

1 **CHAPTER 800. GENERAL ADMINISTRATION**

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3 **PROPOSED RULES TO BE PUBLISHED IN THE *TEXAS REGISTER*. THIS**
4 **DOCUMENT WILL HAVE NO SUBSTANTIVE CHANGES BUT IS SUBJECT TO**
5 **FORMATTING CHANGES AS REQUIRED BY THE OFFICE OF SECRETARY OF**
6 **STATE.**

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8 **ON OCTOBER 3, 2023**, THE TEXAS WORKFORCE COMMISSION PROPOSED THE
9 RULES BELOW WITH PREAMBLE TO BE SUBMITTED TO THE *TEXAS REGISTER*.

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11 Estimated Publication Date of the Proposal in the *Texas Register*: **October 20, 2023**

12 Estimated End of Comment Period: **November 20, 2023**

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14 The Texas Workforce Commission (TWC) proposes the following new subchapter to Chapter
15 800, relating to General Administration:

16
17 Subchapter N. Reporting Workplace Violence, §800.600

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19 **PART I. PURPOSE, BACKGROUND, AND AUTHORITY**

20 The purpose of the proposed Chapter 800 rule change is to establish rules as required by House
21 Bill (HB) 915, 88th Texas Legislature, Regular Session (2023), which added Chapter 104A to
22 the Texas Labor Code. HB 915 requires employers to post a notice to employees providing
23 contact information so that employees can anonymously report their concerns regarding
24 workplace violence or suspicious activities to the Texas Department of Public Safety.

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26 **PART II. EXPLANATION OF INDIVIDUAL PROVISIONS**

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28 **SUBCHAPTER N. REPORTING WORKPLACE VIOLENCE**

29 **The Commission proposes new Subchapter N as follows:**

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31 New Subchapter N, regarding reporting workplace violence, provides rules regarding the form
32 and content of a reporting workplace violence poster as required by HB 915 and Texas Labor
33 Code Chapter 104A.

34
35 **§800.600. Reporting Workplace Violence**

36 New §800.600 prescribes the form and content of a reporting workplace violence poster as
37 required by HB 915 and Texas Labor Code Chapter 104A.

38
39 **PART III. IMPACT STATEMENTS**

40 Chris Nelson, Chief Financial Officer, has determined that for each year of the first five years the
41 rules will be in effect, the following statements will apply:

42
43 There are no additional estimated costs to the state and to local governments expected as a result
44 of enforcing or administering the rules.

1 There are no estimated cost reductions to the state and to local governments as a result of
2 enforcing or administering the rules.

3
4 There are no estimated losses or increases in revenue to the state or to local governments as a
5 result of enforcing or administering the rules.

6
7 There are no foreseeable implications relating to costs or revenue of the state or local
8 governments as a result of enforcing or administering the rules.

9
10 There are no anticipated economic costs to individuals required to comply with the rules.

11
12 There is no anticipated adverse economic impact on small businesses, microbusinesses, or rural
13 communities as a result of enforcing or administering the rules.

14
15 Based on the analyses required by Texas Government Code §2001.024, TWC has determined
16 that the requirement to repeal or amend a rule, as required by Texas Government Code
17 §2001.0045, does not apply to this rulemaking.

18
19 Takings Impact Assessment

20 Under Texas Government Code §2007.002(5), "taking" means a governmental action that affects
21 private real property, in whole or in part or temporarily or permanently, in a manner that requires
22 the governmental entity to compensate the private real property owner as provided by the Fifth
23 and Fourteenth Amendments to the US Constitution or the Texas Constitution, §17 or §19,
24 Article I, or restricts or limits the owner's right to the property that would otherwise exist in the
25 absence of the governmental action, and is the producing cause of a reduction of at least 25
26 percent in the market value of the affected private real property, determined by comparing the
27 market value of the property as if the governmental action is not in effect and the market value of
28 the property determined as if the governmental action is in effect. TWC completed a Takings
29 Impact Analysis for the proposed rulemaking action under Texas Government Code §2007.043.
30 The primary purpose of this proposed rulemaking action, as discussed elsewhere in this
31 preamble, is to prescribe the form and content of the reporting workplace violence poster as
32 required by HB 915.

33
34 The proposed rulemaking action will not create any additional burden on private real property or
35 affect private real property in a manner that would require compensation to private real property
36 owners under the US Constitution or the Texas Constitution. The proposal also will not affect
37 private real property in a manner that restricts or limits an owner's right to the property that
38 would otherwise exist in the absence of the governmental action. Therefore, the proposed
39 rulemaking will not cause a taking under Texas Government Code Chapter 2007.

40
41 Government Growth Impact Statement

42 TWC has determined that during the first five years the rules will be in effect, they:

- 43 --will not create or eliminate a government program;
44 --will not require the creation or elimination of employee positions;
45 --will not require an increase or decrease in future legislative appropriations to TWC;
46 --will not require an increase or decrease in fees paid to TWC;

- 1 --will not create a new regulation;
- 2 --will not expand, limit, or eliminate an existing regulation;
- 3 --will not change the number of individuals subject to the rules; and
- 4 --will not positively or adversely affect the state's economy.

5
6 Economic Impact Statement and Regulatory Flexibility Analysis
7 TWC has determined that the rules will not have an adverse economic impact on small
8 businesses or rural communities, as the proposed rules place no requirements on small businesses
9 or rural communities.

10
11 Mariana Vega, Director, Labor Market Information, has determined that there is not a significant
12 negative impact upon employment conditions in the state as a result of the rules.

13
14 Chuck Ross, Director, Fraud Deterrence and Compliance Monitoring, has determined that for
15 each year of the first five years the rules are in effect, the public benefit anticipated as a result of
16 enforcing the proposed rules will be to provide employers with a simple and efficient way to
17 meet their workplace violence posting obligations under the new law.

18
19 TWC hereby certifies that the proposal has been reviewed by legal counsel and found to be
20 within TWC's legal authority to adopt.

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22 **PART IV. COORDINATION ACTIVITIES**
23 HB 915 requires joint rulemaking between TWC and the Texas Department of Public Safety.

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25 **PART V. PUBLIC COMMENTS**
26 Comments on the proposed rules may be submitted to TWCPolicyComments@twc.texas.gov
27 and must be received no later than November 20, 2023.

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29 **PART VI. STATUTORY AUTHORITY**
30 The rules are proposed under Texas Labor Code §104A.003, as enacted by House Bill 915, 88th
31 Texas Legislature, Regular Session (2023), which provides TWC authority to prescribe the form
32 and content of the notice required under Texas Labor Code Chapter 104A.

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34 The proposed rules affect Title 3, Texas Labor Code, particularly Chapter 104A.

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