

Texas Business Today

Joe Esparza
Commissioner Representing Employers

January 2025

Texas Employers,

Happy New Year and welcome to the January 2025 issue of *Texas Business Today!*

I am looking forward to a productive and successful year working on behalf of 650,000 employers and 3.2 million small businesses across the state. The Office of the Commissioner Representing Employers offers a wealth of resources that may help as you work to grow your business, create new jobs, and fuel the Texas economy. These include our free hotline for employers, the [Texas Guidebook for Employers](#), [Texas Employer Webinars](#), [Texas Business Today newsletter](#), the [Texas Intern Network](#), and [Texas Conferences for Employers](#).

Employers are encouraged to attend a Texas Conference for Employers annually to stay up to date on the latest legal issues related to operating a business in Texas and hear from expert attorneys without legal jargon. The conference is tailored for a wide range of professionals, including small business owners, HR specialists, and payroll managers. Topics covered are chosen based on the questions TWC receives from Texas employers, ensuring the information is relevant and timely.

Events are scheduled through Sept. 2025, with the first conference held in Lake Jackson on Friday, Jan. 17, 2025. To view the list of confirmed locations and register, visit the [TWC Texas Conference for Employers webpage](#).

Also, remember that our Texas Employer Hotline (1-800-832-9394) is available to all Texas employers. The attorneys answer this hotline and provide guidance on employment law questions Monday-Friday, 8am-5pm. They answer anything from the simplest to the most complex questions. Please do not hesitate to contact us for assistance by phone or email (employerinfo@twc.texas.gov).

I hope to meet you soon!

- Joe Esparza, Commissioner Representing Employers



A handwritten signature in black ink, appearing to read 'Joe Esparza', with a long horizontal line extending to the right.

Joe Esparza
Commissioner Representing Employers
Texas Workforce Commission

Texas Business Minute



[Click here to watch the video](#)



[Click here to listen on Spotify](#)

2025 Texas Conference for Employers



- **January 17:** Lake Jackson - [Sign Up](#)
- **January 24:** El Paso - [Sign Up](#)
- **February 21:** Mission - [Sign Up](#)
- **April 11:** Uvalde
- **May 9:** Amarillo
- **June 13:** Victoria
- **September 4-5:** Dallas

[More Info](#)



Unemployment Insurance - An Overview

By: Jikku John

Legal Counsel to Commissioner Joe Esparza

When employers contact our office for guidance on handling unemployment claims, we often break down the process into smaller, manageable steps. This guide aims to simplify the process of handling unemployment claims, which can sometimes feel overwhelming, making it easier to understand and execute.

Initial Claim:

Once a worker is no longer performing services for pay, a “work separation” has taken place, and the worker is free to file an initial claim for benefits. Benefits are payable if the claimant is out of work through no fault of their own and is otherwise eligible. See https://efte.twc.texas.gov/ui_law_eligibility_issues.html. Once the initial claim is filed, TWC sends a notice of initial claim to the last employing unit via regular mail or electronic correspondence. The employer then has 14 calendar days from the date mailed to file a timely written response, thereby making itself a party of interest with appeal rights to the case.

For employers, responding fully, and in a timely fashion, is necessary. Claim responses should be prompt and provide comprehensive, factual information that goes beyond simply disagreeing with the claim. The claim response may be filed by mail, fax, hand-delivery, telephone, or via TWC’s internet claim website for claim responses. See <https://www.twc.texas.gov/employer-resources/ern>.

Initial Determination:

The claims examiner investigates the claim and makes an initial determination. TWC sends copies of the determination to all interested parties to the case. If faced with an unfavorable outcome, the employer should file an appeal to the determination requesting a hearing within 14 calendar days of the date on the determination. An appeal must be in writing and submitted via fax, mail, delivery service, in-person delivery to any TWC office, or through the online appeal portal before the appeal deadline.

Appeal Tribunal:

Generally, once an appeal has been filed, notwithstanding any exceptions, the Appeals Department will mail notices of the appeal hearing to the claimant, the employer, and any representatives they may have designated.

Principally, the hearing will take place over telephone and be presided over by a Hearing Officer. The employer should treat the hearing as if it is the only chance it will receive to explain its side of the work separation. Equally, the employer should produce firsthand testimony from witnesses with direct, personal knowledge leading to the claimant's work separation. Although documentary evidence is beneficial and always permissible, testimony from firsthand witnesses with direct personal knowledge should always take priority. The parties have the right



to offer direct testimony, conduct cross-examination, and make concluding remarks. The hearing officer will then issue a written decision, either affirming, reversing, or modifying the determination that was appealed. The decision will be mailed to the parties.

Commission Appeal:

Any party can appeal an adverse Appeal Tribunal decision to the three-member Commission, but they must do so in writing according to the instructions on the decision within 14 calendar days of the date that the decision is mailed. In the case of a timely appeal, the Commission may either affirm, reverse, or modify the Appeal Tribunal decision, or it may order a further hearing. Although the Commissioners do not take testimony from the parties, they may consider relevant written materials submitted after the hearing. In such a case, the Commission will order a rehearing to officially admit the new evidence into the record.

Motion for Rehearing:

The final stage of the administrative appeal process is the motion for rehearing. The appeal must be filed in writing in accordance with the decision, and within 14 calendar days of the date the Commission decision is mailed. In order for the Commissioners to grant a rehearing, the motion must offer new evidence, give a compelling reason why the evidence could not have been offered earlier, and show specifically how it could change the outcome of the case. If the Commission denies the motion, it will mail to each party a written decision that is appealable to a court.

Conclusion:

For questions about this issue, or any other employment-related matters, employers can call our employer hotline at: 1-800-832-9394, or email us at: employerinfo@twc.texas.gov.



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

Texas Business Today is a monthly update devoted to a variety of topics of interest to Texas employers. The views and analyses presented herein do not necessarily represent the policies or the endorsement of the Texas Workforce Commission. Articles containing legal analyses or opinions are intended only as a discussion and overview of the topics presented. Such articles are not intended to be comprehensive legal analyses of every aspect of the topics discussed. Due to the general nature of the discussions provided, this information may not apply in each and every fact situation and should not be acted upon without specific legal advice based on the facts in a particular case.

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