



**MEETING OF THE
TEXAS WORKFORCE COMMISSION**

DATE

APRIL 20, 2021

1 TUESDAY, APRIL 20, 2021

2 CHAIRMAN DANIEL: Good morning, everyone.

3 This meeting is called to order. Mr. Trobman, has anyone signed
4 up for public comment? Thank you very much, sir. Good morning,
5 Ms. Miller.

6 MS. MILLER: Good morning, sir.

7 CHAIRMAN DANIEL: Well, thank you. This
8 brings us to the end of Agenda Items 3 through 7. Let's take a
9 short break to prepare for the rest of the meeting. All right,
10 let's pick back up. This is agenda--hello, Mr. Serna. How are
11 you?

12 MR. SERNA: Fine, thank you.

13 CHAIRMAN DANIEL: Good, we're gonna tackle
14 Agenda Item 8. This is decision, consideration, and possible
15 action regarding an order to adopt program year 2021 and fiscal
16 year 2022 allocations, planning estimates, and funding
17 distributions.

18 MR. NELSON: Good morning, Chairman,
19 commissioners, Mr. Serna. For the record, Chris Nelson, chief
20 financial officer. This morning, you have before you the FY '22
21 / PY '21 planning estimates, prepared in accordance with the
22 methodology prescribed in chapter 800 of the TWC rules and using
23 the updated factor data. The WIOA and AEL planning estimate
24 amounts represent the planning estimate allotments recently
25 provided by the Department of Labor and Department of Education,

1 which would go into effect July 1, 2021, when those contract
2 years start. In about a month, we should receive the final state
3 allotments for those two programs, and we will bring forward the
4 final allocations for those two programs. The remaining programs
5 in the planning estimate amounts reflect the current budgetary
6 amounts available for the FY '22 allocations. As we build the
7 2022 operating budget this summer, we will bring forward the
8 final allocations for those remaining programs. At this time I'm
9 only asking for permission to publish these planning estimates
10 on our website, since they are not the final allocations. That
11 concludes my remarks, and I'd be happy to answer your questions.

12 CHAIRMAN DANIEL: Comments or questions?

13 COMMISSIONER ALVAREZ: None here, Chairman.

14 COMMISSIONER DEMERSON: None.

15 CHAIRMAN DANIEL: Do we have a motion?

16 COMMISSIONER ALVAREZ: Chairman, I move that
17 we grant permission to publish the program year 2021 and fiscal
18 year 2022 allocations, planning estimates, and funding
19 distributions on our website, as presented by staff.

20 COMMISSIONER DEMERSON: Second.

21 CHAIRMAN DANIEL: It's been moved and
22 seconded, we're unanimous. Thank you.

23 MR. NELSON: Thank you.

24 CHAIRMAN DANIEL: This is Agenda Item 9,
25 discussion, consideration, and possible action regarding

1 previous emergency rulemaking and the publication for public
2 comment of proposed rules relating to 40 TAC chapter 815,
3 unemployment insurance, regarding certain unemployment
4 provisions in public law 116-127, the Families First Coronavirus
5 Response Act, and several other public laws that are listed in
6 the agenda.

7 MR. STALINSKY: Good morning, Chairman
8 Daniel, Commissioner Alvarez, Commissioner Demerson, and Mr.
9 Serna. For the record, I am Jason Stalinsky, RID policy planning
10 and prosecutions. Before you today is a proposal to amend the
11 chapter 815 unemployment insurance rules to address the passage
12 of the Continued Assistance Act, or CAA, and the American Rescue
13 Plan Act, or ARPA. On February 2 of this year the commission
14 undertook emergency rulemaking to address the CAA. The emergency
15 rules allowed the commission to implement mixed-earner
16 unemployment compensation and overpayment waivers for the
17 pandemic unemployment assistance program. It also amended the
18 coordination rules of the CARES programs, addressed fraud
19 penalties, and provided flexibility for the state's extended
20 benefits program. Finally, the emergency rules added a
21 conformity assurance section to chapter 815, which allows the
22 agency to adapt to changes in federal unemployment law. The
23 proposed rules before you today are substantially similar to the
24 emergency rules the commission previously approved, with a few
25 minor changes. These changes include additional modifications to

1 the coordination rule as required by ARPA, savings provisions in
2 case federal law or regulations change, and benefit of repayment
3 requirements. The emergency rules continue to be necessary.
4 However, without commission action these emergency rules will
5 expire before permanent rulemaking can be adopted. Therefore, to
6 allow adequate time for permanent rulemaking, staff requests the
7 commission approve the renewal of the emergency rules for 60
8 days, and direct staff to file appropriate notices of these
9 actions. Staff also requests the commission vote to withdraw the
10 emergency rules at the time the permanent rulemaking takes
11 effect, and directs staff to take appropriate action to
12 effectuate this vote. Staff is also seeking your direction on
13 submitting these proposed rules to the Texas Register for a 30-
14 day public comment period. If so directed, staff seeks approval
15 to make any minor, non-substantive corrections to the document
16 for purposes of publication in the Register. As a result, today,
17 staff seeks two votes. The first is for the commission to vote
18 to renew the emergency rules for 60 days, to withdraw the
19 emergency rules at the time the permanent rules take effect, and
20 direct staff to take appropriate action to effectuate this vote.
21 The second is approval to submit the proposed rulemaking for
22 publication and comment. With that, I am available for any
23 questions you may have.

