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TRANSCRIPT OF PROCEEDINGS  
BEFORE THE  
TEXAS WORKFORCE COMMISSION  
AUSTIN, TEXAS

PUBLIC MEETING )  
FOR THE TEXAS )  
WORKFORCE COMMISSION )

COMMISSION MEETING  
WEDNESDAY, JANUARY 17, 2018

BE IT REMEMBERED THAT at 3:00 p.m. on  
Wednesday, January 17, 2018, the above-entitled matter came  
on for hearing at the Texas Workforce Commission, TWC  
Building, 101 East 15th Street, Room 244, Austin, Texas,  
before ANDRES ALCANTAR, Chairman; JULIAN ALVAREZ and RUTH R.  
HUGHS, Commissioners

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P R O C E E D I N G S

WEDNESDAY, JANUARY 17, 2018

(3:00 p.m.)

AGENDA ITEM NO. 1

CHAIRMAN ALCANTAR: Good afternoon, everyone.

This meeting is now called to order. Good afternoon Ms. Miller.

MS. MILLER: Good afternoon.

AGENDA ITEM NO. 2

Discussion, Consideration and Possible Action Regarding Whether to Assume Continuing Jurisdiction on Unemployment Compensation Cases, Wage Claim Cases, and/or Tax Liability Cases and Reconsideration of Unemployment Compensation Cases, Wage Claim Cases, and/or Tax Liability Cases, if Any.

No Discussion.

AGENDA ITEM NO. 3

Discussion, Consideration and Possible Action Regarding Tax Liability Cases Listed on the Texas Workforce Commission Docket 3.

The Commission considered and took action on all tax liability cases listed on Docket 3.

AGENDA ITEM NO. 4

Discussion, Consideration and Possible Action Regarding Fair Housing Cases listed on the Texas Workforce

1 Commission Docket 3.

2 No Discussion.

3 AGENDA ITEM NO. 5

4 Discussion, Consideration and Possible Action  
5 Regarding Higher Level Appeals in Wage Claim Cases Listed on  
6 the Texas Workforce Commission Docket 3

7 The Commission considered and took action on  
8 all wage claim cases listed on Docket 3.

9 AGENDA ITEM NO. 6

10 Discussion, Consideration and Possible Action  
11 Regarding Higher Level Appeals in Unemployment Compensation  
12 Cases Listed on the Texas Workforce Commission Docket 3.

13 The Commission considered and took action on  
14 all unemployment compensation cases listed on Docket 3.

15 AGENDA ITEM NO. 7

16 CHAIRMAN ALCANTAR: Good afternoon everyone.  
17 We are back in session. Les, has anyone signed up for  
18 public comment?

19 MR. TROBMAN: No.

20 CHAIRMAN ALCANTAR: We have no public  
21 comment.

22 AGENDA ITEM NO. 8

23 CHAIRMAN ALCANTAR: Item 8, Discussion,  
24 Consideration and Possible Action Regarding the Acceptance  
25 of Pledges for Board Contract Year 2018. Jennifer, good

1 afternoon.

2 MS. TROKE: Hello. Good afternoon Chairman,  
3 Commissioners and Mr. Temple. For the record, Jennifer  
4 Troke, Workforce Development Division. Annually, local  
5 Workforce Development boards submit local match pledges to  
6 secure Federal childcare funds pursuant Commission Rule  
7 800.73. This will be a standing agenda item as boards may  
8 continue to submit match agreements through January 31st,  
9 2018.

10 Today staff requests Commission acceptance of  
11 childcare pledges for donations, transfers and  
12 certifications of expenses in the amount of \$5,028,701.  
13 Thank you.

14 CHAIRMAN ALCANTAR: Thank you, Jennifer.  
15 Commissioner Hughs?

16 COMM. HUGHS: I move that we accept the  
17 pledges for board contract year 2018 childcare matching  
18 funds.

19 COMM. ALVAREZ: I'll second that.

20 CHAIRMAN ALCANTAR: We are unanimous.

21 MS. TROKE: Thank you.

22 AGENDA ITEM NO. 9

23 CHAIRMAN ALCANTAR: Item 9, Discussion,  
24 Consideration and Possible Action Regarding the Estimated  
25 Unemployment Trust Fund Balance Pursuant to Texas Labor Code

1 and the Estimated Employment and Training Investment Holding  
2 Fund Balance. Randy. Good afternoon, Randy.

3 MR. TOWNSEND: Good afternoon, Chairman,  
4 Commissioners. For the record, Randy Townsend, Chief  
5 Financial Officer.

6 Commissioners, I'm presenting to you this  
7 afternoon the unemployment trust fund balance that we're  
8 estimating for this coming October, for 2018. Let me just  
9 run through briefly the status of the trust fund. We began  
10 the year, this past October, at 1.1-billion roughly. We  
11 expect that we will add about 2.4 billion in collections  
12 from Texas employers.

13 In addition, we expect to add interest  
14 earnings on the balance of the trust fund of some 30-  
15 million. And then when you take into account the remaining  
16 portion of the obligation assessment that we will wrap up  
17 collecting for this past calendar year shortly, we'll add  
18 61-million or so to the trust fund.

