



**MEETING OF THE
TEXAS WORKFORCE COMMISSION**

DATE

DECEMBER 1, 2020

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Tuesday, December 1, 2020

CHAIRMAN DANIEL: Well, good morning, everyone.

This meeting is called to order. Mr. Trobman, has anyone signed up for public comment?

MR. TROBMAN: Morning, Commissioners. We do have some public commenters this morning. Two of them on the public comment session and then one later on for Item Number 9. Public comment session, we have Geneva Rivas and if you could just unmute yourself and introduce yourself and go ahead. I think I did see--

MS. RIVAS: Hi.

MR. TROBMAN: There you go.

MS. RIVAS: Hello, good morning.

MR. TROBMAN: Go ahead. Please introduce yourself and begin.

MS. RIVAS: Yes. I apologize. I was just trying to see if we could get a time extension for the overpayment notices that have been sent out to the public who have applied for benefits. And possibly, the previous employers are falsifying documents and tried to hide, amid the chaos that has happened in the business world due to the Covid stuff that has affected everything.

MR. TROBMAN: Well, I can note--so we have those comments noted here for the record. I also know that we have our leadership team from the UI division and we have your contact information. We're gonna connect you together after this meeting to attempt to address those specific issues, if that works for you.

MS. RIVAS: Yes, and that's perfect, thank you.

1 MR. TROBMAN: Great, thank you. We also have
2 Rebecca Meryl. If you can unmute yourself and then--

3 MS. MERYL: Yes. Thank you, thank you. Good
4 morning. Good morning, Commissioners. Thank you for allowing me the
5 opportunity to come before you. Later today, I believe you're going to be
6 ruling on UI cases on Docket 48 and my husband's case is on that docket. And
7 I'm here today to ask you, as you rule, to please consider the facts in the
8 case. The facts were developed in our appeal that we wrote to the Tribunal.
9 We had our hearing and we tried to draw the facts out there, as well. I was
10 very disappointed when the Tribunal decision came out and it completely
11 failed to address how the facts in the situation fit with the law. There was
12 no discussion of the unique facts of my husband's case. And I won't rehash
13 it all, that would be inappropriate and take too much time. But the facts of
14 the matter are that my husband was let go from a summer position with a
15 school employer but it was not his regular academic year position. And there
16 was just summations made in the Tribunal decision that he had a reasonable
17 assurance of returning to the job. That was not correct, as the facts will
18 show. His summer position was completely different than his academic year
19 position. And so I really believe in looking at the statute and looking at
20 also the precedent manual that you all put out, there's a case, TEC versus
21 Child, Inc., that I referenced in my appeal to the Commission that the
22 decision made by the Tribunal is inconsistent with your precedent and I just
23 really feel like the facts need to be examined. I would encourage you to
24 please take a look at the information, if you haven't yet, before you rule.
25 I really do appreciate the work of the Commission. When I appeared before
you all in September and asked if we could please get things moving, your

1 staff was extremely responsive and so thank you for that. I just don't
2 understand how a decision could be made without addressing how these facts
3 are different than the facts--the statute is intended to address. And I
4 don't mean to be cryptic but I don't know how much I can go into, right? So
5 I just want to be respectful of your time and of the fact that you do have
6 the case before you. And I'm happy to answer any questions.

7 MR. TROBMAN: Thank you, Ms. Meryl. And with that,
8 Commissioners, we will--ready to move on to the docket this morning.

9 CHAIRMAN DANIEL: All right. Thank you, everyone.
10 Good morning, Ms. Miller.

11 CHAIRMAN DANIEL: Thank you. This brings us to the
12 end of Agenda Item Three through Seven. Let's pause for a few moments to
13 reset for the rest of the meeting.

14 CHAIRMAN DANIEL: All right. Looks like everybody's
15 back. Let's move to Agenda Item Eight, Special Consideration, Possible
16 Action Regarding the Acceptance (unintelligible) Contract Year 2020 and 2021
17 Child Care Matching Funds.

18 MR. WEAVER: Good morning, Chairman Daniel,
19 Commissioners, Mr. Serna. For the record, Travis Weaver, Workforce
20 Development Division (unintelligible) local match pledges to secure federal
21 child care funds pursuant to Commission Rule 809.17. This will be a standing
22 agenda item as boards may continue to submit match agreements through January
23 31, 2021. Commissioners, a couple of comments prior to our request.

