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TRANSCRIPT OF PROCEEDINGS
BEFORE THE
TEXAS WORKFORCE COMMISSION
AUSTIN, TEXAS

PUBLIC MEETING)
FOR THE TEXAS)
WORKFORCE COMMISSION)

COMMISSION MEETING
TUESDAY, MAY 29, 2018

BE IT REMEMBERED THAT at 10:00 a.m. on
Tuesday, the 29th day of May, 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

TUESDAY, MAY 29, 2018

(10:00 a.m.)

AGENDA ITEM NO. 1

CHAIRMAN ALCANTAR: Good morning, everyone.

This meeting is now called to order. Good morning, Ms. Miller.

MS. MILLER: Good morning.

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 22.

The Commission considered and took action on all tax liability cases listed on Docket 22.

AGENDA ITEM NO. 4

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

1 Commission Docket 22.

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 22.

7 The Commission considered and took action on
8 all wage claim cases listed on Docket 22.

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 22

13 The Commission considered and took action on
14 all unemployment compensation cases listed on Docket 22.

15 AGENDA ITEM NO. 7

16 CHAIRMAN ALCANTAR: Good morning, 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. Thank you.

22 AGENDA ITEM NO. 8

23 CHAIRMAN ALCANTAR: There is no discussion on
24 Item 8.

25 AGENDA ITEM NO. 9

1 CHAIRMAN ALCANTAR: And I understand we have
2 no update on Hurricane Harvey.

3 AGENDA ITEM NO. 10

4 CHAIRMAN ALCANTAR: So Item 10, Discussion,
5 Consideration and Possible Action Regarding TWC's Strategic
6 Plan. Tom McCarty. Lisa Givens. Morning, Lisa.

7 MS. GIVENS: Good morning, Chairman,
8 Commissioners, Mr. Temple. Lisa Givens, Communications.

9 You have before you the last draft that
10 reflects edits made in the 522 commission meeting about the
11 Strategic Plan for FY2019-2023. So I am prepared to hear
12 any edits or have it adopted.

13 CHAIRMAN ALCANTAR: Commissioners.

14 COMM. HUGHS: So we received a last draft on
15 Friday.

16 MS. GIVENS: Uh-huh.

17 COMM. HUGHS: We shared another draft at 9:30
18 this morning.

19 MS. GIVENS: Yes, ma'am.

20 COMM. HUGHS: And so I don't know if the
21 other offices have the benefit of it. I have extra copies
22 here. I don't think that they are substantive changes, but
23 I do think they're important changes, so I want to note that
24 the main point of the changes were in the message from the
25 Commissioners.

1 I thought it was important instead of having
2 the Veterans and the Disabilities merged together, have
3 those be two separate paragraphs; one addressing the number
4 of Veterans we have and the services we're going to give
5 them, and the second separately addressing the number of
6 individuals with disabilities that we have and the services
7 that we prioritize for them.

8 We also added an additional sentence to
9 identify quality childcare because that is such an important
10 part of our Agency and our strategic planning. I did not,
11 however, separately incorporate anything specific to
12 childcare and the goals. Hopefully, that's the overarching
13 message, but I thought it might be important to specifically
14 identify it in our message.

15 And lastly, I would just note on page 5 where
16 we list Skills Development Fund, JET and High Demand Job
17 Training, that we may need to include a sentence about Texas
18 Industry Partnerships, which I believe are going to continue
19 to be a part of our strategic plan, given that we have heard
20 people taking advantage of and valuing it, but that is not a
21 separate sentence that is inserted into the draft before
22 you. And I don't know if there's a reason that TIP wasn't
23 included that anyone wants to share, but -- I realize the
24 list is not all-inclusive, it just seemed to be the only one
25 missing in that category, so I wanted to mention that as

1 well.

2 CHAIRMAN ALCANTAR: I'm looking. What line
3 are you on? The last comment you made, Commissioner Hughs?
4 I couldn't find that.

5 COMM. HUGHS: It was originally page 5, one
6 in paragraphs -- it would now be paragraphs 8 through 14 in
7 the draft you have in front of you. It simply lists Skills
8 Development Fund and what it does very briefly, and JET, and
9 you'll see the technical change to Texans instead of Texas,
10 High Demand Job Training, so one more item would be TIP in
11 that paragraph.

12 CHAIRMAN ALCANTAR: I'm just not seeing it.

13 COMM. HUGHS: Oh, here. Pages 8 through 14.
14 See what I'm talking about; Skills Development Fund --

15 CHAIRMAN ALCANTAR: Yeah.

16 COMM. HUGHS: -- High Demand Job Training,
17 but we don't talk about TIP.

18 CHAIRMAN ALCANTAR: Oh, and you're proposing
19 that we add it?

20 COMM. HUGHS: Right. Just that we add a
21 sentence about TIP.

22 CHAIRMAN ALCANTAR: Yeah, that'd be good.

23 COMM. ALVAREZ: So -- excuse me.

24 COMM. HUGHS: I don't know if that is
25 technical or not, just because it's another section, but

1 it's not creating something we don't already have.