19 Deducting reducing the estimated unemployment  
20 benefits payments by some 2.2-billion, we estimate that the  
21 trust fund balance on October 1st or September 30th this  
22 coming year, will be just over 1.4-billion; 1,447,000,000 is  
23 our current estimate. When you compare that 1.4-billion  
24 number to what we estimate the trust fund floor will be,  
25 which is right around 1.1-billion, we are now estimating we

1 will be above the floor on the floor test date of October  
2 1st of this year, of about 318-million. So, we continue to  
3 show improvement in the -- in what we're estimating as far  
4 as the balance of the trust fund. All good news.

5           Just with regard to the employment and  
6 training investment assessment, the fund 5128, we began the  
7 year with a balance of 60-million. We expect to add about  
8 113-million to that fund. If you take into account the  
9 collection expense, we expect to end the year with a balance  
10 of 173-million. And that does take into account the  
11 transfer of the holding fund amount to fund our skills  
12 program for the '18-'19 biennium.

13           Let me just share with you finally some of  
14 the recent trends for the unemployment trust fund. We had  
15 weekly benefits paid out, this would be for the six weeks  
16 ending December 30th of '17, of about 41-million. That was  
17 a reduction of about 20 percent from the same time a year  
18 ago. The initial claims were about 13,000 for the ending of  
19 December of '17. That was down about five percent from one  
20 year ago on initial claims and continued claims was -- were  
21 about 129,000 for the continuing claims, that was about 15  
22 percent below the one year ago average for continuing  
23 claims.

24           So, again, the trends are looking good at  
25 this point as far as the unemployment trust fund goes and



1 that concludes my presentation for this afternoon. If you  
2 have questions or comments.

3 CHAIRMAN ALCANTAR: That's certainly good  
4 news. Commissioners?

5 COMM. HUGHS: Thank you for the update.

6 COMM. ALVAREZ: Thank you, Randy.

7 MR. TOWNSEND: Thank you.

8 CHAIRMAN ALCANTAR: Thank you.

9 AGENDA ITEM NO. 10

10 CHAIRMAN ALCANTAR: Item 10, Discussion,  
11 Consideration, Possible Action Regarding Revisions to the  
12 Texas Workforce Commissions Ethics Policy. Les? Good  
13 afternoon, sir.

14 MR. TROBMAN: Good afternoon. Good  
15 afternoon, Chairman, Commissioners, Mr. Temple. For the  
16 record, Les Trobman, General Counsel. Texas Government Code  
17 Section 572.051 requires that each state agency adopt an  
18 ethics policy regarding standards of conduct in conflicts of  
19 interest to be observed by persons owing a responsibility to  
20 the people and government of this state in the performance  
21 of their official duties.

22 The current agency ethics policy was approved  
23 by the Commission in 2007. The agency ethics policy brought  
24 before you today for your consideration continues to contain  
25 sections based on the various state and federal laws. It

1 has been updated and refreshed based on statutory changes,  
2 published guidance and opinions from the ethics commission  
3 and from the Attorney General, as well as prior ethics  
4 inquiries that we have received from our agency staff.

5           Should the Commission approve the revised  
6 policy, a communication will be broadcast to agency staff  
7 regarding this re -- the revisions. The communication will  
8 include a link to the new agency ethics internet page at the  
9 same time.

10           And with that, I'm available to answer any  
11 questions you may have.

12           CHAIRMAN ALCANTAR: Commissioners, do we have  
13 any questions? Commissioner Hughs?

14           COMM. HUGHS: I move that we approve the  
15 discussed revisions, subject to any technical or grammatical  
16 changes to TWC's ethics polices to be effective immediately.

17           COMM. ALVAREZ: Les, thank you to you and  
18 your staff for the great work and with that, I second that.

19           CHAIRMAN ALCANTAR: We are unanimous. Thank  
20 you, Les.

21   AGENDA ITEM NO. 11

22           CHAIRMAN ALCANTAR: Item 11. Discussion,  
23 Consideration and Possible Action Regarding the  
24 Acknowledgements of Gifts and Donations of \$500 or more in  
25 Value Given to the TWC. Les?

1 MR. TROBMAN: Again, for the record, Les  
2 Trobman, General Counsel. Section 301.021 of the Labor Code  
3 and Chapter 571 of the Government Code require that the  
4 Commission acknowledge or accept a gift or donation made to  
5 Commission in an open meeting. The name of the donor, a  
6 description of the gift or donation and a statement of the  
7 purpose of the gift or donation must be reported in the  
8 public records of the Commission.

9 The gifts and donations before you today for  
10 your consideration have been reviewed by the Executive  
11 Director in accordance with TWC rules and are presented for  
12 your acknowledgement and acceptance, all in accordance with  
13 section 301.021 of the Labor Code and Chapter 575 of the  
14 Government Code.

