

Updates from the Office of the Commissioner Representing Employers

Texas BusinessToday

Aaron S. Demerson
Commissioner Representing Employers

May 2023

Texas Employers,

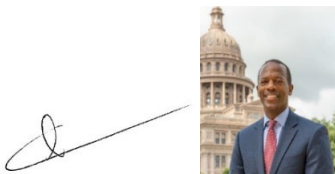
Welcome to the May issue of *Texas Business Today*! The month of May kicked off with a great start as we celebrated both National Small Business and Economic Development Week. I know a lot of you chose to eat, shop, and stay local, which helps our small businesses thrive. We also continue to be proud of the economic development efforts in Texas, which has resulted in being named the Best State for Business for 19 years in a row!

As summer approaches, so do internship opportunities. If you are a Texas employer and located in a rural community and looking to learn more about hiring interns, join us for the first Texas Interns Unite! Internship Opportunities for Texas Employers in Rural Communities virtual forum on May 24, 2023, at 10:30 a.m. - 11:30 a.m. The focus of the forum will be on the internship opportunities in rural communities, starting an internship program, and building partnerships. In addition, the forum will include information about the TXWORKS program, employer success stories, and opportunities to grow internships in rural communities. You can register [HERE](#).

Lastly, Governor [Greg Abbott's](#) Office of Economic Development and Tourism just released the full 2023 Governor's Small Business Summit schedule here: <https://lnkd.in/gNkihqZg>.

If you are a small business owner, these summits are packed with resources and great to attend! Check out the link above to register.

Let's Continue to Make Progress!



Aaron Demerson
Commissioner Representing Employers
Texas Workforce Commission

SAVE THE DATE



Internship Opportunities for Texas Employers in Rural Communities

Wednesday, May 24, 2023

10:30 a.m. - 11:30 a.m.

[Click Here to Register](#)



TXWORKS
Texas Workforce Solutions

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Summer Jobs - Stay Legal When Employing Young Workers

By: William T. Simmons
Senior Legal Counsel to Commissioner Aaron
Demerson

Employers that will hire employees younger than 18 for summer jobs should be aware of both Texas and federal laws protecting such workers.

As a general matter, children younger than 14 may not work. Narrow exceptions exist for children working directly for their parents in a parent-owned company (including small family farms), actors with special certificates issued by TWC, and newspaper delivery workers.

During a summer break (June 1 through Labor Day under federal law), 14- and 15-year-olds may work between 7:00 a.m. and 9:00 p.m. (no night shifts), and no more than eight hours per day and 40 hours per week (assuming they are not in summer

school). Employees who are 16 or 17-years-old may work whatever hours are needed, as long as local ordinances or curfews for young people are not an issue.

Hazardous duties such as driving, operating power-driven machinery, roofing, most food preparation jobs, and warehouse work are generally off limits. Summer lifeguard jobs require an employee to be at least 15. A list of all of the hazardous duties that children may not perform is online at

<https://twc.texas.gov/jobseekers/texas-child-labor-law>.



It is a good idea to have all employees, including those younger than 18, sign clear written wage agreements. During the first 90 days of employment, the employer can pay a minor a so-called “training wage” of at least \$4.25 per hour. Thereafter, the minimum wage of \$7.25 per hour would apply. 16 and 17-year-olds are entitled to overtime pay if they work more than 40 hours in a seven-day workweek. The Texas Payday Law applies to all employees of private-sector employers, regardless of age.

Section 521.051(a-1) of the Business & Commerce Code requires an employer to have consent from a child’s parent or guardian before obtaining personal identifying information (job application, I-9, and so on) from the child. The same would apply to drug tests and background checks. On a practical basis, in order to maximize parental support for a child working at a business, the employer should ensure that the parent gives written permission for a particular child employee’s work schedule and duties.



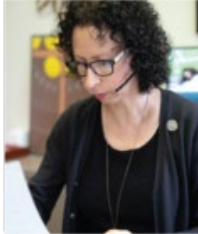
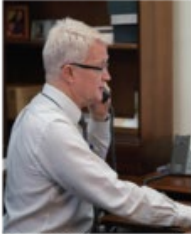
Special training is advisable for management regarding harassment issues if the business employs children. Complaints from employees younger than 18 should receive top priority for resolution. The company should consider implementing zero-tolerance policies regarding improper conduct toward or contact with employees younger than 18 (i.e., no “friending” on social media, no non-business-related texts, and so on). Certain offenses (assault, improper photography or recording, etc.) may need to be reported to law enforcement as crimes against children.

If a company receives an unemployment claim notice concerning a summer employee, it should respond in a timely manner and explain whether the summer job came to an end due to the employee going back to school after a summer break. That could make an important difference in whether the claim has a financial impact on the employer. Employers are welcome to call 800-832-9394 (option 4) or e-mail us at employerinfo@twc.texas.gov to ask questions about any of these issues.

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.

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