

Texas Business Today

Chairman Joe Esparza
Commissioner Representing Employers

August 2026

Texas Employers,

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

As Texas students return to their classrooms, it's a good time to renew our commitment to the education of all Texans – from early childhood to adults in the workforce.

Texas employers are outpacing the nation in job creation, and it's important that we maintain our competitive edge by filling in-demand jobs with highly skilled workers. The focus now goes beyond workforce development. It's building the Texas talent pipeline.

Thanks to the foresight of Gov. Abbott and the Texas Legislature, we as a state have more mechanisms than ever before to ensure that students are receiving curriculum that is truly aligned with employer demand, and that they're earning credentials that have real value in the labor market. This ensures that you have workers who are trained in both technical and employability skills, and they are ready to contribute from day one on the job.

We're also improving the way we measure success of these efforts because we want to make sure that students not only land the job, but they land a job in their industry making a family-sustaining wage. A thriving workforce means a thriving business.

TWC has long supported education efforts, including:

- The Jobs and Education for Texans grant that gives students hands-on training with professional-grade equipment;
- The Adult Education and Literacy program that empowers adult learners with the skills they need to reach their potential; and
- The Skills Development Fund that provides employers with customized training to ensure their new and existing workforce has the exact skills they need.

We're working every day to ensure your future workforce has the best education possible to succeed in their careers. Here's how you can help – partner with your local education institutions, help us measure success, and reach out to TWC to find out how we can upskill your workforce at no cost to you.

-Joe Esparza

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

Chairman Joe Esparza
Commissioner Representing Employers
Texas Workforce Commission

Texas Business Minute



[Click here to watch the video](#)



Job Postings: A Legal Perspective for Employers

By: Naomi D. Howze

Legal Counsel to Chairman Esparza

Many employers think of job postings simply as a marketing tool. In truth, they are one of the earliest points at which an employer can become exposed to liability under state and federal law. A successful employer understands the legal aspects of job postings and builds sound drafting habits around them.

The Anti-Discrimination Framework

At the federal level, Title VII of the Civil Rights Act of 1964 prohibits discrimination based on race, color, religion, sex, or national origin by employers with 15 or more employees. Texas law largely mirrors this federal standard but is enforced at the state level. As such, the words used in job postings should be chosen carefully: language that is discriminatory, or could be construed as such, can create legal exposure for the employer. The safest course is to use neutral phrasing throughout, soliciting only job-related information from candidates.

Disability status deserves special attention for covered employers under the Americans with Disabilities Act. While an employer may not ask a job applicant to answer disability-related questions before extending an offer, an employer may ask whether an applicant can perform the essential functions of the job. See <https://www.eeoc.gov/disability-discrimination-and-employment-decisions>. This kind of inquiry relies on the posting having already identified what those essential duties are and what the position requires, including physical demands and working environment.

Employers also cannot discriminate based on citizenship status during hiring, and a process for verifying employment eligibility through Form I-9 should be in place as soon as the worker is hired.

Qualifications, Duties, and Commitments

The same legal concerns that arise under anti-discrimination law extend into how a posting handles job qualifications. Required skills, technology proficiency, years of experience, education, and licensure should all bear a genuine relationship to the job. A requirement that sounds reasonable in isolation may create liability if it screens out protected groups at a higher rate without a legitimate business justification, so every qualification should be defensible as a necessity, not just a preference. The same applies to practical details such as full-time or part-time status, hours, shift patterns, flexibility, and remote, hybrid, or on-site status. Ambiguity here can muddy exempt and non-exempt classifications under the Fair Labor Standards Act, potentially inviting wage claims down the line.



Compensation Transparency

Pay transparency is shifting from best practice to being a legal requirement in a growing number of states and disclosing a salary range is increasingly expected, even in states like Texas, where it remains optional. A well-drafted posting specifies pay frequency (bi-weekly, semi-monthly, salaried, etc.), and describes benefits such as insurance coverage, leave policies, retirement plans, bonuses, and educational assistance. This transparency can reduce friction in negotiations with potential hires.

Practical Considerations

A genuine introduction to the company's culture, mission, and values helps candidates self-select accurately and reduces early turnover from mismatched expectations. Clear language and organization support readability and help to avoid phrasing that could be misconstrued. The posting should close with application instructions that are easy to follow, requiring as few steps as reasonably possible, since every added click is a chance to lose a qualified candidate.

The Bottom Line

A job posting is often the first formal act in the employment relationship, and it is treated that way under the law. Approaching it with legal discipline, not just marketing polish, protects the organization from exposure that can be difficult and costly to unwind later.

Texas Conference for Employers



- August 6-7: Waco - [Sign Up](#)
- August 28: Seguin – **SOLD OUT**
- September 18: San Angelo - [Sign Up](#)

[More Info](#)

Another Week of Available Work: A Podcast with Chairman Joe Esparza



• New Podcast Episode

Why Early STEM Education Is Key to Building Tomorrow's Workforce with Alvin Abraham

Another Week of Available Work

Thursday • 34 min 16 sec



Description

Transcript

Chapters

ExxonMobil is redefining how employers can support the next generation of STEM talent. In this episode, Alvin Abraham, President of the ExxonMobil Foundation, shares how Teen Engineering and Tech Centers are helping students build real-world skills through hands-on learning, internships, and industry partnerships. Employers, join us to learn how early exposure, teacher support, and strong pathways can strengthen the future workforce.

[Click here to listen](#)



Help Fight Fraud

A Quick Response to UI Claims Protects Your Business

When an individual files an unemployment insurance (UI) claim, the Texas Workforce Commission (TWC) notifies the employer. We need you to respond to these notices quickly to help us prevent fraud. This protects your business.

Response Time Matters



You have 14 days to respond to a UI claim notice, but responding within 48 hours helps us catch fraud fast.

Follow the instructions on the UI claim notice with four ways to respond:

- Online
- Phone
- Mail
- Fax

Step 1: Respond to the UI Claim



Online



Phone



Mail



Fax

Protect Your Business



- Save money; avoid unwarranted charges.
- Ensure accurate UI benefit information for decisions.
- Don't miss the 14-day deadline or you may lose the right to appeal the claim decision.

Step 2: Report Fraud

If the applicant is still working for you and did not file, or never worked for you, notify at [UI Fraud Submission](#). Then respond to the claim at [Employer Response](#).



Resources

- For more information, visit [Employer Notices](#).
- Sign up to receive notices at [Employer Benefit Services](#).

Equal Opportunity Employer/Program. Auxiliary aids and services are available upon request to individuals with disabilities.
Relay Texas: 800-735-2989 (TTY) and 711 (Voice). 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

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