15 With that, I'm available to answer any  
16 questions you may have.

17 CHAIRMAN ALCANTAR: Commissioner, do you --  
18 do we have any questions? Commissioner Hughs?

19 COMM. HUGHS: I move that we acknowledge and  
20 accept the gifts and donations of \$500 or more in value  
21 given to the Texas Workforce Commission.

22 COMM. ALVAREZ: I'll second that.

23 CHAIRMAN ALCANTAR: We are unanimous. Thank  
24 you, Les.

25 AGENDA ITEM NO. 12

1 CHAIRMAN ALCANTAR: Item 12, Discussion,  
2 Consideration and Possible Action Regarding the two Proposed  
3 Determinations of Cause. Lowell Keig.

4 MR. KEIG: Good afternoon. Lowell Keig,  
5 Director of the Civil Rights Division.

6 Today you have two equal employment  
7 opportunity cases before you. In the first case, under EEOC  
8 number 31C-2016-01373C and TWC number 1A16824, there is one  
9 claim about a failure to accommodate.

10 Do you approve the staff recommendation of a  
11 finding of reasonable cause on the claim of failure to make  
12 a reasonable accommodation? Commissioner Hughs?

13 COMM. HUGHS: At this time, I'm going to  
14 abstain from voting.

15 MR. KEIG: Okay. Commissioner Alvarez?

16 COMM. ALVAREZ: I'll approve.

17 MR. KEIG: Thank you. Chairman Alcantar?

18 CHAIRMAN ALCANTAR: Approve the staff's  
19 recommendation.

20 MR. KEIG: In the second case, under EEOC  
21 number 31C-2016-01510C and TWC number 1A16872, there are  
22 four claims.

23 The first claim is that of sexual harassment.  
24 Do you approve the staff recommendation of a finding of  
25 reasonable cause on the claim of sexual harassment?

1 Commissioner Hughs?

2                   COMM. HUGHS: To the extent I am statutorily  
3 obligated to step into the shoes of the former commission on  
4 human rights, in that capacity I support staff's  
5 recommendation.

6                   MR. KEIG: Thank you. Commissioner Alvarez?

7                   COMM. ALVAREZ: I, as well, approve.

8                   MR. KEIG: Chairman Alcantar?

9                   CHAIRMAN ALCANTAR: Approve the staff's  
10 recommendation.

11                   MR. KEIG: The second claim is for  
12 constructive discharge.

13                   Do you approve the staff recommendation of a  
14 finding of reasonable cause on the claim of constructive  
15 discharge? Commissioner Hughs?

16                   COMM. HUGHS: As stated previously, based on  
17 my role in this voting, I do support the staff's  
18 recommendation.

19                   MR. KEIG: Thank you. Commissioner Alvarez?

20                   COMM. ALVAREZ: I approve.

21                   MR. KEIG: Thank you. Chairman Alcantar?

22                   CHAIRMAN ALCANTAR: Approve.

23                   MR. KEIG: The third claim is for retaliation  
24 by providing fewer hours -- fewer hours and less productive  
25 shifts, resulting in a decrease in wages.

1 Do you approve the staff recommendation of a  
2 finding of reasonable cause on the claim of retaliation by  
3 providing fewer hours and less productive shifts?

4 Commissioner Hughs?

5 COMM. HUGHS: Adopting my previous comments,  
6 I do support the staff's recommendation.

7 MR. KEIG: Thank you. Commissioner Alvarez?

8 COMM. ALVAREZ: I approve.

9 MR. KEIG: And Commissioner Alcantar?

10 CHAIRMAN ALCANTAR: Approve the staff's  
11 recommendation.

12 MR. KEIG: The fourth and final claim is for  
13 retaliation based on the respondent's statement that the  
14 complainant was banned from employment at other businesses.

15 Do you approve the staff recommendation of a  
16 finding of reasonable cause on the claim of retaliation for  
17 stating complainant was banned? Commissioner Hughs?

18 COMM. HUGHS: In this capacity, I do support  
19 the staff's recommendation based on our statutory rule in  
20 these matters.

21 MR. KEIG: Thank you. Commissioner Alvarez?

22 COMM. ALVAREZ: I, as well, approve.

23 MR. KEIG: Thank you. And Commissioner  
24 Alcantar -- I'm sorry. Chairman Alcantar.

25 CHAIRMAN ALCANTAR: That's fine.

1 Commissioner -- I approve the staff's recommendation. Thank  
2 you.

3 MR. KEIG: Thank you. This concludes my  
4 presentation.

5 CHAIRMAN ALCANTAR: Thank you, sir.

6 COMM. HUGHS: Thank you, Lowell.

7 AGENDA ITEM NO. 13

8 CHAIRMAN ALCANTAR: Item 13, Discussion,  
9 Consideration and Possible Action Regarding Recommended  
10 Changes to Pathways to Careers for Students with  
11 Disabilities. Good afternoon.

12 MS. GEIGER: Good afternoon, Mr. Chairman,  
13 Commissioners and Mr. Temple. Carline Geiger for Vocational  
14 Rehabilitation.

