



**MEETING OF THE
TEXAS WORKFORCE COMMISSION**

DATE

JUNE 29, 2021

1 TUESDAY, JUNE 29, 2021

2 CHAIRMAN DANIEL: Oh, I thought I--I thought
3 I heard something else. Good morning, everyone. This meeting is
4 called to order. Mr. Trobman, has anyone signed up for public
5 comment?

6 MR. TROBMAN: [no audible reply]

7 CHAIRMAN DANIEL: Thank you very much. Good
8 morning, Ms. Miller.

9 MS. MILLER: Good morning, sir.

10 CHAIRMAN DANIEL: Thank you. Let's take a
11 short break while we prepare for the rest of the meeting. We're
12 back. This is Agenda Item 8, chapter 815 final rules.

13 MR. STALINSKY: Good morning, Chair Daniel,
14 Commissioner Alvarez, and Commissioner Demerson, and Mr. Serna.
15 For the record, I am Jason Stalinsky with policy, planning, and
16 prosecutions. Before you today is a proposal to amend the
17 chapter 815 unemployment insurance rules to address the passage
18 of the Continued Assistance Act, CAA, or--and the American
19 Rescue Plan Act, ARPA. The commission has previously undertaken
20 emergency rulemaking to address the CAA. Those emergency rules
21 will soon expire and will be replaced by this rulemaking. These
22 rules remain necessary as the agency continues to process and
23 adjudicate appeals, waivers, overpayments, and fraud related to
24 the CARES Act, CAA, and ARPA. The proposed rules were posted for
25 public comment in the Texas Register. No comments were received.

1 The U.S. Department of Labor did not identify any conformity
2 issues with the proposed rules. As a result, no changes have
3 been made between the proposed and final rule language. Staff
4 seeks commission action regarding the adoption of these rules,
5 as included in your notebooks and published on the agency's
6 website. If the rules are adopted, staff requests the ability to
7 make minor, non-substantive changes to the document in order to
8 comply with publication requirements of the Texas Register and
9 the Texas secretary of state. I'm here this morning as a
10 resource to answer any questions you may have.

11 CHAIRMAN DANIEL: Comments or questions?

12 COMMISSIONER ALVAREZ: None here, Chairman.

13 COMMISSIONER DEMERSON: None here.

14 CHAIRMAN DANIEL: Do we have a motion?

15 COMMISSIONER ALVAREZ: Chairman, I move that
16 we adopt chapter 815 unemployment insurance permanent rules as
17 discussed by staff.

18 COMMISSIONER DEMERSON: Second.

19 CHAIRMAN DANIEL: It's been moved and
20 seconded. We're unanimous, thank you.

21 MR. STALINSKY: Thank you.

22 CHAIRMAN DANIEL: I don't think we have
23 anything on Agenda Item 9. Let's move to Agenda Item 10, which
24 is our COVID-19 standing report.

25

1 MR. SERNA: One item that's childcare-
2 related.

3 MS. MILLER: Good morning, Chairman,
4 commissioners. For the record, Reagan Miller with childcare and
5 early learning. This morning for your consideration are several
6 new initiatives proposed to be funded with either remaining
7 CARES Act funds, CRRSA funds, or ARPA discretionary funds.
8 Attachment one in your document provides a summary of these
9 available balances and the projects that we're proposing to
10 fund. I'll note that if you approve all of these proposed
11 projects this morning, we will still have over 1.5 billion in
12 ARPA discretionary funds available, and all of the approximately
13 2.7 billion in ARPA stabilization funds will remain available.
14 So, the first initiative that we're proposing will invest 500
15 million in direct care to serve additional children of service
16 industry recovery workers. As we outlined in the decision paper,
17 the service industry was particularly hard-hit by COVID, and
18 providing childcare subsidies for this industry can help support
19 their essential work and continued economic recovery. The
20 discussion paper outlines some of the key features of the
21 proposed service industry recovery childcare program, including
22 the specific service industry workers this will support,
23 requiring the parent to provide evidence that they are employed
24 in one of these industries, targeting families earning 75
25 percent or less of the state's median income and allowing

