

Bad advice: Workforce commission presentation unfair to workers and unwise for employers

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July 14, 2010, 5:59PM

The Texas Workforce Commission used to be called the Texas Employment Commission, charged with helping out-of-work Texans find jobs and dispensing unemployment benefits paid for by employers to tide them over in the meantime. After a 1996 reorganization under Gov. George W. Bush, Texas labor officials have periodically charged that the TWC is tilted toward the interests of employers over those of employees.

That's certainly the implication of a presentation made by a TWC official to 800 Houston- area employers recently. It included advice on how to get rid of unwanted workers without having to pay for their unemployment claims. As reported by Chronicle employment columnist L.M. Sixel, Jonathan Babiak, TWC deputy director of appellate services, told his audience that rather than fire employees, they should give them the option of resigning, because they are more likely to think they aren't eligible for unemployment benefits. Babiak told the employers they bore no responsibility for clearing up that misconception and "chances are they won't file a claim."

Not only was the presentation one-sided, it also violated guidelines in the TWC's employer handbook, "Especially for Texas Employers." That tome advises employers never to say they asked for an employee's resignation or admit the departure was the result of a mutual agreement. The reason is that any admission that a resignation was forced strengthens the worker's unemployment claim.

There's a reason the agency is not named the Texas Employers' Commission. It is charged with protecting the interests of Texas workers as well as company owners, a duty that some of its officials apparently fail to recognize. With the number of people out of work soaring as a result of the recession, counseling employers on how to evade their responsibilities to provide deserved benefits is not only unfair, it is reprehensible.

Editor's note: An earlier version of this editorial erroneously stated that Texas Workforce Commission Chairman Tom Pauken gave a talk explaining to employers how they could cut down on their unemployment liability by challenging worker claims to benefits.

<http://www.chron.com/dispatch/story.mpl/editorial/7105339.html>