

TEXAS WORKFORCE COMMISSION
Workforce Development Letter

| | |
|-------------------|-----------------------|
| ID/No: | WD 01-12, Change 1 |
| Date: | June 23, 2021 |
| Keyword: | UI |
| Effective: | Immediately |

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



From: Courtney Arbour, Director, Workforce Development Division

Subject: Unemployment Insurance Weekly Work Search Contact Requirements—Update

PURPOSE

The purpose of this WD Letter is to provide Local Workforce Development Boards (Boards) with:

- updated 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.

RESCISSION

WD Letter 01-12

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) Chapter 815 Unemployment Insurance 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

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.”

NLF: 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:

- develop, adopt, and modify local policies¹ 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.

NLF: Boards must:

- 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 Program Policy department](#) no later than March 31:
 - The number of required weekly work search contacts by county
 - The Board’s methodology for formulating the number of required weekly work search contacts by county above or below three

LF: Boards may adjust the number of required weekly work search contacts to a number equal to or above the required minimums at any time, as local labor market information and conditions warrant.

NLF: If the Board adjusts the number of required weekly work search contacts, it must provide written notification of the changes to the [Workforce Program Policy department](#) no later than two weeks after adoption of the policy by the Board.

LF: 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.

¹ As required by TWC Chapter 802 Integrity of the Texas Workforce System rule §802.1(f) and as detailed in WD Letter 10-07, issued February 2, 2007, and titled “Adoption of Local Workforce Development Board Policies in Open Meetings,” Board members must take such actions in an open meeting.

| FACTORS | SOURCE | DATA |
|---|--|--|
| Number of relevant employment opportunities | <ul style="list-style-type: none"> • Job postings • WorkInTexas.com • Monthly Help Wanted Online (HWOL) • Supply, Demand, Gap Analysis | Number of vacancies listed; number of vacancies compared to supply |
| Volume of claimants | <ul style="list-style-type: none"> • Unemployment Claims By Numbers | Number of claimants receiving UI benefits and seeking employment |
| Economic diversification/ occupational categories | <ul style="list-style-type: none"> • Industry profiles • Regional Occupation Profile • Supply • Staffing patterns | Distribution of employment across major industry sectors (private wage-salary workers, government workers, etc.) |
| Location and size of businesses | <ul style="list-style-type: none"> • Industry profiles • Workforce Development Area (WDA) Profiles • Employer contact information | Location, size, and type of business; NAICS code; number of employees |
| Job growth and decline | <ul style="list-style-type: none"> • Industry profiles • Current Employment Statistics (CES) • Projections | Target industries; future employment opportunities |
| Percent of individuals employed outside the county | <ul style="list-style-type: none"> • Local tool, if applicable | Number of individuals who reside in the county, but work elsewhere (different county, state, etc.) compared to individuals who live and work in the county |
| Work search requirements in neighboring counties | <ul style="list-style-type: none"> • Required Number of Work Search Activities by County | Number of weekly work search contacts required for each county |
| Civilian labor force; employment and unemployment estimates by city | <ul style="list-style-type: none"> • Local Area Unemployment Statistics (LAUS) • Quarterly Census of Employment and Wages (QCEW) • Unemployment Rates by County | Number of individuals working or 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"> • Texas Demographic Center | Rural counties with estimated population of no more than 10,000 |

| | | |
|---|---|--|
| Population growth trends | <ul style="list-style-type: none"> • Workforce Development Area (WDA) Profiles • Supply • County Population Totals 2010–2019 | Individuals moving in or out of the area |
| Commuting distance for rural residents/ public transportation | <ul style="list-style-type: none"> • Local knowledge • ACS 5-Year Commuting Flows | Cost of travel, gas prices, etc. Number of commuters from county of residence to county of employment |

The data is available at the following websites:

- [Monthly Help Wanted Online \(HWOL\)](#)
- [Required Number of Work Search Activities by County](#)
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.
- [Texas Labor Market Information \(LMI\)](#)
 - [Current Employment Statistics \(CES\)](#)
 - [Industry Profiles](#)
 - [Local Area Unemployment Statistics \(LAUS\)](#)
 - [Metropolitan Statistical Area \(MSA\) Profiles](#)
 - [Occupational Employment Statistics \(OES\)](#)
 - [Projections](#)
 - [Quarterly Census of Employment and Wages \(QCEW\)](#)
 - [Unemployment Rates by County](#)
 - [Workforce Development Area \(WDA\) Profiles](#)
- [Texas Labor Analysis](#)
 - [Demand report](#)
 - [Regional Occupation Profile](#)
 - [Supply report](#)
- [Texas Demographic Center](#)
- [Unemployment Claims By Numbers](#)
- [United States Census Bureau](#)
 - [Explore Census Data](#)
 - [American Community Survey](#)
 - [ACS 5-Year Commuting Flow](#)
 - [County Population Totals: 2010–2019](#)
- [WorkInTexas.com](#)

For additional information on:

- work search contact requirements, see [§815.28](#); and
- service delivery, see the [Employment Service Guide](#).

INQUIRIES:

Send inquiries regarding this WD Letter to wfpolicy.clarifications@twc.texas.gov.

REFERENCES:

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 Chapter 815 Unemployment Insurance Rule §815.28