

Updates from the Office of the Commissioner Representing Employers

Texas BusinessToday

Aaron S. Demerson
Commissioner Representing Employers

April 2023

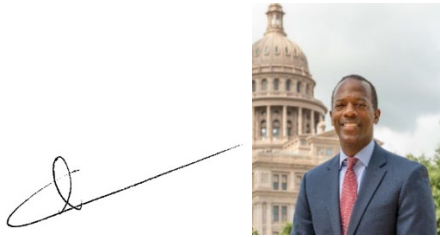
Texas Employers,

Welcome to the April issue of *Texas Business Today*! The growth in Texas continues as we lead the nation in the number of jobs added over the last 12 months. February also marks two full years of uninterrupted monthly job growth in Texas. The Lone Star State continues to lead the way!

In addition, April is National Internship Awareness month. If you are an employer and are looking to hire interns, check out the TXWORKS internship program. Employers that hire eligible students through TXWORKS will be reimbursed up to \$10 per hour for the hourly wage of each intern at the completion of the internship period. What an amazing opportunity! For more information on TXWORKS, click [HERE](#). Also, for additional information on internships, connect with us on our Texas Interns Unite! LinkedIn page [HERE](#).

Lastly, don't forget to check out the list of our Texas Conference for Employers to see when we will be in your area next. To check out the list of cities, please visit: <https://twc.texas.gov/texas-conference-employers>.

Let's Continue to Make Progress!



Aaron Demerson
Commissioner Representing Employers
Texas Workforce Commission



Dress Codes & Grooming Standards 101

By: Jikku John
Legal Counsel to Commissioner Aaron Demerson

In a time where social media continues to strengthen its grip on acceptable social norms, employers consistently find themselves weighing the advantages and disadvantages of individual self-expression versus acceptable clothing standards at the work site.

Generally, employers can expect their employees to appear at the workplace in a neat and clean appearance. Dress codes and grooming standards, even those that distinguish between men and women, are acceptable under Equal Employment Opportunity Commission (EEOC) guidelines as long as they bear a reasonable relationship to legitimate business needs and are fairly enforced. Hence, the question remains: what are my rights as an employer to enforce reasonable policies on dress codes and grooming standards at the workplace?

Facial Hair / Tattoos? What do I need to know?

A no-facial hair policy for men is acceptable if the employer is implementing such a rule for the purpose of promoting a business image, for safety reasons, etc. But employers should be aware that certain religions can require men to maintain beards or prohibit the removal or alteration of facial hair. If the employer is putting forth any restrictions on hair length or hairstyles, it should be based on legitimate business needs, idea of reasonable accommodations should be entertained. *Please see: [Religious Garb and Grooming in the Workplace: Rights and Responsibilities | U.S. Equal Employment Opportunity Commission \(eoc.gov\)](#).*

In a similar fashion, employers could have employees at the workplace with certain medical conditions, i.e., employees with conditions such as pseudofolliculitis barbae (a skin condition common amongst some minorities). If faced with such a situation, employers should be aware that if they have 15 employees or more, then the Americans with Disabilities Act (ADA) could apply. In such a situation, the employer should be prepared to reasonably accommodate the employee, unless it would result in an undue hardship for the company. *Please See:* [The ADA: Your Responsibilities as an Employer | U.S. Equal Employment Opportunity Commission \(eoc.gov\)](#).



Likewise, a no-tattoo or body-piercing policy can be enforceable at the workplace. It's not uncommon for employees to have one or even multiple tattoos. If the tattoos are visible, or they diminish the professional image of the company, then the employer can have its employees cover the tattoos or ensure that they are not visible. In those situations, employers are allowed to have one set of rules for employees who deal with the public and another set of rules for employees who have no regular contact with the public. Nonetheless, employers should make sure that the rules are uniformly enforced for all employees within each particular group in a fair and consistent manner. If employees claim certain tattoos or piercings are religious in nature, they can always ask for religious accommodations. If so, employers will be required to reasonably accommodate to the extent that is necessary. *Please See:* [Religious Garb and Grooming in the Workplace: Rights and Responsibilities | U.S. Equal Employment Opportunity Commission \(eoc.gov\)](#).

Poor Hygiene?

Employers are not required to tolerate an employee's dirty appearance if it cannot be explained by the needs of the job. If an employee exhibits bodily odor that is offensive and cannot be explained by the working conditions, the situation can become more complicated. In such a situation, it may be best to have a discreet, one-on-one conversation with the employee to address any concerns. If, however, the employee provides a medical explanation for the odor, then the employer can request medical documentation for the fact. But, as stated earlier, employers should always entertain the idea of reasonable accommodations under the ADA.

Conclusion

For more information about dress codes or grooming standards, employers can visit the EEOC's website at eoc.gov. Employers can also find information about dress codes/ grooming standards in our book, *Texas Guidebook for Employers—Especially for Texas Employers*. See: [Dress Codes and Grooming Standards \(texas.gov\)](#).

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

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