

Texas Business Today

Summer 2009

**Tom Pauken, Chairman
Commissioner Representing Employers**



TEXAS
WORKFORCE SOLUTIONS



Texas Cities Top Forbes 'Top Cities for Jobs' List

Industries highlighted include petrochemical, biotechnology fields

•Skills Training Even More Important In Difficult Times •

Skills training is even more important in difficult times

President Obama, in comments to the recent G8 Summit in L'Aquila, Italy, called upon the leaders of African countries to make their nations' economies self-supporting. While announcing a multinational relief package that includes \$20 billion in food aid, the President said, "We do not view this assistance as an end in itself. We believe that the purpose of aid must be to create conditions where it's no longer needed."

The President's message to African leaders of the importance of the people of Africa becoming self-sufficient brings to mind the words of the old Chinese proverb: "Give a man a fish and he will eat for a day. Teach him how to fish and he will eat for a lifetime."

Chairman's Corner

In an interview with AllAfrica.com, the President went on to say: "The West and the United States has not been responsible for what's happened in Zimbabwe's economy over the last 15 to 20 years." Zimbabwe was once the breadbasket of Africa; but, under the brutal dictatorship of socialist Robert Mugabe, Zimbabwe's economy has instead become a basket case with runaway inflation and a badly damaged agricultural sector.

What is the relevance of the President's words concerning Africa to the importance of skills training here in Texas? The principle of economic self-sufficiency – enabling people to provide for their own needs – becomes even more important in difficult economic times. That's because skills training is a powerful tool for re-employment, since it opens new occupations to those who are struggling to find jobs in their previous disciplines.

Today's skills training goes well beyond teaching someone to fish and can prepare Texans for stable, modern jobs. My fellow Commissioners and I at the Texas Workforce Commission take skills training seriously. Last year alone, more than 65,000 Texas workers received skills training in programs provided by the Texas Workforce Commission and our partners in the 28 local workforce boards. Quite simply, this allocation of funds is helping to put Texans back to work.

The high importance of skills training is directly tied to the rising relevance of technology in the workplace. When technology advances, it creates the need for a new cadre of operators, analysts, and technicians to manage the innovative new tools. Practically all career fields – from agriculture to spaceflight – are changing as they blend high-tech advancements with



TWC Chairman Tom Pauken speaks at a recent Texas Business Conference in Austin. Pauken says skills training is a powerful tool for reemployment. *Texas Workforce Commission photo*

traditional job responsibilities. Today's farmers don't just rise early in the morning; many also measure soil nutrient concentrations, track rainfall patterns, and manage the output of wind farms installed on their property. HVAC technicians use advanced infrared cameras to spot energy leaks and conserve power in buildings. Doctors, nurses, and medical technicians are mastering a new generation of diagnostic instruments that combine microelectronics, computer imaging, and bioscience to improve the quality of our health care. Developments like these will power growth in the Texas economy tomorrow, but only if the demand for a skilled workforce is met today.

In these difficult economic times, we might be tempted to feel powerless. We are not. There is much we can do and indeed much we are already doing. The vision of exemplary state leaders like Gov. Rick Perry and Sen. Steve Ogden have made Texas a great place to do business, and we at the Texas Workforce Commission are doing our part to put Texans back to work. Ultimately, the strength of Texas goes far beyond its chosen leaders. In a democratic republic, we get the


government that we choose for ourselves. Our leaders are a reflection of our character – our aspirations, dreams, insecurities, and challenges. In the end, our leaders spring from the same well of Texan self-sufficiency and self-reliance.

Texas cities rank high in the U.S. for job postings in nearly every industry, whether for heavy equipment operators in Houston or IT specialists in the health care sector in North Texas. But we must encourage people to get the appropriate training to fill these jobs. It may seem paradoxical, but even in times of high unemployment, there are still labor shortages.

While four-year college degrees are excellent preparation for many career fields, practical skills training is also critical to meeting the dynamic demands of the modern workplace. Our Texas community colleges and proprietary institutions are doing great work in this area. Credentials certifying that students have received the training necessary for particular kinds of skilled work can connect people to many excellent jobs needed for a thriving economy. A diverse workforce schooled in both the liberal arts and practical skills training is hard to beat.

For instance, the National Center for Construction Education and Research (NCCER) has developed a curriculum for workers in tomorrow's construction

industry. If you are an employer who needs a worker trained to the exacting standards of the construction industry, you can be sure that an applicant with the appropriate certificate has received the training necessary for success on the job. And if you are a high school graduate with an NCCER certificate, you can expect to earn \$375,000 more over your lifetime than you would without it.

