

Updates from the Office of the Commissioner Representing Employers

Texas BusinessToday

Aaron S. Demerson
Commissioner Representing Employers

May 2022

Dear Fellow Texans,

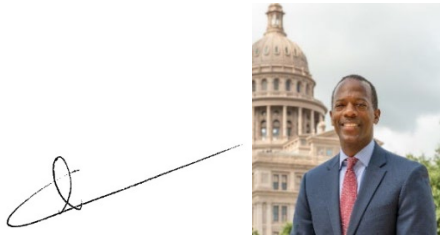
Welcome to your May issue of *Texas Business Today*! During May 2-5, we celebrated National Small Business Week, and recognized the resiliency and tenacity of Texas' entrepreneurs who are doing their part to power our state's comeback after the pandemic.

There are over 3 million small businesses in Texas, which represent 9 in 10 of all businesses in the Lone Star State. Without a doubt, small businesses are, as they say, "the backbone" of our Texas economy. Let's always remember to shop, eat, and even stay local!

In addition, we have started our Texas Conference for Employers, which is offered in person and virtually. There are limited spots left, so please don't forget to register! To register, and for the most up-to-date list of conferences, please visit: <https://twc.texas.gov/texas-conference-employers>.

As summer approaches, stay safe and don't forget about the great travel destinations throughout Texas! Texas is a big state and you do not need to cross the state lines to make memories and enjoy the many gems throughout our great Lone Star State! For great information on destinations in Texas, visit this link from the Office of the Governor's Economic Development and Tourism division: <https://www.traveltexas.com/>.

Let's Continue to Make Progress!



Aaron Demerson
Commissioner Representing Employers
Texas Workforce Commission



Hiring for Summer Jobs – Child

**By William T. Simmons, Legal Counsel to
Commissioner Aaron Demerson**

If your company or organization is looking for young people to hire for summer jobs, you will need two things in particular this year. First, good luck, because jobs are plentiful, but willing and qualified applicants are not, and second, you will need to know some basics about child labor regulations to stay in line with both federal and Texas laws and regulations.

Concerning how to find applicants, you can post job openings on your website and also ask your local Workforce Solutions office for assistance (the directory of offices around the state is at <https://twc.texas.gov/directory-workforce-solutions-offices-services>). TWC's LMCI Department has information on what the normal pay rates are for various occupations at <https://texaswages.com/>.

All of the most important regulations for workers under age 18 are found on an optional poster offered by TWC at <https://www.twc.texas.gov/files/businesses/child-labor-law-poster-twc.pdf>. That poster includes both Texas and federal limitations on the hours children may work and the duties they are allowed to perform, as well as other important restrictions for certain occupations.

Aside from certain occupations in agriculture, and the entertainment industry (child actors), children younger than 14 may not be employed by companies, unless they are working directly for their parents in a parent-owned company.



For employees who are 14 or 15 in summer jobs, the main restrictions on hours are a) no overtime hours are allowed, and b) do not let them work between 9:00 p.m. and 7:00 a.m. from June 1 through Labor Day. Children who are 16 or 17 may work any hours that are needed, but employers should take care that their work schedules do not cause problems for the young employees under any summer school schedules or local curfews that might apply.

One of the most common questions is about the minimum age for lifeguards. According to item 8 under “Additional prohibited occupations that apply only to 14- and 15-year-old children:” at the top right of the TWC Child Labor Law poster linked above, a 15-year-old who is “properly certified” as a lifeguard may do such work at a “traditional” pool or waterpark. “Traditional” in that context would refer to a constructed pool that is supplied with non-natural improvements related to health, sanitation, and safety. That would describe almost any municipal pool that is open to the public, or a pool at a fitness center or similar facility.

Due to a new 2021 statute (Section 521.051(a-1) of the Business and Commerce Code), an employer should secure a parent's or guardian's permission before obtaining personal identifying information on an applicant or employee younger than 18.

Other general considerations for employees younger than 18: payroll taxes apply; minimum wage and overtime laws apply; treat any harassment issues with urgency and be ready to notify law enforcement if needed; and if such employees file unemployment claims after the summer job ends, the employer should respond in a timely manner and explain about the summer job situation.

A promotional graphic for the Texas Conference for Employers. It features a dark blue background with a light blue map of Texas in the top left corner. The text is white and yellow. At the top, it says "IN-PERSON & VIRTUAL". Below that, "TEXAS CONFERENCE FOR EMPLOYERS" is written in large white letters. The dates and locations are listed: "Laredo, TX - June 3", "Sherman, TX - July 15", "Abilene, TX - August 5", and "San Marcos, TX - September 9". At the bottom, it says "\$175 per person" and "8:30 AM - 4:15 PM". A button at the very bottom says "Click here to register today!".

IN-PERSON & VIRTUAL

TEXAS CONFERENCE FOR EMPLOYERS

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[Click here to register today!](#)

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