

1 **CHAPTER 800. GENERAL ADMINISTRATION**

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3 **PROPOSED RULES TO BE PUBLISHED IN THE *TEXAS REGISTER*. THIS**  
4 **DOCUMENT WILL HAVE NO SUBSTANTIVE CHANGES BUT IS SUBJECT TO**  
5 **FORMATTING CHANGES AS REQUIRED BY THE OFFICE OF SECRETARY OF**  
6 **STATE.**

7  
8 The Texas Workforce Commission (TWC) proposes the following new subchapter to Chapter  
9 800, relating to General Administration:

10  
11 Subchapter N. Reporting Workplace Violence, §800.600

12  
13 **PART I. PURPOSE, BACKGROUND, AND AUTHORITY**

14 The purpose of the proposed Chapter 800 rule change is to establish rules as required by House  
15 Bill (HB) 915, 88th Texas Legislature, Regular Session (2023), which added Chapter 104A to  
16 the Texas Labor Code. HB 915 requires employers to post a notice to employees providing  
17 contact information so that employees can anonymously report their concerns regarding  
18 workplace violence or suspicious activities to the Texas Department of Public Safety.

19  
20 **PART II. EXPLANATION OF INDIVIDUAL PROVISIONS**

21  
22 **SUBCHAPTER N. REPORTING WORKPLACE VIOLENCE**

23 **The Commission proposes new Subchapter N as follows:**

24  
25 New Subchapter N, regarding reporting workplace violence, provides rules regarding the form  
26 and content of a reporting workplace violence poster as required by HB 915 and Texas Labor  
27 Code Chapter 104A.

28  
29 **§800.600. Reporting Workplace Violence**

30 New §800.600 prescribes the form and content of a reporting workplace violence poster as  
31 required by HB 915 and Texas Labor Code Chapter 104A.

32  
33 **PART III. IMPACT STATEMENTS**

34 Chris Nelson, Chief Financial Officer, has determined that for each year of the first five years the  
35 rules will be in effect, the following statements will apply:

36  
37 There are no additional estimated costs to the state and to local governments expected as a result  
38 of enforcing or administering the rules.

39  
40 There are no estimated cost reductions to the state and to local governments as a result of  
41 enforcing or administering the rules.

42  
43 There are no estimated losses or increases in revenue to the state or to local governments as a  
44 result of enforcing or administering the rules.

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

3  
4 There are no anticipated economic costs to individuals required to comply with the rules.

5  
6 There is no anticipated adverse economic impact on small businesses, microbusinesses, or rural  
7 communities as a result of enforcing or administering the rules.

8  
9 Based on the analyses required by Texas Government Code §2001.024, TWC has determined  
10 that the requirement to repeal or amend a rule, as required by Texas Government Code  
11 §2001.0045, does not apply to this rulemaking.

### 12 13 Takings Impact Assessment

14 Under Texas Government Code §2007.002(5), "taking" means a governmental action that affects  
15 private real property, in whole or in part or temporarily or permanently, in a manner that requires  
16 the governmental entity to compensate the private real property owner as provided by the Fifth  
17 and Fourteenth Amendments to the US Constitution or the Texas Constitution, §17 or §19,  
18 Article I, or restricts or limits the owner's right to the property that would otherwise exist in the  
19 absence of the governmental action, and is the producing cause of a reduction of at least 25  
20 percent in the market value of the affected private real property, determined by comparing the  
21 market value of the property as if the governmental action is not in effect and the market value of  
22 the property determined as if the governmental action is in effect. TWC completed a Takings  
23 Impact Analysis for the proposed rulemaking action under Texas Government Code §2007.043.  
24 The primary purpose of this proposed rulemaking action, as discussed elsewhere in this  
25 preamble, is to prescribe the form and content of the reporting workplace violence poster as  
26 required by HB 915.

27  
28 The proposed rulemaking action will not create any additional burden on private real property or  
29 affect private real property in a manner that would require compensation to private real property  
30 owners under the US Constitution or the Texas Constitution. The proposal also will not affect  
31 private real property in a manner that restricts or limits an owner's right to the property that  
32 would otherwise exist in the absence of the governmental action. Therefore, the proposed  
33 rulemaking will not cause a taking under Texas Government Code Chapter 2007.