2 CHAIRMAN ALCANTAR: So you're proposing that
3 on line 12 we just add the word -- that we add Texas
4 Industry Partnership?

5 COMM. HUGHS: Right, with a very brief
6 description which I guess Aaron Shaw could help us with just
7 because all of them have the brief description on what they
8 do.

9 CHAIRMAN ALCANTAR: Okay.

10 COMM. HUGHS: So you see High Demand Job
11 Training indicates the --

12 CHAIRMAN ALCANTAR: Yeah.

13 COMM. HUGHS: -- which supports boards
14 partnering, so I guess TIP could have language similar to
15 what we have online that maybe says which supports training
16 in the areas of the six industry clusters.

17 MS. GIVENS: Okay. Understood.

18 COMM. HUGHS: And then Chairman, you've been
19 around the longest, so you let me know about the childcare
20 message, but it seemed like we needed to mention --

21 CHAIRMAN ALCANTAR: No, I --

22 COMM. HUGHS: -- quality childcare.

23 CHAIRMAN ALCANTAR: Oh, absolutely. And if
24 we could expand on that, I'd be very comfortable with that.
25 I think our focus is to make sure that our -- that we

1 support these small business owners that the quality of care
2 is enhanced and that more of our kids are school ready and I
3 think anything that we can do to reinforce that I would be
4 very supportive of.

5 COMM. HUGHS: So just puts line 38 through 40
6 on page 4. I'm not married to that language. It was more
7 the message.

8 MS. GIVENS: Okay.

9 COMM. HUGHS: And those are the areas that,
10 you know, if you all want to expand on; great. Otherwise,
11 those would be my changes and then I'd be well -- happy to
12 finalize it. But --

13 CHAIRMAN ALCANTAR: I agree and I would just
14 add the modifier to focus on the three comments that I just
15 made, Lisa. Okay?

16 MS. GIVENS: Yes, sir. I will make those
17 changes.

18 CHAIRMAN ALCANTAR: If my fellow
19 Commissioners are comfortable with that.

20 COMM. ALVAREZ: I'm okay with those changes,
21 Chairman. I have a question, though.

22 Line 22 on the revision that you passed out,
23 Commissioner Hughs, it scratches out apprenticeship.

24 COMM. HUGHS: Where is that?

25 COMM. ALVAREZ: Line 22 on page 5. It says

1 here --

2 COMM. HUGHS: Oh, right. And that's because
3 we had many training programs so if we say like
4 apprenticeship it just felt like we could start adding a
5 bunch of other examples where we mention apprenticeship in
6 other places. And that was Innovative Training Programs.
7 Certainly, apprenticeship is one of them. But it seemed
8 like an odd place to single it out.

9 COMM. ALVAREZ: Well, since it comes from a
10 message from the Commissioners, I recommend that we keep it
11 on there so that it will highlight for what we've done from
12 our office.

13 COMM. HUGHS: Can we say, such as instead of
14 like?

15 MS. GIVENS: I'll note that change.

16 COMM. ALVAREZ: Well, I just don't want to
17 take off that word.

18 COMM. HUGHS: Sure. What I'm saying like if
19 you're going to leave it in, I'm not opposed to it. I'm
20 just saying that maybe it could sound better. It doesn't
21 matter.

22 COMM. ALVAREZ: I'd like to keep it like
23 apprenticeship.

24 COMM. HUGHS: Like?

25 COMM. ALVAREZ: We had already gone through

1 that.

2 CHAIRMAN ALCANTAR: Okay. Can I -- let me
3 read the sentence. I'm sorry.

4 (Pause)

5 CHAIRMAN ALCANTAR: This would be your only
6 edit, right, Commissioner Alvarez?

7 COMM. ALVAREZ: I mean, this is --

8 CHAIRMAN ALCANTAR: I mean, that's --

9 COMM. ALVAREZ: This is the first time I've
10 seen this, so as far as I see right now, that's the only one
11 I have.

12 CHAIRMAN ALCANTAR: I see Commissioner Hughs'
13 point, but if this is really important to you in terms of
14 like, I think either way works. Can we just defer and vote
15 like? Like apprenticeships?

16 COMM. HUGHS: Yeah, that's fine with me.

17 CHAIRMAN ALCANTAR: I see your point, though,
18 Commissioner Hughs.

19 COMM. HUGHS: So we'll agree to add that back
20 in.

21 CHAIRMAN ALCANTAR: Like apprenticeship. And
22 did we mention -- I guess we mentioned internships already,
23 right?

24 COMM. ALVAREZ: It's in here.

25 CHAIRMAN ALCANTAR: Where is it?

1 COMM. ALVAREZ: It is on line 23, Chairman.

2 CHAIRMAN ALCANTAR: Okay.

3 COMM. ALVAREZ: Such as internships.

4 COMM. HUGHS: Right. We certainly mention
5 apprenticeships throughout and that could be an example. It
6 just seemed out of place, but that's fine.

