



**MEETING OF THE
TEXAS WORKFORCE COMMISSION**

DATE

DECEMBER 8, 2020

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Tuesday, December 8, 2020

CHAIRMAN DANIEL: Let's - let's kick this thing off.
Good morning, everyone. The meeting is called to order. Mr. Trobman, has anyone signed up for public comment?

MR. TROBMAN: Good morning, Commissioners. No, we have no public comment this morning.

CHAIRMAN DANIEL: All right. Thank you so much.
Good morning, Ms. Miller.

MS. MILLER: Good morning, sir.

CHAIRMAN DANIEL: Thank you. This brings us to the end of Agenda Items 3 through 7. Let's pause for a few moments to reset for the rest of the meeting.

CHAIRMAN DANIEL: All right, we're back. Let's pick up with Agenda Item 8, but staff has nothing to present for Agenda Item 8. Agenda Item 9, discussion, consideration and possible action on program parameters for Jobs and Education Protections Grants for Public and Junior Colleges, Public and Technical Institutes, Public and State Colleges and Independent School Districts.

EMILY LAWLEY: Good morning, Chair Daniel. Good morning, Commissioner Demerson, Commissioner Alvarez, Mr. Serna. For the record, my name is Emily Lawley with the office of Employer Initiatives, and I am here this morning to present the JET Advisory Board recommendations to the Commission for the FY-21 JET RFA Program Parameters.

The first is the funding allocation for the \$8 million general revenue. The Advisory Board recommends to split out that funding 40% IHEs and 60% ISDs. Next one is the minimum/maximum grant amount.

1 The Advisory Board recommended a minimum grant amount of \$40,000 and a
2 maximum grant amount of \$350,000. The next recommendation is in regards to
3 an item in the program evaluation regarding the previous JET Program-funded
4 grant awards received by applicant criteria. This is for - so, if an
5 applicant has never received a JET Grant previously, they would receive the
6 maximum amount of points for that criteria. So, the recommendation is for
7 the IHEs to only take into consideration those grants which have been award -
8 which have been awarded under TWC. Next recommendation is in regards to the
9 budget workbook scoring. This recommendation would allow staff to assign
10 point deductions to the overall score based on the budget workbook scoring.
11 And, the last recommendation is in regards to the point threshold. This
12 would reduce the minimum point threshold from 60 points to 50 points.

13 And, those are the five recommendations. So, with
14 that, I will turn it back over for any questions or comments.

15 CHAIRMAN DANIEL: Any questions or comments?

16 COMMISSIONER ALVAREZ: Chairman, I just want you to
17 know that the - this last meeting that the JET put together and met with the
18 - the Advisory Committee was very informative. It was - there was some great
19 dialogue and I just wanted to take this opportunity to thank Emily and her
20 team for the briefing and what they've brought forth. And then, of course,
21 under your leadership, it was a great, informative meeting, so I just wanted
22 to acknowledge that.

23 EMILY LAWLEY: Thank you, Commissioner.

24 COMMISSIONER DEMERSON: Mr. Chairman, real quick
25 question. Emily, on the - the budget workbook scoring, so that's going to

1 allow point deductions if the workbook - the workbook scoring budget is not
2 done correctly? Or, so is that the attempt there?

3 EMILY LAWLEY: Yes. Wrong format, not turned in,
4 (inaudible) items, those sort of things, yes.

5 COMMISSIONER DEMERSON: Okay. All right, good, good,
6 good. And, I actually would like to commend the staff on the work that you
7 guys are doing in the Advisory Counsel, as well. Thank you (inaudible) so
8 much for the work that they're doing. And then, one last comment, Mr.
9 Chairman, is Emily Lawley (inaudible) I was looking for (inaudible) so. No
10 other comments, though, we're good.

11 EMILY LAWLEY: Thank you.

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

13 COMMISSIONER ALVAREZ: Chairman, I move that we
14 approve the FY-21 JET RFA Program parameters as recommended by the JET
15 Advisory Committee.

