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TRANSCRIPT OF PROCEEDINGS
BEFORE THE
TEXAS WORKFORCE COMMISSION
AUSTIN, TEXAS

PUBLIC MEETING)
FOR THE TEXAS)
WORKFORCE COMMISSION)

COMMISSION MEETING
TUESDAY, APRIL 16, 2019

BE IT REMEMBERED THAT at 8:30 a.m. on
Tuesday, the 16th day of April, 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; JULIAN ALVAREZ
and ROBERT D. THOMAS, Commissioners.

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P R O C E E D I N G S

TUESDAY, APRIL 16, 2019

(8:30 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, Madam Chair.

CHAIR HUGHS: All right. Thank you. I now turn the meeting over to Commissioner Thomas to preside over Agenda Items 3 through 7.

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 Docket 16.

1 The Commission considered and took action on
2 all tax liability cases listed on Docket 16.

3 AGENDA ITEM NO. 5

4 Discussion, Consideration and Possible Action
5 Regarding Fair Housing Cases listed on the Texas Workforce
6 Commission Docket 16.

7 No Discussion.

8 AGENDA ITEM NO. 6

9 Discussion, Consideration and Possible Action
10 Regarding Higher Level Appeals in Wage Claim Cases Listed on
11 the Texas Workforce Commission Docket 16.

12 The Commission considered and took action on
13 all wage claim cases listed on Docket 16.

14 AGENDA ITEM NO. 7

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

18 The Commission considered and took action on
19 all unemployment compensation cases listed on Docket 16.

20 AGENDA ITEM NO. 8

21 CHAIR HUGHS: All right, good morning,
22 everyone. We are back in session. There is nothing for
23 Item 8.

24 AGENDA ITEM NO. 9

25 CHAIR HUGHS: Item 9, Discussion,

1 Consideration and Possible Action Regarding Statewide
2 Initiatives Funded with WIOA, TANF, and AEL, Child Care and
3 Other State Level Fund - Texas Career Signing Day. Jennifer
4 Troke. Good morning.

5 MS. TROKE: Good morning Chair Hughs,
6 Commissioners and MR. Serna. For the record, Jen Troke,
7 Workforce Division.

8 Bear with me, this one's a little bit long.
9 In January, Commissioner Thomas directed staff to develop a
10 statewide Signing Day initiative that boards and other TWC
11 partners may participate in. Since that time, Texas' first
12 ever Career and Technical Education Signing Day was held on
13 Tuesday, March 5, 2019, at TWC, and it celebrated four
14 student scholarships to attend Lamar Institute of
15 Technology.

16 Texas Career Signing Day is a proposed new
17 statewide initiative that provides an opportunity for TWC to
18 recognize and celebrate high school students choosing to
19 enter career pathways leading to in-demand careers and
20 targeted occupations directly from high school.

21 Texas Career Signing Day events celebrates
22 students moving up and along a variety of career pathways,
23 including entry into the workforce as a result of completed
24 career certifications towards targeted occupations, an
25 applied learning opportunity, like an internship, or

1 apprenticeship, a career and technical education program, or
2 some combination of all of the above.

3 Organizations participating in Texas Career
4 Signing Day Events or organizations that support skills
5 development for Texas youth, and may include workforce
6 boards, organizations serving high school students,
7 educational partners and employers in local businesses and
8 various communities.

9 TWC is interested in hosting Texas Career
10 Signing Days in May and June 2019, and will be inviting
11 interested organizations to participate in a webinar to
12 launch the initiative on April 18, 2019. Participating
13 organizations will receive a customizable, branded, and
14 downloadable toolkit that includes templates for
15 invitations, frameable certificates, media relations guides,
16 and event planning checklist. Finally, TWC will gather
17 lessons learned from piloting this initiative in 2019 and
18 share this information with commissioners for further
19 discussion about needed changes going forward.

20 Staff seeks direction on piloting this new
21 initiative, Texas Career Signing Day, in May and June of
22 2019, for all organizations willing to promote and celebrate
23 Texas high school seniors moving up and along in a variety
24 of pathways and secure gainful employment lead productive,
25 fulfilling lives. Any questions?

