

PART XX. Texas Workforce Commission
CHAPTER 815.Unemployment Insurance
40 TAC §815.8

The Texas Workforce Commission (Commission) proposes amendments to §815.8(a)(8), concerning the revocation of written authority to conduct business with the Commission on behalf of an employer.

The purpose of the amendments is to allow a third party to revoke the written authority to conduct business with the Commission on behalf of an employer. Until the amendments are approved, only the employer can revoke the written authority. The proposed amendments provide that once an employer has given a third party written authority to conduct business with the Commission on their behalf, either the employer or the third party may revoke the written authority. Randy Townsend, Director of Finance, has determined that for each year of the first five years the amendments will be in effect the following statements will apply:

There will be no fiscal implications for state or local government as a result of enforcing or administering the proposed rule;

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

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

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

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

The probable economic costs to persons required to comply with the rule amendments are estimated to be \$2.50 per revocation form applied. However, the savings derived from the amendments to the rule will offset these costs.

Randy Townsend has also determined the following. There is no anticipated adverse impact on employer small businesses as a result of enforcing or administering the amendments to §815.8(a)(8). The amendments to §815.8(a)(8) do not place any additional requirements on employer small businesses. The costs of compliance with the amendments to §815.8(a)(8) for employer small businesses are none. The costs of compliance with the amendments to §815.8(a)(8) for service agent small businesses are estimated at \$2.50 per revocation based on approximately \$10.00 per hour of labor and include the cost of completing and mailing the forms to the Commission. The costs of compliance for service agent small businesses and the costs of compliance for the largest service agent businesses affected by the amendments to §815.8(a)(8) are the same. The Commission cannot legally reduce the costs for small businesses. However, the Commission will provide employers and third parties with standard revocation forms at no cost to facilitate easier revocation.

Avis M. O'Reilly, Tax Department, Status Program Administrator has determined that for each year of the first five years that the amendments will be in effect, the public benefits expected as a result of adoption of the proposed amendments to §815.8(a)(8) are that the rule change allows a third party with written authority to unilaterally revoke their authorization. Until now only the employer could revoke the authorization. The previous revocation requirement placed a burden on both the employer and the third party by requiring coordination between the parties. The amended rule will allow either party to revoke the authorization. This will save time and effort for both the employer and the third party.

All official comments submitted to Ms. O'Reilly will be considered before the final rule amendments are adopted. Comments on the proposed amendments may be submitted to Avis M. O'Reilly, Tax Department, Status Program Administrator, Texas Workforce Commission, 101 East 15th Street, Room 570, Austin, Texas 78778-

0001, 512/463-2712. Comments may also be submitted via fax to Avis M. O'Reilly at (512) 463-9111 or e-mail at Avis.Oreilly@twc.state.tx.us. The amendments to §815.8(a)(8) are proposed under Texas Labor Code, §301.061, which provides the Commission with the authority to adopt, amend or repeal such rules as it deems necessary for the effective administration of the Act. The proposed amendments to §815.8(a)(8) affect Texas Labor Code, Titles 2 and 4, particularly Chapter 201 et. seq..

§815.8. Signatures on Reports and Forms.

(a) A report or form required by the commission shall, if signature is called for by the report or form or instructions relating thereto, be signed by:

(1)-(7) (No change.)

(8) any person who is authorized in writing [so] to sign for each individual or employing unit.

(A) Such written authority shall be filed with the commission<nl>, shall be revocable by either party, and shall be in terms which explicitly authorize such attorney or agent to transact such business as between the grantor of said power and the commission. <nl>Such written authority shall be filed in a form prescribed by the commission.[(It may be filed on a form provided by the commission.)]

(B) (No change.)

(C) Such <nl>written authority [power of attorney] shall be in full force and effect until such time as it is revoked <nl> in a form prescribed by the commission [by an instrument of like dignity filed with the commission].

<nl>(D) <nl>The commission may reject any written authority that does not conform with this section.

(b) (No change.)

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 July 8, 1998.

TRD-9810810

J. Randel (Jerry) Hill

General Counsel

Texas Workforce Commission

Earliest possible date of adoption: August 23, 1998

For further information, please call: (512) 463-8812