

**WORKFORCE DEVELOPMENT DIVISION**  
**Workforce Policy and Service Delivery Branch**  
**Technical Assistance Bulletin 158, Change 1**

**Keyword:** ES; WorkInTexas.com

**Subject:** Documenting Ineligible Employers and Entities in the Business Customer Management Module of WorkInTexas.com—*Update*

**Date:** March 1, 2011

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This Technical Assistance (TA) Bulletin provides Local Workforce Development Boards (Boards) with guidance on documenting ineligible employers and entities in the Business Customer Management (BCM) module of WorkInTexas.com.

**This updated TA Bulletin:**

- replaces references to specific WD Letters with references to the Employment Service (ES) Guide at <http://www.twc.state.tx.us/boards/guides/guides.html>, which contains comprehensive ES policy information;
- updates terminology; and
- includes minor, nonsubstantive editorial changes.

**CHANGES TO TA BULLETIN 158:**

New information in this TA Bulletin is indicated by:

- a strikethrough of the original language, which indicates that language has been deleted; and
- **bold** typeface, which indicates new or clarifying language.

The BCM module in WorkInTexas.com:

- provides appropriate Workforce Solutions Office staff with access to determinations of ineligibility for new **or existing** employer accounts in WorkInTexas.com;
- helps appropriate staff better coordinate and manage services and activities for employer customers by:
  - reducing service and activity duplication;
  - enhancing statewide communication about employer activities; and
  - ensuring, to the extent possible, that employers statewide receive a consistent and standard level of service.

**The ES Guide** requires Boards to ensure that appropriate staff establishes a new employer account in WorkInTexas.com only after verifying that the entity:

- is an employer; and
- agrees to the WorkInTexas.com Employer Use Agreement at [wit.twc.state.tx.us/WORKINTEXAS/wtx?pageid=EV\\_REG\\_AGRMNT&lang=en](http://wit.twc.state.tx.us/WORKINTEXAS/wtx?pageid=EV_REG_AGRMNT&lang=en).

**The ES Guide** also states that Boards must ensure that if an employer or entity is determined to be ineligible to use WorkInTexas.com, that appropriate staff documents the conversation and outcome using the BCM module.

Reasons why an employer or entity can be determined ineligible for a new **or existing** employer account in WorkInTexas.com can include that the employer or entity:

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

### **Documenting Ineligible Employers and Entities**

An *Ineligible Employers and Entities* account (**Employer ID 1279913**) is located in WorkInTexas.com. The *Notes* feature in the BCM module of this account is for documenting those entities that have been determined ineligible for a new **or existing** employer account.

For each note entered in the BCM module of the Ineligible Employers and Entities account, include the following:

- Note Title
  - Employer or entity name
- Note Body
  - Reason(s) why employer or entity is ineligible (see list provided above and the Employer Use Agreement)
  - Employer or entity contact name, phone number(s), and e-mail address
  - Other information deemed necessary and appropriate (e.g., the entity's Web address, other names being used by the entity)
  - Phone number or e-mail address of staff member entering note

These notes are available to appropriate staff in any Workforce Solutions Office and are subject to Open Records requests. It is important that confidential or sensitive information not be recorded in these notes and that all documentation be accurate, professional, and concise.

### **Benefits of Documentation**

- The Ineligible Employers and Entities account serves as a comprehensive, statewide list of employers and entities that:
  - have requested, but have not been granted, access to WorkInTexas.com; **or**
  - **have been determined ineligible after registration.**
- Appropriate staff in any Workforce Solutions Office can access the BCM module of the Ineligible Employers and Entities account before approving a new employer account to determine if other staff has been approached by this employer or entity for access to WorkInTexas.com.

- Documentation saves valuable staff time and further strengthens the safeguards in place to keep entities with hiring practices that do not conform to the Employer Use Agreement and entities that are not legitimate employers from gaining access to WorkInTexas.com.

Direct inquiries regarding this TA Bulletin to [wfpolicy.clarifications@twc.state.tx.us](mailto:wfpolicy.clarifications@twc.state.tx.us).

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**RESCISSIONS:**

TA Bulletin 158