15 This afternoon, I'm bringing for your  
16 consideration an approval proposed changes to Pathways to  
17 Careers.

18 On January 31st, 2017, the Commission  
19 approved five strategies as part of the VR Pathways to  
20 Careers Initiative, PCI, to support the provision of Pre-  
21 Employment Transition Services (Pre-ETS). Those five  
22 strategies are listed in your document.

23 Staff is recommending revisions to the  
24 parameters of some of the strategies. These revisions will  
25 assist VR to expand Pre-ETS funding and serve additional

1 students with disabilities. The staff offers the following  
2 recommendations for Commission consideration:

3           Number one, Summer Earn and Learn (SEAL). In  
4 September, the Commission approved 6.75-million for Summer  
5 Earn and Learn in 2018, with the goal of having 2,500  
6 students participate in the program. Staff requests that  
7 the target number of students to be served by each board  
8 serve as an initial target and the boards be encouraged to  
9 serve more students, if possible.

10           Staff also recommends that the funding  
11 distribution to each board serve as a guideline and that the  
12 boards be paid based on the completion of defined  
13 deliverables, such as outreach and recruitment, work  
14 readiness training, and paid work experience. This payment  
15 structure will allow the boards flexibility to serve more  
16 students if possible and is consistent with the parameters  
17 of a vendor contract.

18           Number two, the second initiative previously  
19 approved was Charting the Course. We do not have any  
20 modifications to recommend there.

21           Number three, the third initiative previously  
22 approved was Career Pathways Academies. We would like to  
23 postpone consideration of changes in this strategy and bring  
24 this back to you at a future meeting.

25           Number four, Explore STEM! This strategy is



1 intended to spark an interest in the STEM fields for  
2 students with disabilities. It was initially recommended to  
3 be a one-week residential experience. To maximize the use  
4 of Pre-ETS funds, staff recommends focusing on non-  
5 residential programs rather than residential programs.

6 In addition, rather than limiting the number  
7 of Explore STEM! programs to 10 to 12, and the total cost  
8 for the strategy to \$1-million, staff recommends increasing  
9 the budget to \$3-million to fund as many quality  
10 applications as possible. Staff proposes to notify all  
11 public community and technical colleges and universities of  
12 this opportunity and to enter into inter-agency contracts  
13 with the colleges and universities that respond to the  
14 notification that they are interested and have the capacity  
15 to develop the Explore STEM! camps.

16 Number five, transition planning for students  
17 in private and home schools. This project is intended to  
18 foster partnerships that advance the participation and  
19 engagement of students with disabilities enrolled in private  
20 and home school education.

21 Initially, staff recommended an RFP up to  
22 \$500,000 to fund up to eight quality programs. Upon further  
23 consideration, staff recommends issuing an open enrollment  
24 rather than an RFP, to allow any qualifying entity to apply  
25 for and receive these funds and to fund as many quality

1 applications as possible. Each proposal will still include  
2 a work-based learning component and eligible respondents  
3 will still include private secondary schools, local  
4 workforce boards, non-profits and other community-based  
5 organizations that are able to demonstrate partnerships with  
6 employers and organizations that have experience to provide  
7 Pre-ETS to students with disabilities.

8 Do you have any questions?

9 CHAIRMAN ALCANTAR: Commissioners, any  
10 questions on these items?

11 COMM. ALVAREZ: The only thing on my mind is  
12 will you all have an opportunity at a later date to go into  
13 detail if we have any recommendations or any concerns  
14 regarding these? To visit with us?

15 MS. GEIGER: Sure.

16 COMM. ALVAREZ: To visit with us?

17 MS. GEIGER: Absolutely.

18 COMM. ALVAREZ: Based on all this? Thank  
19 you.

20 CHAIRMAN ALCANTAR: Commissioner Hughs?

21 COMM. HUGHS: I move that we approve the  
22 discussed staff recommended changes to Pathways to Careers  
23 for Students with Disabilities as amended.

24 COMM. ALVAREZ: I'll second that.

25 CHAIRMAN ALCANTAR: We are unanimous. Thank

1 you.

2 CARLINE GEIGER: Thank you.

3 AGENDA ITEM NO. 14

4 CHAIRMAN ALCANTAR, Item 14, Discussion,  
5 Consideration and Possible Action Regarding Policy Concepts  
6 on Amendments to Texas Administrative Code Chapter 40 --  
7 five -- 852, 854 and 856, Relating to Criss Cole.

8 MS. GEIGER: Again, for the record, Carline  
9 Geiger for Vocational Rehabilitation.

10 Criss Cole Rehab Center is a VR program and  
11 is available for VR customers who are blind or deaf blind.  
12 CCRC provides evaluation, training and related services in a  
13 residential and community setting to help customers achieve  
14 their employment goals.

15 In their present form, the CCRC rules are not  
16 aligned with current TWC operation of the program. Rule  
17 revisions to add the deaf/blind definition and service  
18 eligibility criteria are needed. Services must be added to  
19 accommodate the deaf/blind community. The independent  
20 living case designation and plan need to be removed from the  
21 eligibility criteria. Also, the rules require restructuring  
22 and certain terms and references need to be updates  
23 throughout the rules.