24 Today's agenda includes 20 match agreements from ten
25 boards, which includes Central Texas, Deep East, Golden Crescent, Gulf Coast,
Lower Ria, North Texas, Panhandle, Permian Basin, South Texas and Tarrant

1 County. Twelve Boards have secured a portion of match with ten securing at
2 least fifty percent of their total. Of the ten, seven boards have secured
3 their match for 2021 and two have exceeded their local match target. To date
4 (unintelligible) have secured 22.66 percent of their statewide child care
5 match target compared to 17.70 percent at this time last year. Boards have
6 not notified TWC of any issues securing BCY '21 match at this point.

7 One item of note, Permian Basin annually submits six
8 match agreements; however, one of their long term partners was not able to
9 participate this year. Due to the increase of \$46,320 made by Midland
10 College from last year's pledge, their board was able to secure their BCY '21
11 local match target. We appreciate when other longstanding partners step up
12 to assist our boards with their local match effort.

13 Today, staff requests Commission acceptance of child
14 care pledges for donations, transfers and certifications of expense for BCY
15 '21 in the amount of \$7,498,471.

16 Commissioners, this concludes my comments. I'm
17 happy to answer any questions.

18 CHAIRMAN DANIEL: Comments or questions?

19 COMMISSIONER ALVAREZ: Chairman, no comments here.

20 COMMISSIONER DEMERSON: I'd just like to commend the
21 boards on this work on 22 percent versus 17 last year at the same time in
22 this pandemic. It's commendable. Good work (unintelligible) team out there.

23 MR. WEAVER: Thank you, sir.

24 CHAIRMAN DANIEL: Do we have a motion on this issue?

25

1 COMMISSIONER ALVAREZ: Commissioners, I move that we
2 accept child care matching in the amount of \$7,498,471 for board contract
3 year 2021.

4 COMMISSIONER DEMERSON: Second.

5 CHAIRMAN DANIEL: Moved and a second, we're
6 unanimous. Thank you.

7 MR. WEAVER: Thank you, sir.

8 CHAIRMAN DANIEL: This is Agenda Item Nine.
9 Discussion, consideration and Possible Action Regarding a Child Care
10 Statewide Initiative to fund the Child Care Industry Partnership Program.

11 MS. WILSON: Good morning, Commissioners, Mr. Serna.
12 For the record, Allison Wilson, Child Care and Early Learning Division.
13 Industry partners that are private employers or corporate foundations have an
14 interest in making investments that promote early education and a strong
15 foundation for the future workforce through the creation of a child care
16 industry partnership program, TWC and the boards can leverage these private
17 investments with child care and development fund dollars to support public-
18 private partnerships that improve the quality child care and early learning.

19 Similar to TWC's Texas Industry Partnership Program,
20 a child care industry partnership program would provide a 100 percent match
21 of local cash contributions donated by industry partners. Through a rolling
22 application process, boards will be able to submit CCIP proposals and TWC
23 will provide matching funds to support approved projects.

24 TWC will grant both donated and matching funds to
25 the board for implementation of the proposed activities. As described in the
discussion papers, successful applications will support the strategic

1 development and expansion of high-quality child care and early learning,
2 excluding direct child care services.

3 At the state level, TWC can also use these private
4 donations as excess federal match, which may allow TWC to secure unmatched
5 federal funds made available by other states who are unable to meet their
6 state's federal match target.

7 Staff seeks direction on launching a child care
8 industry partnership program in January with \$5 million in CCDF statewide
9 funds to be made available until funds are depleted. Funding matching grants
10 based on partner cash match donations provided by industry partners as
11 detailed in the discussion paper, we're requiring that donated funds be
12 transferred to TWC and accepted by the Commission in an open posted meeting
13 and subsequently granted to the Board along with matching funds.

14 Using the privately-donated funds as excess federal
15 match and ensuring that donors understand CCDF regulations for privately-
16 donated funds. If approved, this program will be launched in mid-January,
17 which will provide time for staff to review the program with boards, issue
18 guidance and post the application documentation on the TWC website. And that
19 concludes my remarks. I'm happy to answer any questions you may have.

20 CHAIRMAN DANIEL: All right. Commissioners, if I
21 could, I'm advised that there may be a public comment around this issue. I
22 think this would be a good time to hear public comment. Ms. Wilson, stand
23 by. I believe we have some questions for you.

24 COMMISSIONER ALVAREZ: Yes. We have Melanie Rubin.
25 If you could go ahead and unmute yourself and introduce yourself and who you
represent.