24 CHAIRMAN DANIEL: Comments or questions?

25 COMMISSIONER ALVAREZ: None here, Chairman.

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COMMISSIONER DEMERSON: None.

CHAIRMAN DANIEL: Do we have a motion?

COMMISSIONER ALVAREZ: Chairman, on the first motion I move that we renew the emergency rules for 60 days and withdraw the emergency rules when the permanent rules take effect. I also ask staff to file appropriate notices and take necessary action to effectuate this vote.

COMMISSIONER DEMERSON: Second.

CHAIRMAN DANIEL: It's been moved and seconded. We're unanimous.

COMMISSIONER ALVAREZ: Then I have a second motion, Chairman.

CHAIRMAN DANIEL: Mm-hmm.

COMMISSIONER ALVAREZ: I move that we publish the proposed rules to amend sections chapter 815 to the Texas Register, as discussed.

COMMISSIONER DEMERSON: I second.

CHAIRMAN DANIEL: It's been moved and seconded. We're unanimous.

MR. STALINSKY: Thank you, commissioners.

CHAIRMAN DANIEL: Thank you. This is Agenda Item 10, discussion, consideration, and possible action regarding deobligation and reallocation of adult education and literacy funds.

1 MS. BALDINI: Good morning, Chair Daniel,
2 Commissioner Alvarez, Commissioner Demerson, and Mr. Serna. For
3 the record, I'm Mahalia Baldini with the Workforce Development
4 division, adult education and literacy. On January 28 of 2021,
5 AEL grant recipient Grayson College sent a written request to
6 the Texas Workforce Commission to voluntarily deobligate
7 \$460,761 of its program year 2021 AEL allocation, citing
8 challenges due to COVID-19. Also requiring a decrease of the
9 performance and enrollment targets approved by the commission in
10 January of 2021 by a proportionate amount. There are no other
11 grantees in the north central workforce area that meet the
12 expenditure criteria outlined in Texas Administrative Code rule
13 800.80, so the commission may approve a plan to reallocate these
14 funds to another grantee that meets the criteria. Staff have
15 identified three AEL grant recipients that are meeting or
16 exceeding both expenditure benchmarks and negotiated enrollment
17 benchmarks in multiple subtarget areas. At this time, staff
18 seeks direction on the following, as outlined in your notebook
19 materials. First, to accept the plan to reallocate the
20 deobligated funds from Grayson College to AEL grant recipients
21 Austin Community College, Community Action, Inc. of Central
22 Texas, and Southwest Texas junior college, as shown in table
23 one. And secondly, to adjust the performance targets for Grayson
24 College, as shown in table two. Thank you for your time and
25 considerations today, and I'm happy to answer any questions.

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CHAIRMAN DANIEL: Comments or questions?

COMMISSIONER ALVAREZ: None here, Chairman.

COMMISSIONER DEMERSON: None.

CHAIRMAN DANIEL: I have a couple of questions. How are we apportioning the performance measures, the performance targets that we're removing from Grayson College to the colleges that'll be receiving the money?

MS. BALDINI: Staff did review the data and projected trends to the end of the year for all of these grant recipients that will be receiving reallocated funds, and these grantees are both meeting or exceeding their current targets in multiple areas, and we just didn't feel like it was necessary to recommend at this time assigning additional targets.

CHAIRMAN DANIEL: So, we'll be giving them-- those targets that they've succeeded at with a grant that they've already implemented?

MS. BALDINI: That is correct.

CHAIRMAN DANIEL: So we're gonna be giving them additional money, but with no new targets for the additional money.

MS. BALDINI: That is correct. Due to--when we reviewed the data, the targets that would be proportionally redistributed would go towards the same enrollment targets, areas that they have now in their current grant, and three of

1 these entities are meeting or exceeding their targets in all of
2 those areas.

3 CHAIRMAN DANIEL: Okay. So, help me
4 understand why the targets were necessary when we originally
5 awarded the money, but they're less necessary now.

6 MS. BALDINI: Well, I don't know if they're
7 less necessary as much as it's very late in the program year to
8 redistribute the targets. I think in knowing that the grantees
9 have been doing some exceptional work this year already, to be
10 able to exceed the targets [inaudible] circumstances that we've
11 been in, and staff just didn't feel that it was necessary to add
12 additional targets this late in the year. Just knowing that the
13 funds that we are reallocating to them will help them to
14 continue to do the work that they've been doing all year, and
15 continue to enroll new students through the end of June.

16 CHAIRMAN DANIEL: What happens to this money
17 if we don't reallocate it?

18 MS. BALDINI: Well, we could hold on to it,
19 but staff really see this as an opportunity to reallocate these
20 funds to these three grantees. Like I said, they've really done
21 some exceptional work, in spite of the challenges, and this
22 would allow them to continue to grow or expand those services in
23 the current program year and the current funding cycle. I'll
24 also say that we're confident that the other grantees within the
25 system right now have enough funding to finish out the year, and

1 everyone will get new funding July 1. And so all the money will
2 get refreshed July 1.

3 CHAIRMAN DANIEL: So if we don't reallocate
4 the money, would it carry over to July 1 and could be
5 redistributed then

6 MS. BALDINI: I think we could do that, if
7 we wanted to do that, we could do that. Staff are recommending,
8 though, that we go ahead and take the motion to get the funds
9 redistributed in the current program year, and give these
10 entities an opportunity to spend those funds down and utilize
11 them to continue services in this program year.

