

WORKFORCE DEVELOPMENT DIVISION
Workforce Policy and Service Delivery Branch
Technical Assistance Bulletin 158

Program: **Employment Service**

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

Date: **August 23, 2007**

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.

Previously, if an employer or entity was determined ineligible for a new employer account in WorkInTexas.com, appropriate staff was unable to document this determination in a way that could be accessed by appropriate staff in any Texas Workforce Center. The BCM module in WorkInTexas.com provides access to that information.

The BCM module was developed to help 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.

WD Letter 30-07, issued May 22, 2007, and entitled “Employer Access to WorkInTexas.com,” requires 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 (Employer Use Agreement).

WD Letter 30-07 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 may be determined ineligible for a new employer account in WorkInTexas.com may 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 has been established 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 employer account.

Each note entered in the BCM module of the Ineligible Employers and Entities account will include the following:

- Note Title
 - Employer or entity name

- Note Body
 - Reason(s) why employer or entity is ineligible (see list provided above and WD Letter 30-07, Attachment 1, 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 will be available to appropriate staff in any Texas Workforce Center 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.
- Appropriate staff in any Texas Workforce Center 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.

Please distribute this information to appropriate staff. Direct inquiries regarding this TA Bulletin to the assigned contract manager for your local workforce development area.