1 CHAIR HUGHS: Thank you. Commissioners, do
2 you have any questions? Commissioner Thomas questions or
3 comments?

4 COMM. THOMAS: Just two comments.

5 CHAIR HUGHS: Okay. Commissioner Alvarez, do
6 you have any questions?

7 COMM. ALVAREZ: Not at this time. I'd like
8 to hear from Commissioner Thomas first.

9 CHAIR HUGHS: Okay.

10 COMM. THOMAS: Thank you. Jen, unbelievable
11 work. The team you've pulled together, the work you all
12 did, Amy Landrum's work. Ed, your staff was simply
13 outstanding. It could not have been more focused,
14 interesting, collaborative. The ideas from staff. Jen,
15 that you and Amy led, about the interplay between this with
16 Jobs You All, Careers in Texas, I mean, the -- kind of the
17 global way that you all saw how this could fit into the
18 cross strategic plan that we're working on to promote this
19 is just outstanding. So, first and foremost, thank you,
20 thank you, thank you.

21 MS. TROKE: Thank you. Our pleasure.

22 COMM. THOMAS: Commissioners, I want to thank
23 you, because in probably one of the best days I had in my
24 short time on this commission, was sitting in the gallery
25 with you two when we were supporting Commissioner Alvarez

1 with Representative White on the Signing Day. I do have the
2 picture of the three of us in -- at home. That was a really
3 great experience, and I enjoyed it. And I look forward to
4 being more of these kinds of things.

5 This is really a good opportunity for us to
6 walk our walk. I would have loved to think that I had an
7 original idea that I found by reading somewhere else in the
8 press, but I found out that Commissioner Alvarez was already
9 thinking about this, but he was gracious to let me run with
10 it. That having been said, I support this tremendously. I
11 see this opportunity, commissioners, for the three of us to
12 work closely in these events. Our office has already been -
13 - received tremendous response from several of our workforce
14 boards, some school districts and ISDs that are actively
15 asking for us to do things right now, in May and June.
16 They're excited to do this, and I hope for your support.

17 CHAIR HUGHES: Commissioner Alvarez.

18 COMM. ALVAREZ: Well, as you know, CR2241 is
19 active, and we just had another member, Chairman Anchia,
20 who's signing on to that, which was James White's
21 initiative, so we're very grateful for that. And then,
22 eventually, we'll have a senator buy into it. At this time,
23 I won't mention who it is, but we're hoping that by the end
24 of session we'll have -- this will be into all.

25 The only thing that I would ask is, is this

1 is very similar to the initiative that we rolled out back in
2 March 5th, and at some point I would like that, too,
3 Commissioners Thomas, if maybe we could consolidate them so
4 that we won't have confusion on the date. I know you're
5 looking at May, or April. We did identify Texas Signing
6 Day, and I'd be willing to work with you on a date on the
7 first Friday of March was designated as Texas CT Signing
8 Day.

9 And, so, I love the initiative. Anything to
10 promote new technology is something I'm always going to
11 support. An option that individuals have as they pursue
12 higher ed. And, so with that, I do like the initiative that
13 was put forth, and thanks for your work on this and your
14 briefing.

15 MS. TROKE: Great, thank you.

16 CHAIR HUGHS: Thank you. And I'll add on to
17 that to state that I, too, agree that anything we can do to
18 support students going into career technical fields, or any
19 other pathway, we often hear that people feel the pressure
20 to go one direction, and otherwise it's seen as less than or
21 failing. And I think as a state we recognize that we need
22 to really define what success means, and that it means lots
23 of different pathways. And these are pathways that are very
24 important, and that we're happy to support. I will say that
25 I've appreciated the opportunity to observe Skills USA, some

1 of the work that they do. Just as an example of many
2 different programs. And I know that they celebrate National
3 Signing Day on the 8th every year, so to the extent that we
4 can do what we do so well in terms of partnering with other
5 events and really adding to the momentum to celebrate
6 students, I hope that we'll look for those tie-ins and those
7 opportunities, but I do think it fits in really well with
8 our initiatives from Tri-Agency and it's a great idea. I'm
9 glad that it was brought forward, and I support it. So,
10 with that, is there a motion that anyone would like to
11 entertain?

12 COMM. ALVAREZ: Commissioner Thomas, it's
13 your thing.

14 COMM. THOMAS: Yeah. Okay. I was just going
15 to support you, but I move to approve initiation of the
16 Texas Career Signing Day pilot program as presented by
17 staff.

18 COMM. ALVAREZ: And I'll second that.

19 CHAIR HUGHS: We are unanimous, thank you.

20 MS. TROKE: Thank you.

21 COMM. THOMAS: Thank you.

22 AGENDA ITEM NO. 10

23 CHAIR HUGHS: All right, Item 10, Discussion,
24 Consideration and Possible Action Regarding Guidance on
25 Resource Utilization and Implementation of Services and

1 Strategies, Including Those Funded with the Department of
2 Labor's Disaster Dislocated Worker Grant, in Response to
3 Hurricane Harvey and Hurricane Harvey Funding Request.

