for each job candidate and then, if the employer is interested in that person, allows the employer to view contact information. To use the Hire Texas employer job matching services, the employer must have a current Agency tax account. An employer may also post job openings by phone, fax or office visit by contacting a Texas Workforce Center in the employer's local workforce development area. For additional information about Texas Workforce Centers, please see the Agency web site at www.texasworkforce.org.

The job service matching system contains the master database of all posted job openings submitted by public and private entities in Texas. This system gives employers access to the largest database of job seekers in Texas, currently including information on over one-half million job seekers. The job service matching system also contains over one-half million new job postings each year. This system also incorporates a preference for veterans in the matching process.

Texas Government Code §657.009 requires that public entities provide to the Commission for posting, information regarding job openings subject to the hiring preference in public employment for veterans. For purposes of Chapter 657, a "public entity" includes a public department, commission, board or agency.

The Commission received comments from the North Central Texas Workforce Board. A summary of the comments and related responses follows. The commenter expressed appreciation for the opportunity to comment on the proposed rules and hoped that the contributions of the commenter would help in the State of Texas. Further comments and responses follow.

Comment: Regarding §843.1, although the commenter recognized the Commission's responsibility for adopting rules necessary to implement programs, the commenter did not support the rule. The commenter stated that the rule represents excessive rule promulgation and that a better means to address these issues would be through local Board

plans, WD guidance letters, or even the master contract with each Board. The commenter suggested incorporating this information into the guidelines for the annual Plan modification.

Response: The Commission agrees that a Board's plan and master contract should specifically address the role of a Board in making available job matching services; however, the Commission disagrees with removing this rule because the rule goes beyond stating the role of a Board. In general, a rule contains either "interpretive" or "substantive" provisions. An interpretive rule provision clarifies or explains existing law or regulations by interpreting and applying statutes under which an agency operates. A substantive rule provision grants rights, imposes obligations or produces other significant effects on private interests. Primarily an interpretive rule, §843.1 clarifies for employers and job seekers the methods of accessing job matching services and provides the framework for the public to comply with the statutory requirements of §843.2 regarding job postings subject to the veterans preference. The rule does not place a new substantive requirement on a Board, but merely notifies the public of the coordination between a Board and employment service staff located in a local workforce development area.

Comment: Regarding §843.1, the commenter stated that the purpose of the section is unclear.

Response: The Commission agrees with clarifying subsection (a) of this section regarding the purpose of job matching services and the rule.

Comment: Regarding §843.2, Public Employer Requirements Regarding Veterans Preference, the commenter supported the adoption of §843.2 because the rule is aligned with the requirements of state law and stated that Texas Government Code §657.009 specifies the public employer requirements regarding veterans preference.

Response: The Commission agrees with and appreciates the comment.

The adopted rules contain one technical change to correct a cross-reference in §843.2(b) to §841.2(b)(1)-(3) relating to the Employer Postings of Job Openings.

The Commission adopts the new rules under Texas Labor Code §301.061 and §302.002, which provide the Commission with authority to adopt, amend, or repeal rules it deems necessary for effective administration of Agency services and activities and Texas Government Code Chapter 657.009 that provides for adopting rules relating to public entities posting positions with the Agency.

The rules affect Texas Labor Code, Chapter 302, and Texas Government Code Chapter 657.

Chapter 843. Job Matching Services

Subchapter A. General Provisions.

§843.1. Employer and Job Seeker Services.

(a) Purpose. Job matching services provide the public with a clearinghouse for exchanging information on job postings and job seekers. This section sets forth for employers and job seekers the methods available for accessing the clearinghouse of employer and job seeker information.

(b) Employer Postings of Job Openings. Employers may obtain access to the job matching services, including information to assist employers in posting job openings in the job matching system, by one or more of the following methods:

(1) registering directly over the Internet using the Internet-based job matching system at www.texasworkforce.org or transmitting by electronic mail (e-mail) to hire.texas@twc.state.tx.us or its successor web site;

(2) calling or visiting any Texas Workforce Center in Texas; or

(3) through any other means approved by the Board in consultation with employment services staff located in the local workforce development area in which the open position exists, including sending or requesting information by mail or facsimile.

(c) Job Seekers Access to Job Opening Information and Posting Resume. Job seekers may obtain access to the job matching services, including information to assist job seekers in posting a resume, obtaining information on job openings posted in the job matching system, labor market information and employment and training opportunities by one or more of the methods:

- (1) viewing on-line information available on the Internet;
- (2) registering directly over the Internet using the Internet-based job matching system at www.texasworkforce.org or transmitting by electronic mail (e-mail) to hire.texas@twc.state.tx.us or its successor web site;
- (3) calling or visiting any Texas Workforce Center in Texas; or
- (4) through any other means approved by the Board in consultation with employment services staff located in the local workforce development area in which the open position exists, including sending or requesting information by mail or facsimile.

§843.2. Public Employer Requirements Regarding Veterans Preference.

(a) A public entity or public work shall provide information to the Agency regarding any open position subject to the veterans preferences as specified in Texas Government Code §657.009, unless specifically exempted under the state statute.

(b) A public entity or public work shall provide information by one or more of the methods indicated in §843.1

(b)(1)-(3) relating to the Employer Postings of Job Openings and submit basic information regarding the opening to the Agency as soon as practical, including the following:

- (1) the name of the public entity;
- (2) the location where the job is to be performed including city and state;
- (3) a description of the job opening;
- (4) the minimum educational and work experience required for the position; and
- (5) contact information regarding the opening.