

FDCM Letter



2023 Fraud Deterrence and Compliance Monitoring (FDCM) Letter

ID/NO: FDCM Letter 10-2023, Ch. 2

TO: Fraud Deterrence and Compliance Monitoring Directors
Local Workforce Development Board Executive Directors
Workforce Development Directors
Integrated Service Area Managers
Office of General Counsel
Business Operations Directors

FROM: Chuck Ross, Division Director of Fraud Deterrence and Compliance Monitoring

DATE: January 31, 2024

SUBJECT: **Board Instructions: Required Posters in Texas Workforce Solutions Offices**

This letter rescinds and replaces FDCM 10-2023, Ch. 1 – Required Posters

- ❖ **FDCM 10-2023, Ch. 1 included the new Workplace Violence poster, which became effective January 8, 2024.**
 - ❖ **FDCM 10-2323, Ch. 2 includes the updated Employment Service and Employment-Related Law Complaint System notice requirements, which are effective April 1, 2024.**
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PURPOSE

To remind Texas Workforce Commission (TWC), Workforce Solutions, and Workforce Board (Board) staff of the requirement to display all agency required posters.

BACKGROUND

The Agency-Board Agreement (ABA) for an Integrated Workforce System, Section 18.2, requires Boards display all posters required by the Agency in Texas Workforce Solutions Offices. The ABA required the FDCM division to provide annual guidance on which posters are required by the agency.

INFORMATION

Boards must ensure that Workforce Solution Office staff prominently display all posters required by the Agency. Workforce offices do not need to purchase required posters from private vendors. Government-issued compliance posters do not have to be laminated to satisfy an employer's regulatory obligation.

TWC’s Business Operations Division maintains a [Required Notices SharePoint folder](#) with printable versions of all required posters specific to the agency. Building managers must ensure bulletin boards are updated to include the current versions of all required posters. The Risk and Security Management department will track compliance on an annual basis. Boards should follow instructions from Business Operations Risk and Security Management regarding the annual compliance review.

TWC REQUIRED POSTERS

Download TWC Required Posters from the Business Operations

[Required Notice SharePoint folder](#)

Equal Employment Opportunity (EEO)

Employers with 15 or more employees must post notice describing the Federal laws prohibiting employment discrimination based on race, color, sex, national origin, religion, age, equal pay, disability, and genetic information. Contractors and subcontractors who hold a single Federal contract or subcontract in excess of \$10,000 or who hold contracts or subcontracts with the Federal government in any 12-month period that have a total value of more than \$10,000 are required to post the Equal Employment Opportunity (EEO) notice. For more information, see [EEO Poster Advisor](#) (DOL webpage)

- [EEOC Know Your Rights, English and Spanish](#)



Employment Service and Employment-Related Law Complaint System

The U.S. Department of Labor Employment and Training Administration (ETA) requires state workforce agencies, including Texas Workforce Solutions offices, to display an ETA-approved Employment Service (ES) and Employment-Related Law Complaint System poster in their facility.

Training and Employment Notice (TEN) 08-23 announced new requirements for the ES and Employment-Related Law Complaint System posters, described at [20 CFR 658.410\(d\)](#). Workforce Solutions offices should ensure they meet the latest requirements:

- Prominently display the updated posters (English and Spanish) by April 1, 2024.
- Publish the posters on the ES website’s main page by April 1, 2024.

The updated “ES and Employment-Related Law Complaint System” poster replaces the “Job Service Complaint System” poster. The posters must contain information for the local Complaint System Representative and State Monitor Advocate.

- [ES and Employment-Related Law Complaint System, English and Spanish](#)

Equal Opportunity (EO)

The U.S. Department of Labor Employment and Training Administration (ETA) requires state workforce agencies, including Texas Workforce Solutions offices, to comply with the nondiscrimination and EO provisions established at 29 Code of Federal Regulations (CFR) §§ 38.34 – 38.39 and 7 CFR § 15.5(d).