16 COMMISSIONER DEMERSON: Second the motion.

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

19 EMILY LAWLEY: Thank you.

20 CHAIRMAN DANIEL: Thank you. Agenda Item 10, staff's
21 requested this - this be postponed to a future meeting. Item 11, discussion,
22 consideration, and possible action regarding adoption of new 40 Texas
23 (inaudible) Chapter 838. This is the Texas Industry Recognized
24 Apprenticeship Program and Grant Program. This was previously published for
25 public comment on October 2nd in the Texas Registry.

1 COMMISSIONER DEMERSON: No questions or comments
2 here. Another tool for employers to use if they so choose to do so.

3 CHAIRMAN DANIEL: Do we have a motion?

4 COMMISSIONER ALVAREZ: I move that we adopt the new
5 Chapter 838 Rules related to Texas Industry Recognized Apprenticeship
6 Programs Grant Program as previously published in the Texas Register.

7 COMMISSIONER DEMERSON: I second the motion.

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

10 KERRY BALLAST: Thank you.

11 CHAIRMAN DANIEL: This will bring us to Item 12,
12 discussion, consideration, and possible action regarding the appointment of a
13 chairperson for the Advisory Committee for Purchasing from People with
14 Disabilities Program.

15 MIKE HOOKS: Good morning, Commissioners and Mr.
16 Serna. For the record, I'm Mike Hooks with the VR division. Today, I have
17 for your consideration and possible action, appointment of a chairperson for
18 the Advisory Committee for the Purchasing with - from People with
19 Disabilities Program. Section 122 of the Texas Human Resources code
20 authorizes TWC's Commission to form - to form an advisory committee to help
21 the Commission to establish program performance goals and cer - criteria for
22 certifying community rehab programs. And, that advisory committee consists
23 of 13 people, four of those representing community rehab programs, four
24 repress - representing advocacy organizations, individuals with disabilities,
25 four individuals with disabilities, two of whom are employed by CRP and the
program, and then the executive director of their delegate from HHSC.

1 Section 122.0057 requires the Commission to appoint
2 a committee chairperson from (inaudible) members in the committee. The role
3 of the chairperson's vacant. Staff invites current PPD members to submit
4 their interests, staff gathers information about them, considers additional
5 factors, such as opportunities for each of the groups represented to serve,
6 and experience of each interested individual. (Inaudible) of the current and
7 immediate past advisory committee chair, (inaudible) the committee members
8 and three expressed interest in the position. The - the - two of those were
9 individuals representing community rehab programs and one of them was
10 representing advocacy organizations. (Inaudible) direction on the commission
11 appointment of Linda Logan (inaudible) policy analyst with the Texas Counsel
12 on Developmental Disabilities is chairperson for the PPD Advisory Committee.
13 Ms. Logan represents advocacy organizations on the committee. Staff
14 (inaudible) seeks direction on the appointment of Ms. Logan in the office of
15 chairperson for a period beginning January 1, 2021 and ending December 4,
16 2021. That's all I have today. I'm open to any questions you may have.

17 CHAIRMAN DANIEL: Comments or questions?

18 COMMISSIONER ALVAREZ: Nothing here, Chairman.

19 COMMISSIONER DEMERSON: And none here.

20 CHAIRMAN DANIEL: Do we have a motion?

21 COMMISSIONER ALVAREZ: I move that we appoint Linda
22 Logan to serve as chairperson of the PPD Advisory Committee beginning January
23 1st, 2021 through December 4th, 2021, the end of her second term on the
24 committee, as discussed by staff.

25 COMMISSIONER DEMERSON: Second the motion.

1 thinking the model should work, and we ultimately reached the agreement on
2 this.

