

Chapter 843. JOB MATCHING SERVICES

Subchapter A. GENERAL PROVISIONS

40 TAC §843.1, §843.2

The Texas Workforce Commission (Commission) proposes new Chapter 843 Job Matching Services, §843.1 Employer and Job Seeker Services and §843.2 Public Employer Requirements Regarding Veterans Preference relating to employer and job seeker services and veterans preference in public employment.

The Agency makes available to the public the information provided by public and private entities through job matching services, which include the utilization of 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 a preference under Texas Government Code Chapter 657.

The Governor's Job Bank provides a system where state agencies can enter job openings to comply with the requirements of Texas Government Code Chapter 656 and also provides electronic resources where job seekers desiring to work for government entities can find a comprehensive listing of current openings. Agencies have the option of entering job vacancy information themselves or sending the information to the Agency for entry 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 matching system and enables employers to list vacancies and search for workers and enables job seekers to register for work and search for jobs. Through Hire Texas public and private employers can be assigned their own account, enter and code a job listing to search for specific criteria, and get a list of candidates ranked and scored by how well each meets job order criteria. Hire Texas displays job listings and jobs can be cross-posted 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. Hire Texas is formatted to allow employers to quickly view a list of skills and qualifications for each job candidate and then, if the employer is interested in that person, Hire Texas 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.

Employers may also list jobs by phone, fax or office visit by contacting a Texas Workforce Center in the employer's local workforce development area. Information about Texas Workforce Centers may be obtained from the Agency web site at www.texasworkforce.org.

The job service matching system contains the master data base of all job openings listed by public and private entities in Texas. This system gives employers access to the largest database of job seekers in Texas, currently including over one-half million. Over one-half million job openings are entered into the job service matching system each year. This system provides preference to veterans in the matching process.

Texas Government Code Section 657.009 provides that public entities shall provide to the Commission, information regarding an open position that is subject to the hiring preference required in Texas Government Code Chapter 657 relating to Veteran's Preference in Public Employment.

The purpose of the rule is to provide job matching services and information to public and private employers and job seekers regarding veterans employment preferences under Texas Government Code Chapter 657. The rule also sets forth criteria to assist public entities with reporting job openings. As defined in Chapter 657, a public entity includes a public department, commission, board or agency. A public work is not defined in Chapter 657.

The purpose of Chapter 843 is to set forth a location for rules relating to job matching services.

Randy Townsend, Director of Finance, has determined that for each year of the first five years the rule will be in effect, the following statements will apply:

There are no additional estimated costs to the state and to local governments expected as a result of enforcing or administering the rule;

There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule;

There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule;

There are no foreseeable implications relating to costs or revenue of the state or local governments as a result of enforcing or administering the rule; and

There are no anticipated economic costs to persons required to comply with the rule.

Mr. Townsend has also determined that there is no anticipated adverse impact on small businesses as a result of enforcing or administering the rule because small businesses are not regulated or required to comply with the rule.

Employers and job seekers may access information relating to the job matching system through a number of media

including internet, mail, in person visits to the Texas Workforce Centers or through other methods as specified in the Board's local policy. Incidental costs may be incurred to access that information which may include postage, internet connection costs, travel expenses to the Texas Workforce Centers and other expenses based on the Board's local policy; however, since most methods of access are permissive and not mandatory, the employers and job seekers can access the job matching services through the most cost effective or convenient method available. For that reason the impact on small business is de minimus. The costs for large businesses will also be the same with the exception of cost savings for economies of scale.

James Barnes, Director of Labor Market Information, has determined that there is no significant negative impact upon employment conditions in this state as a result of the proposed rule.

Luis Macias, Acting Director of Workforce and Development, has determined that for each year of the first five years the rule is in effect, the public benefit anticipated as a result of enforcing the rule will be to facilitate the exchange of employment information between public entities and individuals entitled to a preference.

Comments on the proposal may be submitted to John Moore, Texas Workforce Commission Building, 101 East 15th Street, Room 608, Austin, Texas 78778, (512) 463-3041. Comments may also be submitted via fax to (512) 463-1426 or e-mailed to: John.Moore@twc.state.tx.us. Comments must be received by the Agency within thirty days from the date of the publication in the *Texas Register*.

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

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

§843.1. Employer and Job Seeker Services.

(a) Purpose and Intent. The purpose of job matching services is to provide the public with a clearinghouse for exchanging information on job postings and job seekers.

(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 ;

(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 ;

(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

(c)(1)-(4) of this chapter 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.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State, on December 18, 2001.

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Texas Workforce Commission

Earliest possible date of adoption: February 3, 2002

For further information, please call: (512) 463-2573