1 parents to self-attest to their income, implementing this under
2 the federal rules for protective services, and based on this and
3 the fact that we won't have family income details, parents will
4 not have a required copay. And funding a total of 12 months of
5 childcare and submitting a federal waiver, as we previously did
6 when we approved the essential worker childcare program that we
7 set up at the beginning of COVID to allow for this time-limited
8 protective services benefit. And that draft letter to the Office
9 of Childcare is included as attachment two. I also wanna point
10 out that we structured this as a benefit for people who are
11 working in the service industry, as we need validation that
12 they're in one of those identified industries. So, while you did
13 just recently approve initial job search for at-risk families,
14 for this program, we will not provide initial job search because
15 we do need to tie it to that specific industry, which must be
16 confirmed at eligibility. Attachment three lays out the board
17 distribution, and also outlines the board's preliminary
18 performance targets for about two-thirds of the funds. We will
19 need to update these performance numbers for all of the funds
20 based on the board contract year '22 methodology that you will
21 consider and approve later in August or September once we
22 receive the updated market rate survey. These preliminary
23 targets will provide boards with a starting point so they can
24 begin to enroll service industry workers' children into care.
25 And for our implementation date, we are working to make the

1 required twist, IT modifications, and we're aiming for a mid-
2 July implementation date. The second initiative will distribute
3 funds to the boards as outlined in attachment four, to provide
4 targeted support to incent and increase ongoing participation in
5 Texas Rising Star, as described in the discussion paper. This
6 initiative is proposed for a total of 30 million. Boards will be
7 required to submit a plan, which must be approved by childcare
8 and early learning, and which aims to expediently expend the
9 funds no later than March of 2023. The third issue is also
10 focused on Texas Rising Star and would make 20 million available
11 on an application basis for boards who wish to implement
12 contracted slots, as authorized in the labor code. Boards may
13 submit applications through November 30, 2021, and must aim to
14 expend funds quickly, but no later than March of 2023. The
15 fourth issue focuses on the development of new early childhood
16 apprenticeship programs. Three million would be dedicated to
17 fund the startup and development costs for establishing new
18 registered early childhood apprenticeship programs. On page six,
19 we outline the eligible applicants and note several program
20 development activities that applicants should consider. This
21 initiative would be focused on program development, and as these
22 programs are being developed, one of the key considerations that
23 they need to make is how they will support and sustain the
24 ongoing classroom training class--costs once they launch and
25 implement the program. This is really a key consideration

1 because in order for these programs to have longevity and be
2 sustainable, they must determine how they will pay for training
3 year-over-year. There are options for them to consider,
4 including TWC's chapter 133 apprenticeship funding, partnering
5 with the local board, with their 2 percent quality funds if the
6 boards are interested in investing in this, and TWC also funds
7 an early childhood professional development project awarded to
8 Texas AEYC through the Teach program, and those funds are also
9 available to support apprenticeship classroom training costs.
10 We're also recommending that we dedicated 450,000 for a program
11 evaluation as described in the discussion paper, which will
12 include looking at project development challenges,
13 apprenticeship engagement and completion, and program
14 sustainability. And lastly, we're requesting that we set aside
15 half of 1 percent of the CRRSA funds for TWC program
16 administration costs. And with that, I'm available to answer any
17 questions.

18 CHAIRMAN DANIEL: Comments or questions?

19 COMMISSIONER ALVAREZ: Very informative,
20 Reagan, so appreciate that. Other than that, no other comments,
21 Chairman.

22 COMMISSIONER DEMERSON: Reagan, I continue
23 to thank you guys for the work that you're doing in that space.
24 We're looking at doing something with childcare facilities on
25 the employer side. They are employers here in our state, and

1 very critical component to this and to our state. One question
2 on the apprenticeship. I think it's--I forget which issue item
3 it is, but you mentioned program evaluation, I think \$450,000
4 for program evaluation. Is that something that we're going to
5 procure?

6 MS. MILLER: Yes.

7 COMMISSIONER DEMERSON: Okay.

8 MS. MILLER: Yes.

9 COMMISSIONER DEMERSON: All right.

10 MS. MILLER: We would procure an evaluator
11 to conduct that evaluation.

12 COMMISSIONER DEMERSON: Good, I'm interested
13 in that, for sure. And I think that that's all I have.

14 COMMISSIONER ALVAREZ: [Inaudible] that
15 we're partnering up with higher ed and some of the other groups
16 as well, right?