24 Staff recommends amending TWC Chapter 854 to  
25 repeal Subchapter A, CCRC rules, and to adopt the rules into

1 Chapter 856, new Subchapter G, with some revisions to align  
2 the VR program at CCRC with the current TWC operation of the  
3 program.

4 Staff also recommends moving TWC's Chapter  
5 856, current Subchapter G, Certificate of Blindness or  
6 Tuition Waiver, to Subchapter 856, new Subchapter H. The  
7 relocation of current Subchapter G to new Subchapter H,  
8 would make possible the movement of Chapter 854, CCRC rules  
9 to chapter 856, new Subchapter G.

10 Finally, staff recommends repealing TWC's  
11 Chapter 852, Purchase of Medical Goods and Services by the  
12 Texas Workforce Commission VR Services and adopting the  
13 rules in chapter 856, incorporating revisions to align this  
14 purchasing rule with TWC procurement and programmatic  
15 operation.

16 Do you have any questions?

17 CHAIRMAN ALCANTAR: Commissioner Hughs?

18 COMM. HUGHS: I move that we approve the  
19 discussed policy concept regarding Chapters 852, 854 and  
20 856, related to the Criss Cole Rehabilitation Center and  
21 Purchasing as recommended by staff.

22 COMM. ALVAREZ: I'll second that.

23 CHAIRMAN ALCANTAR: We are unanimous.

24 AGENDA ITEM NO. 15

25 CHAIRMAN ALCANTAR: Item 15, Discussion,

1 Consideration and Possible Action Regarding Policy Concept  
2 for Independent Living Services for Older Individuals Who  
3 Are Blind.

4 MS. GEIGER: For the record again, Carline  
5 Geiger.

6 The ILSOIB Program addresses services for  
7 older individuals who are blind. The existing rules are not  
8 aligned with the current TWC operation of the program.  
9 Before the transition to TWC, rules facilitating an agency-  
10 operated program were removed in anticipation of the  
11 integration and outsourcing of all IL programs administered  
12 by legacy DARS. When a decision was made by the  
13 Rehabilitation Services Administration that prohibited TWC  
14 and HHSC from implementing an outsource model, TWC was  
15 required to administer the ILSOIB program as a standalone  
16 program.

17 The ILSOIB rules were removed under DARS and  
18 now need to be readopted by TWC. Further, moving the ILSOIB  
19 rules into their own chapter will improve organization of  
20 the rules. Staff recommends amending TWC Chapter 854 rules  
21 to repeal the ILSOIB rules and to adopt the rules in new  
22 Chapter 853, to include revisions to align the VRD program  
23 with TWC's operation of the program.

24 Several of the new sections were DARS rules  
25 that were removed to accommodate the previous plans for

1 outsourcing the program. The former wording would need to  
2 be rearranged and slightly revised to fit with TWC  
3 procedures.

4 Do you have any questions?

5 CHAIRMAN ALCANTAR: Commissioner Hughs?

6 COMM. HUGHS: I move that we approve the  
7 discussed policy concept regarding Chapter 854 relating to  
8 the Independent Living Services for Older Individuals who  
9 are Blind program.

10 COMM. ALVAREZ: I'll second that.

11 CHAIRMAN ALCANTAR: We are unanimous.

12 MS. GEIGER: Thank you.

13 AGENDA ITEM NO. 16

14 CHAIRMAN ALCANTAR: Item 16, Discussion,  
15 Consideration and Possible Action Regarding Publication for  
16 Public Comment of Proposed Rules Relating to the  
17 Apprenticeship Training Program. Jason, good afternoon.

18 MR. VADEN: Good afternoon, Commissioners.  
19 For the record, Jason Vaden, Workforce Division.

20 On October 31st of 2017, the Commission  
21 approved a policy concept regarding amendments to TWC's  
22 Chapter 837 Apprenticeship rules based on the 8th Texas  
23 Legislature's enactment of House Bill 2790. Prior to the  
24 passage of House Bill 2790, grant funds were distributed to  
25 local education agencies which acted as fiscal agents for

1 registered apprenticeship training programs.

2 Now, a registered apprenticeship training  
3 program's apprenticeship committee may apply for Chapter 133  
4 funding without partnering with a public school district or  
5 local education agency.

6 This morning, Staff seeks direction on the  
7 proposed modifications to the Chapter 837 apprenticeship  
8 rules so that they may be published in the Texas Register  
9 for a 30-day public comment period.

10 That concludes my remarks and I'm happy to  
11 answer questions if you have any.

12 CHAIRMAN ALCANTAR: Commissioners?  
13 Commissioner Hughs?

14 COMM. HUGHS: I move that we approve the  
15 proposed rules relating to Chapter 837 to be published in  
16 the Texas Register for public comment.