1 MS. RUBIN: Thank you, Chairman Daniel,
2 Commissioners Alvarez and Demerson and Mr. Serna for all you do and for this
3 opportunity to provide input on the proposed child care industry partnership
4 program. I am Melanie Rubin, Director of the Dallas Early Education
5 Alliance. The Alliance is a collaboration of early education providers,
6 researchers, community leaders, advocates and service providers who are
7 working together to ensure the accessibility of high-quality early education
8 for all Texas children.

9 As you know, the child care industry is important to
10 Texas and to Texans on three dimensions; to employ a workforce, to enable
11 parents to work and to provide an environment in which children can build a
12 successful foundation, optimize their potential and ultimately contribute to
13 our future labor market.

14 The Covid-19 pandemic has further highlighted the
15 necessity and fragility of the child care industry. We particularly
16 appreciate the responsiveness of the Texas Workforce Commission to step in
17 and step up to support the professionals, children, families, communities and
18 our economy. TWC's creative thinking and effective management of the
19 subsidized child care program reflect a deep understanding of the newly-
20 presented challenges to an already strained system. We are again impressed
21 and appreciative of the innovative proposed program that will undoubtedly,
22 effectively incentivize both the philanthropic and corporate communities to
23 strategically contribute to sustaining high-quality child care. We
24 appreciate the structure of this program, which allows for local flexibility
25 and the ability to prioritize local needs. The program has been thoughtfully
developed to ensure that both the local and the federally-matched dollars are

1 used in ways that will make a significant difference. All this at a critical
2 time in which the child care providers are hanging on a thread to stay in
3 business. Clearly, the child care industry is essential to the success of
4 our Texas economy. With all the current challenges, programs like this that
5 engage new partners and cleverly-layered funding is essential. We appreciate
6 your focus to ensure that the child care industry not only survives during
7 this challenging time but that Texas parents can go to work knowing that
8 their children have access to high-quality early learning to maximize their
9 potential. Thank you.

10 CHAIRMAN DANIEL: Thank you. All right,
11 Commissioners. Any comments or questions (inaudible)?

12 COMMISSIONER ALVAREZ: Chairman, if I may, I would
13 agree with Ms. Rubin. I want to thank her for her comments and all she does
14 for early child care. I couldn't agree more. I am totally impressed with
15 this initiative. The CCIP program. Great idea, what a--when I read this
16 discussion paper some time back, I was impressed with what we were doing. So
17 I just wanted to thank Ms. Wilson and her team and, of course, Regan Miller
18 and everybody for what they're doing for our young. I would say future
19 workforce but thank you for that. This is a great program and I'm actually
20 looking forward to seeing the results of this program, so thank you. Thank
21 you, Chairman.

22 COMMISSIONER DEMERSON: Chair, I want to agree with
23 Commissioner Alvarez and thank Ms. Rubin for her comments. This program
24 assimilates the TIP program that we had for years and that was started and it
25 was (unintelligible) employer in our Texas community that actually stepped
out. He had an opportunity to leverage funds like that Marilyn Smith and a

1 team in Beaumont, that was the first one done and that program has proven to
2 be quite successful. And so I applaud Allison, Regan and that team
3 (unintelligible) for thinking, being creative and innovative in this pressing
4 need. And my promise to the team is to work with the employers if this
5 program is successfully developed. I want to do my part to make sure that
6 employers are aware of it and they take advantage of the leveraging
7 opportunities that could exist with this program.

8 CHAIRMAN DANIEL: Great. Do we have a motion on
9 this issue?

10 COMMISSIONER ALVAREZ: Chairman, I move that the
11 Commission launch it's Child Care Industry Partnership Program beginning in
12 January of 2021 with \$5 million in CCDF state funds to be awarded to the
13 boards on a first come, first serve basis as discussed and used as matching
14 funds for private donations that are made by industry partners as outlined by
15 staff in materials and consistent with 45CFR, Section 98.55.

16 COMMISSIONER DEMERSON: Second the motion.

17 CHAIRMAN DANIEL: It's been moved and seconded
18 (unintelligible) the vote is enthusiastically unanimous. All right, thank
19 you everyone.

20 Let's move to Agenda Item Ten. This is Discussion,
21 Consideration and Possible Action Regarding the 2021 Unemployment Insurance
22 Tax (unintelligible) he must be waiting on his interim music, Mr. Serna.