17 MS. MILLER: Yeah--

18 COMMISSIONER ALVAREZ: On this particular
19 Agenda Item?

20 MS. MILLER: Yeah, we--

21 COMMISSIONER ALVAREZ: I mean, on this
22 particular--

23 MS. MILLER: We certainly think that with
24 registered apprenticeship programs, there are opportunities to
25 look at articulation opportunities--

1 COMMISSIONER ALVAREZ: I love it.

2 MS. MILLER: --with higher ed.

3 COMMISSIONER ALVAREZ: I love it. I see it
4 here, institutions of higher ed, regional education service
5 centers. I love it, great job.

6 COMMISSIONER DEMERSON: One other--camp--is
7 it camp first or camp--what's--

8 COMMISSIONER ALVAREZ: Campfire.

9 MS. MILLER: Campfire in [inaudible] county.

10 COMMISSIONER DEMERSON: Campfire, I thought
11 it was camp [inaudible]. How are we doing with that program?
12 What's been the [inaudible]?

13 MS. MILLER: It's doing well. So, Campfire,
14 as part of their ongoing plan for training costs, they actually
15 applied for and received a grant from us for chapter 133
16 funding. They also partner with Texas AEYC, who operates the
17 Teach program, so they're able to braid and blend those two
18 funding sources to cover those ongoing training costs year-over-
19 year.

20 COMMISSIONER DEMERSON: Okay. Thank you.

21 CHAIRMAN DANIEL: Do we have a motion?

22 COMMISSIONER ALVAREZ: Yes, Chairman, I have
23 a motion, and hopefully I get this right, Reagan. I move that we
24 approve the use of 500 million for service industry recovery
25 childcare, 30 million for Texas Rising Star supports, 20 million

1 for Texas Rising Star contracted slots, 3,450,000 for the
2 development of early childhood education registered
3 apprenticeship programs, and \$5,678,743 for program
4 administration, as presented by staff.

5 COMMISSIONER DEMERSON: Second.

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

8 MS. MILLER: Thank you.

9 CHAIRMAN DANIEL: Thank you. Item 11? No?
10 Legislative report? No? Mr. Serna.

11 MR. SERNA: With item 12(a) and (b), where
12 we recognize some of our employees with Star award for Abbey
13 Kirby. And I don't know if [inaudible] anybody from UI that will
14 discuss Ms. Kirby's Star award.

15 CHAIRMAN DANIEL: We have a volunteer back
16 here.

17 COMMISSIONER ALVAREZ: Morning.

18 MS. BUTLER: Abbey's being recognized for her
19 efforts in coordinating our office move from our Grand Prairie
20 location to our new space in Arlington. The move was a process
21 that lasted several months. Abbey worked tirelessly throughout all
22 stages of that process. Initially, she met with the TWC facilities
23 team to identify and secure appropriate office space. From there,
24 she went on to work with landlord and the leasing agent. She also
25 worked with architects and the general contractor. Abbey worked

1 with electricians, telephone support, and data com, and Abbey also
2 had to secure bids and make arrangements with movers. Abbey even
3 worked with city inspectors and the City of Arlington permitting
4 office, all throughout this process. While this was going on, Abbey
5 continued to perform her regular job duties associated with
6 supervising 12 to 15 hearing officers within the department. Abbey
7 worked with our hearing scheduler to minimize our loss of
8 productivity and hearing downtime. She put together a schedule
9 where the hearing officers could pack up, move, unpack, and get
10 back online to holding hearings as soon as possible. A lot of that
11 she did by personally troubleshooting any and all connecting issues
12 with telephones and computers at the new location. Abbey was
13 nominated for this award by her fellow supervising attorney, Sarah
14 Anthony, also in the Metroplex office. Sarah witnessed firsthand
15 all the effort and long hours that Abbey put in to make this
16 transition go so smoothly. So, on behalf of the appeals department
17 and the UI division, I wanna thank Abbey for all of her efforts,
18 and I'm proud to present this well-deserved Star award to Abbey.