President Obama is right in his message of self-sufficiency to African nations. As for Texas, we will take the initiative to provide for our own needs through grit and entrepreneurial determination. There is no doubt that our economic troubles are severe. It's tough out there, but by making effective skills training available to workers seeking to retrain for better careers, we are empowering Texans to take charge of their economic future. 



Sincerely,
Tom Pauken, Chairman
Commissioner Representing Employers

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Texas cities lead *Forbes* 'Top Cities for Jobs' list

When *Forbes* released its "Top Cities for Jobs" based on 2008 job growth statistics, it was no surprise to anyone when Texas dominated the lists for small, medium, and large cities across the country.

At Issue

Although recent job growth figures show

the national economic challenges have reached Texas as well, the unprecedented job growth in 2008 has kept the state's unemployment figures well below the national numbers. Experts say that a strong foundation still makes Texas the bright spot in the nation during difficult economic times.

The Lone Star State swept the large-city category, which included Austin-Round Rock, Houston-Sugar Land-Baytown, San Antonio, Fort Worth-Arlington, and Dallas-Plano-Irving, respectively. The top-rated mid-sized city was McAllen-Edinburg-Mission, and Odessa was first among small U.S. cities, with Longview ranked third and Killeen-Temple-Fort Hood fifth. Odessa also was first among all 333 Texas Metropolitan Statistical Areas (MSA) that were judged.

Forbes' list reflects the U.S. Bureau of Labor Statistics' job growth in each size category. Rankings are based on a 10-year analysis of total nonfarm employment in industries including manufacturing, retail and wholesale trade, transportation and utilities, leisure, hospitality, government, and financial, business, educational, and health services.

A nationally unparalleled 95 percent of Texas MSAs reported job growth between August 2007 and 2008.



In the Houston MSA, oil and gas companies account for one-fifth of the workforce and \$15 billion in local payroll. Nancy Tootle, energy industry liaison for Workforce Solutions Gulf Coast, said local energy/petrochemical industry growth requires diverse worker skills to compete globally. *John Foxx/Stockbyte/Getty Images*

Forbes Magazine ‘Top Cities for Jobs’

LARGE CITIES	MIDDLE-SIZED CITIES	SMALL-SIZED CITIES
1. Austin-Round Rock, TX	1. McAllen-Edinburg-Mission, TX	1. Odessa, TX
2. Houston-Sugar Land-Baytown, TX	2. Tulsa, OK	2. Grand Junction, CO
3. San Antonio, TX	3. Lafayette, LA	3. Longview, TX
4. Fort Worth-Arlington, TX	4. Durham-Chapel Hill, NC	4. Houma-Thibodaux, LA
5. Dallas-Plano-Irving, TX	5. Kansas City, MO	5. Killeen-Temple-Fort Hood, TX
6. Seattle-Bellevue-Everett, WA	6. Corpus Christi, TX	6. Laredo, TX
7. Salt Lake City, UT	7. Baton Rouge, LA	7. Athens-Clarke County, GA
8. Raleigh-Cary, NC	8. Shreveport, LA	8. Kennewich-Pasco-Richland, WA
9. Oklahoma City, OK	9. Anchorage, Alaska	9. Morgantown, WV
10. Portland-Beaverton, OR/Vancouver, WA	10. Mobile, AL	10. Bryan-College Station, TX

In support of the state’s mission to attract new business and sustain economic prosperity, the Texas Workforce Commission (TWC) and its 28 local workforce development boards bolster job and industry growth in a number of ways: collaborating with economic development entities, attracting employers with key local labor market information, expediting their hiring efforts using TWC’s WorkInTexas.com online job-matching system, and partnering with colleges to facilitate skilled worker training.

- In Austin, biotechnology and life sciences companies employ nearly 7,000 workers. To train more skilled workers in that high-growth field, Workforce Solutions Capital Area used a \$401,620 grant, teaming up the Austin Chamber of Commerce’s BioAustin Council with Austin

Community College and the University of Texas’ Ray Marshall Center. Sixteen of the 50 students who completed consortium-developed curriculum in biotechnology and molecular diagnostics found or retained jobs in related occupations.

