

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

TRANSCRIPT OF PROCEEDINGS
BEFORE THE
TEXAS WORKFORCE COMMISSION
AUSTIN, TEXAS

PUBLIC MEETING)
FOR THE TEXAS)
WORKFORCE COMMISSION)

COMMISSION MEETING
TUESDAY, JULY 23, 2019

BE IT REMEMBERED THAT at 9:00 a.m. on
Tuesday, the 23rd day of July, 2019, the above-entitled
matter came on for hearing at the Texas Workforce
Commission, TWC Building, 101 East 15th Street, Room 244,
Austin, Texas, before RUTH R. HUGHS, Chair and JULIAN
ALVAREZ, Commissioner.

TABLE OF CONTENTS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

PAGE

PROCEEDINGS, TUESDAY, JULY 23, 2019

AGENDA ITEM NO. 1 3
Chair Hughs

AGENDA ITEM NO. 2 3
Les Trobman

AGENDA ITEM NO. 3 3
Sherri Miller

AGENDA ITEM NO. 4 3
Jennifer Turner

AGENDA ITEM NO. 5 4
Jennifer Turner

AGENDA ITEM NO. 6 4
Sherri Miller

AGENDA ITEM NO. 7 4
Sherri Miller

AGENDA ITEM NO. 8 4
Allison Wilson and Courtney Arbour

AGENDA ITEM NO. 9 12
Carline Geiger and Cheryl Fuller

AGENDA ITEM NO. 8 12
Allison Wilson and Courtney Arbour

AGENDA ITEM NO. 9 15
Carline Geiger and Cheryl Fuller

AGENDA ITEM NO. 10 16
Jamahl Poynter and Les Trobman

AGENDA ITEM NO. 14 17
Ed Serna

AGENDA ITEM NO. 15 19
Adjournment

REPORTER'S CERTIFICATE 20

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

P R O C E E D I N G S

TUESDAY, JULY 23, 2019

(9:00 a.m.)

AGENDA ITEM NO. 1

CHAIR HUGHS: Good morning. This meeting is called to order.

AGENDA ITEM NO. 2

CHAIR HUGHS: Mr. Trobman, has anyone signed up for public comment?

MR. TROBMAN: No.

CHAIR HUGHS: All right, thank you. I understand we have no cases to reconsider under Agenda Item 3, is that correct?

AGENDA ITEM NO. 3

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. 4

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

1 No Discussion.

2 AGENDA ITEM NO. 5

3 Discussion, Consideration and Possible Action
4 Regarding Fair Housing Cases listed on the Texas Workforce
5 Commission Dockets.

6 No Discussion.

7 AGENDA ITEM NO. 6

8 Discussion, Consideration and Possible Action
9 Regarding Higher Level Appeals in Wage Claim Cases Listed on
10 the Texas Workforce Commission Docket 30.

11 The Commission considered and took action on
12 all wage claim cases listed on Docket 30.

13 AGENDA ITEM NO. 7

14 Discussion, Consideration and Possible Action
15 Regarding Higher Level Appeals in Unemployment Compensation
16 Cases Listed on the Texas Workforce Commission Docket 30.

17 The Commission considered and took action on
18 all unemployment compensation cases listed on Docket 30.

19 AGENDA ITEM NO. 8

20 CHAIR HUGHS: That brings us to Agenda Item
21 8, Discussion, Consideration and Possible Action Regarding
22 the Texas Early Childhood Learning Summit Statewide
23 Initiative for Fiscal Year 2020. Good morning.

24 MS. MILLER: Good morning Chair Hughs,
25 Commissioner Alvarez and Mr. Serna. I'm Reagan Miller with

1 the Workforce Division's Childcare and Early Learning
2 Department.

3 At the June 25th commission meeting we were
4 asked to prepare an estimate for expanding the Texas Early
5 Childhood Learning Summit from one event to two events. We
6 have several other issues that staff has identified for your
7 consideration as well.

8 So in your document the first two decision
9 points concern the expansion to two summits. In order to
10 expand we are requesting an additional 500,000 be budgeted.
11 In the past we've budgeted 750,000 for one summit, and we
12 haven't expended quite that much. In 2018 it was about
13 568,000. And this gives us a little wiggle room in case the
14 costs come in higher, so we do believe an additional 500,000
15 will cover all of the costs associated with the second
16 summit, and we would also like your input on whether you
17 have a preference for the location of the summits.

