

Use Agreement - Employer

The purpose, role, and scope of WorkInTexas.com is to conduct a preliminary and broad matching of job seekers to potential employers, based on locations, desired salaries, and other legitimate criteria.

"Employer" as defined by 20 C.F.R. §651.10 is

A person, firm, corporation or other association or organization (1) which currently has a location within the United States to which U.S. workers may be referred for employment, and which proposes to employ a worker at a place within the United States and (2) which has an employer relationship with respect to employees under this subpart as indicated by the fact that it hires, pays, fires, supervises and otherwise controls the work of such employees. An association of employers shall be considered an employer if it has all of the indicia of an employer set forth in this definition. Such an association, however, shall be considered as a joint employer with the employer member if either shares in exercising one or more of the definitional indicia.

WorkInTexas.com and the Texas Workforce Commission (TWC) does not investigate or certify that job seekers meet all work authorization requirements nor does it verify job seeker qualifications or references. TWC reserves the right to remove any job posting if it contains inaccurate, illegal or inappropriate information. Federal law authorizes TWC to discontinue the provision of WorkInTexas.com services to any entity upon a discovery that the entity's job order contains a material misrepresentation. Workforce Center staff will never knowingly refer a job seeker to any employer that discriminates on the basis of race, creed, color, gender, age, religion, disability status, or national origin.

Section 1: Use Requirements

Employers are required to follow the established criteria, outlined below, while using WorkInTexas.com. All users of WorkInTexas.com, including job seekers, are asked to report any violations of these policies to TWC. Violations of these policies may result in the loss of access privileges. Employers are required to:

- Post jobs for which there is an immediate opening and assure that the job opening is valid. Business opportunities are not considered immediate openings.
- Ensure that postings do not contain material that is obscene, scandalous, inflammatory, pornographic, profane, unlawful, threatening, libelous, defamatory, or otherwise inappropriate.
- Never deny employment or an employment referral to any job seeker on the basis of race, creed, color, gender, age, religion, disability status, or national origin.
- Never charge a fee to provide a job seeker with access to a job referral or as a condition of accepting a job. Usual and customary licensing fees or certifications, such as a real estate broker's license are acceptable. Application fees, purchasing kits, and work-from-home plans are not acceptable.
- Never use this service/site to recruit replacement workers in a labor dispute, either through job postings or résumé searches.

Section 2: Use Expectations

Employers are expected to:

- Provide a detailed job description for each position posted in WorkInTexas.com.
 - Update WorkInTexas.com to indicate that an applicant for a posted position has been hired. This should be accomplished by updating the applicant's status on the employer's "Interested List" to "HIRED."
 - Maintain status as a legitimate employer as defined by 20 C.F.R. §651.10.
 - Not use résumés (whether received by searching or from the job seeker responding to your job posting) for any purpose other than to fill an immediate job opening. The résumé is the property of the job seeker and selling or reposting it, whether in whole or in part, violates their privacy rights.
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