- In the Houston MSA, oil and gas companies account for one-fifth of the workforce and \$15 billion in local payroll. Nancy Tootle, energy industry liaison for

Workforce Solutions Gulf Coast, said local energy/petrochemical industry growth requires diverse worker skills to compete globally. “In the next five years with retirement of baby boomers, we need to train 10,000 people in the petrochemical and refining industry,” Tootle said.

- Using a \$2.3 million TWC Skills Development Fund grant, a Houston-area manufacturing consortium

Although recent job growth figures show the national economic challenges have reached Texas as well, the unprecedented job growth in 2008 has kept the state’s unemployment figures well below the national numbers. Experts say that strong foundation still makes Texas the bright spot in the nation during difficult economic times.

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collaborated with Alvin Community College to create or upgrade 1,255 positions for chemical engineers and technicians.

- In 2008, Workforce Solutions Permian Basin accommodated industry demand for an additional 1,000 Odessa-area workers by providing applicant screening and referring more than 3,000 job seekers to five major oil and gas employers through WorkInTexas.com.
- Collaborating with more than 20 economic development entities and 12 county governments, Workforce Solutions Alamo helped attract Minneapolis-based Medtronic Inc., a leader in medical technology, to San Antonio in 2009. The company's planned 1,400 employees will generate an estimated \$45 million in annual payroll and \$753 million in economic impact, said Charlie Moke, Alamo's business services director. "The information workforce representatives provided on labor costs and the experienced labor pool was instrumental in our decision to expand into San Antonio," said Jeff Ruiz, general manager of Medtronic San Antonio. 🇺🇸

By James A. Johnson



In Austin, biotechnology and life sciences companies employ nearly 7,000 workers. To train more skilled workers in that high-growth field, Workforce Solutions Capital Area used a \$401,620 grant, teaming up the Austin Chamber of Commerce's BioAustin Council with Austin Community College and the University of Texas' Ray Marshall Center. *Stockbyte/Getty Images; Mediomimages/Photodisc/Getty Images*

Ten – no, make that 15 – ways to keep your job

(The first ten on this list originally appeared in the 2nd/3rd Quarters 1998 issue of *Texas Business Today*. Since then, it has appeared on a lot of company bulletin boards and employee break room walls. The last five are new for 2009.)

An Overview

1. Be on time, whether it is with showing up for work, returning from breaks, going to meetings, or turning in assignments.
2. Call in if you know you will be tardy or absent. Most companies treat absences or tardiness without prior notice much more seriously.
3. Try your best; always finish an assignment, no matter how much you would rather be doing something else. It is always good to have something to show for the



Be on time, whether it is with showing up for work, returning from breaks, going to meetings, or turning in assignments. *David De Lossy/Photo-disc/Getty Images*



Be a good team member. Constantly focusing on what makes you different from others, instead of how you fit into the company team, makes you look like someone who puts themselves first, instead of the customer, the team, or the company. *Medioimages/Photodisc/Getty Images*

- time you have spent.
4. Anticipate problems and needs of management - your bosses will be grateful, even if they do not show it.
5. Show a positive attitude - no one wants to be around someone who is a “downer.”
6. Avoid backstabbing, office gossip, and spreading rumors - remember, what goes around comes around. Joining in the office gossip may seem like the easy thing to do, but almost everyone has much more respect - and *trust* - for people who do not spread stories around.
7. Follow the rules. The rules are there to give the greatest number of people the best chance of working together well and getting the job done.
8. Look for opportunities to serve customers and help co-workers. Those who would be leaders must learn how to serve.
9. Avoid the impulse to criticize your boss or the company. It is easy to find things wrong with others - it is much harder, but more rewarding, to find constructive ways to deal with problems. Employees who are known for their good attitude and helpful suggestions are the ones most often remembered at performance evaluation and raise review time.
10. Volunteer for training and new assignments. Take a close look at people in your organization who are “moving up” - chances

15 Commandments of Keeping Your Job

- 1. Be on time.
- 2. Call if you know you will be tardy or absent.
- 3. Try your best; always finish an assignment, no matter how much you would rather be doing something else.
- 4. Anticipate problems and needs of management.
- 5. Show a positive attitude.
- 6. Avoid backstabbing, office gossip, and spreading rumors.
- 7. Follow the rules.
- 8. Look for opportunities to serve customers and help coworkers.
- 9. Avoid the impulse to criticize your boss or the company.
- 10. Volunteer for training and new assignments.
- 11. Avoid the temptation to criticize your company, coworkers, or customers on the Internet.
- 12. Be a good team member.
- 13. Try to avoid ever saying “that’s not my job.”
- 14. Show pride in yourself.
- 15. Distinguish yourself.


are, they are the ones who have shown themselves to be willing to do undesirable assignments or take on new duties.