12 CHAIRMAN DANIEL: If we held it over till
13 July 1, would we put performance targets on it then, other than
14 what we're doing right now, of redistributing money with no
15 performance targets?

16 MS. BALDINI: We could. That would be a plan
17 that we would likely have to bring back for the commission to
18 vote on, if we decided to do that.

19 CHAIRMAN DANIEL: So, Grayson College
20 alerted us to this in January, I don't remember the exact date.
21 This is April. So, we've waited three or four months. This money
22 expires at the end of June, so there's basically two months'
23 worth of money.

24 MS. BALDINI: That is correct, and I can
25 kind of speak to that a little bit, because it was a bit of a

1 timing. So, at the--Grayson had originally sent their request in
2 at the end of January, the very last week of January, I think it
3 was the 28. At the time, and in rule, we have the ability to
4 look at all the grantees within the system to determine if we
5 wanted to do a non-voluntary deobligation of all the grantees.
6 We wanted to take the opportunity, since January is the last
7 month that we have in rule to do that, we wanted to take the
8 opportunity to kind of look at, you know, all of the grantees to
9 see if a non-voluntary deobligation was in the best interests of
10 the state. In order to do that, we have to wait for January's
11 data, which doesn't come until the end of February. We had a
12 weather incident at the end of February which further kind of
13 delayed us being able to get all of the reporting in. We gave
14 extensions for not only the financial reporting but also for the
15 performance reporting due to the weather incident. So, this
16 kinda pushed the timeline back, so we were looking at the data
17 at the beginning of March to try to make a determination if we
18 wanted to do a non-voluntary deobligation from the entire state,
19 which would have made Grayson's request kind of a moot point. We
20 determined that we did not want to do that, just looking at
21 everything, and so that point was when we were able to move
22 forward with developing the discussion paper, having internal
23 conversations about the Grayson request specifically, and we
24 were able to develop the plan and then spend a few weeks
25 briefing that and bringing it forward to the commission.

1 CHAIRMAN DANIEL: So, there's no doubt in my
2 mind that Southwest Texas Junior College, Austin Community
3 College, and Community Action of Central Texas have been doing a
4 very good job. That is self-evident. They've exceeded their
5 performance commitment to us with regard to the money. Would
6 they have to wrap up spending this new money in the 60 days that
7 are remaining in the program year?

8 MS. BALDINI: They would not have to do
9 that. When the funding does go in their budget, that budget will
10 stay active, even starting July 1. So, if there is any balance
11 remaining, and this is true of all of our grantees, not just
12 these three, if there's amounts left in that budget they will be
13 able to draw down from that budget, even after July 1. So, they
14 kind of work off of two budgets. They draw down with the oldest
15 funds first, and then the new allocation they get in July, they
16 can also utilize that starting July 1.

17 CHAIRMAN DANIEL: So, the new allocation,
18 meaning this kinda interim allocation, to put performance
19 targets on it, that would operate on its own budget. It doesn't
20 really interfere with their performance on their original grant.

21 MS. BALDINI: Yes, that is correct.

22 CHAIRMAN DANIEL: And since they have more
23 than 60 days to spend the money, putting performance targets on
24 it so that they could document an already-established track
25 record of success to show more return on investment. There's no

1 time constriction on them to be able to meet those new
2 performance targets.

3 MS. BALDINI: We will set new targets
4 starting in July for any of the new money that all of our
5 grantees get. In the past, there is also this--the carry-forward
6 targets that we deal with every year for any of the targets that
7 go unmet from the grantees from the previous year get carried
8 forward and sort of added to these two kind of separate budgets,
9 if you will. So, they're still there, and they're still working
10 towards them. They just will move forward.

11 CHAIRMAN DANIEL: So, there's the potential
12 they could complete what they're doing currently--

13 MS. BALDINI: Mm-hmm.

14 CHAIRMAN DANIEL: --the possibility of
15 picking up this new money, which right now you're recommending
16 with no performance targets whatsoever, and then still the
17 potential to pick up new money in July, and that money would
18 have performance targets with it.

19 MS. BALDINI: That's correct.

20 CHAIRMAN DANIEL: And this interim money
21 that they'd be picking up due to the Grayson College
22 deobligation that you're proposing have no performance targets,
23 it could have performance targets because they actually have
24 longer than 60 days to implement that money.

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1 MS. BALDINI: Technically, they do. Part of
2 the process that we go through when we're trying to determine
3 through the objective criteria for who will get reallocated
4 money is also based off need and ability for these grantees to
5 spend the money. So, even though technically they will have that
6 capability, when we determine through this objective process who
7 will be getting reallocated funds, one of the things and
8 questions that we always ask them is do you have a need and
9 ability to use the funds for the current program year. So,
10 that's just part of the process. All three of these entities,
11 when we contacted them to establish whether they could--they
12 needed and had the ability to use the funds within the current
13 year, all responded and said that they did. So, I'm not
14 anticipating that any of the funds will be rolled over or
15 carried forward, just based off of their responses and the
16 current needs that exist. But technically, it is a possibility,
17 yes.

18 CHAIRMAN DANIEL: In your communications
19 with them, did they indicate any way their feelings about
20 performance targets?