18 The last two decision points are
19 recommendations based upon our observations on the number of
20 staff per TRS provider that have attended, the waiting list
21 that we have experienced, and our no-show rate. So first,
22 we are recommending limiting the number of staff that each
23 TRS provider can send to two and prioritizing registrants
24 who have never before attended. And we would like to
25 implement a \$20 registration fee to encourage a commitment

1 to attend. And I'd be happy to answer any questions.

2 CHAIR HUGHS: Okay. Commissioner Alvarez

3 COMM. ALVAREZ: Well, I'm glad that you're
4 putting the \$20, I thought that was pretty cool. Stake in
5 the game. I do have comments and then I'll make my motion,
6 if that's okay.

7 I would be in favor of increasing the budget
8 to allow for a second Texas Early Childhood Learning Summit.
9 This would ease travel burdens on individuals who cannot
10 afford to travel and ease the wait list. Having a second
11 summit would also show good faith in adhering to HB0001,
12 Article 7, TWC Rider 10, which requires that TWC and local
13 workforce development boards work cost effectively to
14 continue to expand the availability of employment in
15 childcare programs, specifically in rural areas. Those are
16 my comments.

17 CHAIR HUGHS: Thank you, and I have some
18 comments as well. Is this a good time for that? Okay. Did
19 you have any questions for Ms. Miller?

20 COMM. ALVAREZ: No.

21 CHAIR HUGHS: Okay. So thank you for
22 bringing this to us. And I appreciate the positive feedback
23 that we've received from having a conference. I understand
24 that we have a cushion in terms of how much money was
25 allowed for the conference and that we have not used the

1 entire amount for that conference. I also appreciate that
2 we have no-show concerns in terms of people who actually
3 don't attend on the day of that had previously registered,
4 so the parameters that you reference in terms of having the
5 ability to limit how many people come from a certain
6 provider would allow more people to have access. It would
7 address that concern.

8 I think having a registration fee will also,
9 to the point that Commissioner Alvarez made, have some skin
10 in the game, and we have seen that that does make a
11 different. Good morning, Ed. And so, I certainly believe
12 that for the money that is approved for next summer to put
13 some parameters around that conference is certainly going to
14 help us address the need for the waitlist.

15 With respect to a second conference, I've
16 been trying to wrap my head around how that would work in
17 terms of having two conferences in the summer, splitting
18 staff in that respect. I know there had been some mention
19 of a location. When I look at where the majority of
20 providers are, they are overwhelming in the Dallas and
21 Houston area, which is where we currently rotate the
22 conference from year to year. There seems to be a positive
23 travel from, you know, most of the state, certainly from
24 south Texas. There seems to be less individuals that
25 sometimes make the trip from Texoma or from Beaumont or some

1 of our rural areas. And so to that end, I would ask staff
2 to look at what the participation is from rural areas, what
3 that migration is, if you will, and see if it really does
4 make sense to add what I think is a significant amount of
5 money to this effort.

6 So, I support the effort, I'm not sure about
7 the amount being asked, and I also think that without having
8 parameters, that that's why we've had challenges in terms of
9 more participation. So I would ask to have parameters put
10 in for the conference as currently approved at the amount
11 that's currently approved, and that we look at whether
12 there's a need for a second conference once we have those
13 numbers in, once we see what our rural commitments are, and
14 also, ideally, once we have a third commissioner.

15 COMM. ALVAREZ: So I'd like to respond to
16 that. So, the -- I'd be willing to negotiate, instead of
17 the 500,000 we had left over 152,000 of the 750, and I would
18 be willing to decrease the 500 ask to 348,000 so that it
19 would be 500 plus the 152,000.

20 The reasoning for having a second conference
21 is Chair Hughs is right, there are areas that we see more of
22 interest in attending these conferences, but again,
23 following Article 2 of 7, TWC Rider 10, which requires us to
24 be focusing on rural communities, Dallas, Houston and some
25 of the areas don't, and so my recommendation would be to

1 focus on a rural community, south Texas, San Antonio, Corpus
2 as one of the locations.

