TEXAS WORKFORCE COMMISSION
 Workforce Development Letter

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Date:	March 28, 2024
Keyword:	Administration
Effective:	Immediately

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

From: Courtney Arbour, Director, Workforce Development Division

Subject: **Wage Record Requests—Update**

PURPOSE:

The purpose of this WD Letter is to provide Local Workforce Development Boards (Boards) with updated information and guidance on procedures for fulfilling individual wage record requests and submitting wage change requests.

BACKGROUND:

The Employment Service program administered by the Texas Workforce Commission (TWC) is governed by the Wagner-Peyser Act and federal regulations published by the US Department of Labor's Employment and Training Administration and is funded by unemployment insurance (UI) taxes assessed on employers through the Federal Unemployment Tax Act (26 United States Code, Chapter 23).

Public information, as defined by the Texas Public Information Act (Texas Government Code §552.002), is any information that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business.

RESCISSIONS:

WD Letter 13-18

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."

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 ensure that Workforce Solutions Office staff verifies the identity of any individual requesting a copy of their wage record information by:
- reviewing the individual's state- or government-issued photo identification card or a driver's license;
- requesting that the individual provides their Social Security number (SSN) in writing, verbally (individuals who choose to tell staff their SSN verbally should do so in a secure location), or by entering the SSN on a keypad;
- verifying the photo on the identification card matches the physical characteristics of the individual requesting the wage records; and
- confirming the individual's name on the identification card/license matches the name on the wage record.

NLF: Boards must ensure that Workforce Solutions Office staff members responsible for handling wage record requests are provided training and access to the Wage Records Information Report (WRIR) screen in the TWC mainframe system through the Resource Access Control Facility (RACF) administrator.

NLF: Boards must ensure that Workforce Solutions Office staff signs in to the TWC mainframe and accesses the WRIR screen to:
- verify that the SSN provided matches the SSN on record; and
- check for any anomalies such as whether wages are listed for a name not associated with the individual's name.

Note: Anomalies do not include wages listed under an individual's maiden or birth name.

NLF: If there are no anomalies on the wage record and the individual's identity has been accurately verified, Boards must ensure that Workforce Solutions Office staff provides a printout of the screen and the wage record to the requesting individual.

NLF: Boards must be aware that when reporting employee wages, an employer may inadvertently transpose two digits in an SSN or make some other error that results in another employee's wages being reported under the requesting individual's SSN.

NLF: If anomalies exist in the wage record, Boards must ensure that the Workforce Solutions Office staff does not show the individual the wage information or provide a printout of the wage record screen. Staff must explain that when wages are listed for a name other than the individual's, it is most likely due to a reporting error by the employer.

NLF: Boards must ensure that the Workforce Solutions Office staff does not provide wage records that include wages belonging to another individual. Wage information reported

under another name is considered personally identifiable information and cannot be released, even if the wages are incorrectly reported under the wrong SSN.

NLF: If there are wage record anomalies that need to be corrected before the records can be released, Boards must ensure that Workforce Solutions Office staff verifies the individual's identity by:
- reviewing the individual's state-issued identification (ID) card to verify the photo matches the physical characteristics of the individual; and
- reviewing the individual's SSN card or other correspondence from the Social Security Administration reflecting the individual's name and full SSN (a verbal identification of the SSN is not acceptable) to confirm the name and SSN match the name and SSN on the wage record.

NLF: Boards must ensure that Workforce Solutions Office staff notifies TWC's Tax Department when an anomaly is found in a wage record. The individual requesting a copy of their wage record will not be able to get a copy of the wage record until it is corrected. To request the correction of an anomaly in a wage record, send an **encrypted** email including the completed TWC Wage Change Request Form (Attachment 1 of this guidance) to TaxWageRecordCorrection@twc.texas.gov that includes the following information:
- The staff member's name and job title
- The individual's name
- The individual's SSN
- Information identifying the wage record that needs to be corrected or removed from association with the SSN
- Additional information, as necessary

NLF: Boards must ensure that Workforce Solutions Office staff includes copies of the individual's identification documents in the **encrypted** email, including:
- an SSN card;
- a driver's license, or other government ID card; and
- a TWC screen shot showing wages (do not redact information).

NLF: Boards must be aware that the Tax Department will require a police report involving identity theft if a request is made to alter wages that match the requestor's name.

NLF: Boards must ensure that Workforce Solutions Office staff instructs the individual to return after seven days to get an updated record. At that time, staff must follow the same identity verification protocol as outlined above before releasing a copy of the wage record to the individual.

NLF: Boards must ensure that a request for a wage record correction is expedited if the individual's wage record is urgently needed (for example, to prevent eviction or qualify for public assistance medical treatment). Workforce Solutions Office staff must indicate the urgency of the wage record correction in the **encrypted** email and the *Additional Information* section of the TWC Wage Change Request Form so that TWC Tax

department staff will return the notification to Workforce Solutions Office staff as soon as the correction is made. The individual must be notified as soon as the correction is made and be provided a copy of the corrected wage record.

NLF: Boards must be aware that TWC Tax department staff will remove the identified wages by changing the SSN for the incorrect wages to a "pseudo SSN" based on the account number.

NLF: Boards must be aware that "zero wage" entries will not be removed from the wage record. A zero-wage listing indicates that wages have previously been removed from the requested SSN. The most common reason for a zero-wage listing is employer clerical error. Zero-wage entries will not be removed from the wage record because they provide the TWC Tax department with a historical record of changes to wage data.

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

ATTACHMENTS:
Attachment 1: TWC Wage Change Request Form
Attachment 2: Revisions to WD Letter 13-18 Shown in Track Changes

REFERENCE:
Employment Service Guide–A-302: Wage Record Requests
TWC Microsoft Office 365 Message Encryption