21 MS. BALDINI: They did not.

22 CHAIRMAN DANIEL: So, we haven't had a
23 discussion with them about that.

24 MS. BALDINI: That is correct.

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1 CHAIRMAN DANIEL: Any additional comments or
2 questions?

3 COMMISSIONER ALVAREZ: I have some,
4 Chairman. Some great questions, great questions. Similar
5 questions came from the office, so I appreciate that. But I'd
6 first like to inform Mahalia, way to go to answer the questions.
7 Those were good, and thank you for the detailed explanation. If
8 you'd like, Chairman, I'd consider, because we're looking at
9 performance targets, I'd consider tabling this item, if you'd
10 like, for another date. If that would be okay with the--my
11 fellow commissioners. I understand your questions and they're
12 good questions, and I do see that Mahalia has reported to us in
13 the past regarding these colleges and what they're doing. And
14 then, of course, your statement regarding the targets, if you'd
15 like, again, I would have no problem tabling this to another
16 meeting.

17 MR. SERNA: Mr. Chairman. Mr. Chairman?

18 CHAIRMAN DANIEL: Yes?

19 MR. SERNA: Can I please--one quick question
20 [inaudible]?

21 CHAIRMAN DANIEL: Sure, sure.

22 MR. SERNA: So, Mahalia, if these funds are
23 not reallocated, do they--will they be available--I think the
24 chairman asked this, but I didn't hear the answer, and I
25 apologize. If the funds are not reallocated by this action,

1 would they simply go into the amounts that are available for the
2 next year's allocation that begins in June?

3 MS. BALDINI: I think that that is a
4 possibility. I would have to go back and I think check with OGC,
5 just in terms of the rule language, which does, I think, direct
6 us to bring forward a plan for any funds that are deobligated.
7 So, I'm interpreting that as if we choose to follow with the
8 decision points from today, which is to go ahead and do the
9 voluntary and accept the voluntary deobligation of funds from
10 Grayson, and remove the targets from their current performance
11 targets, as they have requested, I am not sure if we would have
12 to then bring forward a new plan, if we were to remove those
13 amounts and then not redistribute them immediately. I would
14 defer to OGC on that. I would also say, just for the sake of
15 being able to get these funds out to the grantees who have said
16 that they have a need and ability to use them this year, is it
17 amenable to say well, can we just, after the decision points
18 from today, meet with leadership and decide what are the
19 proportional targets that we're comfortable, and then work with
20 the grantees to assigning those targets.

21 MR. SERNA: I think what I'd like to
22 recommend, commissioners, that we do, and Commissioner Alvarez,
23 you mentioned this, is of course tabling it and moving it to a
24 future meeting, allowing staff the opportunity to come back with
25 an option that does two things--one, either reexamines the

1 measures that would be associated with any reallocation of
2 funds, or two, determines with some confidence from both legal
3 and finance that any funds that are deobligated wouldn't be lost
4 to the state, and could simply be included in next program years
5 obligation--funding, which begins on June 1. We could include--
6 at that point, then the funds could be available not only to
7 these organizations but to other organizations, and they would
8 also include measures that would reflect any increases across
9 the board. And that gives staff the opportunity to look at those
10 two options, which we probably should have already done, and may
11 have already done, but just didn't enumerate that well here.
12 This gives us time to do that.

13 COMMISSIONER DEMERSON: Mr. Chairman? Thank
14 you, Ed, for bringing that up. Mahalia's point that she
15 mentioned last, I mean, that's the point that I thought
16 originally, with all of this. We're trying to push something
17 forward at this particular time. Can we simply just--you know,
18 how hard would it be--and I want Ed to hear this as well. How
19 hard would it be just to add the targets--I think that's what
20 the chairman's asking--we're deobligating funds, you have
21 funding going forward, you always wanna prove your return on
22 investment. You can't just have funds out there and not have
23 targets tied to them. How hard would it be for the staff to add
24 those targets to these three that are here and move forward?
25 That's what we're asking to do, in my opinion.

1 CHAIRMAN DANIEL: Yeah, and this is what--
2 I'm sorry--

3 MR. SERNA: No [inaudible].

4 CHAIRMAN DANIEL: --I don't mean to cut you
5 know, off.

6 COMMISSIONER DEMERSON: I think I'm done.

7 CHAIRMAN DANIEL: This is what I would
8 offer. So, we've got a couple things going on here, and I think
9 Commissioner Alvarez did actually a better job than I would do
10 about sort of pointing this out. So, we have the need to relieve
11 Grayson College of a situation that they have voluntarily said,
12 look, we got a lot going on. Pandemic's been more than
13 challenging. We need to do this thing. We need to not do this
14 grant because we don't want to fail and we don't want to cause
15 TWC to have to be in that situation. Let me say this about
16 Grayson College--lots of successful programs at Grayson College.
17 This is a anomaly, and so we, I think, have some obligation to
18 help a recipient of a grant to--they've self-identified a
19 situation, they've offered a solution to the situation. That
20 solution fits within our rules. So, what I would do to sort of
21 repackage everything I've heard today is to say I'm in a
22 position where I could vote aye to relieve Grayson College of
23 the burden of both the money and the performance targets, and
24 then I find myself agreeing with Commissioner Alvarez in terms
25 of we should table the rest of this to the next possible meeting

1 and come back with a better plan for how to deal with the
2 performance targets. Mr. Serna, I don't mean to minimize your
3 view of bringing this forward for the next round of money. That
4 might be the best option, but I don't think we can talk about
5 that today, and I think we should probably prepare a little more
6 for that discussion.

