

## TEXAS WORKFORCE COMMISSION LETTER

<b>ID/No:</b>	WD 01-12
<b>Date:</b>	January 12, 2012
<b>Keyword:</b>	UI
<b>Effective:</b>	Immediately

**To:** Local Workforce Development Board Executive Directors  
Commission Executive Offices  
Integrated Service Area Managers



**From:** Laurence M. Jones, Director, Workforce Development Division

**Subject:** **Unemployment Insurance Weekly Work Search Contact Requirements**

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### **PURPOSE:**

To provide Local Workforce Development Boards (Boards) with:

- guidance on establishing and submitting the required number of weekly work search contacts by county for unemployment insurance (UI) claimants; and
- specific factors for consideration when establishing the number.

### **BACKGROUND:**

The Wagner-Peyser Act requires that the state unemployment compensation system administer work test requirements. The work test includes a determination that a UI claimant is able, available, and actively seeking work.

Texas Labor Code §207.021 requires UI claimants to register for work, to demonstrate the ability to work, and to be available for work. Additionally, Texas Workforce Commission (TWC) UI rule §815.28 requires UI claimants to actively seek suitable work. To that end, §815.28(c) directs UI claimants to make a minimum of three work search contacts per week in order to demonstrate they are actively seeking work.

### **PROCEDURES:**

Boards must set the required minimum number of weekly work search contacts for their local workforce development area (workforce area), using the guidelines provided in §815.28(c)-(g).

NLF

Boards must:

NLF

- develop, adopt, and modify local policies<sup>1</sup> to promulgate the appropriate methodology for formulating the required number of work search contacts for the workforce area; and
- maintain written copies of the policies as required by federal and state law or as directed by TWC.

Boards must:

NLF

- conduct an annual review of the minimum number of weekly work search contacts for each county; and
- submit the following information to TWC's Workforce & UI Policy and Program Assistance Department no later than March 31:
  - the number of required weekly work search contacts by county; and
  - the Board's methodology for formulating the number of required weekly work search contacts by county above or below three.

Boards may adjust the number of required weekly work search contacts at any time, as local labor market information and conditions warrant.

LF

If the Board adjusts the number of required weekly work search contacts, it must provide written notification of the changes to the Workforce & UI Policy and Program Assistance Department no later than two weeks after adoption of the policy by the Board.

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For the purposes of §815.28(f), Boards may consider the factors constituting appropriate guidelines described in the table below when evaluating the number of work search contacts required of UI claimants.

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<b>FACTORS</b>	<b>SOURCE</b>	<b>DATA</b>
Number of relevant employment opportunities	<ul style="list-style-type: none"><li>• Job Postings</li><li>• WorkInTexas.com Supply &amp; Demand Report</li><li>• Help Wanted Online</li></ul>	Number of vacancies listed; number of vacancies compared to supply
Volume of claimants	<ul style="list-style-type: none"><li>• The Workforce Information System of Texas (TWIST) Web Report 162 - Claimant Reemployment</li></ul>	Number of claimants receiving UI benefits/seeking employment
Economic diversification/ occupational categories	<ul style="list-style-type: none"><li>• Texas Industry Profiles, Workforce Supply, County Narrative Profiles</li></ul>	Distribution of employment across major industry sectors; private wage-salary workers, government workers, etc.

<sup>1</sup> As required by TWC rule §802.1(f) and as detailed in WD Letter 10-07, Board members must take such actions in an open meeting.

<b>FACTORS</b>	<b>SOURCE</b>	<b>DATA</b>
Location and size of businesses	<ul style="list-style-type: none"> <li>• Texas Industry Profiles, Workforce Supply, Employer Contact Information</li> </ul>	Location, size, and type of business; NAICS Code; number of employees
Job growth and decline	<ul style="list-style-type: none"> <li>• Texas Industry Profiles, Occupational Clusters, Occupational Profiles</li> <li>• Texas Industry Profiles, Economic Base Analysis, Interactive Shift-Share</li> <li>• Tracer2</li> </ul>	Target industries; future employment opportunities
Percent of people employed outside the county	<ul style="list-style-type: none"> <li>• Tracer2, Local Area Profile</li> </ul>	Number of people who reside in the county, but work elsewhere (different county, state, etc.), compared to people who live and work in the county
Work search requirements in neighboring counties	<ul style="list-style-type: none"> <li>• Weekly Work Search Contact Requirements chart</li> </ul>	Number of weekly work search contacts required for each county
Civilian labor force; employment/unemployment estimates by city	<ul style="list-style-type: none"> <li>• Texas Labor Market Review</li> </ul>	Number of people working/seeking work who are at least 16 years old and eligible to work in the United States
County population estimates	<ul style="list-style-type: none"> <li>• Texas State Data Center at San Antonio</li> </ul>	Rural counties with estimated population of no more than 10,000
Population growth trends	<ul style="list-style-type: none"> <li>• Texas Industry Profiles, Workforce Supply, County Narrative Profiles</li> </ul>	People moving in/out of the area
Commuting distance for rural residents/public transportation	<ul style="list-style-type: none"> <li>• Local Knowledge</li> </ul>	Cost of travel/gas prices, etc.

The data is available at the following websites:

- Texas Industry Profiles—<http://www.texasindustryprofiles.com/>
- Texas Labor Market Review—  
<http://www.tracer2.com/default.asp?PAGEID=133>

- Texas State Data Center—<http://txsdc.utsa.edu/>
- Tracer2—<http://www.tracer2.com/>
- WorkInTexas.com—<http://www.twc.state.tx.us/jobs/job.html>
- Weekly Work Search Contact Requirements chart—TWC Intranet at [https://intra/intranet/wf/docs/work\\_search.xls](https://intra/intranet/wf/docs/work_search.xls).<sup>2</sup> The chart lists the number of weekly work search contacts currently required for each county to help Boards assess the consistency of work search requirements in neighboring counties.

For additional information on:

- work search contact requirements, see TWC §815.28 at <http://www.twc.state.tx.us/twcinfo/rules/ch815.pdf>; and
- service delivery, see the *Employment Service Guide* at <http://www.twc.state.tx.us/boards/guides/esguide.pdf>.

#### **INQUIRIES:**

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

#### **RESCISSIONS:**

WD Letter 51-05

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#### **REFERENCE:**

Wagner-Peyser Act of 1933, as amended  
 20 CFR, Chapter V, Parts 651–652, Employment Service Operations  
 Social Security Act, Titles III and IX  
 Texas Labor Code §207.021(a)(8)  
 Texas Workforce Commission Unemployment Insurance Rules: 40 TAC §815.28

#### **FLEXIBILITY RATINGS:**

**No Local Flexibility (NLF):** This rating indicates that Boards must comply with the federal and state laws, rules, policies, and required procedures set forth in this WD Letter and have no local flexibility in determining whether and/or how to comply. All information with an NLF rating is indicated by “must” or “shall.”

**Local Flexibility (LF):** This rating indicates that Boards have local flexibility in determining whether and/or how to implement guidance or recommended practices set forth in this WD Letter. All information with an LF rating is indicated by “may” or “recommend.”

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<sup>2</sup> The Intranet is not available to the general public.