17 COMM. ALVAREZ: I'll second that.

18 CHAIRMAN ALCANTAR: We are unanimous. Thank  
19 you, Jason.

20 AGENDA ITEM NO. 17

21 CHAIRMAN ALCANTAR: There is no discussion on  
22 Item 17.

23 AGENDA ITEM NO. 18

24 CHAIRMAN ALCANTAR: Item 18, Discussion,  
25 Consideration and Possible Action Regarding Guidance on

1 Resource Utilization and Implementation of Services and  
2 Strategies, related to Hurricane Harvey. Do we have an  
3 update, Larry?

4 MR. TEMPLE: Yes. Well, Jen is going to give  
5 you an update on where we are. On the -- and LaSha, I --  
6 other than the -- all the application dates have run on the  
7 DUA, so, that's beginning to -- to fall out. And y'all,  
8 come up and -- LaSha's got numbers of what we've spent in  
9 benefits so far. And I think we sent a note around of kind  
10 of where that trending is going. We were thinking somewhere  
11 in the 170, 175 range and we may be a million, we may be a  
12 little short of that, but it's still going to be pretty  
13 close. So, our original -- our original request in Congress  
14 to make the trust fund whole is we -- we've pretty much kept  
15 it where it was.

16 On that front as well, it looks like  
17 Congress, the committees, are amenable to some help on the  
18 childcare match as it relates to the -- to the disaster-  
19 related counties. I think Randy said this could be about  
20 maybe 20 percent or so of the -- of match, so, that -- that  
21 could help us.

22 Still looking at the issue on the -- the  
23 match for the RSA dollars. We did determine today that  
24 California did get some reallocation money that was after  
25 their -- their first fires in the wine country, so we're



1 working now to try to get that messaging. Puerto Rico did  
2 not receive any, but, maybe if we could get and we're able  
3 to include California in this as eligible states to have the  
4 waiver match of the -- the match waived, that that may be  
5 something that we could get the one Senator that's holding  
6 out because he said it wasn't fair to other states, so,  
7 that's kind of an update on where we -- we're still waiting  
8 from DOL on the issue on the clarification on eligibility.  
9 Expect something any day now, but not real sure if it's  
10 going to be exactly as we asked, but -- and LaSha?

11 MS. LENZY: Good afternoon. LaSha Lenzy,  
12 Unemployment Insurance Commission. Hope everybody is back  
13 safe and sound from the coldness of Texas.

14 Yes, I was briefing Mr. Temple this morning,  
15 just going over the record numbers that we had for 2017. We  
16 started mailing out our 1099s for this year and it was over  
17 -- well over a half a million -- I'm sorry, a half a  
18 billion, some 500-and-some-odd-thousand 1099s that we were  
19 mailing out and looked at the regular UI benefits we had  
20 paid out about \$2.6-billion.

21 Of that, talking about DUA, 109-million went  
22 out for regular DUA benefits. A total of 126.1-million in  
23 total, 17.1-million was pure federal DUA benefits.

24 We have until the end of all our dates for  
25 filing DUA benefits unless there are some huge stragglers

1 that are backdated, we will review those for good cause of  
2 course. We've also taken 168,278 disaster-related claims,  
3 which breaks out to 142,826 for regular disaster-related,  
4 and 25,452 federal pure DUA claims that we've taken. Of  
5 course, the largest affected area was the Gulf Coast, coming  
6 in at 112,000 claims, followed by Southeast, a little over  
7 23,000, Coastal Bend about 8900 and so forth.

8 CHAIRMAN ALCANTAR: Thank you, LaSha.

9 MS. TROKE: And I would just add that as of  
10 January 7th, the boards have enrolled 931 participants, 255  
11 are on temporary employment, 630 have received career  
12 services, two training services and 99 support services.

13 CHAIRMAN ALCANTAR: Thank you. Anything  
14 else? Any questions? Larry, anything else?

15 MR. TEMPLE: The only other thing is that  
16 there's a House Committee hearing tomorrow morning in  
17 Houston at 10:00, focusing on fraud, waste and abuse, but  
18 it's also asking for our agencies to give updates of how the  
19 agencies responded to the storm, so I'll be going down to --  
20 to make that presentation.

21 CHAIRMAN ALCANTAR: Thank you. All right.

22 MS. TROKE: In a related item, I have also a  
23 discussion paper related to Hurricane Harvey.

24 For your consideration is a discussion paper  
25 on requests for incremental disaster dislocated worker funds

1 for boards.

2 On September 5th, 2017, the Commission  
3 approved the initial incremental distribution of 16.7-  
4 million to nine local workforce boards to serve individuals  
5 impacted by Hurricane Harvey. We are tracking information  
6 on both the amount expended, as well as the amount  
7 obligated, for Harvey services, and these amounts have  
8 continued to steadily increase as more participants are  
9 placed on worksites and employed in temporary jobs.

10 Boards have been asked to notify TWC staff  
11 when they identify a need for additional funds above their  
12 initial distribution. Workforce Solution Southeast is  
13 requesting an additional 3.1-million to support their  
14 dislocated work allowable services.

15 The board received 1.63-million in their  
16 initial award and actual expenditures and committed funds  
17 show that they are 98.6 percent committed.

