

Texas Business Today

Joe Esparza
Commissioner Representing Employers

July 2024

Texas Employers,

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

As the summer is heating up, so too is the Texas labor market. Our great state is outpacing the nation in annual nonfarm employment gains with 316,700 jobs added since May 2023. Over the month of May, the Trade, Transportation, and Utilities industry alone added 13,300 jobs. It's great to see this momentum continue into the summer months.

With the increased demand for qualified workers in high-demand occupations, I encourage employers to consider adding interns to their workforce. Employers interested in adding this young, motivated talent pool to their business can participate in the TXWORKS program, a paid internship program developed exclusively for Texas undergraduate students and employers. Employers that hire eligible students through TXWORKS will be reimbursed a portion of the hourly wages for each intern at the completion of the internship period.

In recognition of National Intern Day, I will be hosting an event for students and employers in San Antonio on July 25. The event is free to attend and provides networking opportunities as well as more information about the TXWORKS program. I encourage all employers and their interns in the greater San Antonio to participate.

You can register for the event here: [2024 National Intern Day - Connect, Learn, and Network Together!](#)

I hope to see you there!



Joe Esparza
Commissioner Representing Employers
Texas Workforce Commission

Texas Business Minute



[Click here to watch the video](#)

Upcoming Events



NATIONAL INTERN DAY

CONNECT, LEARN, AND NETWORK TOGETHER!

Are you ready to enhance your resume while meeting employers from a variety of industries? Whether you're a student looking to network and connect with internship opportunities or an employer looking to expand your intern network, this **FREE** conference is for you!



Thursday, July 25, 2024
8:30 am - 2:30 pm
Lunch provided.



St. Philip's College
Sutton Learning Center
1801 Martin Luther King Dr.
San Antonio, TX 78203

[CLICK HERE TO REGISTER!](#)



Earn a Digital
Badge



Interactive
Activities



Networking
Opportunities



Professional
Headshots



TXWORKS
Supported by **THCOB**

Texas Higher
Education
COORDINATING BOARD



greater:
SATX
REGIONAL ECONOMIC PARTNERSHIP



Texas Conference for Employers

July 11 - 12: Irving

July 26: Lake Jackson

[More Info](#)



Governor's Small Business Summit

July 18: Galveston

[More Info](#)



When Tempers Flare: Employee Violence in the Workplace

By: Elsa Ramos

Legal Counsel to Commissioner Joe Esparza

When temperatures soar, tempers can flare. [Studies](#) have shown that there seems to be a correlation between hot temperatures and anger, aggression, and violence.

Employees are not immune. Stress is a major contributor to altercations in the workplace. Since hot temperatures can exacerbate already stressful conditions,

during the summer months employers may see an increase in employee disagreements erupting into raised voices, profanity, threats of violence, or worse.

What should employers do? Are they required to have policies prohibiting violence? Should the employees be fired? What about contacting law enforcement? Is it required? Are employers legally required to take any action at all?

Workplace Violence Policy

Employers have an obligation to provide their employees with a safe working environment. Section 5(a)(1) of the Occupations Safety and Health Act [requires employers](#) to provide a workplace free from hazards that could result in death or serious physical harm. With the exception of [health facilities](#), private Texas employers are not required to implement a workplace violence policy. However, having a policy in place is highly recommended.

The Occupational Safety and Health Administration (OSHA) [recommends](#) that employers adopt a zero-tolerance policy toward workplace violence. Once a policy is implemented, it is important to train and familiarize employees on the policy.

Neither OSHA nor Texas recommends a specific workplace violence policy. (Please refer to health facilities requirements in link above.) However, this [sample](#) may act as a starting point for employers who currently lack a policy addressing this issue.

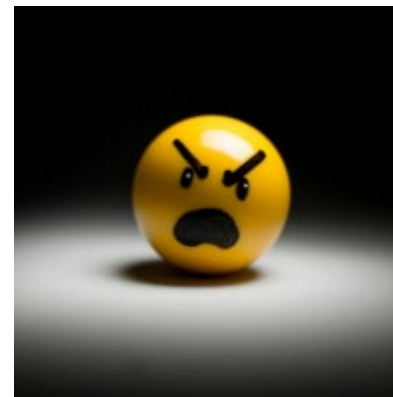
Discipline for Employees Involved

Employee discipline is a matter of employer discretion in Texas. Employers are free to choose what they deem as appropriate employee discipline for policy violations. The same holds true for incidents of workplace violence. Companies may choose to discipline employees differently depending on the nature of the offending behavior.

If an employer institutes a zero-tolerance violence policy, acts of physical violence may result in discharge. But what about verbal altercations that involve indirect threats? For example, is the statement, “If I don’t get that invoice by the end of the day, I’m liable to slap someone!” the same as the familiar, “Maybe we should just take this outside?” These questions may not have simple answers, but organizations should consider different scenarios and draft their policies accordingly.

Whatever the company’s choice of discipline, employers should strive for consistency and fairness in their treatment of employees while maintaining compliance with their duty to provide a safe working environment.

Workplace Violence Poster Requirement



Regardless of the actions an employer deems appropriate, Texas law requires all Texas employers to post a [notice](#) about reporting workplace violence or suspicious activity to the Texas Department of Public Safety. Learn more about required posters [here](#).

Contacting Local Law Enforcement

Title 5 of the Texas Penal Code includes various [chapters](#) that address offenses against the person, including specific [threats](#) of violence. Depending on the severity of an employee's conduct toward a coworker or the conduct of a non-employee—such as a customer—toward an employee, employers should exercise their best judgment when deciding whether to report the incident to the police.

Any decision to involve the authorities should consider the safety of all involved and the employer's duty to maintain a safe workplace. The employer's actions, or lack thereof, do not preclude any of the individuals involved from directly reporting the incident themselves.

Conclusion

Hoping for the best while preparing for the worst is how most employers deal with violence in the workplace. To that end, having a policy in place that addresses this issue—and making sure that all employees are aware of the policy—is just the beginning of an organization's action plan in ensuring a safe working environment for all involved.

Learn More, Do More

For more information on workplace violence strategies and prevention, visit: <https://www.osha.gov/SLTC/workplaceviolence/> and <https://www.tdi.texas.gov/pubs/videoresource/stpwpvio.pdf>.

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