23 MR. SERNA: I understand. That's what I was
24 wondering. Unless he's having technical difficulties.

25 CHAIRMAN DANIEL: Yeah, that's what I'm wondering.

1 COMMISSIONER DEMERSON: Commissioner Alvarez
2 (unintelligible) music available, you can put it on.

3 MR. SERNA: Earth, Wind and Fire.

4 COMMISSIONER ALVAREZ: Let's do it right now.

5 CHAIRMAN DANIEL: There we go.

6 MR. SERNA: Well, I'm looking for him right now to
7 see if he's got (unintelligible).

8 MALE: Are you waiting on me?

9 MR. SERNA: Here he is.

10 MALE: We kind of have a mix-up. Can we come back
11 to this agenda item in just a sec (unintelligible).

12 CHAIRMAN DANIEL: All right. I'm going to move to
13 11. I'll come back to ten.

14 MALE: Okay.

15 CHAIRMAN DANIEL: This is Agenda Item 11,
16 Discussion, Consideration and Possible Action regarding the acknowledgement
17 of gifts and donations of \$500 or more in value given to the Texas Workforce
18 Commission in accordance with Section 301.021 by the Texas Labor Code and
19 Chapter 575 of the Texas Government Code.

20 MS. EICHNER: Good morning, this is Callie Eichner,
21 for the record. I'm presenting on behalf of the Office of General Council
22 under relevant authority in Texas Government Code Chapter 575 and in Texas
23 Labor Code Section 301.021

24 The Commission must accept gifts and donations with
25 a value of \$500 or more in an open meeting. For the fourth quarter of 2020,
the only gift or donation with a value of \$500 or more is a donation to the

1 agency from the Ikea US Community Foundation with a value of \$4,900,125.
2 This donation will be used to help fund various TWC efforts that support
3 Texans in the wake of the hardship caused by Covid-19. Please note that in
4 the materials, page 5 contains a resolution to be signed by Commissioners for
5 acceptance of the donation, page 6 contains a description of the donation and
6 pages 7 through 11 contain a donation agreement that has been developed and
7 reviewed in accordance with 40 Texas Administrative Code Section 800.9.

8 OGC has conducted our review and determined that the
9 donation meets statutory requirements. Accordingly, staff recommends
10 acceptance of the donation. I'm available for any questions.

11 CHAIRMAN DANIEL: Comments or questions?

12 COMMISSIONER ALVAREZ: None here, Chairman.

13 COMMISSIONER DEMERSON: None here. Good brief,
14 Callie.

15 CHAIRMAN DANIEL: Absolutely. Thank you so much.
16 You know, we're gonna take a vote on this but let me comment ahead of the
17 vote (unintelligible) to accept the gift and I can't say enough about Ikea
18 Community Foundation and their commitment to the Texas Workforce and all the
19 Texans that are out there working whether at Ikea or in the workforce at
20 large. I sincerely appreciate their effort here. It's a wonderful
21 opportunity for an employer to get sort of very involved with workforce
22 issues and programs and I'm thankful for that. Any additional comments or
23 questions before we move to a motion?

24 COMMISSIONER ALVAREZ: None here, Chairman. But I
25 agree with you, as well.

1 CHAIRMAN DANIEL: All right. Do we have a motion on
2 this issue?

3 COMMISSIONER ALVAREZ: I move that we acknowledge
4 and accept gifts and donations of \$500 or more in value given to the Texas
5 Workforce Commission.

6 COMMISSIONER DEMERSON: Second the motion.

7 CHAIRMAN DANIEL: Been moved and seconded. We're
8 unanimous on the vote. Thank you. All right. We ready to tackle 10 or do
9 we move to 12?

10 MR. SERNA: I think--let's go ahead and move to 12.

11 CHAIRMAN DANIEL: All right. This is Agenda Item
12 12. Discussion, Consideration and Possible Action Regarding the Report to
13 the Texas Legislature on the Educational Employment Outcomes of Students
14 Participating in the Adult Education and Literacy Programs (unintelligible)
15 15002(c) and (unintelligible).