7 CHAIRMAN ALCANTAR: Yeah, it's really
8 captured in the next sentence very strongly, right?

9 COMM. HUGHS: Right.

10 CHAIRMAN ALCANTAR: That was your --

11 COMM. ALVAREZ: Yeah.

12 CHAIRMAN ALCANTAR: -- point, Commissioner
13 Hughs? Right?

14 COMM. HUGHS: That's right.

15 CHAIRMAN ALCANTAR: I thought I'd seen that.
16 And then it's mentioned again in the next paragraph.

17 COMM. HUGHS: Uh-huh.

18 CHAIRMAN ALCANTAR: Or in the next sentence.

19 COMM. ALVAREZ: So again, I made reference to
20 that because this is the first time I've seen this, so I'm -
21 - I'm looking it over as well. I would be okay from
22 changing it to like to such as. Such -- like you said
23 earlier.

24 COMM. HUGHS: Okay.

25 COMM. ALVAREZ: Commissioner Hughs.

1 CHAIRMAN ALCANTAR: Okay. So everybody gets
2 what they want there. Perfect.

3 COMM. ALVAREZ: Uh-huh. I'm okay with that.

4 CHAIRMAN ALCANTAR: All right. All right.
5 Thank you. You got that? Such as apprenticeship.

6 MS. GIVENS: Yes, sir.

7 CHAIRMAN ALCANTAR: All right.

8 MS. GIVENS: Yes, sir.

9 CHAIRMAN ALCANTAR: With that, any other
10 changes, Commissioner Alvarez?

11 COMM. ALVAREZ: No.

12 CHAIRMAN ALCANTAR: I'm fine. Commissioner
13 Hughs, to strengthen the paragraph for childcare?

14 MS. GIVENS: Yes, sir. I got that change.

15 CHAIRMAN ALCANTAR: And that -- and then I
16 think we'll be good to go with those technical changes. Do
17 we have a motion?

18 COMM. HUGHS: I move that we approve the
19 Texas Workforce Commission Agency Strategic Plan for Fiscal
20 Years 2019-2023, as amended and for staff to make any
21 technical corrections in addition to what we've mentioned on
22 the record. Thank you.

23 COMM. ALVAREZ: Lisa, thank you, and Tom, for
24 your great work. And with that, I second that.

25 CHAIRMAN ALCANTAR: We are unanimous. Thank

1 you.

2 MS. GIVENS: Thank you.

3 AGENDA ITEM NO. 11

4 CHAIRMAN ALCANTAR: Item 11. We have no
5 Legislative update, Tom?

6 MR. MCCARTY: No.

7 CHAIRMAN ALCANTAR: We have no Legislative
8 update.

9 AGENDA ITEM NO. 12

10 CHAIRMAN ALCANTAR: Item 12, Larry, good
11 morning.

12 MR. TEMPLE: Good morning.

13 CHAIRMAN ALCANTAR: What do you have for us
14 this morning, Larry?

15 MR. TEMPLE: Nothing new.

16 CHAIRMAN ALCANTAR: Nothing new.

17 MR. TEMPLE: Just old me.

18 CHAIRMAN ALCANTAR: All right. Anythign for
19 Mr. Temple, Commissioners?

20 COMM. HUGHS: Not at this time.

21 COMM. ALVAREZ: Glad to have you back, Larry.

22 MR. TEMPLE: Thank you.

23 CHAIRMAN ALCANTAR: All right.

24 COMM. HUGHS: Good to see you.

25 AGENDA ITEM NO. 13

1 CHAIRMAN ALCANTAR: The Commissioners will be
2 going into Executive Session under Agenda Item 13(b)
3 pursuant to Government Code 551.071(1) to discuss pending
4 litigation regarding Todd D. Addington v. TWC and Accurate
5 CAD & Technical Services, Inc., and Mercer Nissan, Inc. v.
6 TWC. Thank you.

7 (Executive session begins at 10:55:52 a.m. and
8 concludes at 11:07:08 a.m.)

9 AGENDA ITEM NO. 15

10 CHAIRMAN ALCANTAR: All right. IT is 11:06,
11 we're back in session. Is there a motion to adjourn?

12 COMM. HUGHS: I move that we adjourn.

13 COMM. ALVAREZ: I'll second that.

14 CHAIRMAN ALCANTAR: We're adjourned. Thank
15 you.

16 (Proceedings concluded at 11:07:14 a.m.)

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C E R T I F I C A T E

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 6th day of June, 2018.

/s/ Kimberly C. McCright
Kimberly C. McCright
Certified Vendor and Notary Public

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