11. Avoid the temptation to criticize your company, co-workers, or customers on the Internet. Social networking sites like Facebook, MySpace, Twitter, and blogs offer many opportunities to spout off – remember that anyone in the world can find what you put online and that employers can take action against any employee whose online behavior may hurt the company or its business in some way.

12. Be a good team member. Constantly focusing on what makes you different from others, instead of how you fit into the company team, makes you look like someone who puts themselves first, instead of the customer, the team, or the company.

13. Try to avoid ever saying “that’s not my job.” Many, if not most, managers earned their positions by doing work turned down by co-workers who were in the habit of saying that, and they appreciate employees who help get the job done, whatever it is.

14. Show pride in yourself. Never let yourself be heard uttering minority-related slurs or other derogatory terms in reference to yourself or to others. Use of such terms perpetuates undesirable stereotypes and inevitably disturbs others. It also tends to make others doubt your maturity and competence. The best way to get respect is to show respect toward yourself and others.

15. Distinguish yourself. Pick out one or more things in your job to do better than anyone else. Become known as the “go-to” person for such things. That will help managers remember you favorably at times when you really need to be remembered. 

*William T. Simmons
Legal Counsel to
Chairman Tom Pauken*



Avoid backstabbing, office gossip, and spreading rumors - remember, what goes around comes around - joining in the office gossip may seem like the easy thing to do, but almost everyone has much more respect - and trust - for people who do not spread stories around. Pinnacle Pictures/Digital Vision/Getty Images

SitesOnTexas.com showcases all Texas has to offer business

Opening a business or relocating a company can be daunting, to say the least. To help make the undertaking less overwhelming, the Texas Workforce Commission (TWC) developed SitesOnTexas.com, a site-selection tool which has proven to be a valuable resource since its launch in 2005.

SitesOnTexas.com is a virtual one-stop shopping site that provides valuable demographics on employers and workers. Through interactive maps and reports, it gives such information as the percentage of customers who are below the poverty level, as well as where those with disposable income live.

Business Briefs

Through interactive maps and reports, SitesOnTexas.com gives such information as the percentage of customers who are below the poverty level, as well as where those with disposable income live.

The site was developed to merge workforce system strategies with economic development goals across diverse regions of the state by utilizing Web-based geographic information to incorporate data and maps in an online format.

Governor Rick Perry promotes the benefits of using SitesOnTexas.com.

“SitesOnTexas.com users stand at the forefront of our efforts to maintain an exemplary business climate in the state of Texas and ensure that all Texans who are willing and able to work have a job,” Perry said. “I believe that when employers are given the opportunity to examine the Texas record for themselves, they will see that they could not pick a better state in which to run a business.”



TWC Veterans Resource and Referral Specialist Bob Gear (left) counsels a veteran in his job search. *Photo by James A. Johnson*

Fund Equips Employers With Skilled Workers, Vets With Valuable Skills

A \$1 million fund established by the Texas Workforce Commission is providing U.S. military veterans with opportunities for employer-driven skills training.

The Returning Veterans Skills Training Fund allows Texas employers to partner with established job-training providers to help returning veterans obtain skills to meet the needs of the state’s marketplace.

Training providers include community colleges, apprenticeship training programs, and experienced community-based programs.

It is a way for employers to get great workers, veterans to gain valuable employment, and communities to retain local talent.

The training fund fuels the TWC's Texas Veterans Leadership Program's (TVLP) mission to assist veterans exiting the military as they return to civilian life and the workplace.

Twenty-eight Veterans Resource and Referral Specialists assist fellow veterans through TVLP with job-search activities, training opportunities, and other resources in local workforce development areas across Texas.

Modeled after the successful Vietnam Veterans Leadership Program and established by TWC Chairman Tom Pauken during his tenure with the Reagan administration, TVLP ensures that veterans understand that they can find gainful employment and are appreciated for answering their country's call.

Employers may apply for funds that can pay up to \$1,000 toward tuition, books, and fees for each eligible veteran.

Additional information about the training fund and qualifications veterans must meet, as well as the program application, can be found online at www.twc.state.tx.us/svcs/funds/vet_scholarship.html.