16 MS. RAMIREZ: Good morning, Chair Daniel,
17 Commissioner Alvarez, Commissioner Demerson and Mr. Serna. For the record,
18 my name is Fabiana Ramirez, Program Specialist with Adult Education and
19 Literacy (unintelligible) passed by the 83rd Texas Legislature regular session
20 requires that the TWC report education and employment outcomes for the adult
21 education and literacy program by December 1 of every even number year.
22 Rider 45 of House Bill One passed by the 86th Texas Legislature regular
23 session requires TWC to report also on adult literacy activities and
24 performance measures, as well. Rider 45 further requires that the report,
25 quote, "identify the types of literacy programs conducted by providers and
the measurable outcomes on literacy performed by the program," end quote.

1 This report (unintelligible) description of the AEL grantees, the types of
2 services provided by grantees and overview of how AEL programs measure the
3 skill advancements of students and the literacy gains made by participants in
4 AEL program year 2019 and 2020.

5 Also provided is a summary of the educational and
6 employment outcomes as provided in the performance measures table. At this
7 time, staff seeks direction on submission of this report to the Texas
8 Legislature to fulfill the reported requirements under Labor Code Chapter 315
9 and House Bills Rider 45 as passed by the 86th Texas Legislature regular
10 session. Thank you. I'm happy to answer any question you may have.

11 CHAIRMAN DANIEL: Comments or questions?

12 COMMISSIONER ALVAREZ: No. Good report, Fabiana.

13 COMMISSIONER DEMERSON: Just a quick thing, Mr.
14 Chairman. I want to commend the staff on you guys listening to the
15 legislative body last session and really addressing those concerns in this
16 report. I appreciate that being done. And then secondly, you may want
17 (unintelligible) we have the 2020 results and you may look at--comparing that
18 to 2019. We may not be hitting the numbers that we had back in 2019 and that
19 may be due to this pandemic. But that's something that you might want to
20 bring out (unintelligible) in this report or just have it with you just in
21 case asked how's this compare to 2019? You have those responses available.

22 CHAIRMAN DANIEL: Right. Do we have a motion on
23 this?

24 MS. RIVERA: (Unintelligible) Thank you.

25 CHAIRMAN DANIEL: Do we have a motion on this issue?

1 COMMISSIONER ALVAREZ: Chairman, I move that we
2 approve the report as discussed.

3 COMMISSIONER DEMERSON: Second the motion.

4 CHAIRMAN DANIEL: Been moved, seconded, the vote's
5 unanimous. Thank you.

6 MR. SERNA: We're ready, Mr. Chairman, on Item Ten.

7 CHAIRMAN DANIEL: Go back and pick up on Item Ten.
8 Discussion, Consideration and Possible Action regarding the 2021 Unemployment
9 Insurance Tax Rate Plan.

10 MR. COLE: Good morning, Commissioner. For the
11 record. Clay Cole, Unemployment Insurance. Can you all hear me?

12 CHAIRMAN DANIEL: Yes.

13 MR. SERNA: Yes, Clay.

14 MR. COLE: So this is a discussion paper on 2021 Tax
15 Rates for the 2021 Tax Rate Year. Background. The Commission normally sets
16 rates in November each year for the upcoming calendar year. Tax rates in the
17 Texas Unemployment Compensation Act provides the methodology and allowable
18 flexibility. The Commission has in setting employer tax rates, tax notices
19 would normally go out on or around December 10 for the 2021 year. The
20 Commission must compute the replenishment ratio for each calendar year before
21 the date of the first contribution payment with respect to wages for
22 employment paid in the year due April 1, 2021. Once computed for the year,
23 the replenishment ratio may not be adjusted to notify employers by the
24 statutory deadline. Rates would need to be calculated no later than February
25 2021.

1 In general tax rate issue, the general tax rate is
2 comprised of two factors, the benefit ratio and replenishment ratio. The
3 benefit ratio is designed to recoup effectively charge benefits from
4 experience-rated employers over a three-year period. The replenishment ratio
5 is designed to cover one half of the non-effective charges in the current
6 year. The general tax year is the product of these two ratios. The general
7 tax rate has a maximum rate of six percent amounts over the employer's
8 maximum rate become non-effective charges used in the replenishment ratio and
9 replenishment tax.

10 The Commission has no authority to adjust the
11 general tax rate. The decision point today is we need the Commission to
12 decide--because the Commission has no authority to adjust the general tax
13 rate, there's still factors that could affect the replenishment ratio to
14 reduce the replenishment ratio for tax year 2021.

15 There are two current options available regarding
16 the general tax rate and those options are, one, calculate the general tax
17 rate with the current data and statute as scheduled and then two, plan for the
18 calculation of the replenishment ratio in February, 2021 to allow the
19 Commission more time to explore other options that could reduce the
20 replenishment ratio. Publishing in the replenishment ratio in February would
21 affect the timeline for issuing all tax rates.