3 And I agree, we do have a great turnout for
4 option one, but why not allow our stakeholders additional
5 options? We do know that there is an expense to traveling.
6 We do pay for the room and maybe some other expenses, but it
7 does become burdensome for them to have what do we call, per
8 diem, gas expense, things that we do not cover. So I always
9 felt like just like everything else that I propose, that we
10 give people the options of attending or doing more than just
11 whatever we throw out there. So that was my reasoning, and
12 I'd be even willing, like I said, because we had money that
13 was left over in the amount of 152,000 after listening to
14 Reagan's presentation, and she's asking for 500, and I'd be
15 willing to use the 348 to offset the expense.

16 But I do think there's a need for it, and I
17 am focusing on, again, this past session it was voted on and
18 it was informed -- we were informed, having second summit,
19 that adhering to HB-0001, Article 7, TWC Rider 10, which
20 requires that TWC, requires us and TWC local workforce
21 development boards work close on effective -- on expanding
22 into rural communities. And I'd just like to see this done.

23 CHAIR HUGHS: I agree with the effort. I am
24 not sure that a second conference achieves that goal at this
25 time, but I'd be very interested in seeing that information

1 from staff in terms of the rural community and then we can
2 reconsider it at that time.

3 COMM. ALVAREZ: Well we have to do it. I
4 mean, it's a mandate.

5 CHAIR HUGHS: So --

6 COMM. ALVAREZ: I mean, we're going to have
7 to focus on a rural community. I'm --

8 CHAIR HUGHS: Well we do focus on the rural
9 community, and we have lots of programs that support rural
10 community. We also have rates that we'll be looking at
11 later in the month and lots of different scenarios to
12 consider.

13 My concern about a second conference, which I
14 imagine will be part of what staff will look at as well, is
15 if we're going to be using the same presenters, if we're
16 going to -- how that's going to work out in terms of staff
17 putting those resources into a second location at relatively
18 the same time period.

19 I certainly think that, in addition to a
20 standalone conference, we might have more related sessions
21 on the subject at our statewide conference. Or there would
22 be, you know, just other possibilities. Because I
23 absolutely agree that the effort's important, and that we
24 need to continue to get the word out, and I appreciate all
25 the time and attention staff takes towards that. So, you

1 know, to that end I would ask to continue to evaluate this
2 and to bring it back up for consideration when we have a
3 third commissioner.

4 COMM. ALVAREZ: Well the only reason I bring
5 it up as well, is we have contracts that need to be out, and
6 I don't want to wait till 2023 or something like this to be
7 actually put forth.

8 CHAIR HUGHS: My vote today, and again, I
9 want to stay open to what will come forward, but I certainly
10 think that today, even just putting the parameters in place
11 is going to result in better outcomes for next year's
12 conference and better participation and more effective
13 outreach. So that alone s something that should hold up
14 putting -- getting the conference together for next summer,
15 because that money's already been approved.

16 But at this time, I think that that's the
17 best we can do, is just confirm that we're committed to the
18 effort and we want to make sure we have a very successful
19 conference next year and have the support of having
20 parameters in place and that we revisit if we're going to
21 have a second conference at a later time.

22 COMM. ALVAREZ: So, for the record, let it
23 state that I am asking for staff to continue looking at a
24 possible second summit as Chair Hughs has asked you to
25 further research, but I'm also going to, for the record,

1 indicate that this past session HB-0001, Rider -- I mean,
2 Article 7, Rider -- TWC Rider 10, was implemented, and so
3 don't want to wait till next session before we have a
4 response on what we did with that.

5 CHAIR HUGHS: Thank you, Commissioner
6 Alvarez, that's duly noted.

7 COMM. ALVAREZ: Thank you, Reagan.

8 CHAIR HUGHS: Thank you Ms. Miller.

9 AGENDA ITEM NO. 9

10 CHAIR HUGHS: Item 9, Discussion,
11 Consideration and Possible Action Regarding Recommended
12 Changes to the Vocational Rehabilitation Standards for
13 Providers Manual, Chapter 5, Orientation and Mobility
14 Services; Chapter 7, Diabetes Self-Management Education
15 Services; and Chapter 10, Independent Living Services for
16 Older Individuals Who are Blind.

17 MS. GEIGER: Good morning --

18 AGENDA ITEM NO. 8

19 MR. SERNA: I'm sorry, ma'am. And I hate to
20 interrupt this, and I should have -- I was attempting to
21 before. The decision points that we had in my mind, and
22 this is, of course, just in my mind and I should have
23 interjected sooner and again I --

24 CHAIR HUGHS: On this item, or on item eight?

25 MR. SERNA: No, ma'am. Still on the pervious

1 item, on Item 8.

