

Texas Business Today

Aaron S. Demerson
Commissioner Representing Employers
September 2023

Updates from the Office of the Commissioner Representing Employers

Texas Employers,

Welcome to the September issue of *Texas Business Today*. Texas is on a roll!

Once again, the Texas economy is breaking records in three different categories: labor force size (13,979,700), number of employed (14,480,000), and job count (15,111,900)! This goes to show that the Lone Star State continues to be the most attractive state for existing and new businesses. Way to go, Texas!

In other news, YTexas is hosting their 2023 YTexas Summit on October 6, 2023 at AT&T Stadium in Arlington, TX. This event will bring together those involved in the world of workforce, economic development, and education. For more information on this event, click [HERE](#).

Finally, our Texas Conferences for Employers will host their last conference for the year on September 29th in Arlington, TX. Don't forget, each conference is geared toward small business owners, HR managers and assistants, payroll managers, and anyone responsible for the hiring and managing of employees. For more information and to register, click [HERE](#).

As we move into the fall temperatures, remember my office is committed to keeping our Texas employers cool by keeping UI taxes low, and connecting businesses to a qualified workforce. Please don't hesitate to contact my office if you need any assistance or want to learn more about our workforce development programs.

Let's Continue to Make Progress!



Aaron Demerson
Commissioner Representing Employers
Texas Workforce Commission



Employment-Related Legislation 2023

By: Tommy Simmons

Senior Legal Counsel to Commissioner Aaron
Demerson

The 2023 general session of the Texas Legislature resulted in several bills that will impact employers, the most important of which appear below. The list is organized into subject areas and shows the bill number and a summary of the most important provisions of the bill for employers.

Civil Rights and Discrimination

HB 567	Known as the "CROWN Act", this new law prohibits discrimination on the basis of hair texture or protective hairstyle associated with race. It applies to employment, fair housing, and student dress codes. TWC will enforce the employment and fair housing provisions through its Civil Rights Division.
-----------	--

COVID-19 / Vaccinations

HB 609	Provides that failure to require vaccination against COVID-19 will not by itself make a business owner or operator liable for an employee's or contractor's exposure to a pandemic disease from a coworker or fellow contractor.
--------	--

Employee Benefits

HB 2127	Provides broad preemption of city and county ordinances that impose greater restrictions or requirements on businesses and employers than what is afforded under applicable state laws. This statute affects the entire range of pay, benefits, and working conditions for employees in Texas.
---------	--

Human Resources - General

HB 915	Will require employers to post physical and electronic notices for employees regarding how to contact a workplace violence hotline – TWC will develop the poster in cooperation with the DPS (the new poster is expected to be ready for downloading by March 1, 2024).
HB 4123	Requires criminal history checks for employees of school contractors.
SB 188	Requires criminal history checks for applicants for employment and employees of group homes.
SB 1469	Applicants for child care jobs must certify whether they have ever had an inappropriate relationship with a minor.
SB 1192 / 1471	Gives access to FBI and DPS criminal history information for facilities serving vulnerable populations.
SB 1849	Facilities serving children, individuals with disabilities, or the elderly must check an online DIR database before hiring an employee and must conduct periodic searches of existing employees as often as required by the facilities' oversight agencies to see whether the individual has been reported as having committed "abuse, neglect, exploitation, or misconduct" against vulnerable populations.

Regulatory / Criminal Liability

HB 2459	Expands / strengthens child labor laws enforced by TWC and creates an appeal process similar to those for UI and payday law claims (including Commission-level appeals).
SB 812	New food allergen safety poster is required in all food establishments; requires training and testing for food managers; local ordinances may not exceed the requirements of SB 812.

Other Important Legal Developments

- The U.S. Department of Labor (DOL) published a proposed rule for public comment regarding an increase in the minimum salary for a salaried exempt employee from the current \$684/week to a new level of \$1059/week (see <https://www.dol.gov/agencies/whd/overtime/rulemaking>).
- DOL has stepped up its enforcement of other wage-related laws, including a return to the definition of independent contractor that applied prior to 2017, a prohibition against owners or managers of hospitality industry companies keeping any part of tips given to employees, a new requirement that the tip credit can be taken only with respect to tip-producing work (which necessitates meticulous recordkeeping of exactly which duties tipped employees perform and when), and strict enforcement of restrictions on child labor (see <https://www.dol.gov/agencies/whd>).
- The National Labor Relations Board has also expanded its enforcement of the National Labor Relations Act by returning to the tougher standards in effect prior to 2017 regarding workers' rights to organize and engage in collective action concerning the terms and conditions of employment. For the latest guidelines, see the NLRB website at <https://www.nlr.gov>.
- Starting with initial unemployment claims filed with an effective date of October 1, 2023, the minimum weekly benefit amount (WBA) will be \$73, and the maximum WBA will be \$577. The 26-week limit on drawing unemployment benefits will remain the same.

Don't forget to check out this upcoming event...



 **GRACE Conference**
Growth through Reentry to Advance Careers & Employment

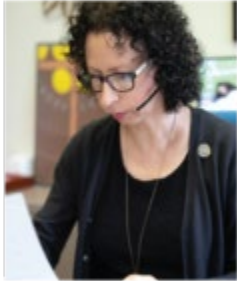
**Learn about Second
Chance Employer
Strategies**

Register Today
Arlington Expo Center | September 28th

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