7 MR. SERNA: That was not my intent. My
8 intent was for us to delay the item and have staff come back
9 with both those options.

10 CHAIRMAN DANIEL: So, I am detecting a high
11 level of comfort with the commission here today to go ahead and
12 take action on relieving Grayson College of the grant and the
13 performance targets. I think it seems like we have unanimity on
14 that. I think our issue is on performance targets for the money
15 as it would be reallocated. So, not to put words in Commissioner
16 Alvarez's mouth, but that is a motion I would certainly be in
17 support of.

18 COMMISSIONER ALVAREZ: Sure. And I agree
19 with Ed's assessment in what we should do to move forward. I
20 think we all are in agreement on that. And again, Chairman, you
21 brought up some great points regarding this particular item, so
22 I appreciate that. And I have no problem bringing this back at a
23 future date, just so that we could see those performance
24 targets. So, [sounds like] would this sound appropriate for the
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1 motion, and I ask that you hear, motion will be to deobligate
2 Grayson of \$460,761 and performance targets, as--

3 MR. SERNA: And associated performance
4 targets, right.

5 COMMISSIONER ALVAREZ: Yeah, and what, Ed?

6 MR. SERNA: And associated performance
7 target.

8 COMMISSIONER ALVAREZ: Yes.

9 MR. SERNA: Yes.

10 COMMISSIONER ALVAREZ: How do you feel about
11 that, Chairman?

12 CHAIRMAN DANIEL: Mm, I would be in
13 agreement.

14 COMMISSIONER DEMERSON: Yeah, no, I second
15 that motion.

16 CHAIRMAN DANIEL: All right, so that's been
17 moved and seconded, and we're gonna be unanimous on that part.
18 Now we have the obligation as a commission to deal with the
19 reallocation of the money, and I think that's an open question
20 at this point. I think we all had questions about that.

21 COMMISSIONER DEMERSON: Mr. Chair, may I--

22 CHAIRMAN DANIEL: Commissioner Demerson.

23 COMMISSIONER DEMERSON: Yeah, I hope that
24 we're in a position, it looks like we have three groups that are
25 identified here, and the ask is if we're going to appropriate

1 funding to those three entities, that targets be associated with
2 that. I hope that's a simple process that can be brought to the
3 commission on a fast timeframe so that we don't have anything
4 against--bump against the 60-day window [inaudible].

5 CHAIRMAN DANIEL: Right.

6 COMMISSIONER DEMERSON: So, hopefully we'll
7 get some performance targets tied to these three, as should be
8 the case, and we'll move forward.

9 MR. SERNA: We'll bring back that second
10 portion at next week's meeting, which is originally intended to
11 be a docket only, but if the commission will indulge me, then we
12 will add [inaudible].

13 COMMISSIONER ALVAREZ: I would be okay with
14 that, chairman.

15 CHAIRMAN DANIEL: Any objection?

16 MR. SERNA: No.

17 CHAIRMAN DANIEL: I'm in favor of that as
18 well.

19 COMMISSIONER ALVAREZ: So, Chairman, just
20 for clarification, in case we want everyone to know, because I
21 did refer to Ed on one of these comments, so again, I wanna make
22 it clear in my motion. Motion will be to deobligate Grayson
23 College of the \$460,761 and performance targets, and have staff
24 bring back performance targets.

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1 CHAIRMAN DANIEL: That's the motion as I
2 understand it.

3 COMMISSIONER ALVAREZ: Okay, great.

4 COMMISSIONER DEMERSON: Second [inaudible].

5 CHAIRMAN DANIEL: Yeah, that's the motion
6 [inaudible].

7 COMMISSIONER ALVAREZ: Okay, great, thank
8 you. Okay.

9 MR. SERNA: I understand.

10 CHAIRMAN DANIEL: All right, any further
11 business on this item?

12 COMMISSIONER ALVAREZ: I'd just like to
13 thank Mahalia.

14 CHAIRMAN DANIEL: Yeah.

15 COMMISSIONER ALVAREZ: I think she did a
16 great job of answering your questions, Chairman. Her staff and
17 her do continue to do great work, and I have no doubt that the
18 other colleges that were identified in this particular item do
19 great work. So, Mahalia, thank you for that.

20 CHAIRMAN DANIEL: Well, I was gonna say
21 that, so I'm gonna second your comment.

22 COMMISSIONER ALVAREZ: Mm-hmm.

23 CHAIRMAN DANIEL: Staff, great job--

24 COMMISSIONER ALVAREZ: Mm-hmm.

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1 CHAIRMAN DANIEL: --on bringing this issue
2 to light, and certainly I don't wanna leave the impression that
3 I have any concerns whatsoever about any of the four
4 institutions involved. They're all actually performing very
5 well--

6 COMMISSIONER ALVAREZ: Mm-hmm.

7 CHAIRMAN DANIEL: --across the board, on
8 many TWC programs, and without those partners, we can't be
9 successful. So, I appreciate the work [inaudible].

10 COMMISSIONER DEMERSON: Mr. Chairman, and
11 thank you for sharing those remarks on those colleges, because
12 they do some phenomenal work [inaudible] programs.