2 CHAIR HUGHS: Okay.

3 MR. SERNA: That's why I wanted to interrupt
4 you, but I didn't --

5 CHAIR HUGHS: That's fine. Do we need to
6 have Ms. Miller come back up? Do you need action?

7 MR. SERNA: Well, no, ma'am. I don't think
8 so. The entire item is pended, I understand that. In my
9 mind there was a bifurcated set of items, one was the
10 additional funding and the second location; the other were
11 changes that would happen anyway, which would be the
12 limitation on the number of attendees and the \$20
13 registration fee.

14 Can I impose upon the commissioners to
15 reconsider Item 8 and split those two so that there is a --
16 staff can take action with regard to begin the notification
17 and planning process and everything else for the limitation
18 on the number of attendees and the \$20 registration fee and
19 still hold pending, or open for additional information and
20 discussion, the second --

21 CHAIR HUGHS: The request about the
22 additional funding and the second conference, right?

23 MR. SERNA: Yes, ma'am.

24 CHAIR HUGHS: I think that we have agreement
25 from the dais on the latter issue with respect to the

1 conference next year and the parameters around it to have a
2 more successful conference. Do you need a vote on that?

3 MR. SERNA: I'd feel comfortable if we could
4 have -- if we could have something, but if general counsel
5 thinks that it's clear the way it is, then that's fine. In
6 my mind it sounded like the whole -- the whole item was
7 pended and moving -- we moved on, so --

8 CHAIR HUGHS: Right, okay. So, to that end,
9 I -- do you want to make a motion on the part that's not on
10 hold?

11 COMM. ALVAREZ: Sure.

12 CHAIR HUGHS: Okay.

13 COMM. ALVAREZ: So, I would -- I motion that
14 we limit the number of attendees recommended by staff, and
15 also the cost associated with the registration. Is that
16 okay, Ed?

17 MR. SERNA: Yes, sir, thank you.

18 CHAIR HUGHS: And I second that motion, and I
19 think we're both probably open to staff's recommendations on
20 how to further, you know, put things in place so that we
21 have a successful conference next year and that we address
22 the waiting list and the no shows, so thank you for that.

23 MR. SERNA: Yes ma'am. And I appreciate
24 that. Sorry, I just --

25 CHAIR HUGHS: No. I appreciate the

1 clarification. So, we're all on the same page, so thank you
2 for that.

3 COMM. ALVAREZ: Thank you, Ed.

4 MR. SERNA: Thank you ma'am, thank you, sir.

5 AGENDA ITEM NO. 9

6 CHAIR HUGHS: And that does bring us back to
7 Item 9, as previously stated. Carline Geiger.

8 MS. GEIGER: Good morning Chair Hughs,
9 Commissioner Alvarez and Mr. Serna. For the record, I am
10 Carline Geiger for Vocational Rehabilitation.

11 In the last two years there has been a
12 decline in the number of vendors who provide diabetes
13 education, orientation and mobility, and independent living
14 skills training services. Rates for these services have not
15 increased in several years, and providers have commented
16 that the current rates are insufficient to cover their
17 expenses. These services are important for our customers
18 who are blind and visually impaired in both the VR and older
19 blind programs. And it is particularly critical that we
20 maintain a sufficient provider base to ensure the services
21 are available.

22 Staff reviewed current rates and compared
23 them to the rates and policies of several other states for
24 similar services. Based on that analysis staff requests
25 direction from the commission on an increase in rates for

1 the following services as described in the discussion paper,
2 orientation and mobility services, diabetes education
3 services, and independent living skills services. If
4 approved by the commission, staff will proceed with posting
5 notification to providers regarding the rates and other
6 technical edits for 30 days and then publishing the
7 revisions in the VR Standards for Providers Manual. Do you
8 have any questions?

9 COMM. ALVAREZ: No questions.

10 CHAIR HUGHS: Commissioner Alvarez, all
11 right. Is there a motion?

12 COMM. ALVAREZ: Yes, ma'am. I move that we -
13 - I move that we revise the Vocational Rehabilitation
14 Standards for providers Manual, chapter 5, regarding
15 orientation and mobility services; chapter 7, regarding
16 diabetes self-management education services; and chapter 10,
17 independent living services for older individuals who are
18 blind as recommended by staff.