3 Now, there's one thing that I - I want to kind of
4 emphasize in this process is that WIOA's a little unusual in that even though
5 we do this upfront negotiation, the reality is is that the final "target" is
6 not going to be based on these estimates of who was served or estimates of
7 what's going to happen in the economy, it's going to be based on the results.
8 So, in the end of the year, we update use of these models and we basically
9 reapply them and that can cause targets to go up or down. So, we're asking
10 for initial approval at this time, with the understanding that there's a - a
11 year-end adjustment that occurs. And, there's one other thing I needed to
12 point out, which is that at the bottom of the paper or the bottom of the
13 narrative part where I talk about the Commission request, I had put a
14 typographical mistake in there and had it referencing BCY-20 and 21 instead
15 of 21 and 22. So, if you accept staff recommendations regarding the
16 negotiations and the targets themselves listed on pages four through six, I'd
17 ask that the motion be for BCY-21 and 22 and not 20 and 21, as I wrote
18 originally. And I'm happy to answer any questions you may have about the
19 process or the requirements or the targets.

20 CHAIRMAN DANIEL: Comments or questions?

21 COMMISSIONER ALVAREZ: None here, Chairman.

22 COMMISSIONER DEMERSON: Chairman, I just - I - I am
23 (inaudible) continue to appreciate the briefings when - when we're doing
24 staff briefings.

25 ADAM LEONARD: Always happy to.

 CHAIRMAN DANIEL: All right, do we have a motion?

1 COMMISSIONER ALVAREZ: I move that we accept the
2 BCY-21 and BCY-22 targets for the WIOA statutorily prescribed performance
3 measures negotiated with the 28 local Workforce Development Boards as
4 discussed.

5 COMMISSIONER DEMERSON: Second the motion.

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

8 ADAM LEONARD: Thank you very much.

9 CHAIRMAN DANIEL: All right, on Item 14, staff has
10 nothing to present. Do we have anything on Item 15?

11 MR. SERNA: Is that the COVID update?

12 CHAIRMAN DANIEL: Yes, sir.

13 MR. SERNA: Yes, sir. We have two updates, one from
14 Clay Cole and then Courtney Arbour.

15 CHAIRMAN DANIEL: Great.

16 CLAY COLE: Good morning, Chairman Daniel,
17 Commissioner Alvarez, Commissioner Demerson, and Mr. Serna. For the record,
18 Clay Cole Unemployment Insurance Division here to give you an update on the
19 latest in unemployment insurance. To date, during the COVID-19 period, we've
20 processed over 6.2 million claims and paid out over \$36 billion in
21 unemployment benefits, which covers all the various program types from
22 regular UI to Pandemic Unemployment Assistance to Pandemic Emergency
23 Unemployment Compensation, Shared Work, etcetera. Additionally, staff have
24 closed over 7.9 million assignments and handled over 8.8 million calls. And
25 last week alone, we handled over 340,000 incoming calls, which is the most
we've handled in one week to date by far. And, we expected it in - in some

1 ways because of the work search reinstatement and the ongoing eligibility
2 requirements, but also it just shows the - the great capacity increases we've
3 made that enabled us to really increase our, you know, incoming call volume.
4 So, we're - we're continuing to - to monitor those situations and work on
5 ways strategically so we can identify some of these and prevent some of those
6 incoming calls, but we're going to continue to also increase capacity.

7 Overall, TWC has serviced approximately 2.86 million
8 unique claimants and today, we estimate there's about 1.38 million unique
9 claimants that are actively receiving unemployment benefits. And, to give
10 you some perspective, compared to last year, same time, we were servicing
11 approximately 250,000 unique customers bi-weekly. So, you can see, if you
12 look at last year, 250,000 we were servicing on - on that bi-weekly basis
13 compared to the 1.3 million unique claimants to date, you can see the - the
14 dramatic increase there.

15 The Federal CARES Act is set to end December 26,
16 2020. We estimate approximately 830,978 individuals will no longer be
17 eligible for unemployment benefits beginning December 26, 2020 or before. We
18 do have some of those folks on Pandemic Unemployment Assistance or on the
19 extensions that are already reaching the end-point of the 39 weeks or
20 whatever extension they qualified for. So, it's - it's folks - when I say
21 830,978, that - that includes individuals that are already hitting that -
22 that end period, as well, which, if you look at this, this is approximately
23 60% of active individuals that would be affected by that December 26, 2020,
24 if you compare that 800 - approximately 830,000 with the 1.38 million.