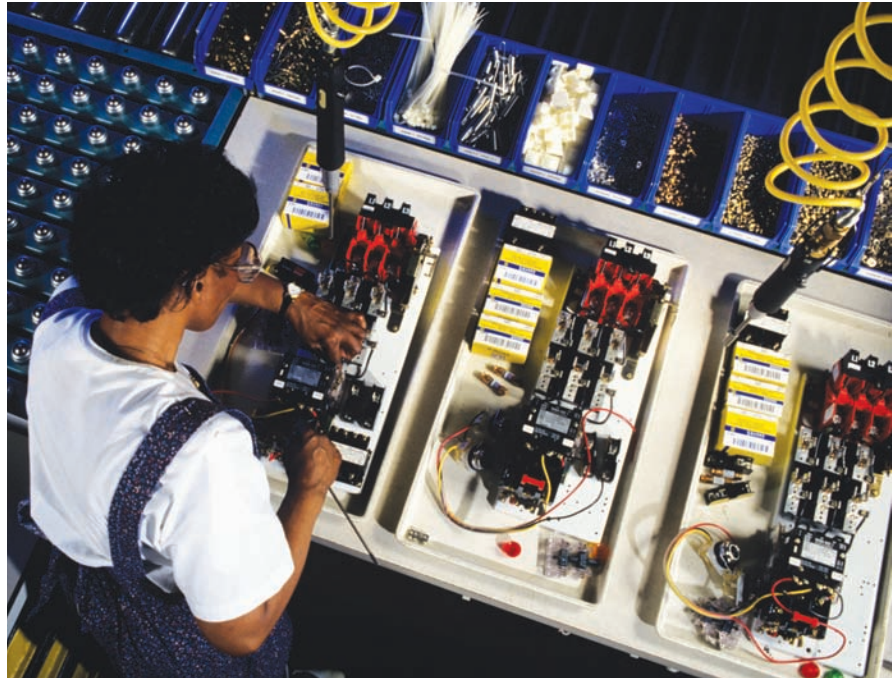
Shared Work Program an Option to Help Employers Avoid Layoffs

What is TWC's Shared Work Program?

The Texas Workforce Commission's (TWC) Shared Work Program assists employers by providing partial unemployment benefits to a portion of their full-time workers when hours must be reduced. The use of Shared Work can help employers avoid layoffs and keep valued employees employed with the company, so that when business picks back up, the company still has its trained workers who know the company and its customers.

How does an employer participate in Shared Work?

Employers must submit a Shared Work Plan application to TWC



Manufacturing is one industry sector that could benefit from TWC's Shared Work Program. *Kim Steele/Photodisc/Getty Images*

listing all employee names and Social Security numbers to be included in the plan. To receive unemployment benefits through a shared work plan, the reduction in employees' hours must result in pay cuts between 10 and 40 percent each week. Once approved, the plan is active for 12 months, at which time the employer may reapply. Employers also may have more than one shared work plan per unit within their organization, as long as at least 10 percent of the employees in that unit are affected.

Does participation in the Shared Work Program affect employer tax accounts?

Yes. The amount of unemployment benefits paid under shared work plans are charged back against employers' accounts for use in computing tax rates. Shared Work Plans will affect employers' tax rates proportionally, the same way that other chargebacks of benefits do, but not to the same degree as a total layoff.

How are employees paid benefits?


Once approved, an employer's Shared Work Plan can be

implemented. Employers provide a bi-weekly shared work continued claim list of participating employees to TWC so that they can be paid. Workers who qualify for unemployment benefits will receive both wages and shared work benefits. The benefit amount is equal to the percentage of their regular unemployment benefits that matches the employers' Shared Work Plan.

Can an employer put individuals or groups back to work full-time for a week or two and then continue the plan?

Yes. TWC's Shared Work Program is designed to be flexible in allowing businesses to put individuals or groups back to work full-time as needed.

Where can employers get additional information or request a Shared Work packet?

We are eager to help! Please contact TWC's Shared Work unit at (512) 463-2999, or send an e-mail to ui.sharedwork@twc.state.tx.us. 

U.S. Supreme Court Rules in Connecticut Reverse Discrimination Firefighter Case

On June 29, 2009, the U.S. Supreme Court issued its decision in *Ricci v. DeStefano*, the closely watched case involving firefighters who sued the city of New Haven, Connecticut for reverse discrimination. The Court ruled 5 to 4

Legal Briefs

to reverse the Second U.S. Circuit Court of Appeals

that had ruled in favor of New Haven. Basically, the Supreme Court held that New Haven improperly tossed out the results of promotional exams because no African American candidates scored high enough to be promoted.