19 CHAIR HUGHS: And I second that motion. We
20 are unanimous. Thank you.

21 AGENDA ITEM NO. 10

22 CHAIR HUGHS: Item 10, Discussion,
23 Consideration and Possible Action Regarding the
24 Acknowledgement of Gifts and Donations of \$500 or More in
25 Value Given to the Texas Workforce Commission in Accordance

1 with Section 302.021 of the Texas Labor Code and Chapter 575
2 of the Texas Government Code.

3 MR. POYNTER: Good morning Chair Hughs,
4 Commissioner Alvarez, Mr. Serna. For the record, Jamahl
5 Poynter, General Counsel.

6 Before you are the gifts and donations of
7 \$500 or more in value given to the Texas Workforce
8 Commission in the third quarter of the calendar year 2019
9 for your acknowledgment and acceptance. The last page of
10 tab 10 is a spreadsheet that's showing the gifts and
11 donations.

12 Staff is recommending approval of Items 1
13 through 8. Thank you for your consideration, and I'm
14 available if you have any questions.

15 CHAIR HUGHS: Thank you. Commissioner
16 Alvarez, do you have any questions?

17 COMM. ALVAREZ: No questions. Great job,
18 Jamahl. I move that we acknowledge the gifts and donations
19 valued at more than \$500 as recommended by staff.

20 CHAIR HUGHS: And I second the motion. I
21 have been thoroughly persuaded by your presentation. We are
22 unanimous.

23 UNKNOWN SPEAKER: That's good.

24 AGENDA ITEM NO. 14

25 CHAIR HUGHS: All right, there is nothing

1 for Items 11, 12 and 13. Mr. Serna, do we have any updates
2 under Item 14?

3 MR. SERNA: Just that, my apologize for
4 missing yesterday's internship challenge.

5 CHAIR HUGHS: Missed a good time. It was --

6 MR. SERNA: I understand.

7 CHAIR HUGHS: And let me just take a moment
8 to say that staff did a tremendous job. You know, I don't -
9 - I try. I don't complement Tom lightly. So, I see him in
10 the back of the room, I'm going to let him and Julia and the
11 entire team know, they did a really fantastic job. Thank
12 you.

13 COMM. ALVAREZ: Yes. Yeah, I agree. I want
14 to thank Chair Hughs, her staff, certainly Tom, your staff,
15 Julia, Margaret, Cisco(ph) has done a great job since he
16 started with us and I'm really impressed with everyone that
17 you have, Tom, so it was a great event, great turnout, great
18 media coverage. So I, like Chair Hughs, want to thank you
19 for putting that on yesterday. You did a great job, and
20 your staff. Please convey that message to them.

21 UNKNOWN SPEAKER: Thank you. Will do.

22 MR. SERNA: I did hear that. I was in Dallas
23 at the Texas Veteran's Commission -- Veteran's Employment
24 Symposium that was well attended and represented. And the
25 commissioner for North Texas asked me to express her hello

1 to my commissioners, so I'm doing that this morning. Other
2 than that, I've got nothing else to report.

3 CHAIR HUGHS: Thank you, Ed, and thank you
4 for keeping us updated.

5 COMM. ALVAREZ: Yes.

6 AGENDA ITEM NO. 15

7 CHAIR HUGHS: All right, at this time is
8 there a motion to adjourn, or anything you'd like to add?

9 COMM. ALVAREZ: No. Glen's not here, so we're
10 going to miss you Glen, wherever you are.

11 CHAIR HUGHS: I know. We did want to wish
12 him well in his travels and thank him for his leadership and
13 his role in helping us with the DARS transition in
14 particular and everything he has done to serve our agency in
15 his time here and his well-deserved retirement. We hope he
16 enjoys it.

17 COMM. ALVAREZ: Everyone enjoy the rest of
18 your week, and with that I move that we adjourn.

19 CHAIR HUGHS: And I second the motion, we are
20 adjourned. Thank you.

21

22 (Proceedings concluded at 9:19:52 a.m.)

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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 26th day of July, 2019.

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

Verbatim Reporting & Transcription, LLC
1322 Space Park Drive, Suite C165
Houston, Texas 77058
281.724.8600