25 UI and IT and External Relations Teams continue to
prepare for the CARES Act to end, but also looking at possible extensions, we

1 continue to monitor discussions in Congress regarding the CARES Act extension
2 proposals. I know last week, there was a bipartisan group of nine Senators,
3 several House members that developed the frame work of a \$908 billion
4 pandemic relief bill. Right now, we don't have any language, but there were
5 some points offered, which included additional 18 weeks of federal UI
6 payments to claimants at \$300 per week retroactive to December 1st, 2020.

7 I am very excited about the strides we are beginning
8 to see in the appeals area. We had well over 100,000 submissions for an
9 appeal, many were not an appeal, but rather inquiry requests from customers
10 for other things. Nonetheless, those types of submissions still bog down our
11 appeals processing and make it hard for legitimate appeal submissions to
12 surface, so you can imagine the vetting and sorting of these really drains
13 our resources. But, I'm pleased to report, with a lot of hard work and by
14 implementing some new strategies, staff have been able to clear that number
15 down from over 100,000 about a month ago to less than 1,000. So, we continue
16 to hire appeals and Commission appeals staff, but at the same time, we're
17 implementing other operational strategies to help us work through the
18 workload demands. And, I just - I really appreciate your on-going support of
19 our appellate functions.

20 And finally, I also want to thank all those
21 volunteers, both inside and outside the division, who have helped us reach
22 our goals. Without their help, these milestones would not have been reached
23 and thousands of Texans could not have been provided assistance. And it's
24 this kind of teamwork that TWC and the citizens of Texas will overcome this
25 pandemic. And this concludes my update, and I'll be happy to answer any
questions you may have.

1 CHAIRMAN DANIEL: Any questions?

2 COMMISSIONER ALVAREZ: Chairman, I just wanted to
3 thank Clay and your team. Clay, I ask that you convey to your staff how
4 grateful we are for the work that they - they do. With the exception of
5 Thanksgiving, you know, working 24 or working every day, you know, it just
6 says a lot about, you know, the team, and what I mean is, your staff and -
7 and the agency as a whole. So, please convey to them that we're very
8 grateful for what they've done. And thank you for the daily briefings,
9 they're very informative, so thank you for that.

10 CLAY COLE: You're welcome. Thank you, and I'll let
11 them know.

12 COMMISSIONER DEMERSON: I'd like to - to - to
13 piggyback on that and - and - and two - two points, the communication of the
14 process and the action that was taken for the - the taxes - the payroll taxes
15 of 2021. We appreciate that and (inaudible) to those employers and getting
16 the word out and you guys kind of jumping on that in a big, big way. And
17 then congratulations on the (inaudible) from 100,000 to 1,000. You guys are
18 - are - are really taking care of business, so (inaudible) congratulations
19 and thanks to the team for all that you guys are doing. And that starts with
20 our Executive Director, Ed Serna, down to Clay, La'shae (ph) (inaudible) that
21 whole team that you have over there. We appreciate the work that you guys
22 are doing day in and day out.

23 CLAY COLE: Thank you, Commissioner Demerson.

24 CHAIRMAN DANIEL: All right, thank you.

25 MR. SERNA: And then we have Courtney Arbour.

1 COURTNEY ARBOUR: Good morning, Commissioners, Mr.
2 Serna. Courtney Arbour Workforce Division. I have a brief update on the
3 Workforce response to the pandemic and how we're working to help Texans and
4 Texas employers who are impacted. First on the Metrix online learning
5 project. Through November, we saw big increases in the number of courses
6 launched by unemployment recipients and other Texans. As you know, we've
7 made that available now to all Texans who'd like to access it, but certainly
8 unemployment recipients, as they (inaudible) up-skill. The number of courses
9 completed increased 74% over the month before, likely due to work search
10 requirements and the emails that Metrix Company is sending out to all
11 registered users, encouraging them to continue to make full use of this no-
12 cost tool.