22 And that's my presentation but we need, yeah, the
23 decision on those two points that I outlined. Calculate the general tax rate
24 with the current data, statute as scheduled in December or plan for the
25 calculation of the replenishment ratio in February, 2021 to allow the

1 Commission more time to explore other options that could reduce the
2 replenishment ratio for Texas employers.

3 CHAIRMAN DANIEL: Comments or questions?

4 COMMISSIONER ALVAREZ: Chairman, if I may, could I
5 hear if you all have any comments prior to me maybe making any remarks on
6 this particular issue?

7 CHAIRMAN DANIEL: Commissioner Demerson?

8 COMMISSIONER DEMERSON: Sure. I, first of all, want
9 to thank Clay and Chris and Randy, the team, and Ed just grateful that we
10 have such a deep bench, especially Dealing with the situation that's facing
11 us right now. I, as representing the employers, appreciate the fact of
12 allowing (unintelligible) the team has been out talking about payroll tax 101
13 for some time kind of knowing that we would have an impact to our state in
14 some form or fashion. And so the decisions or the options that the team is
15 bringing forward to us allow the opportunity to take action in that regard.
16 And I'll be supporting our moving towards delaying this so that we can
17 actually--or pushing this back so that we're in a position to give employers
18 even more time and put ourselves in a position where we're looking at all of
19 the available options that are out there for such a (unintelligible) complex
20 situation. So taking the time to do that, I appreciate the team bringing us
21 these options forward.

22 CHAIRMAN DANIEL: Yeah, my only comment would be
23 similar in the sense that I think there are still some unexplored options
24 here, some things we need to understand better and I would be in favor of
25 moving this to February.

1 COMMISSIONER ALVAREZ: Chairman, I would agree with
2 both of you, as well.

3 CHAIRMAN DANIEL: Yeah. We do need a motion on
4 this.

5 COMMISSIONER ALVAREZ: Chairman, I move that we
6 delay setting the 2021 UI tax rates as discussed.

7 COMMISSIONER DEMERSON: I second that motion.

8 CHAIRMAN DANIEL: All right. Well, I'm gonna
9 restate the motion. The motion is for us--we will not set the tax rate until
10 February 2021, as discussed by staff and the Commissioners. That motion's
11 been moved and seconded. And I think it's safe to say we're unanimous on
12 this vote.

13 COMMISSIONER ALVAREZ: Yes, sir.

14 CHAIRMAN DANIEL: Right.

15 MR. COLE: Thank you, commissioners.

16 CHAIRMAN DANIEL: What was that at the end, I'm
17 sorry?

18 MR. COLE: Just thank you, Commissioners.

19 MR. SERNA: (Unintelligible) for your patience.

20 CHAIRMAN DANIEL: All right. Commissioners, this is
21 going to bring us back to Agenda Item 13, which is Discussion, Consideration
22 and Possible Action Regarding Adoption of (unintelligible) Texas
23 Administrative (unintelligible) Chapter 800 and then Chapter 805
24 (unintelligible) House Bill 3 and House Bill 1949 from the 86th Legislature
25 regular session. These were previously published for public comment
September 25, 2020, issue of the Texas Register.

1 MS. RAMIREZ: Good morning, Commissioners and Mr.
2 Serna. Again for the record, my name is Fabiana Ramirez, program specialist
3 with Adult Educational Literacy (unintelligible) before you today for your
4 consideration for adoption are final rule amendments to (unintelligible) 800
5 and Rural Development under Chapter 805. House Bill 1949 and House Bill 3
6 both enacted by the 86th Texas Legislature regular session require TWC to
7 develop rules. The legislation under House Bill 3 relates to TWC's
8 implementation of a high school equivalency subsidy program with funds
9 transferred from the Texas Education Agency. Legislation passed under House
10 Bill 1949 relates to performance-based funding criteria for adult education
11 and literacy programs.

12 In an open meeting on September 8, the Commission
13 approved the proposed rules amendment to Chapters 800 and 805 of the Texas
14 Administrative Code to implement this legislation. The proposed rule
15 amendments were published in the September 25 issue of the Texas Register for
16 a 30-day public comment period. TWC did not receive comments on the proposed
17 rules and therefore, their final rules include no changes.

