

Updates from the Office of the Commissioner Representing Employers

Texas Business Today

Aaron S. Demerson
Commissioner Representing Employers

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Governor Abbott receiving the Texas Governor's Cup for the 10th year in a row.

Dear Fellow Texans,

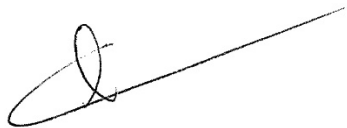
Welcome to your March issue of *Texas Business Today*! As we move on throughout the year, Texas continues to add jobs month after month thanks to the hard work and ingenuity of Texas employers. In fact, Texas has won the Governor's Cup for a record-shattering 10th year in a row! The award highlights top-performing states for job creation and capital investment. They are calling it the Decade of Dominance as Texas continues to recruit new employers and helps others expand

their business here in the Lone Star State! Here in Texas, all are welcome, and the sky is the limit!

In addition, we are gearing up for our Texas Conferences for Employers and have published some upcoming dates below. Each conference is geared towards small business owners, HR managers and assistants, payroll managers, and anyone responsible for the hiring and managing of employees. Attendees will learn about state and federal employment laws and the unemployment claim and appeal process. Our best speakers will guide you through the process. These conferences sell out fast, so don't hesitate to register!

To all our Texas employers, thank you for choosing the Lone Star State as your home and for helping Texas lead the nation as the #1 state for business. And if you are one of the many new businesses that have relocated here, welcome to Texas! Thank you for all that you do!

Let's Continue to Make Progress!

A handwritten signature in black ink, consisting of a large, stylized 'A' followed by a long horizontal line that curves upwards at the end.

Aaron Demerson
Commissioner Representing Employers
Texas Workforce Commission



We Accept Your Resignation –Voluntary Job Separations and Unemployment Claims

By Mario Hernandez, Legal Counsel to Commissioner Aaron Demerson

An inescapable part of working relationships is that they eventually come to an end. Sometimes job separations are initiated voluntarily by an employee when work is still available. But how do voluntary job separations affect unemployment claims?

The Basics

In general terms, a voluntary job separation is one that is initiated by an employee, such as quitting or resigning from the job.

Claimants who have voluntarily separated from their last job when work was still available have the burden of establishing “good cause connected with the work” for doing so. If a claimant successfully meets this burden, disqualification from unemployment benefits based on the underlying job separation is unlikely.

What is Good Cause Connected with the Work to Quit?

Good cause connected with the work to quit can take various forms. Some examples include:

- Intolerable working conditions
- Some types of pay cuts
- Some types of reductions in hours
- Failure to resolve legitimate complaints with management
- Substantial change to the hiring agreement

It should be noted that the above list is not exhaustive. More information on the above listed items and other voluntary leaving scenarios can be found in the *Texas Workforce Commission Appeals Policy and Precedent Manual* that can be accessed at the following link: <https://twc.texas.gov/files/twc/appeals-policy-precedent-manual.pdf>.

Two-Week Notice Rule

If an employee resigns, the amount of notice that the employee provides can be important in an unemployment claim. For more information on the “Two-week Notice Rule” please visit the following link from our *Texas Guidebook for Employers*: https://twc.texas.gov/news/eft/types_of_work_separations.html#2-weeknotice.

Was it Really a Voluntary Separation?

Sometimes an employee will make an ambiguous comment that might result in the employer thinking the employee has resigned. For example, an employee might say to the employer, "This job really isn't the one for me and I'm thinking about looking for other work." Another situation might arise where an employee might tell the employer, "I'm thinking about retiring a couple of months from now."

Employers should be careful about interpreting vague or ambiguous comments from employees as resignations. While it is understandable that an employer does not want to potentially be left understaffed, treating vague or ambiguous comments as resignations could result in the job separation being viewed as a discharge on an unemployment claim. Under those circumstances, the employer would have to establish "misconduct connected with the work" to disqualify the claimant from benefits.

For more information about ambiguous job separations, please visit the following information in our *Texas Guidebook for Employers*:
https://twc.texas.gov/news/eft/types_of_work_separations.html#ambiguousnotice.

Conclusion

As it has been reported in the news, "The Great Resignation" has resulted in many employees quitting their jobs in pursuit of what they may feel are greener pastures. For what that might mean on unemployment claims, it is important to understand the concepts behind "good cause connected with the work for quitting" and identifying when exactly a voluntary job separation has taken place.

For more information on types of job separations, please visit the following information in our *Texas Guidebook for Employers*:
https://twc.texas.gov/news/eft/types_of_work_separations.html.



TEXAS CONFERENCE FOR EMPLOYERS

Upcoming Events

VIRTUAL EVENT April 8th, Friday
BEAUMONT, TEXAS May 20th, Friday
LAREDO, TEXAS June 3rd, Friday
SHERMAN, TEXAS July 15th, Friday
ABILENE, TEXAS August 5th, Friday

To register, click [**HERE**](#)



Texas Science & Engineering Fair Needs Judges!

The Texas Science & Engineering Fair (TXSEF) is coming up March 25 - 26, hosted by Texas A&M Engineering in College Station, Texas.

The TXSEF is a statewide science, technology, engineering and math (STEM) competition aimed at inspiring young people around STEM related careers. The TXSEF provides an opportunity for high-achieving middle and high school students to acquire knowledge and inspiration in a broad range of disciplines.

Apply to be a judge here:

<https://txsef.tamu.edu/judges/>

Learn more about TXSEF here:

<https://www.twc.texas.gov/texas-science-engineering-fair>

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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