13 CHAIRMAN DANIEL: Absolutely. Absolutely.
14 All right, with that, we'll move to Agenda Item 11. This is
15 discussion, consideration, and possible action regarding
16 workforce awards categories and monetary amounts for 2021 and
17 subsequent years. And before staff makes their presentation, I
18 just will take chairman's privilege and point out something
19 here. So, my preference on this item would be to not hear this
20 today, and to reconvene this commission in a work session at the
21 earliest possible date to talk through awards. I am very
22 concerned about a meeting that's gonna take place in seven
23 months, and for us applying a set of awards that was developed
24 two years ago to a meeting that's gonna take place in seven
25 months. In my opinion, boards rely on this award program for a

1 couple reasons. One, I think it validates to their locally
2 elected, locally selected officials, and elected officials, on
3 the good work that they're doing, and that's recognized by this
4 state agency and others in the state. And then two, honestly,
5 the award money that goes with many of these awards is the seed
6 money they use for new and innovative programs. The reason I
7 would ask to set aside staff's presentation today and reconvene
8 this in a work session is so that we could talk about awards
9 that might be more appropriate for the pandemic period, and then
10 set in action a set of awards that would operate in 2022 for the
11 annual meeting in 2022. So, what I'm suggesting is that in our
12 work session we would explore looking at 2021 awards being a
13 special set of awards representative for the circumstances that
14 we've just come through and still find ourselves somewhat
15 currently in, and then we would also do work on this staff
16 proposal--this is not lost work--and put that in place for 2022.
17 The reason I bring this up now, slightly out of order, is
18 because we can avoid this staff discussion today, save them some
19 time today, if we're willing to come back in a work session, and
20 I will repeat, at the earliest possible date for this
21 commission, so we can settle this issue. I wanted to get that
22 out there and put that available for your consideration before
23 we proceeded on this item.

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1 COMMISSIONER ALVAREZ: Chairman, because of
2 the complexity of what you're discussing, I would agree with
3 you. So, I agree with the work session.

4 COMMISSIONER DEMERSON: I definitely agree
5 with the work session. I agree with [inaudible-off mic].

6 CHAIRMAN DANIEL: You know, I've been--thank
7 you, gentlemen, both. I have been making phone calls to board
8 CEOs, much like you have, and during the pandemic. There are
9 some incredible ideas out there, things that have happened in
10 Alamo, out at Borderplex, some things happened here right here
11 in Austin, Dallas, San Angelo, Abilene--just lots of great,
12 innovative ideas. And I'm fearful that our current awards don't
13 capture all of that ingenuity, and I think we can do better by
14 the boards for having a special set of awards for 2021, for the
15 big annual meeting, and then come back for the big annual
16 meeting in '22 with something that looks a little more familiar
17 and a little more [inaudible].

18 COMMISSIONER ALVAREZ: Yeah.

19 CHAIRMAN DANIEL: It seems like we have kind
20 of unanimous consent to move this to a work session, and I would
21 ask Mr. Serna and the general counsel, Mr. Trobman, to work to
22 find the earliest appropriate possible date for us to convene
23 that work session to discuss awards.

24 COMMISSIONER ALVAREZ: Chairman, could I add
25 if we could invite the boards for their feedback as well, or--

1 CHAIRMAN DANIEL: You know, truth be told, I
2 think that work sessions or commission meeting--and the
3 commission meetings [inaudible] so they're certainly open to
4 participation. Unfortunately, I think we would have to hold to
5 public comment period for the boards, but I would--I have been
6 and I suspect you have been too. I engage with board leadership
7 regularly, or at least I try to. They may not think it's
8 regularly; it seems regularly to me. And so however we want to
9 include those ideas, I'll be bringing ideas with me, if boards
10 want to participate via the public comment process, that's
11 perfectly fine. It's an open meeting, and folks should engage
12 accordingly.

13 COMMISSIONER DEMERSON: Agreed.

14 COMMISSIONER ALVAREZ: I would have no
15 problem with that.

16 CHAIRMAN DANIEL: All right.

17 COMMISSIONER ALVAREZ: Great suggestion and
18 great recommendation.

19 CHAIRMAN DANIEL: So, I don't know who was
20 presenting today from staff. Sorry that we--

21 COMMISSIONER ALVAREZ: Was it Courtney? No?

22 CHAIRMAN DANIEL: Whoever it was--

23 COMMISSIONER ALVAREZ: Courtney [inaudible]
24 wake up.

25 CHAIRMAN DANIEL: Who is it?

1 COMMISSIONER ALVAREZ: Was Courtney asleep?

2 Courtney [inaudible]?

3 CHAIRMAN DANIEL: No, Courtney's right back
4 there.

5 COMMISSIONER DEMERSON: Joel Mullins.

6 MR. MULLINS: No, it was me. Can you guys
7 hear me now?

8 CHAIRMAN DANIEL: Well, who's "me?"

9 MR. MULLINS: Okay, yes, this is--for the
10 record, this is Joel Mullins with Workforce Development.

11 CHAIRMAN DANIEL: We can't see you, Joel,
12 because there's something going on with the equipment today.
13 Joel, thanks for all your work. We're gonna hear from you during
14 the work session. Appreciate it very much.