Boards must ensure that Workforce Solutions Office staff prominently displays EO notices in English and Spanish and in reasonable numbers and places, as required by federal regulations, which contain the exact wording found at 29 CFR § 38.35.

[WD Letter 16-14, Change 2](#) provides more extensive guidance on the EO requirements, including but not limited to: Displaying EO notices and the information required for notices, providing notice to customers with visual impairments, and discussing EO provisions during orientations. Boards must ensure that wherever SNAP E&T program delivery is being conducted, staff prominently displays in reasonable numbers and places—in English, Spanish, and other languages appropriate to the populations served — the USDA Notice – And Justice for All.

The WD letter also includes editable copies of the EO is the Law notice which can be customized with the Board’s name and contact information for the Board’s EO officer.

- [EO Is the Law Notice, English and Spanish \(Editable Versions for Boards\)](#)
- [EO Is the Law Notice, English and Spanish \(Generic Versions\)](#)

The [USDA “And Justice for All” poster](#) will be the primary method used to inform customers of their EO rights except when appropriate substitutes for outdoor areas are necessary. Boards that need additional posters or additional languages should contact wfpolicy.clarifications@twc.texas.gov.

- [USDA Notice - And Justice for All](#)

E-Verify Participation

Employers enrolled in E-Verify are required to clearly display the Notice of E-Verify Participation and Right to Work posters in English and Spanish. Posters must be displayed in a prominent place that is visible to prospective employees and all employees who will have their employment eligibility verified with E-Verify.

- [E-Verify Participation \(English and Spanish\)](#)
- [IER Right to Work \(English and Spanish\)](#)

Fair Labor Standards Act (FLSA)

All employers subject to the FLSA minimum wage provisions must post a notice explaining the ACT in a conspicuous place. The FLSA poster is available in several languages but there is no requirement to post the poster in languages other than English. For more information, see [FLSA Poster Advisor](#) (DOL webpage).

- [Fair Labor Standards Act poster - State and Local Government Employees](#)

Family and Medical Leave Act (FMLA)

All covered employers are required to display and keep on display a poster explaining the provisions of the FMLA and telling employees how to file a complaint with the Wage and Hour Division of violations of the Act. The poster must be displayed prominently where employees and applicants for employment can see it. The poster and all the text must be large enough to be easily read and contain fully legible text. For more information, see [FMLA Poster Advisor](#) (DOL webpage).

- [FMLA English \(WH1420 Rev 0423\)](#)

- [FMLA Spanish \(WH1420 Rev 0423\) \(Optional\)](#)

DOL updated the poster in April 2023. The prior version, Employee FMLA (Rev 04/16) still fulfills the posting requirement.

Fraud Hotline

The TWC Fraud Hotline poster provides information on how to report fraud, waste, theft, and program abuse involving any TWC or Workforce Solutions program.

- [Fraud poster, English and Spanish \(05-2023\)](#)

Occupational Safety and Health Act (OSHA)

All covered employers are required to display the OSHA poster in a conspicuous place where employees can see it. For more information, see [OSHA Poster Advisor](#) (DOL webpage)

- [OSHA Job Safety, English and Spanish](#)

Open Records Public Information Act

Every governmental body must prominently display an Open Records poster that complies with rules set by the Office of Attorney General.

- [Open Records PIA, English and Spanish](#)

Pay Transparency Nondiscrimination Provision

Contractors and subcontractors who hold a single Federal contract or subcontract in excess of \$10,000 or who hold contracts or subcontracts with the Federal government in any 12-month period that have a total value of more than \$10,000 are required to post the Pay Transparency Nondiscrimination Provision notice. Federal contractors and subcontractors who (1) hold government bills of lading; (2) serve as a depository of Federal funds in any amount; or (3) act as issuing and paying agents for U.S. savings bonds and notes must also post the Pay Transparency Nondiscrimination Provision. For more information, see [EEO Poster Advisor](#) (DOL webpage)

- [Pay Transparency Nondiscrimination Provision, English and Spanish](#)

Payday Law and Texas Unemployment Compensation Act

Employers who are subject to the Texas Payday Law and the Texas Unemployment Compensation Act (TUCA), must prominently displays the poster that covers both the Payday Law and the TUCA.