The Facts

In 2003, New Haven administered examinations to evaluate which firefighters were the most qualified to promote to vacant captain and lieutenant positions. Because the minority candidates scored disproportionately lower on the tests and New Haven feared that the minority firefighters would file a lawsuit, the city decided to throw the tests out. In response, 18 white (including one Hispanic) firefighters who got high scores on the exam but were denied promotions sued the city, asserting that they were victims of reverse discrimination. (Reverse discrimination takes place when the favoring of one historically disadvantaged group results in discrimination against a historically advantaged group.)

In 2006, a federal district court held that New Haven did not discriminate against the white firefighters, and a three-judge Second Circuit panel affirmed the district court's decision in a brief, unsigned opinion.

The Supreme Court disagreed, holding that the city of New Haven



In 2003, New Haven administered examinations to evaluate which firefighters were the most qualified to promote to vacant captain and lieutenant positions. Because the minority candidates scored disproportionately lower on the tests and New Haven feared that the minority firefighters would file a lawsuit, the city decided to throw the tests out. *Stockbyte/Getty Images*

violated Title VII of the Civil Rights Act of 1964 by throwing out the promotion tests, and that the white firefighters were unfairly denied promotion because of their race. Writing for the majority, Justice Anthony Kennedy wrote, "Fear of litigation alone cannot justify the City's reliance on race to the detriment of individuals who passed the examinations and qualified for promotions." He was joined in the majority by Chief Justice John Roberts and Justices Samuel Alito, Antonin Scalia, and Clarence Thomas.

Now What?

In many ways, the ruling in *Ricci* raises as many questions as it answers. The ruling does not eliminate, but does restrict, employers' ability to consider diversity in making employment decisions. Some labor and

employment lawyers suggested that employers that act to preserve and encourage racial, age and gender diversity will need to proceed with caution to avoid reverse discrimination lawsuits.

For example, Philadelphia labor lawyer Mark Dichter said that a business might be sued under *Ricci* for scrapping a round of unannounced layoffs because racial minorities, women, or older workers would be disproportionately impacted, and substituting a different method that affected other workers. According to Dichter, "If those facts came out, it would certainly support a reverse discrimination claim."

The Court's decision in this case could have a big impact on diversity and discrimination issues in employment in the future, and could affect employers and workers nationwide. 🇺🇸

Harassment and disrespect toward others in the workplace

As enlightened as we like to think we have become about respect for ourselves and each other as individuals, it can be unsettling when we encounter someone who has not reached that point. One dilemma for employers is determining how to deal with employees who seem too preoccupied with their own and others' personal characteristics. Many employers trying to maintain an atmosphere of mutual respect and equal employment

An Overview

opportunity are struggling with that one. It seems that the more progress is made on the legal front against stereotyping and discrimination, the more people want to stick with the old ways of grouping themselves and others by race and other characteristics. It may just be human nature to do that to a certain extent, but an employer does not have to tolerate it beyond a certain point. What many companies are doing is adopting a policy reminding employees of the importance of maintaining an atmosphere in the workplace of mutual respect and equal employment opportunity. The following sample wording illustrates such a policy:



Policy on Harassment and Disrespect Toward Others

To promote equal employment opportunity for all employees, XYZ Company ("XYZ") strives to maintain an atmosphere of mutual respect and understanding in the workplace. Toward that end, XYZ considers the use of demeaning, belittling, humiliating, insulting,

As enlightened as we like to think we have become about respect for ourselves and each other as individuals, it can be unsettling when we encounter someone who has not reached that point. *Ryan McVay/Photodisc/Getty Images*

or other forms of disrespectful language toward or about yourself or others to be unacceptable. One or more of the following tests may be useful in determining whether particular terms are unacceptable under this policy:

- 1) Whether you would feel discriminated against or insulted if someone else who is different from you were to use that term when referring to you or speaking to you about

Tests To Determine Possible Harassment or Disrespect

- 1) Whether you would feel discriminated against or insulted if someone else who is different from you were to use that term when referring to you or speaking to you about someone else;
- 2) Whether referring to yourself or another person in such a way would tend to segregate yourself or others on a minority basis;
- 3) Whether such terminology tends to perpetuate racial, ethnic, gender, religious, age-related, or other minority stereotypes; and
- 4) Whether such terms would make an ordinary person feel belittled, needed, or picked on.