19 COMMISSIONER ALVAREZ: [Inaudible]

20 [applause]

21 COMMISSIONER DEMERSON: Is Abbey joining us
22 live, or? Okay.

23 UNIDENTIFIED SPEAKER: Virtually.

24 COMMISSIONER DEMERSON: Virtually--she is
25 joining us virtually, good, good.

1 CHAIRMAN DANIEL: She's working. [Inaudible]

2 COMMISSIONER ALVAREZ: She's moving.

3 COMMISSIONER DEMERSON: Yeah, she's taking
4 care of business.

5 CHAIRMAN DANIEL: She's got stuff to do.

6 COMMISSIONER DEMERSON: Yeah.

7 COMMISSIONER ALVAREZ: Thank you, Ms. Kirby.
8 We wanna thank you from Austin, wherever you're at.

9 Congratulations, well-deserved award. And thank you, Ms. Butler,
10 for the kind words.

11 COMMISSIONER DEMERSON: I'm gonna echo
12 Commissioner Alvarez's comments. You know, sometimes we can take
13 those things for granted, and going over and above means a lot,
14 especially in today's times. So congratulations to Abbey for
15 that work. [sounds like] Lowell could probably use her on the
16 facilities team as well. It's a lot of good experience there.

17 CHAIRMAN DANIEL: [Inaudible] Let's don't
18 encourage poaching in an open meeting. [laughter] That's some
19 bad luck, and I don't wanna [inaudible].

20 COMMISSIONER DEMERSON: You're right, you're
21 right.

22 MR. SERNA: We have a second Star award for
23 our maintenance staff, and I know that Lowell [inaudible] Liz
24 Hernandez are here. But go ahead and come on up, Liz. But I did
25 wanna say my own few words about the maintenance staff. Having

1 been one of the few people that was here through the pandemic,
2 in a building that was basically empty except for a few of us
3 that were here every day, they went above and beyond, making
4 sure that the building was still functioning for just the few of
5 us that were here. Though we were closed to the public, we were
6 still working, and then as Liz will point out, the continued to
7 deal with all kinds of problems with some of our other buildings
8 [inaudible] snowstorms and everything else [inaudible]--

9 MS. HERNANDEZ: Good morning.

10 MR. SERNA: --talk about our great
11 maintenance staff.

12 COMMISSIONER DEMERSON: Morning.

13 MS. HERNANDEZ: First, on behalf of my
14 staff, I would like to thank Chairman, commissioner, and Mr.
15 Serna for this maintenance Star award. This past year has been
16 very difficult for everyone. It's been a different experience
17 for everyone, and we--it's taught us a lot. We've learned new
18 ways to perform our jobs and assist in other areas within our
19 agency. During the pandemic, our staff worked diligently to keep
20 our vacant buildings operational. They worked all hours of the
21 night, supporting our disinfecting contractors throughout our
22 facilities to have them ready for staff the following day. After
23 the snowstorm, pipes bursted [sic] and flooded the Grand Prairie
24 and Guadalupe building. Staff worked long hours, weekends, to
25 extract the water. In fact, in Grand Prairie, they extracted

1 3,800 gallons of water and removed 5,000 carpet tiles. They also
2 removed all the carpet, or dried up the carpet, here at
3 Guadalupe, located the leaks, and made the necessary repairs,
4 which saved the agency money. This recognition for going above
5 and beyond the call of duty is truly appreciated, and I stand
6 here, it's an honor to stand here before all of you, and to
7 present this amazing team with the Star award. So, thank y'all.
8 [applause]

9 COMMISSIONER ALVAREZ: Chairman, if I may
10 say a few words. I am honored to be here today, being able to
11 acknowledge the remarks that Liz made regarding her staff. No
12 one is more committed to her staff than Liz, and I appreciate
13 the hard work. But she said it right--how amazing it was that
14 during the pandemic, these men and women came to the office on a
15 regular basis to make sure that some of the items that Liz
16 pointed out, we didn't even notice. And to come in every day to
17 work with a smile on your face, morale was great--my hat's off
18 to you. We'd never experienced anything that you may have. The
19 flooding--didn't know anything about it. I know that many of you
20 are working in other buildings, and I truly, from--personally
21 wanna thank you for the fine work that you've done, and to--and
22 Chief [inaudible] the painter, I love my royal blue. But all of
23 you do such great work, everyone here at the agency, but
24 particularly the gentlemen and the women of the maintenance
25 office or department did an outstanding job during the pandemic.