13 As of December 3rd, more than 48,000 Texans have
14 registered in the system. They've completed - those users have completed
15 49,435 courses and have spent over 53,000 hours learning new skills on the
16 platform, so we want them - anyone registered, to continue to make use of
17 that. Metrix has been conducting interviews with some of the users to
18 develop short testimonial videos and those have been really fun to watch.
19 Commissioners, I'll send you the link today so that you can watch those.
20 They're posted on YouTube and in those videos, the individuals talk about how
21 the courses have helped increase their skills and their confidence as they
22 look for or have already landed new jobs. So, that's a good testament - good
23 testimonials and a testament to a - to the success of that that's bringing
24 some of the users.

25 On the call center statistics, for the Workforce
call centers that we have in place, those staff have now contacted 439,000,

1 almost 440,000 claimants and helped with just over 42,000 Work In Texas
2 registrations. When they make contact, they're asking how we can be of
3 service helping with Work In Texas registration and pointing them to the
4 local Workforce area for assistance. And, although it is not a primary goal
5 of the calls to - to - to find out, some people don't - don't report that
6 they've gone back to work, we have learned that more than 30,000 of the
7 people we've talked to have reported going back to work, so it's been very
8 exciting. And, clearly many more have gone back to work since so many
9 industries are bouncing back.

10 Some of the - on the - on the note of Workforce
11 Boards and the services they're providing in the Workforce Solutions offices.
12 We've all been seeing in the news how there have been spikes in certain areas
13 of the state, so we have more than 180 Workforce Solutions offices in the
14 state, all continue to provide services, but some have had to scale back
15 their in-person services. So, we encouraged - we've been encouraging the
16 public and the boards through their social media to make sure that the cust -
17 that the public is aware of how to reach them. All offices are open, but
18 some have had to scale back in-person. Services continue to be provided via
19 webinar, virtual workshops, virtual case management appointments, etcetera.

20 I wanted to quickly highlight something that the
21 Borderplex Board is offering, and many other boards are doing something
22 similar, but this was in direct response to COVID. They have a Ready to Work
23 series that they developed very quickly in response to COVID, based on what
24 they were hearing from job seekers and employers. And, what they do is offer
25 workshops virtually to help people get comfortable with the idea of virtual
interviews and working from home, to know the tools they need and how to

1 navigate that. And, so I wanted to compliment Borderplex Board and many of
2 the other boards who have made that information available on their websites,
3 through social media, so people are getting more accustomed to this new
4 interview process and - and what they need to be aware of.

5 Last, on the employer front, TWC Workforce Division
6 and others continue to provide grants to support employers in their COVID
7 response, Office of Employer Initiatives, Unemployment Insurance, Workforce
8 Labor Market Division here at TWC, and many others, child care, VR, continue
9 to work together to understand the changes and supply/demand in the state so
10 that we know which industries are bouncing back, which ones are having a
11 slower growth - or bounce back, to best support them with grants and
12 information. Workforce Solutions Offices continue to have many, many virtual
13 hiring events. They're posting those on social media on their websites, and
14 they continue to provide services in one person - in one way or another,
15 whether in-person or virtual. So, I'm happy to answer any questions you have
16 about the efforts of the boards or TWC Workforce, but that concludes my
17 update.

18 CHAIRMAN DANIEL: Thank you. Are there any questions
19 or comments?

20 COMMISSIONER ALVAREZ: Courtney, thank you for the
21 very informative presentation you just made. I'd like to take this
22 opportunity to thank the boards for being so creative. I know you referenced
23 Borderplex, but, you know, you've been working closely with all the boards
24 and - and working with the Office of Employer Initiatives on how we can get
25 money out there. I just want to commend you all for what you're doing and I
just want to take this opportunity to thank the boards for being so creative,

1 especially during this time. You know, these are challenging times, but I'm
2 glad to see that everybody's being creative, thinking outside the box. And
3 so, I thought it warranted a - a - some recognition, so thank you for the
4 work that you continue to do with the boards.