18 At this time, staff seeks Commissions action
19 regarding the adoption of the Chapter 800 and Chapter 805 rule amendments as
20 included in today's meeting notebook materials. Item 13A and 13B. And as
21 published on the Agency's website. Should the commission adopt these rules,
22 staff requests the ability to make minor, non-substantive changes to the
23 document in order to comply with publication requirements of the Texas
24 Register and the Office of the Secretary of State.

25 Thank you and I'm available to answer any questions
you may have.

1 CHAIRMAN DANIEL: Any comments or questions?

2 COMMISSIONER ALVAREZ: No. Again, thank you,
3 Fabiana.

4 COMMISSIONER DEMERSON: None here.

5 CHAIRMAN DANIEL: All right. Do we have a motion?

6 COMMISSIONER ALVAREZ: Chairman, I move that we
7 adopt the Chapter 800 and 805 rules relating to the AEL program as discussed.

8 COMMISSIONER DEMERSON: I second.

9 CHAIRMAN DANIEL: Been moved and seconded and we're
10 unanimous. Thank you. This is Agenda Item 14 Discussion, Consideration and
11 Possible Action Regarding Adoption of Amendments to (unintelligible) Chapter
12 802, previously published for public comment on October 2, 2020, issued in
13 the Texas Register.

14 MS. RAMIREZ: Good morning, Commissioners and Mr.
15 Serna. Again, for the record, I'm Fabiana Ramirez with Adult Educational
16 Literacy. Before you today for your consideration or adoption are final rule
17 amendments to Chapter 802, Integrity of The Texas Workforce System. In an
18 open meeting on September 15, 2020, the Commission approved proposed
19 amendments to Chapter 802, subchapter (i) regarding rules with
20 (unintelligible) the annual workforce awards. The proposed rule amendments
21 were published in the October 2 issue of the Texas Register for a 30-day
22 public comment period. TWC did not receive comments on the proposed rules,
23 therefore, the final rules include no changes.

24 Staff seeks Commission action regarding the adoption
25 of the Chapter 802, subchapter (i) rule amendments as included in today's
meeting notebook materials and as published on the agency's website. Should

1 the commission adopt these rules, staff requests the ability to make minor,
2 non-substantive changes to the document in order to comply with publication
3 requirements of the Texas Register and the Office of the Secretary of State.
4 This concludes my presentation and I'm available to answer any questions you
5 may have.

6 CHAIRMAN DANIEL: Any comments or questions?

7 COMMISSIONER ALVAREZ: None here, Chairman.

8 COMMISSIONER DEMERSON: None here. Good work,
9 Fabiana (unintelligible) good work.

10 CHAIRMAN DANIEL: All right, thank you. Do we have
11 a motion?

12 COMMISSIONER ALVAREZ: I move that we approve the
13 modifications to Chapter 802, Integrity of the Workforce Systems as discussed
14 by staff.

15 COMMISSIONER DEMERSON: I second the motion.

16 CHAIRMAN DANIEL: Been moved and seconded. We're
17 unanimous, thank you.

18 MS. RAMIREZ: Thank you.

19 CHAIRMAN DANIEL: On Agenda Item 15, staff has
20 nothing to present for (unintelligible) on Item 15, Covid-19 report. Do we
21 have anything under Item 16 this week?

22 COMMISSIONER ALVAREZ: No, sir, we don't.

23 CHAIRMAN DANIEL: Let's see. This'll take us to
24 Agenda Item 17. Discussion, Consideration and Possible Action Regarding
25 Approval of Local Workforce Development Board Nominees.

1 MS. WILLIAMS: Good morning, Chairman Daniel,
2 Commissioner Alvarez, Commissioner Demerson and Mr. Serna. For the record,
3 Shunta Williams with the Workforce Development Division. And before you for
4 consideration, our Workforce Board Nominations for Workforce Solutions
5 Capital Area, Concho Valley, Greater Dallas and Rural Capital Area. Staff
6 recommends that all nominees be approved and I'm here to answer any questions
7 you may have.

8 CHAIRMAN DANIEL: Comments or questions?

9 COMMISSIONER ALVAREZ: None here, Chairman.

10 COMMISSIONER DEMERSON: None here. I was gonna
11 tease Tamara a little bit but I don't think I'll do it, so no other questions
12 here.