15 MR. MULLINS: Yeah, thank you.

16 CHAIRMAN DANIEL: Thank you. Gentlemen,
17 thank you.

18 COMMISSIONER ALVAREZ: You're welcome.

19 CHAIRMAN DANIEL: Let's move to Agenda Item
20 number 12. This is discussion, consideration, and possible
21 action regarding the draft childcare and development fund state
22 plan. This is for federal fiscal years 2022 through 2024, and
23 the publication for public comment.

24 MS. MILLER: All right, good morning,
25 Chairman, commissioners. For the record, Reagan Miller with the

1 Childcare and Early Learning division. Every three years, states
2 are required to submit a childcare and development fund state
3 plan. The CCDF state plan is the primary mechanism that the
4 Administration for Children and Families uses to determine state
5 compliance with federal law and regulations. Today we're
6 bringing forward the draft CCDF state plan, which has eight
7 sections, and includes sections on family engagement, providing
8 stable financial assistance and equal access to subsidies,
9 licensing standards to ensure health and safety, supporting a
10 qualified workforce, and continuous quality improvement. During
11 the development of this draft plan we sought input from
12 stakeholders, and the public will again be able to review and
13 comment on this draft. With your approval, we will post this
14 draft state plan as well as an executive summary on our website,
15 and we'll release these for public comment. We have schedule a
16 public hearing next Tuesday, April 27, at 6:00 p.m. Information
17 about this hearing has been emailed to our distribution lists,
18 and posted on our childcare stakeholder web page. The public can
19 also submit written comments through May 11. Following the
20 public comment period we'll bring back a final state plan to you
21 for approval. And I'd be happy to answer any questions.

22 CHAIRMAN DANIEL: Any comments or questions?

23 COMMISSIONER ALVAREZ: None here, Chairman.

24

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1 COMMISSIONER DEMERSON: None. Just great
2 work on this. It's a tremendous opportunity for us here in the
3 state.

4 CHAIRMAN DANIEL: Do we have a motion on
5 this item?

6 COMMISSIONER ALVAREZ: Chairman, I move that
7 we approve the draft CCDF state plan, as presented by staff.

8 COMMISSIONER DEMERSON: Second.

9 CHAIRMAN DANIEL: It's been moved and
10 seconded. We're unanimous.

11 MS. MILLER: Thank you.

12 CHAIRMAN DANIEL: Thank you. This is Agenda
13 Item 13, discussion, consideration, and possible action
14 regarding statewide initiatives funded with the Workforce
15 Innovation Opportunity Act, TANF, AEL, Childcare, and other
16 state-level funds.

17 MS. TROKE: Good morning, Chair Daniel,
18 commissioners, and Mr. Serna. For the record, Jen Troke,
19 Workforce Development division. AEL legislation from the 86th
20 regular session states that all grant applications and awards
21 for the AE Family Literacy program should be reviewed and
22 approved by TWC's commissioners prior to notification of award
23 to the grant recipient. Today we are bringing three AEL grant
24 awards forward for approval, including the AEL Statewide
25 Professional Development Center, whose purpose is to deliver

1 professional development strategies and technical assistance to
2 all Texas AEL providers and stakeholders, so that they provide
3 comprehensive service delivery to AEL participants. The
4 anticipated grant start date is June 2021, and one winner has
5 been recommended for \$2.5 million. This Statewide Distance
6 Education Professional Development Center will deliver distance
7 education and remote learning training, technical assistance,
8 and capacity building services for AEL grantees and students.
9 The anticipated grant start date is June 2021, and one winner
10 has been recommended for \$1 million. The Career Pathways
11 Professional Development Center will provide services to improve
12 integration across WIOA titles that serve priority populations
13 through cross-training and stakeholder groups, such as workforce
14 boards, IAGs, and career and technical education providers. The
15 anticipated grant start date is July 2021, and one winner has
16 been recommended for \$693,007. Today, staff recommends
17 commission approval for these three AEL awards. Any questions I
18 might answer for you?

19 CHAIRMAN DANIEL: Any comments or questions?

20 COMMISSIONER ALVAREZ: It's all A&M

21 [inaudible] Chairman.

22 COMMISSIONER DEMERSON: No, no comments or
23 questions.

24 CHAIRMAN DANIEL: Do we have a motion?

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1 COMMISSIONER ALVAREZ: Chairman, I move that
2 we approve one grant awarding, totaling \$2.5 million for the AEL
3 Statewide Professional Development Center, one grant awarding
4 total of one million for the AEL Distance Education and
5 Professional Development Center, and one grant award totaling
6 \$693,007 for the AEL Career Pathway and Professional Development
7 Center, as presented by staff.

8 COMMISSIONER DEMERSON: I second.

9 CHAIRMAN DANIEL: It's been moved and
10 seconded. We're unanimous. Thank you.

11 MS. TROKE: Thank you.

12 CHAIRMAN DANIEL: Let's see. Agenda Item 14,
13 I think this item has been postponed--

14 MR. SERNA: Yes, sir.

15 CHAIRMAN DANIEL: --to the next meeting.
16 This'll bring us to Agenda Item 15, discussion, consideration,
17 and possible action regarding approval of local Workforce
18 Development board nominees.

19 MS. WILLIAMS: Good morning, Chairman,
20 commissioners, and Mr. Serna. For the record, Shunt Williams
21 with the Workforce Development division. And before you today
22 for consideration we have workforce board nominations from two
23 areas. Staff recommends approval for Workforce Solutions Golden
24 Crescent and Gulf Coast. I'm here to answer any questions you
25 have.

