



Texas Workforce Commission

TEXAS
WORKFORCE SOLUTIONS

Updates from the Office of the Commissioner Representing Employers

Texas BusinessToday

Aaron S. Demerson
Commissioner Representing Employers

September 2022

Dear Texas Employers,

Welcome to your September issue of *Texas Business Today*! As we move towards the end of the year and hopefully cooler temperatures, we are closing out with a bang as TWC and Texas Higher Education Coordinating Board host the last two conferences in our [Texas Interns Unite!](#) 2022 event series.

Join us for the Rally in the Valley on September 21, 2022 at the Brownsville Event Center. This event is FREE and will connect industry partners and employers with students.

Any junior & senior high school students, college and/or university students or employers interested in learning about the TXWORKS program and internship opportunities through the Texas Interns Unite! initiative are ALL welcome to attend. To register, click [here](#).

In addition, we have the YTexas Summit at AT&T Stadium in Arlington, TX on September 30th. If you are a Texas employer with interns, please share this link with them for complimentary registration: <https://ytexas.com/summit-student-registration/>. If you are a Texas employer that would like to register for the event, please register here: <https://ytexas.com/2022summit/>.

Always remember, my office is committed to being a number one resource for Texas employers. Please do not hesitate to contact us if you need assistance. We will continue to work diligently and respond to your workforce needs!

Thank you for all that you do! Let's Continue to Make Progress!



Aaron Demerson
Commissioner Representing Employers
Texas Workforce Commission





Special Issues for Covid-19 Chargeback Protection

By William T. Simmons, Legal Counsel to Commissioner Aaron Demerson

In the event of an unemployment claim, an employer's unemployment tax account is eligible for COVID-19-related protection from chargeback if the following conditions are met:

1. The company makes a timely response to the claim or chargeback notice.
2. The response explains that the work separation was due in some specific way to the effects of the pandemic on the company's business.
3. An employer can access a list of all of its chargebacks using the Unemployment Tax Services system online at <https://twc.texas.gov/businesses/unemployment-tax-services>. The employer should carefully compare that list with the claim notices and determinations that the company has received and/or responded to or appealed.
4. If a company has chargebacks on its account that it believes should not have been imposed, and has not already appealed the chargebacks, it may do so at this time, but since the timeliness of the response or appeal would be an issue, the employer would need to include an explanation of why the claim response or appeal was not filed earlier.
5. Claim responses or appeals cannot be filed via e-mail. The directions for filing a proper claim response or appeal are included with the claim notice or determination that ruled the employer's account was subject to chargeback. If the company did not receive a claim notice in a case that resulted in a chargeback, explain that the company is responding or appealing late because of non-receipt of whatever claim notice or determination that was sent.
6. The methods for responding to a chargeback notice, even if the response may be late, are outlined on the TWC website at <https://twc.texas.gov/businesses/employer-unemployment-benefit-chargebacks#respondingToANoticeOfMaximumPotentialChargeback>. Those methods may be used even if the company never received a notice of a potential chargeback. In such a case, it would be important to mention the non-receipt problem.
7. Instructions for appealing a chargeback determination are at <https://twc.texas.gov/businesses/how-appeal-decision-employers>. For appeals that may be considered late by the agency, it would be important to mention any non-receipt or similar problems that may have contributed to the lateness of the appeal.

A special kind of chargeback notice that some employers have begun receiving is called a "Notice of Chargeback Review". It is a notice especially designed to give another opportunity to protest a chargeback to an employer that received the original chargeback notice back in 2020, but did not respond at that time due to reliance on public statements from TWC in early 2020 to the effect that there would be no chargebacks from claims resulting from the pandemic. Employers who receive such notices should read them carefully, follow the instructions for responding, include an explanation for why the claimant stopped working for the company, keep a copy of the response and documentation of how it is submitted, and watch for a determination regarding the chargeback. If a determination imposes a chargeback, the employer may appeal that determination in the same way that any other determination is appealed.

Keep the response or appeal deadlines in mind. The response or appeal deadline for any unemployment claim notice or ruling is always fourteen (14) calendar days -- not business days, but calendar days -- except for the deadline for responding to a Notice of Maximum Potential Chargeback, which is 30 calendar days from the date of mailing.



Texas ASC Society & TWC Collaborate, Providing Workforce Resources To The Growing Ambulatory Surgery Industry

By Bri Thomas, Content Manager, TASCs

Recently, Commissioner Aaron Demerson spoke with members of the [Texas Ambulatory Surgery Center Society \(TASCs\)](#) about the state's job growth and staffing resources. The Texas Workforce Commission (TWC) provides workforce development services to employers and employees in Texas, including ambulatory surgery centers (ASCs), healthcare facilities that perform outpatient surgical procedures.

The resources TWC provides are especially beneficial right now, in the midst of a labor shortage. Therefore, employers have had to get creative, in order to hire and retain workers.



At last month's TASCs Annual Conference, Commissioner Demerson led a session and panel discussion on TWC's resources, funding opportunities, and services available through 28 local workforce development boards. He was joined by Elsa G. Ramos, his legal counsel; Prady Mahale, a skills development fund program specialist; Natalie Gonzalez, an employer engagement and community outreach program specialist; Susan Dixon of the Gulf Coast Workforce Board - Workforce

Solutions; and Betty Russo of the Office of the Governor.

Recent numbers predict that the healthcare worker shortage, in particular, will reach [3.2 million](#) by 2026. ASCs may be a hidden gem for addressing this problem. One way ASCs are working to attract talent is with [clinical training sites](#) and job shadowing. Training sites offer an array of benefits for students and ambulatory surgery centers: aspiring healthcare workers earn needed hours and experience, while ASCs help build up the industry, which, in turn, provides even more high-quality care to patients in Texas. Similarly, when interested students/candidates can get a behind-the-scenes look into the outpatient setting, it can help prepare them for a career in the field.

And TASCs is doing its part by providing educational resources, giving healthcare workers a say in legislation/policies, and promoting the high-quality, cost-effective care found in these facilities.

There may be shortages, but Texas' workforce and its ambulatory care industry are both bigger and better than ever. And this new partnership between TWC and TASCs – which will include upcoming networking opportunities, webinars, and an ASC tour – will continue to pave the way to new, untapped employment opportunities.

TEXAS EMPLOYER HOTLINE

1-800-832-9394

Hiring Issues · Medical Leave-Related Laws · Personnel Policies and Handbooks · Independent Contractors and Unemployment Tax Issues · The Unemployment Claims and Appeals Process · Texas and Federal Wage and Hour Laws



Employer Hotline Hours: M-F, 8am-5pm

Information provided by employment law attorneys in the Office of the Commissioner Representing Employers at the Texas Workforce Commission

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