18 The board is projecting they will fully  
19 utilize their existing funds by mid-March and possibly  
20 earlier, actually. These funds will be used to continue the  
21 temporary clean-up jobs, provide career services and  
22 outreach, and pay for short-term training for approximately  
23 125 individuals. Staff seeks your direction on the  
24 following:

25 Approval of an incremental increase for the

1 Southeast board in the amount of \$1-million. Additional  
2 incremental funding will be brought to the Commission on the  
3 board's demonstration of need.

4 This concludes my presentation; do you have  
5 any questions for me?

6 CHAIRMAN ALCANTAR: I do have one -- one  
7 comment. In addition to a demonstration by this board of  
8 additional need, also an examination of the spending level  
9 of the other board areas to make sure that we're accounting  
10 for what's needed in these other areas. My hope is that  
11 expenditures accelerate in some of these other areas, but  
12 just keeping track of that as you come forward with  
13 additional recommended amounts of everything. With that,  
14 Commissioner Hughs?

15 COMM. HUGHS: I move that we approve an  
16 incremental increase for workforce solution Southeast Texas  
17 in the amount of \$1-million.

18 COMM. ALVAREZ: I'll second that.

19 MS. TROKE: Thank you, all.

20 COMMISSIONER ALCANTAR: We are unanimous.  
21 Thank you, Jennifer.

22 AGENDA ITEM NO. 19

23 COMMISSIONER ALCANTAR: Item 19, Discussion,  
24 Consideration and Possible Action Regarding the Approval of  
25 Local Board Nominees. Cameron, good afternoon.

1 MR. BELL: Good afternoon, Mr. Chairman,  
2 Commissioners, Mr. Temple. Cameron Bell with the Workforce  
3 Development Division.

4 Before you for your consideration are  
5 Workforce Development Board nominations for Workforce  
6 Solutions Deep East Texas and for The Heart of Texas.

7 CHAIRMAN ALCANTAR: Commissioner Hughs?

8 COMM. HUGHS: I move that we approve local  
9 Workforce Development Board nominees for Deep East Texas and  
10 Heart of Texas.

11 COMM. ALVAREZ: I'll second that.

12 CHAIRMAN ALCANTAR: We are unanimous.

13 MR. BELL: Thank you.

14 CHAIRMAN ALCANTAR: Thank you, Cameron.

15 AGENDA ITEM NO. 20

16 CHAIRMAN ALCANTAR: Item 20, Discussion,  
17 Consideration and Possible Action Regarding Proposed or  
18 Considered State or Federal Legislation. Michael. Good  
19 afternoon, sir.

20 MR. BRITT: Good afternoon, Mr. Chairman,  
21 Commissioners. For the record, Michael Britt, Governmental  
22 Relations.

23 As you -- as you know, funding for the  
24 federal government expires this Friday, January 19th. Late  
25 last night, U.S. House leadership introduced House Joint

1 Resolution 125, which will continue to fund the federal  
2 government through February the 16th. The U.S. House is  
3 expected to take -- take action on the measure tomorrow.  
4 Also in -- at the federal level, the U.S. Senate is still  
5 also considering disaster supplemental appropriations,  
6 although, the timeline for those right now is a little  
7 unclear.

8 And as Mr. Temple mentioned earlier, tomorrow  
9 he will be testifying on behalf of TWC before the House  
10 Committee on General Investigating and Ethics in -- at their  
11 hearing in Houston related to fraud, waste and abuse for  
12 various funds used to respond to Hurricane Harvey.

13 This concludes my remarks. I'd be happy to  
14 answer any questions.

15 CHAIRMAN ALCANTAR: We have no questions.  
16 Thank you.

17 MR. BRITT: Thank you.

18 CHAIRMAN ALCANTAR: Thank you, Michael.

19 AGENDA ITEM NO. 21

20 CHAIRMAN ALCANTAR: Item 21, Report and  
21 Update by the Executive Director. Larry?

22 MR. TEMPLE: Mr. Chairman, the only thing I  
23 have, I'd like to ask HR, who's making the --

24 CHAIRMAN ALCANTAR: Larry, before we get into  
25 --

1 MR. TEMPLE: Oh, yes?

2 CHAIRMAN ALCANTAR: Before we get into Star  
3 awards, I do have one item I'd like to discuss with you and  
4 my fellow Commissioners.

5 MR. TEMPLE: Oh, yes.

6 CHAIRMAN ALCANTAR: At the meetings with TOB  
7 (ph) and the executive directors during the conference last  
8 year, I discussed and shared my interest in making sure that  
9 we maintain a focus on quality care and early learning and  
10 wanted to make sure that I followed-up on that. And what  
11 I'd like to do, Commissioners, is bring together a group of  
12 stakeholders that we work with on a routine basis and invite  
13 them to join us as a group of stakeholders to visit with us  
14 and convey to us, give their insights, on the ways in which  
15 we might want to consider as we move forward in our efforts  
16 to strengthen the Texas Rising Star program and our ongoing  
17 focus on quality care in general, a key focus being on the  
18 partnerships that we're building out there, the investments  
19 that are being made, and how we can all work together to  
20 make sure that we're leveraging the efforts.