- [Unemployment & Payday Law Poster, English and Spanish](#) (Spanish is optional)



Reporting Workplace Violence

Beginning January 8, 2024, Texas employers are required to post a notice that employees can anonymously report workplace violence or suspicious activities to the Department of Public Safety in accordance with House Bill 915, 88th Texas Legislature, Regular Session (2023), and 40 Texas Administrative Code § 800.600. The notice must be posted in English and Spanish in a conspicuous place that is convenient to all employees.

- [Reporting Workplace Violence, English and Spanish](#)

Whistleblower Act

The Texas law known as the Whistleblower Act prohibits retaliation against public employees who report official wrongdoing. A state or local governmental entity must inform its employees of their rights under this chapter by posting the notice in a prominent location in the workplace.

- [Whistleblower Act - You Have the Right to Not Remain Silent](#)

Worker Right to Know Notice

The [Texas Hazard Communication program](#) requires public employers to provide employees with specific information on the hazards of chemicals to which employees may be exposed in the workplace. Texas Department of State Health Services provides the Workers Right to Know Notice in English and Spanish.

- [TX Hazard Communication - Worker Right to Know, English and Spanish](#)

Worker's Compensation

The Texas Department of Insurance provides [Workers' Compensation Employer Forms and Notices](#) on their website.

All employers are required to inform their employees whether or not they carry workers' compensation insurance coverage. This notice must be posted in the human resources office as well as in the workplace where each employee is likely to see the notice on a regular basis.

- [Workers' Compensation Notice 7, English and Spanish](#)

All employers participating in the workers' compensation system must post notice of the [Office of Injured Employee Counsel \(OIEC\) Ombudsman Program](#).

- [OIEC Workers' Compensation](#) (English)
- [OIEC Workers' Compensation](#) (Spanish)

Uniformed Services Employment and Reemployment Rights Act (USERRA)

Federal law requires employers to notify employees of their rights under USERRA and employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees. For more information, see [USERRA Poster Advisor](#) (DOL webpage).

- [Your Rights Under USERRA](#)

TWC OPTIONAL POSTERS

The TWC optional posters mentioned below are available on [FDCM's Forms page](#) on the Intranet.

Information on the Child Labor laws in Texas, as regulated by TWC's Wage and Hour Department.

- [Child Labor Law in Texas Poster – English](#)

- [Child Labor Law in Texas Poster – Spanish](#)

Information on Filing a Wage Claim under the Texas Payday Law, as regulated by TWC's Wage and Hour Department.

- [Are You Owed Wages poster - English](#)
- [Le deben salarios atrasados poster - Español](#)

FEDERAL REQUIRED POSTERS

The U.S. Department of Labor (DOL) publishes information for employers on federally required workplace posters and other notices. [DOL's FirstStep Poster Advisor](#) provides information about federally required posters, including who must provide notice, where to place the notice, and any size or language requirements. Boards must ensure offices meet requirements for any federally required posters by reviewing the federal requirements, available on the [DOL Advisor](#) webpage.

Some of the statutes and regulations enforced by agencies within DOL require that posters or notices be posted in the workplace. DOL provides electronic copies of the required posters and some of the posters are available in languages other than English.

RESOURCES

- [Business Operations Required Notice SharePoint folder](#)
- [TWC Required Posters website](#)
- [DOL Workplace Posters website](#)
- [Training and Employment Notice \(TEN\) 08-23](#)
- [WD Letter 16-2014, Ch. 2 – Equal Opportunity Notice – Update](#)

ACTION REQUIRED

All TWC and Board staff, supervisors, and managers should be aware of the information in this letter.

INQUIRIES

Staff should direct any questions to their supervisor or manager.

Rescissions: FDCM 10-23, Ch 1	Expiration: Until Rescinded
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