

Texas Business Today

Chairman Joe Esparza
Commissioner Representing Employers

June 2026

Texas Employers,

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

I recently had the privilege of presenting more than \$1.8 million in Jobs and Education for Texans (JET) grants to colleges and independent school districts in the [Coastal Bend](#) and Golden Crescent regions.

These grants ensure that more than 580 students will have the technical skills necessary to excel in high-demand fields like nursing and electrical engineering. By investing in industry-standard equipment through the JET program, students will receive hands-on training that mirrors the modern workplace.

In other news for employers, TWC recently launched a new child care resources for employers web page, creating a one-stop-shop to explore several topics including best practices, child care assistance programs, available state and federal tax credits, and dependent care savings accounts.

TWC is committed to empowering Texas employers with the tools they need to support working families. This resource is a strategic investment in our workforce that helps businesses retain talent and ensures Texas remains the best state to live, work, and raise a family.

Employers, I encourage you to visit the new child care resources page to discover new ways to support your workforce!

- 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](#)



The High Cost of Low Morale

By: Jikku John

Legal Counsel to Chairman Esparza

Texas Workforce Commission (TWC) staff frequently observe how problematic employee conduct can escalate a routine unemployment claim into a complex unemployment nightmare. This article explores how these complications arise and provides practical strategies for navigating the claims and appeals process.

First, let's review the basics. Unemployment benefits are for those who are unemployed through no fault of their own. The burden of proof is always on the party that initiated the job separation. Thus, if a claimant quit, he or she will need to prove that a reasonable employee would have quit for such a work-related reason. Conversely, if an employer fires

an employee, the company will generally have to prove that the discharge occurred for a specific final incident of misconduct connected with the work and that the claimant either knew or should have known that the discharge would occur for such a reason.

Poor Attitude

Winning an unemployment claim case involving “bad attitude” is a steep uphill battle. Without a tangible final act of misconduct, these cases often appear to be simple personality conflicts, which rarely result in a favorable ruling for employers. To succeed, employers should avoid the vague label of “bad attitude” and instead focus on specific behaviors that violated company rules or disrupted operations. It is essential to document all warnings, and present firsthand testimony from those who were affected by the claimant’s attitude problems. Their testimony should clearly explain how the claimant’s poor attitude made it harder for them to do their jobs, adversely affected customer relations, or otherwise hurt the company. Specifics are extremely important. Depending on the facts, if the employer explains the circumstances well, the TWC decisionmaker can independently arrive at the conclusion that the claimant had a bad attitude.

Steps to Take

While there is no quick fix, these strategies can help you manage and improve situations involving poor attitude at the workplace.

If the employer has persistent rule violators, the company must meticulously document the problems and make notes of available evidence, including potential witnesses. Employers should provide appropriate counseling and progressive disciplinary action in accordance with established company policy. Before proceeding to termination, the employer must issue a clear final warning stating that no further chances will be provided and that the next violation will result in immediate termination. Do not issue a final warning unless the company is ready to follow through with termination upon the next verified infraction.

Another example of a situation involving poor attitude entails workers who believe that the company is unfair and/or the boss is so bad that they are hoping to be fired. Negative attitudes, particularly from employees who feel aggrieved or are actively seeking termination—can quickly erode department morale if left unaddressed. Management must confront the individual to clarify that such behavior puts their employment at risk. Prepare a specific list of the negative impacts observed and discuss these with the employee. It is often helpful to remind the employee that while they may feel that they have a sympathetic audience, most coworkers find persistent complaining to be a professional burden and a distraction. Explain that these actions typically damage their own reputation rather than garnering genuine support. Conclude the meeting by confirming the employee understands that continued negativity will lead to termination. Provide a formal written warning; while



the employee's signature is not required, the company must document that the warning was issued.

Finally, a common attendance-related issue is patterned absenteeism, often colloquially known as the Monday/ Friday disease. Proving misconduct in these cases is challenging, as employees who habitually call in sick adjacent to weekends frequently provide medical documentation, if pressed. This makes it difficult for the TWC to rule the absences as misconduct. If counseling fails to improve attendance and the company has to terminate the employee due to general unavailability for work, the separation may be classified as a "medical work separation." In such cases, the company may be eligible for chargeback protection. See: https://efte.twc.texas.gov/ui_law_qualification_issues.html#dq-mvi.

Conclusion

Negative attitudes in the workplace cause widespread tension. To protect the company from meritless unemployment claims, supervisors must document every issue, provide formal warnings, and ensure the employee is treated fairly. Detailed documentation and witness testimony are an employer's best defense in these difficult cases.

Employer Feedback for the 2026 Industry-Based Certification (IBC) Inventory

TWC's Industry-Based Certification (IBC) Advisory Council is currently gathering feedback to assist in developing the 2026 inventory. Employer insight is essential to ensuring these credentials truly reflect state and regional workforce needs. Please visit our [IBC Advisory Council Employer/Industry Feedback Padlet](#) to get started. Instructions are provided. We would also appreciate you sharing this information with anyone in your industry who can provide important insights for the IBC Council. Thank you for your time, expertise, and continued dedication to building a strong workforce in Texas.

Please reach out to txcredentialconnect@twc.texas.gov if you have any questions.

Texas Conference for Employers



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- June 26: Harlingen - [Sign Up](#)
- July 10: Texarkana - [Sign Up](#)
- August 6-7: Waco - [Sign Up](#)
- August 28: Seguin – **SOLD OUT**
- September 18: San Angelo - [Sign Up](#)

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



How Dwyer Workforce Development is Building the Future of Healthcare in Texas

Another Week of Available Work

In this episode, Barb Clapp, CEO of Dwyer Workforce Development, highlights how her organization is addressing healthcare staffing shortages through a...

May 18 • 28 min 43 sec

 

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In this episode, Barb Clapp, CEO of Dwyer Workforce Development, highlights how her organization is addressing healthcare staffing shortages through a comprehensive, supportive approach that not only equips scholars with skills but also removes the barriers that once kept them from employment. From innovative wraparound services to sustainable career pathways, learn how this model is making a difference in Texas and beyond.

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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

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