

TEXAS WORKFORCE COMMISSION
Workforce Development Letter

ID/No:	WD 13-18
Date:	November 2, 2018
Keyword:	Employment Service
Effective:	December 2, 2018

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

From: Courtney Arbour, Director, Workforce Development Division

Subject: **Wage Record Requests**

PURPOSE:

To provide Local Workforce Development Boards (Boards) with information and guidance on procedures for fulfilling individual requests for wage records.

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.

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 ensure that Workforce Solutions Office staff verifies the identity of any individual requesting a copy of his or her wage record information. The following steps must be taken to verify the individual's identity:

- Review a state- or government-issued photo identification card or a driver's license
- Request that the individual provide his or her Social Security number (SSN) in writing, verbally (individuals who opt to tell staff their SSN verbally should do so in a secure location), or by entering the SSN on a keypad

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

NLF: Boards must ensure that Workforce Solutions Office staff signs on 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—for example, wages listed for a name not associated with the name the individual provided (wages listed under an individual's maiden name do not count as an anomaly).

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 prints the screen and provides the wage record to the requesting individual.

NLF: If anomalies exist in the wage record, Boards must ensure that Workforce Solutions Office staff explains to the individual that when wages are listed under a name other than the individual's, it is most likely due to a reporting error by the employer. When reporting employee wages, an employer may inadvertently transpose two digits in a SSN, or make some other error that results in an employee's wages being reported under the wrong SSN.

NLF: Boards must ensure that Workforce Solutions Office staff does not provide copies of wage records with anomalies that include wages belonging to another individual. Wage information tied to another name is considered sensitive personal information and must not be released, even if the wages were 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 the individual's identity is also verified by reviewing the individual's Social Security card or other correspondence from the Social Security Administration reflecting the individual's name and full SSN (verbal identification of the SSN is not acceptable in this instance).

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 his or her 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 e-*

mail to TaxWageRecordCorrection@twc.state.tx.us that includes the following information:

- The individual's SSN
- A statement identifying the wage record that needs to be corrected or removed from association with the SSN
- A statement from Workforce Solutions Office staff that:
 - confirms the individual's name on the Social Security card and state- or government-issued photo identification card or driver's license; and
 - verifies that the photo on the identification card matches the physical characteristics of the individual requesting the wage record correction

*Note: **Do not** include copies of the identification documents in the encrypted email.*

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 e-mail so that TWC Tax department staff will return 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 of the following information related to the TWC Tax department's process for correcting wage record anomalies:

- The identified wages will be removed by changing the SSN for the incorrect wages to a "pseudo SSN" based on the account number.
- A "zero wage" entry will replace a wage record anomaly. Zero wage listings mean that wage records have previously been removed from the requested SSN file.
- Zero wage entries will remain on the requested SSN file. The most common reason for a zero wage entry is employer clerical error. Zero wage entries provide a historical record of changes to wage data made by TWC Tax department staff.
- Wage record information can only be corrected during the three years that begin on the posting date in the TWC mainframe system.

INQUIRIES:

Send inquiries regarding this WD Letter to wfpolicy.clarifications@twc.state.tx.us.

REFERENCE:

Employment Service Guide – E-302: Wage Record Requests
<http://www.twc.state.tx.us/programs/employment-service-guide-e-300-requests-information#e0WageRecordRequests>