1 Couldn't have gone to a more deserving group of folks, so
2 congratulations.

3 COMMISSIONER DEMERSON: I'd like to, again,
4 just echo Commissioner Alvarez's sentiments there. I've said
5 this even before the pandemic--I mean, I'm very proud. This is a
6 building we can walk in, that I'm very proud to walk into, and
7 I've shared this with someone, that behind the scenes, the
8 work's being done. These guys just kinda take care of business
9 day-in and day-out. Again, we don't wanna take it for granted--
10 they even upped their game during the pandemic, with a smile, of
11 making sure that things were taken care of. When you have a
12 commissioner like Commissioner Alvarez, with those high
13 expectations, it's hard to keep up with that, so.

14 COMMISSIONER ALVAREZ: No, you did.

15 COMMISSIONER DEMERSON: But they take care
16 of business in a big, big way, and we truly, truly, truly
17 appreciate it.

18 COMMISSIONER ALVAREZ: They take such pride
19 in this facility, let me tell you. I mean, I've never seen a
20 group of folks take so much pride in not only their jobs, but
21 the building personnel, making sure that all three of us are
22 taken care of, and the safety of employees. So, Chairman, I
23 just--I could go on and on about the great work, and I know that
24 we're all very proud of these men and women.

25

1 CHAIRMAN DANIEL: Yeah, couple things. One,
2 you know, for everybody that was here most every day over the
3 last 18 months or so, lots of stuff going on. These guys were
4 taking care of it. Two, I'm--y'all don't get to see what I get
5 to see from up here. The body language of this maintenance crew,
6 waiting to see if they're gonna have to stand up and say
7 something, is absolutely hilarious. We're gonna let you guys get
8 back to work in just a second. Let us say nice things, it's all
9 they give us, all right? So, let us say nice things. You guys do
10 amazing work. I didn't realize we were letting Commissioner
11 Alvarez pick the paint colors. Now that I know that, I'm gonna--
12 there's gonna be some different ways we do things. I'll talk to
13 some folks about that.

14 COMMISSIONER ALVAREZ: It's Alvarez blue.

15 CHAIRMAN DANIEL: I don't--just matching to
16 you suit color every day is not--I don't think that's how we
17 should be doing it.

18 UNIDENTIFIED SPEAKER: [Inaudible]

19 CHAIRMAN DANIEL: Air conditioning,
20 electricity, lights, elevators, my favorite maintenance crew
21 experience--I rolled in early midmorning, like I sometimes do,
22 and there was a large group of the crew standing in my parking
23 space. They were looking for a mystery puddle that had appeared
24 in a room, and it hadn't made its way to the garage yet. Forty-
25 eight hours later, apparently we located the mystery puddle,

1 fixed the mystery puddle, and had repainted the room that the
2 mystery puddle was in. You don't even get that kind of service
3 at a five-star hotel. So, you guys have incredibly spoiled all
4 of us here. None of us ever say thank you, we just always call
5 and ask for one more thing. So, let us have a chance to say
6 thank you. Thank you for everything that you do. And for those
7 mornings that I do manage to roll in here about daybreak, I
8 can't beat you guys in. You're either staying all night or
9 you're on some kind of mad [inaudible] schedule. So, thank you
10 for that as well. [applause]

11 COMMISSIONER DEMERSON: Mr. Chairman, can we
12 ask them to stand [inaudible] in here [inaudible]?

13 CHAIRMAN DANIEL: See, this is exactly what
14 they were hoping wasn't going to happen.

15 COMMISSIONER DEMERSON: But I want them to
16 stand and just point them out. If you guys would just stand.

17 CHAIRMAN DANIEL: [Inaudible]

18 COMMISSIONER DEMERSON: Thank you again.
19 [applause] Good job.

20 UNIDENTIFIED SPEAKER: [Inaudible]

21 MR. SERNA: That's all we've got for that
22 Agenda Item, Mr. Chairman.

23 CHAIRMAN DANIEL: I'm proud of you guys for
24 not orchestrating some sort of pager attack, where you all had
25

1 to go at once time. Good job for not inventing an emergency.
2 Anything else, Mr. Serna, in your executive director's report?

