

INSIGHTS

Texas Workforce Commission: New Employment Record Requirement

October 8, 2012

On September 28, 2012, the Texas Workforce Commission (TWC) proposed a new rule that would require all employers to create and maintain job descriptions for anyone who performed services for the employer over the last four years.

Specifically, the TWC proposes to add Section 817.7 to Title 40 of the Texas Administrative Code, by requiring the following of employers:

- Maintain "a job description of duties performed by any individual who is performing or has performed services for the employer";
- Keep personal data on all such individuals, including dates and times worked.

Despite the inclusion of the proposed rule in a section of the code involving child labor, it nevertheless appears applicable to all employers.

If enacted, this rule will impose a completely new requirement upon Texas employers to create and maintain job descriptions for all employees, as well as independent contractors. In addition, the rule will require maintenance of records regarding employees - whether full-time, part-time, or temporary - and independent contractors. Obviously, this proposed rule has the potential to create a very substantial burden on employers.

The TWC will consider comments on the proposed rule postmarked by Sunday, October 28. We urge you to send your remarks to the TWC and express the magnitude this ruling will have on your business and your human resources personnel. We are available to help you in drafting and submitting statements specific to your industry and business.