

Texas Business Today

Joe Esparza
Commissioner Representing Employers

August 2024

Texas Employers,

Welcome to the August issue of *Texas Business Today*!

The Texas Workforce Commission recently hosted a free networking event in San Antonio on National Intern Day to bring together local students and small, medium, and large employers for an opportunity to network, connect, and learn. I was glad to see so many Texas employers investing their time and expertise in their future workforce.

TWC and our partners continue to work together to provide access to career pathways in high-demand jobs. The Texas Interns Unite Conference is a collaborative effort to ensure we invest in our future talent pipeline and raise awareness about career opportunities.

As Commissioner Representing Employers, I have consistently heard from employers across the state for the need for new graduates who possess workplace skills. Hiring interns not only helps students in your community get started; it enhances the local workforce as a whole.

I want to thank every Texas employer who makes interns a priority and gives them the opportunity to gain real-world, professional experience. Additionally, creating an internship program is an excellent way to give back. Thank you for helping boost our workforce so that Texas remains the best state in the nation to live, work, and do business!



Joe Esparza
Commissioner Representing Employers
Texas Workforce Commission

Texas Business Minute



[Click here to watch the video](#)

Upcoming Events



Texas Conference for Employers

August 9: Austin - [Sign Up](#)

September 6: Virtual - [Sign Up](#)

September 27: South Padre - [Sign Up](#)

[More Info](#)



Enforcing Policies at the Workplace

By: Mario Hernandez

Legal Counsel to Commissioner Joe Esparza

There is a wide range of employers in our great state. A key objective for many companies is to have smooth business operations so that the company can continue to prosper and thrive. However, sometimes the orderly flow of work can be interrupted by an employee who breaks company rules or does not abide by the employer's policies. While not glamorous, enforcing policies at the company may require disciplinary action. While not exhaustive, this article touches on some measures employers may consider when enforcing policies at the workplace.

The Disciplinary Policy Itself

In Texas, an employer enjoys much freedom in crafting its disciplinary process to fit the needs of the company. As such, an employer can be creative with its disciplinary policy: will it be a three strikes and you're out? Is it a zero-tolerance policy? Is it something else? An employer who has clear policies that are known to employees can prevent some policy violations before they even happen. After all,

when everyone knows the rules at the workplace, everyone knows what behavior to avoid.

Warnings

Warnings can be administered to employees who break company rules. They can be administered verbally or in writing. However, it is best if the warning is in writing and given to the employee by the employer in the presence of a management-side witness, with everyone signing the warning.

Of course, employers can choose to give verbal warnings. While there is nothing inherently wrong with verbal warnings, they can be challenging to prove if the employee denies the warning was ever given and/or there was no one to witness the verbal warning.

Demotion or Reassignment

At some companies, a demotion or reassignment could be a consequence for employees who violate workplace policies. However, remember that if the demotion or reassignment is too harsh, it is possible that the employee could quit, file an unemployment claim, and argue that they had good cause connected with the work for quitting.



(See: https://efte.twc.texas.gov/ui_law_the_claim_and_appeal_process.html#ui-20percentrule and Item #5 at https://efte.twc.texas.gov/ui_law_qualification_issues.html#dq-vl)

Suspensions

Suspensions can also result for employees who do not follow company rules. Suspensions can be paid or unpaid. However, there are special and important considerations that employers should know regarding unpaid suspensions that can affect unemployment claims and salaried exempt employees. (See: https://efte.twc.texas.gov/ui_law_qualification_issues.html#dq-layoffs)

Conclusion

It's important to note that employers come in all different types and sizes. As such, it is critical for employers to be aware of any special rules or industry regulations that may affect their ability to implement certain types of disciplinary policies (i.e. public employers, any possible exceptions to the employment-at-will doctrine, etc.). Employers can also consider retaining their own private sector employment law attorneys to assist them in drafting disciplinary policies to make sure important issues are not being missed.

Lastly, be consistent and uniform in applying your disciplinary policies unless there is a compelling reason to do otherwise (See: https://efte.twc.texas.gov/avoid_favors_and_exceptions.html) and keep good documentation of any adverse employment action. Enforcing workplace rules may not be fun, but it is an important function of running a business.

For more information on discipline and other topics, please visit the following links:

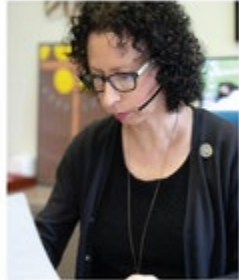
<https://efte.twc.texas.gov/discipline.html>

https://efte.twc.texas.gov/ui_law_qualification_issues.html#dq-mc

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

Texas Business Today is provided to employers free of charge

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Connect with the Office of the Commissioner Representing Employers

Email: employerinfo@twc.texas.gov

Mail: Commissioner Representing Employers
101 E. 15th St., Rm 630
Austin, TX 78778