5 COMMISSIONER DEMERSON: (Inaudible) Courtney, again,
6 thank you and the team, as well. And - and - and thanks to those boards out
7 there that are sharing information with me from time to time and (inaudible)
8 in Dallas, just a huge initiative, one - one - one of the only Texas boards
9 with a federal initiative that - that was out there. And the work that the
10 boards continue to do is just pretty phenomenal, especially in - in these
11 times. And it takes the team and so we appreciate you guys doing what you're
12 doing. Boots are on the ground at the local level and what they're doing day
13 in and day out to make a difference does make a difference in our state.

14 COURTNEY ARBOUR: Thank you.

15 CHAIRMAN DANIEL: All right, thank you very much.
16 All right, that's it on Agenda Item 15.

17 MR. SERNA: Yes, sir.

18 CHAIRMAN DANIEL: (Inaudible) to present on Agenda
19 Item 16. I believe we do have a legislative report today.

20 TOM MCCARTY: Good morning, Chairman Daniel,
21 Commissioner Alvarez, Commissioner Demerson, and Mr. Serna. For the record,
22 Tom McCarty, External Relations. As you are aware, federal government
23 funding is set to expire this Friday, December the 11th. Congress is
24 continuing to work on an ominous funding bill that will continue federal
25 funding through the end of the fiscal year. It is likely that spending -
that the spending bill will be wrapped up with a COVID stimulus bill, as

1 well. On Monday, the House Majority Leadership released a statement that the
2 US House will vote tomorrow on a one week short-term continuing resolution to
3 give more time to negotiate the larger ominous spending bill, as well as the
4 COVID-19 stimulus package.

5 While there's no bill language that has been
6 released yet for either the ominous spending bill or the COVID-19 stimulus
7 package. We will keep you updated and once an agreement is reached and bill
8 language is released. That concludes my remarks and I'm happy to answer any
9 questions you may have.

10 CHAIRMAN DANIEL: Any questions or comments?

11 COMMISSIONER ALVAREZ: None here. Thank you, Tom.

12 TOM MCCARTY: Thank you.

13 COMMISSIONER DEMERSON: None. Thanks, Tom.

14 CHAIRMAN DANIEL: Thank you very much. Mr. Serna?

15 MR. SERNA: No, sir. Nothing to report this week.

16 CHAIRMAN DANIEL: All right, thank you so much. Is
17 there any other order of business to come before the Commission?

18 COMMISSIONER ALVAREZ: Interesting morning,
19 Chairman. It was interesting.

20 CHAIRMAN DANIEL: Oh, yeah, it - it - indeed it was.
21 We'll just leave it at that.

22 MR. SERNA: We - we apologize for that.

23 COMMISSIONER ALVAREZ: I was on my toes, man.

24 MR. SERNA: We apologize for that.

25 CHAIRMAN DANIEL: Not at all.

1 COMMISSIONER ALVAREZ: No, it's good. It's
2 something different. I have nothing here, Chairman.

3 CHAIRMAN DANIEL: All right.

4 COMMISSIONER DEMERSON: You - you say we're - we're
5 (inaudible) Chairman started out this is going to be a short meeting and it's
6 been a regular meeting, so--

7 CHAIRMAN DANIEL: (Inaudible).

8 COMMISSIONER ALVAREZ: It was one of our longest
9 ones.

10 CHAIRMAN DANIEL: It was a conspiracy to prove me
11 wrong, I'm afraid, gentlemen. I - it must be. I'll - I'll - I'll learn to
12 keep my mouth closed, though. All right, do we have a motion to adjourn?

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

15 COMMISSIONER DEMERSON: I second that motion.

16 CHAIRMAN DANIEL: It has been moved and seconded to
17 adjourn and we are adjourned. Gentlemen, thank you. Thank you, everyone.
18 Have a great week.

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