### 34 35 Government Growth Impact Statement

36 TWC has determined that during the first five years the rules will be in effect, they:

- 37 --will not create or eliminate a government program;
- 38 --will not require the creation or elimination of employee positions;
- 39 --will not require an increase or decrease in future legislative appropriations to TWC;
- 40 --will not require an increase or decrease in fees paid to TWC;
- 41 --will not create a new regulation;
- 42 --will not expand, limit, or eliminate an existing regulation;
- 43 --will not change the number of individuals subject to the rules; and
- 44 --will not positively or adversely affect the state's economy.

1 Economic Impact Statement and Regulatory Flexibility Analysis

2 TWC has determined that the rules will not have an adverse economic impact on small  
3 businesses or rural communities, as the proposed rules place no requirements on small businesses  
4 or rural communities.

5  
6 Mariana Vega, Director, Labor Market Information, has determined that there is not a significant  
7 negative impact upon employment conditions in the state as a result of the rules.

8  
9 Chuck Ross, Director, Fraud Deterrence and Compliance Monitoring, has determined that for  
10 each year of the first five years the rules are in effect, the public benefit anticipated as a result of  
11 enforcing the proposed rules will be to provide employers with a simple and efficient way to  
12 meet their workplace violence posting obligations under the new law.

13  
14 TWC hereby certifies that the proposal has been reviewed by legal counsel and found to be  
15 within TWC's legal authority to adopt.

16  
17 **PART IV. COORDINATION ACTIVITIES**

18 HB 915 requires joint rulemaking between TWC and the Texas Department of Public Safety.

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20 **PART V. PUBLIC COMMENTS**

21 Comments on the proposed rules may be submitted to [TWCPolicyComments@twc.texas.gov](mailto:TWCPolicyComments@twc.texas.gov)  
22 and must be received no later than November 20, 2023.

23  
24 **PART VI. STATUTORY AUTHORITY**

25 The rules are proposed under Texas Labor Code §104A.003, as enacted by House Bill 915, 88th  
26 Texas Legislature, Regular Session (2023), which provides TWC authority to prescribe the form  
27 and content of the notice required under Texas Labor Code Chapter 104A.

28  
29 The proposed rules affect Title 3, Texas Labor Code, particularly Chapter 104A.

30

1 **CHAPTER 800. GENERAL ADMINISTRATION**

2  
3 **SUBCHAPTER N. REPORTING WORKPLACE VIOLENCE**

4  
5 **§800.600. Reporting Workplace Violence.**

- 6  
7 (a) The purpose of this subchapter is to prescribe the form and content of the reporting  
8 workplace violence poster as required by House Bill 915, 88th Texas Legislature,  
9 Regular Session (2023), and Texas Labor Code Chapter 104A.
- 10  
11 (b) Definitions:
- 12  
13 (1) In this section, "Employee" and "Employer" shall have the meanings  
14 established under Texas Labor Code §104A.001.
- 15  
16 (2) "Notice" means a notice to employees of the contact information for reporting  
17 instances of workplace violence or suspicious activity to the Texas Department  
18 of Public Safety.
- 19  
20 (c) Each employer shall post the notice described in subsection (b):
- 21  
22 (1) in a conspicuous place in the employer's place of business;
- 23  
24 (2) in sufficient locations to be convenient to all employees; and
- 25  
26 (3) in English and Spanish, as appropriate.
- 27  
28 (d) A notice under this subchapter complies with Texas Labor Code, Chapter 104A, if, at  
29 a minimum, the following is conveyed:

30  
31 **Reporting Workplace Violence**

32 Employees can report instances of workplace violence or suspicious activity by  
33 contacting the Department of Public Safety (DPS) through the iWatchTexas  
34 Community Reporting System at [www.iwatchtx.org](http://www.iwatchtx.org), or by calling 844-643-2251.  
35 Employees have the right to make a report to DPS anonymously.

36  
37 **Reportando La Violencia en el Trabajo**

38 Los empleados pueden denunciar casos de violencia en el trabajo o actividades  
39 sospechosas comunicándose con el Departamento de Seguridad Pública (DPS) a  
40 través del Sistema de Informes Comunitarios iWatchTexas en [www.iwatchtx.org](http://www.iwatchtx.org),  
41 o llamando al 844-643-2251. Los empleados tienen derecho a presentarle una  
42 queja al DPS de forma anónima.

- 43  
44 (e) The Agency will make an electronic copy of the Reporting Workplace  
45 Violence poster available on the Agency's website, which will be free of  
46 charge and allow employers to print a copy of the poster.