- 2) Whether referring to yourself or another person in such a way would tend to segregate yourself or others on a minority basis;
- 3) Whether such terminology tends to perpetuate racial, ethnic, gender, religious, age-related, or other minority stereotypes; and
- 4) Whether such terms would make an ordinary person feel belittled, needed, or picked on.

While the context of such statements can be important in judging whether the statements violate this policy, in general, XYZ will consider any such language unacceptable and will

follow up on any complaints it receives.

The following examples illustrate what is unacceptable under this policy (the list is not exhaustive and is only a general guide):

- Slurs and other disrespectful terms relating to a person’s race, color, religion, age, national origin, citizenship status, gender, sexual orientation, or disability
- Excessive or habitual use of terms relating to a person’s characteristics
- Referring to people in terms of their assumed nationalities

- Words relating to gender stereotypes
- Profane or obscene references to yourself or others

It is no excuse that you apply an unacceptable term to yourself. Such terms inevitably disturb others, even if they do not say so out loud. Further, they perpetuate unfavorable stereotypes and contribute toward a hostile work environment. While we are all different, and appreciate everything that makes us unique individuals, there is no need to dwell upon those differences to the point where we become preoccupied with ourselves and what separates us from one another. We are all employees here, we are team members, and we are united in working to give our customers the best possible value and experience with our company.

In sum, using unacceptable language in the workplace calls into question the speaker’s maturity, judgment, and suitability as a team member. Such language will not be tolerated. Depending upon the severity and repeat nature of a particular offense, a violation of this policy will result in appropriate corrective action, up to and potentially including

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What many companies are doing is adopting a policy reminding employees of the importance of maintaining an atmosphere in the workplace of mutual respect and equal employment opportunity. Ryan McVay/Photodisc/Getty Images

termination of employment. XYZ hopes that no such action will be necessary, but will act where action is needed.

Disclaimer: this is only a sample policy and does not constitute an official policy or pronouncement of the Texas Workforce Commission or the State of Texas. It is adapted from a policy created for the author’s clients while out in private practice. As is the case with any of the sample policies and employment forms found in the book *Especially for Texas Employers* (online at www.twc.state.tx.us/news/eft/tocmain.html), it is best to have such a policy reviewed by an employment law attorney of your choice who can consider all of the factors and aspects of the situation and determine whether the policy meets a particular company’s needs.

As with any other aspect of personal responsibility and work ethic that employees should have acquired while growing up, it can be awkward when an employer has to help an employee learn about the importance of self-respect and respect toward others. However, it is important to try. There are simply too many unavoidable factors that make it difficult for employers to successfully compete – an employer should not have to worry about employees defaming or denigrating themselves or others through intemperate language. 🇹🇽

*William T. Simmons
Legal Counsel to
Chairman Tom Pauken*

Unacceptable Behaviors Under a Sample Harassment Policy

- Slurs and other disrespectful terms relating to a person’s race, color, religion, age, national origin, citizenship status, gender, sexual orientation, or disability
- Excessive or habitual use of terms relating to a person’s characteristics
- Referring to people in terms of their assumed nationalities
- Words relating to gender stereotypes
- Profane or obscene references to yourself or others

Please join us for an informative, full-day conference to help you avoid costly pitfalls when operating your business and managing your employees. We have assembled our best speakers to discuss state and federal legislation, court cases, workforce development and other matters of ongoing concern to Texas employers.

Topics have been selected based on the hundreds of employer inquiry calls we receive each week, and include such matters as the Urban Legends of Texas Employment Law and the Basics of Hiring, Texas and Federal Wage and Hour Laws, Employee Policy Handbooks: Creating Your Human Resources Roadmap, Employee Privacy Rights, Handling Employee Medical Issues and Unemployment Insurance: Stay in the Game and Win. To keep costs down, lunch will be on your own. The registration fee is \$85.00 and is non-refundable. Seating is limited, so please make your reservations early if you plan to attend.

For more information, go to www.texasworkforce.org/events.html

Upcoming Texas Business Conferences

Odessa August 28, 2009

Fort Worth..... September 18, 2009

S. Padre Island* ... October 8 & 9, 2009

Victoria..... October 23, 2009

Denton January 22, 2010

College Station March 26, 2010

Corpus Christi April 30, 2010

* \$125 registration fee

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