

CHAPTER 843. JOB MATCHING SERVICES

PROPOSED RULES WITH PREAMBLE TO BE SUBMITTED TO THE *TEXAS REGISTER*. THIS DOCUMENT WILL HAVE NO SUBSTANTIVE CHANGES BUT IS SUBJECT TO FORMATTING CHANGES AS REQUIRED BY THE *TEXAS REGISTER*.

ON OCTOBER 21, 2015, THE TEXAS WORKFORCE COMMISSION PROPOSED THE BELOW RULES WITH PREAMBLE TO BE SUBMITTED TO THE *TEXAS REGISTER*.

Estimated Publication Date of the Proposal in the *Texas Register*: **November 6, 2015**
Estimated End of Comment Period: **December 7, 2015**

The Texas Workforce Commission (Commission) proposes the following new section to Chapter 843, relating to Job Matching Services:

Subchapter A. General Provisions, §843.3

- PART I. PURPOSE, BACKGROUND, AND AUTHORITY
- PART II. EXPLANATION OF INDIVIDUAL PROVISIONS
- PART III. IMPACT STATEMENTS
- PART IV. COORDINATION ACTIVITIES

PART I. PURPOSE, BACKGROUND, AND AUTHORITY

The purpose of the proposed Chapter 843 rule change is to comply with Senate Bill (SB) 374, passed by the 84th Texas Legislature, Regular Session (2015). SB 374, relating to state agencies' participation in the federal electronic verification of employment authorization program, E-Verify, amends Texas Government Code, Chapter 673, by adding that state agencies and institutions of higher education as defined by Texas Education Code §61.003 are required to use E-Verify for all newly hired employees.

Additionally, the Agency has provided notice, registration information, and online forms for the E-Verify program to all agency heads, human resource directors, and university presidents. The Agency also will provide technical assistance, upon request.

PART II. EXPLANATION OF INDIVIDUAL PROVISIONS

(Note: Minor editorial changes are made that do not change the meaning of the rules and, therefore, are not discussed in the Explanation of Individual Provisions.)

SUBCHAPTER A. GENERAL PROVISIONS

The Commission proposes the following amendments to Subchapter A:

§843.3. Public Employer Requirements Regarding E-Verify

New §843.3(a) adds that state agencies and institutions of higher education must register and participate in the federal electronic verification of employment authorization E-Verify for all newly hired employees, as required by Texas Government Code §673.002.

New §843.3(b) adds that, in accordance with Texas Government Code, §673.002, the Agency shall provide notice, registration information, and online forms for the E-Verify program to state agencies, and may provide technical assistance, upon request.

PART III. IMPACT STATEMENTS

Randy Townsend, Chief Financial Officer, has determined that for each year of the first five years the rules 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 rules.

There are no estimated cost reductions to the state and to local governments as a result of enforcing or administering the rules.

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

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

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

There is no anticipated adverse economic impact on small businesses or microbusinesses as a result of enforcing or administering the rules.

Economic Impact Statement and Regulatory Flexibility Analysis

The Agency has determined that the proposed rules will not have an adverse economic impact on small businesses, as these proposed rules place no requirements on small businesses.

Doyle Fuchs, Director of Labor Market and Career Information, has determined that there is no significant negative impact upon employment conditions in the state as a result of the rules.

Reagan Miller, Director, Workforce Development Division, has determined that for each year of the first five years the rules are in effect, the public benefit anticipated as a result of enforcing the proposed rules will be to provide state agencies accurate and pertinent information for new hire employment authorization by enhancing hiring practices that will increase accountability and provide cost savings to state agencies by using an electronic employment verification system while complying with federal requirements.

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

PART IV. COORDINATION ACTIVITIES

In the development of these rules for publication and public comment, the Commission sought the involvement of Texas' 28 Boards. The Commission provided the concept paper regarding these rule amendments to the Boards for consideration and review on August 25, 2015. The Commission also conducted a conference call with Board executive directors and Board staff on

September 11, 2015, to discuss the concept paper. During the rulemaking process, the Commission considered all information gathered in order to develop rules that provide clear and concise direction to all parties involved.

Comments on the proposed rules may be submitted to TWC Policy Comments, Workforce Policy and Service Delivery, attn: Workforce Editing, 101 East 15th Street, Room 440T, Austin, Texas 78778; faxed to (512) 475-3577; or e-mailed to TWCPolicyComments@twc.state.tx.us. Comments must be received or postmarked no later than 30 days from the date this proposal is published in the *Texas Register*.

The rules are proposed under Texas Labor Code §301.0015 and §302.002(d), 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.

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

CHAPTER 843. JOB MATCHING SERVICES

SUBCHAPTER A. GENERAL PROVISIONS

§843.3. Public Employer Requirements Regarding E-Verify.

- (a) State agencies and institutions of higher education, as defined by Texas Education Code §61.003, shall register and participate in the federal electronic verification of employment authorization program, E-Verify, for all newly hired employees, as specified in Texas Government Code §673.002, unless specifically exempted under the state statute.
- (b) In accordance with Texas Government Code §673.002, the Agency:
 - (1) shall provide notice, registration information, and online forms for the E-Verify program to state agencies; and
 - (2) may provide technical assistance, upon request.