13 CHAIRMAN DANIEL: (Unintelligible) is there a
14 motion?

15 COMMISSIONER ALVAREZ: Yes, sir. I move that we
16 approve the Board Nominees for Capital Area, Concho Valley, Greater Dallas
17 and Rural Capital Area.

18 COMMISSIONER DEMERSON: I second the motion.

19 CHAIRMAN DANIEL: Been moved and seconded, we're
20 unanimous. Thank you.

21 MS. WILLIAMS: Thank you.

22 CHAIRMAN DANIEL: On Agenda Item 18, there's nothing
23 to present for (unintelligible) proposals. Agenda Item 19, I don't believe
24 there's a (unintelligible) report today (unintelligible) Item 20, the
25 Executive Director's Report.

1 MR. SERNA: Just one quick report that I'll have
2 Cheryl Fuller present, just a quick note to the Commission for me. Cheryl.

3 MS. FULLER: Good morning, Mr. Chairman,
4 Commissioner Alvarez, Commissioner Demerson and Mr. Serna (unintelligible)
5 date for you. You may recall that WIOA regulations established a very
6 specific requirement for what can count as a pre-employment transition
7 service for students with disabilities. And (unintelligible) earlier this
8 summer, Commissioner Alvarez indicated that he was going to send a letter to
9 our federal oversight agency to express the value of pre-apprenticeship as a
10 service for students with disabilities and encouraged them to allow that
11 service as a pre-employment transition service to students. We did, last
12 week, receive a response to the Commissioner's letter from RSA. They did
13 indicate that we may use the funds for pre-employment transition services to
14 offer pre-apprenticeship to students with disabilities, so long as the
15 activities are designed consistent with the federal regulations and the
16 previously issued guidance from the Department of Labor about what
17 constitutes a quality pre-apprenticeship program. So we are evaluating that
18 information from RSA. We were encouraged by their response because it does
19 open the door to expanding the services we can offer students with
20 disabilities through our program. So we just wanted to make you aware of
21 that and let you know we're looking at their response in detail.

22 CHAIRMAN DANIEL: All right, thank you. Any
23 questions or comments?

24 COMMISSIONER ALVAREZ: I just want to thank Cheryl.
25 She's been working on this for a couple of years now, so Cheryl, thank you
and your team for being able to put that together and I look forward to the

1 results of having more folks with disability go through an apprenticeship
2 program. So thank you for that.

3 MS. FULLER: Yes, sir.

4 COMMISSIONER DEMERSON: And I'd like to just say
5 congratulations on moving that forward, Commissioner Alvarez, that's a heck
6 of an initiative. And again, it just provides employers with another option
7 and it serves (unintelligible) community in a big, big way. So another
8 option there. Congratulations on getting it that far.

9 COMMISSIONER ALVAREZ: So I know we've had an
10 opportunity to talk to folks like Jason Shaw, who's putting together an
11 apprenticeship program with ACC and I know he's been working with Cheryl and
12 her team, so I want to thank the Commissioners for this. I think it's
13 certainly outside the box thinking and so again, Cheryl, thank you for the
14 work that you've done to put this through and make this possible. So thank
15 you. You should be commended for it.

16 MS. FULLER: Thank you.

17 CHAIRMAN DANIEL: All right, thank you.

18 MR. SERNA: I have nothing else, sir.

19 CHAIRMAN DANIEL: All right. Thank you very much.

20 The time is 10:16. Texas Workforce Commission is going into executive
21 session via teams to discuss the appointment, evaluation, reassignment
22 duties, disciplinary, dismissal and Executive Director internal auditor,
23 executive staff or other personnel pursuant to Texas Government Code
24 511074(a)(1).

25

1 All right. The Executive Session is now concluded
2 and the time is 11:14. Any other order of business to come before the
3 Commission?

4 COMMISSIONER ALVAREZ: None here, Chairman.

5 COMMISSIONER DEMERSON: None here (unintelligible) I
6 just wanted to tell Ed thanks for the team for working with me on that
7 restaurant proposal that's out there. I mean, it's a hard-hit industry and I
8 think teams are developing a discussion paper around that, so appreciate that
9 (unintelligible).

10 CHAIRMAN DANIEL: All right. Is there a motion to
11 adjourn?

12 COMMISSIONER ALVAREZ: Yes, Chairman. I move that
13 we adjourn.

14 COMMISSIONER DEMERSON: Second the motion.

15 CHAIRMAN DANIEL: Been moved and seconded to adjourn
16 and we are adjourned. Thank you, everyone. Have a good week.

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