3 MR. SERNA: Nothing in the executive
4 director's report. I've been out for more than a couple of days,
5 and I'm sure that y'all don't want a report from the
6 northwestern part of the country, so.

7 CHAIRMAN DANIEL: Any other order of
8 business to come before the commission?

9 COMMISSIONER ALVAREZ: Glad to have you
10 back, Ed.

11 MR. SERNA: Thank you.

12 COMMISSIONER DEMERSON: Yeah.

13 COMMISSIONER ALVAREZ: And Chris and Randy
14 did a great job. Everybody did, while you were gone.

15 CHAIRMAN DANIEL: Were Chris and Randy here?

16 [laughter]

17 COMMISSIONER ALVAREZ: Randy was very--I
18 mean, Chris was very nervous. We had a chance to go after
19 [inaudible] man. Chairman was good.

20 CHAIRMAN DANIEL: Anything else?

21 COMMISSIONER DEMERSON: Yeah, I [inaudible]
22 two things--

23 COMMISSIONER ALVAREZ: Chairman, did
24 [inaudible] take action this--

25 CHAIRMAN DANIEL: I got one thing. Sir?

1 COMMISSIONER ALVAREZ: Did you need to take
2 action on this?

3 CHAIRMAN DANIEL: No.

4 COMMISSIONER ALVAREZ: Okay.

5 CHAIRMAN DANIEL: Anything else? I got one
6 thing.

7 COMMISSIONER DEMERSON: Real quick, I have a
8 staff member that's going to be--speaking of poaching--
9 [inaudible] Suzanne over there--I have a staff member, Velissa
10 [inaudible] who's been a part of our team for about seven years,
11 dedicated team member, has done an outstanding job. She's gonna
12 be leaving our office and going over to the general counsel's
13 office as well. But we expressed our sentiments to Velisa last
14 week, but just a valuable member of our team. She'll remain a
15 member of the TWC team, which is a good thing, but wanted to
16 express our heartfelt thanks to Velissa for the work that she's
17 done in the office of the employer's and commissioner's office.

18 COMMISSIONER ALVAREZ: Commissioner, thanks
19 for reminding me. So, we had someone who retired, and her last
20 day will be tomorrow. And that is Yvette Ramirez, who worked
21 with Larry Temple for many years, worked with us for a couple of
22 years, and we're sad to see her retire, but we wish her the
23 best.

24 COMMISSIONER DEMERSON: Yes.

25

1 CHAIRMAN DANIEL: Yeah. Mr. Serna, I have
2 received a couple--more than a couple--of calls from employers
3 who have expressed some concern about some recent communications
4 from TWC regarding tax rates, confusion about the communications
5 themselves, confusion within the communications themselves.
6 Would you mind visiting with the appropriate parties here at the
7 agency and see if we can figure out what's going on--

8 MR. SERNA: Yes, sir.

9 CHAIRMAN DANIEL: --and then give us a
10 chance to talk about that in a little greater detail please,
11 sir?

12 MR. SERNA: Yes, sir, I'll get to the bottom
13 of it.

14 CHAIRMAN DANIEL: Just a big spike in calls
15 from employers over the last--Friday and yesterday. Not really
16 today.

17 MR. SERNA: I'll find out, yes, sir.

18 CHAIRMAN DANIEL: Thank you very much.
19 Anything else?

20 COMMISSIONER ALVAREZ: None here, Chairman.

21 COMMISSIONER DEMERSON: None here.

22 CHAIRMAN DANIEL: Is there a motion to
23 adjourn?

24 COMMISSIONER ALVAREZ: Chairman, I move that
25 we adjourn.

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COMMISSIONER DEMERSON: Second.

CHAIRMAN DANIEL: It's been moved and seconded to adjourn, and we are adjourned. Thank you.