21 Over time certainly working with our partner  
22 agencies will be a key part of that, but initially, I'd like  
23 to start by asking staff to look at identifying and working  
24 with our offices to form a list of these individuals that we  
25 would invite just to come and visit with us and work with us

1 in examining these different strategies and opportunities.  
2 And I'd like to do that with your -- with any consent or  
3 consideration that you might want to instruct the staff to  
4 consider as they move forward.

5 Any questions or --

6 COMM. ALVAREZ: That's a great idea,  
7 Chairman. Great idea.

8 CHAIRMAN ALCANTAR: And --

9 MR. TEMPLE: Is that -- Mr. Chairman, would  
10 that be here in Austin?

11 CHAIRMAN ALCANTAR: I'd like for us to  
12 develop that list of individuals that we would invite to  
13 serve on this working group and have the initial meeting  
14 here in Austin and hopefully on a Tuesday. Given the  
15 complexities in arriving at dates that work for the three of  
16 us, ideally on a Tuesday, probably after one of these  
17 Commission meetings that are going to be followed by  
18 meetings with the board chairs, maybe that's one of the  
19 first days towards the tail end of that work might be a good  
20 place to start. But at the earliest possible date in March  
21 might be for feasible than February.

22 And then the second part is, as we're doing  
23 that, I know that Reagan and the team have really -- along  
24 with the Commissioners here and others at the Agency, have  
25 been hearing from our partners in terms of the things that



1 we need to -- that we can already be doing to strengthen or  
2 to make the -- the -- the framework more effective and  
3 supportive in terms of our goals to increase the number of  
4 TRS three and four star providers. And so if you could  
5 begin examining so that we can do it concurrent or as a part  
6 of, but certainly any ideas in terms of what we can do to  
7 enhance our TRS program that would require any sort of  
8 regulatory change, I'd like for staff to begin examining  
9 those ideas and bringing those forward so that we can act in  
10 time to get this done within this cycle before the end of  
11 the year.

12                   And that's all that I had. Anything else,  
13 Commissioners?

14                   COMM. HUGHS: No. Not at this time.

15                   COMM. ALVAREZ: No.

16                   CHAIRMAN ALCANTAR: Looks like our Tuesdays  
17 are going to be packed, as are all days around here. And I  
18 want to thank all of you for all that you're doing to  
19 support all of this wonderful work that's ongoing.

20                   And with that, I think we have some strong  
21 performance to recognize, right?

22                   MR. TEMPLE: We have a star award. Yes. By  
23 the way, we're going to assign Carline a bodyguard to make  
24 sure she one, doesn't get kidnapped, or, she doesn't run  
25 away, because we're working her to death, aren't we? Thank

1 you.

2 MS. GEIGER: Thank you. For an individual  
3 star award, Claudia Peden manages the VR Policy Development  
4 Quality Assurance and Program Evaluation team. Claudia  
5 balances the integrity of the manager and TWC's VR Program  
6 Policy and Support Division and teaches essential background  
7 and business processes best practices.

8 She has made outstanding conceptual and  
9 enduring internal and external contributions to our  
10 Division. Her professional management style enhances the  
11 skills of her staff through her experience and emphasizes  
12 thoughtful outcomes. Claudia was nominated for this award  
13 by Shirley Trapani, a Program Specialist VI, under her  
14 supervision and we are very pleased to present Claudia with  
15 the Star award. Claudia?

16 CHAIRMAN ALCANTAR: Congratulations, Claudia.

17 (Applause)

18 MR. TEMPLE: We'll get a picture after the  
19 meeting. I have nothing else.

20 CHAIRMAN ALCANTAR: Oh, we only had one?

21 MR. TEMPLE: We just have the one today.

22 CHAIRMAN ALCANTAR: Okay.

23 MR. TEMPLE: All right.

24 CHAIRMAN ALCANTAR: Do you want to do the  
25 picture now?

1 MR. TEMPLE: Am I right? Just the one today?

2 COMM. HUGHS: Sure. Should we adjourn or --

3 AGENDA ITEM NO. 24

4 CHAIRMAN ALCANTAR: Well, do I have a motion

5 to adjourn?

6 COMM. HUGHS: I move that we adjourn.

7 COMM. ALVAREZ: I'll second that.

8 CHAIRMAN ALCANTAR: We are adjourned. Thank

9 you. Thank you, Commissioners.

10 COMM. HUGHS: Thank you.

11 (Proceedings concluded at 4:04 p.m.)

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STATE OF TEXAS )

COUNTY OF TRAVIS )

I, Kimberly C. McCright, Certified Vendor and Notary in and for the State of Texas, do hereby certify that the above-mentioned matter occurred as hereinbefore set out.

I FURTHER CERTIFY THAT the proceedings of such were reported by me or under my supervision, later reduced to typewritten form under my supervision and control and that the foregoing pages are a full, true and correct transcription of the original notes.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 22nd day of January 2018.

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