1 CHAIRMAN DANIEL: Any questions or comments?

2 COMMISSIONER ALVAREZ: None here, Chairman.

3 COMMISSIONER DEMERSON: None. Thank you,
4 Shunta.

5 CHAIRMAN DANIEL: Me, either. Is there a
6 motion?

7 COMMISSIONER ALVAREZ: I move that we
8 approve board nominees for Golden Crescent and Gulf Coast.

9 COMMISSIONER DEMERSON: Second.

10 CHAIRMAN DANIEL: It's been moved and
11 seconded. We're unanimous.

12 MS. WILLIAMS: Thank you.

13 CHAIRMAN DANIEL: We don't have anything on
14 Agenda Item 16. Legislative report is coming right up by none
15 other than Michael Britt.

16 MR. BRITT: Good morning, Mr. Chair,
17 commissioners, and Mr. Serna. For the record, Michael Britt,
18 governmental relations. This coming Thursday, the Texas House
19 will be considering Senate Bill 1 by Senator Nelson, which is
20 the General Appropriations Act. They'll also be considering
21 House Bill 2 by Representative Bonnen, which is a supplemental
22 appropriations bill. The prefiled amendments for both bills were
23 released yesterday afternoon, and a copy of those were provided
24 to your offices. Of course, GR staff will be monitoring the
25 House floor action on both bills on Thursday, and will report to

1 you any amendments adopted to the bills related to TWC. Also on
2 Thursday, the Senate Committee on Natural Resources and Economic
3 Development will consider several bills being tracked by TWC,
4 including Senate Bill 770 by Senator Hughes, which is TWC's
5 legislative proposal related to self-sufficiency fund program
6 amendments. This concludes my remarks, and I'm happy to answer
7 any questions you have.

8 CHAIRMAN DANIEL: Thank you, sir. Questions
9 or comments?

10 COMMISSIONER ALVAREZ: None here. Thank you.

11 COMMISSIONER DEMERSON: None.

12 CHAIRMAN DANIEL: Thank you very much. Mr.
13 Serna, an executive director's report?

14 MR. SERNA: No, sir, nothing to report
15 [inaudible].

16 CHAIRMAN DANIEL: All right. The time is now
17 10:14. The Texas Workforce Commission is now going into
18 executive session in room 242 to discuss pending or contemplated
19 litigation, consultation with our attorney regarding
20 confidential legal matters or the appointment, employment,
21 evaluation, reassignment, duties, discipline, or dismissal of
22 the executive director, internal auditor, executive staff, and
23 other personnel pursuant to Texas government code section
24 551.071(1) and (2), and 551.074(a)(1).

25 [Executive Session: 01:07:49 - 01:08:45]

1 CHAIRMAN DANIEL: The executive session is
2 now concluded, and the time is 10:49. Is there any other order
3 of business to come before the commission?

4 COMMISSIONER ALVAREZ: None here.

5 COMMISSIONER DEMERSON: Mr. Chairman, two
6 things, real quick. I wanted to thank staff for their assistance
7 with the confirmation hearing that we took on yesterday. We
8 appreciate all that you guys did to prepare our office for that
9 hearing. Secondly, just mentioning had an opportunity to
10 participate in an event in central Texas, in Killeen, last week,
11 the Central Texas College, with their Workforce Solutions
12 Central Texas group, one of our TIP grants. And they were
13 actually giving a funding report, collaborating report, and
14 hiring veterans to go into the automotive technician areas. And
15 so, well-received event, and one that was very highly done. And
16 lastly, heard some good compliments from a trip Commissioner
17 Alvarez took down in the Valley this past week, one that was
18 well-received, and I think he received an award for that as
19 well, so thank you for what you're doing in that regard. That's
20 it.

21 COMMISSIONER ALVAREZ: So, at the next
22 commission meeting I will present the commission with an award
23 that we received from Teach for America on behalf of the
24 organization in Rio Grande Valley. I didn't bring it with me
25 because I knew we had a full day, or this morning. I will ask

1 that we present it, maybe take a picture, and I wanna present
2 that to you, Ed, and to the staff. I was humbled on presenting,
3 or accepting that award on behalf of the agency for all the good
4 work that we've done. It's amazing, the programs that have been
5 laid out through AEL skills and some of the other great
6 programs. So, you know, I was humbled by that, and they continue
7 to say great things about the agency and all the programs that
8 we have, so--and the great people that we have working for us. I
9 mean, I couldn't--I think everyone was acknowledging--all of our
10 directors at one point acknowledged everyone by name. So, thank
11 you for that, Ed, and I'll present that at the next meeting. I
12 would also like to say congratulations to the chairman, and to
13 you, Commissioner, for yesterday's Senate confirmation. Y'all
14 did a great job, and I'm excited to be working with you, at
15 least for the next two years, so I'm excited.

16 CHAIRMAN DANIEL: Thank you very much.

17 COMMISSIONER DEMERSON: If confirmed.

18 CHAIRMAN DANIEL: Yeah, there's a few more
19 steps that have to take place, but I appreciate your optimism.
20 Anything else? Is there a motion to adjourn?

21 COMMISSIONER ALVAREZ: Chairman, I move that
22 we adjourn.

23 COMMISSIONER DEMERSON: I second that
24 motion.

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CHAIRMAN DANIEL: It has been moved and
second to adjourn, and we are adjourned. [sounds gavel]