

## Updates from the Office of the Commissioner Representing Employers

# Texas Business Today

Aaron S. Demerson  
Commissioner Representing Employers

February 2023

Texas Employers,

Welcome to the February issue of *Texas Business Today*! It is hard to believe we are already in February! Texas is continuing to be at the top of many lists and leads the 10 largest states in percentage employment recovery from the COVID-related economic disruption. In addition, Texas has record employment highs for 13 consecutive months and unemployment at full-employment levels. This has only been possible due to the resilience of our Texas employers.

With students back in class, we will be hosting a Texas Interns Unite! InternAbility Virtual Internship Conference on February 16, 2023, at 2:30 p.m. This event will be hosted by the Texas Workforce Commission and the Texas Higher Education Coordinating Board and the topic of conversation will be InternAbility – Internship Opportunities for Students with Disabilities.

If you're a student looking to network and connect for internship opportunities, this FREE virtual conference is for you! In addition, if you are an employer with current interns, please share this invitation with them. Register here today: [https://zoom.us/webinar/register/WN\\_mzlrAM38SoWIDaw6PIsLNA](https://zoom.us/webinar/register/WN_mzlrAM38SoWIDaw6PIsLNA)

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!



A handwritten signature in black ink, consisting of a large, stylized 'A' followed by a long horizontal line.

Aaron Demerson  
Commissioner Representing Employers  
Texas Workforce Commission



**TEXAS INTERNS UNITE!**

Texas Internship Challenge

# \* INTERNABILITY \*

## CONFERENCE

Internship Opportunities for Students with Disabilities!



### KEYNOTE SPEAKER

**Catarina Rivera**  
MSEd, MPH, CPACC



**VIRTUAL EVENT**

February 16, 2023 at 2:30 PM



**REGISTER  
NOW!**



**TX+WORKS**  
TEXAS INTERNSHIP CHALLENGE  
Supported by **THECB**

**Texas Higher  
Education**  
COORDINATING BOARD

**TEXAS  
WORKFORCE SOLUTIONS**  
VOCATIONAL REHABILITATION SERVICES



## Bad Weather Closures

By Elsa Ramos  
Legal Counsel to Commissioner Aaron Demerson

Those of us living in Texas the last few years know that February may bring some severe winter weather. Icy conditions and other winter precipitation can result in power outages as well as road and business closures. Employers impacted by these weather events often have questions about properly paying employees during these weather-related business disruptions.

**Q: I had to close my business for several days due to the weather, do I need to pay my employees for this time?**

**A:** It depends. When dealing with hourly employees, the rule is simple. Employers are required to pay employees for time worked. So, if a business was closed and hourly employees did not perform any work or services, then employers are not required to pay for the time not worked.

For salaried exempt employees, if employees worked part of any week, they are due their full weekly salary. In other words, employers are required to pay for any time that a salaried exempt employee was not able to work due to a business closure, if the employee worked any part of that week. However, if a salaried exempt employee misses a full week of work for any reason, an employer is not required to pay the employee for that week. Please see:

[https://efte.twc.texas.gov/legal\\_issues\\_for\\_military\\_leave.html#salarydeductions](https://efte.twc.texas.gov/legal_issues_for_military_leave.html#salarydeductions)

**Q: My business was open, but due to concerns or issues related to the weather, some of my employees did not come to work. Am I required to pay them for the time they missed?**



**A:** Again, it depends. For hourly employees, the same rule still applies. Employers are only required to pay for time worked. Thus, if an employee performs no work, then no compensation is owed.

For salaried exempt employees, if an employee requests to be off work for a full day because of a weather-related issue, an employer is not required to pay the employee for the full day missed and may deduct the full day from the salary. If a salaried exempt employee misses a full work week, as noted above, an employer is not required to pay for the full week missed. However, if an employee works part of

the day and chooses to leave early because of the weather, the employee must be paid for the full day. These rules can be tricky. For more information please see: [https://efte.twc.texas.gov/legal\\_issues\\_for\\_military\\_leave.html#salarydeductions](https://efte.twc.texas.gov/legal_issues_for_military_leave.html#salarydeductions)

**Under either scenario:**

Please note that if hourly or salaried exempt employees perform any work remotely during a business closure, employers should treat remote work as time worked and compensate accordingly.

In addition, employers can use paid leave to cover any employee absences at any time. To avoid misunderstandings, employer paid leave policies should be clearly written and outline under which circumstances paid leave can, or must, be used.

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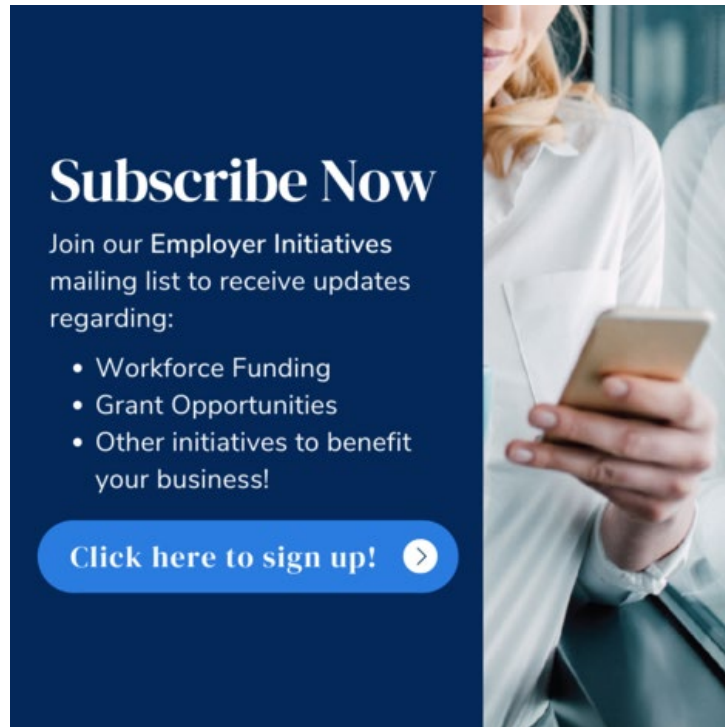
**TEXAS EMPLOYER HOTLINE**  
**1-800-832-9394**

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*

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## **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.

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## **Connect with the Office of the Commissioner Representing Employers**

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