4 MS. TROKE: Good morning again. For the
5 record, Jen Troke, Workforce Division.

6 Today the Texas Workforce Commission has
7 approved and awarded grants totaling \$26,750,024 to 8 local
8 boards in support of Hurricane Harvey recovery. DOL
9 approved and awarded \$5-million grant modification to TWC
10 last week, along with an extension of the grant award
11 through December 2019. As noted last week, boards are near
12 exhaustion of their current funds, and require funds to
13 continue temporary work participants who are providing
14 needed disaster relief to their communities.

15 Staff seeks direction on approving additional
16 funds for the four most impacted board areas including 1.5-
17 million for Coastal Bend, 352,000 for Golden Crescent, 2
18 point -- 2,538,000 for Gulf Coast, and 610,000 for Southeast
19 Texas. Any questions?

20 COMM. ALVAREZ: No questions.

21 CHAIR HUGHS: Commissioners, any questions or
22 any comments? All right. Do I have a motion?

23 COMM. ALVAREZ: I move that we approve
24 additional funding for the four most impacted board areas,
25 in the amounts of 1.5-million for Coastal Bend, 352,000 for

1 Golden Crescent, 2,538,000 for Gulf Coast, and 610,000 for
2 Southeast Texas.

3 COMM. THOMAS: Second.

4 CHAIR HUGHS: We are unanimous. Thank you.

5 MS. TROKE: Thank you.

6 AGENDA ITEM NO. 11

7 CHAIR HUGHS: Item 11, Discussion,
8 Consideration and Possible Action Regarding Approval of
9 Local Workforce Development Board Nominees.

10 MR. BELL: Good morning, Madam Chair,
11 commissioners, MR. Serna. Cameron Bell, Workforce
12 Development Division.

13 For you for consideration and approval are
14 Workforce Development Board nominations for Workforce
15 Solutions Brazos Valley, Gulf Coast, Middle Rio Grande,
16 North Texas, Permian Basin, and Rural Capital Area.

17 CHAIR HUGHS: Thank you. Commissioners, do
18 you have any comments, questions, or a motion?

19 COMM. ALVAREZ: No, ma'am.

20 COMM. THOMAS: I move to approve the board
21 nominees for Brazos Valley, Gulf Coast, Middle Rio Grande,
22 North Texas, Permian Basin and Rural Capital Area as
23 presented by staff.

24 COMM. ALVAREZ: I'll second that.

25 CHAIR HUGHS: We are unanimous. Thank you,

1 MR. Bell.

2 MR. BELL: Thank you.

3 AGENDA ITEM NO. 12

4 CHAIR HUGHS: All right, there is nothing for
5 Item 12.

6 AGENDA ITEM NO. 13

7 CHAIR HUGHS: Are there any updates regarding
8 enacted, proposed, or considered federal or state
9 legislation under Item 13?

10 MR. BRITT: Good morning, Chair Hughs,
11 commissioners. For the record, Michael Britt, Governmental
12 Relations.

13 Both the U.S. House and Senate are in
14 recess, both this week and next regarding the state
15 legislature. Last Thursday, the Texas House appointed a
16 Conference Committee for House Bill 1. The House Conferees
17 are Representative Zerwas as the chair, the representatives
18 Greg Bon and Sarah Davis, Oscar Longoria and Armando Walle.
19 The Senate is expected to name their conferees on House Bill
20 1 sometime this week.

21 Yesterday, the Senate Natural Resources and
22 Economic Development Committee reported four of TWC's
23 legislative proposals from committee to the local and
24 uncontested calendar.

25 Those were Senate Bill 1500 by Senator

1 Zaffirini, which is TWC's legislative proposal on the
2 removal of the unconstitutional provision from the Texas
3 Payday Law.

4 Senate Bill 2077 by Senator Paxton, which is
5 TWC's proposal for redetermination by examiner.

6 Senate Bill 2152 by Senator Zaffirini, which
7 is TWC's proposal related to wage claim confidentiality and
8 Senate Bill 2296 by Senator Powell, which is TWC's proposal
9 related to reform of payrolling.

10 We also have agency staff serving as resource
11 witnesses on two bills this morning before the House Human
12 Services Committee. Courtney Arbour will be serving as a
13 resource witness on House Bill 2866 by Representative
14 Deshotel, which relates to investigation and evaluation
15 information regarding certain childcare facilities, homes
16 and programs.

17 Cheryl Fuller will also be serving as a
18 resource witness on House Bill 3669 by Representative
19 Guillen, which relates to services provided to and
20 collection of data regarding individuals with an acquired
21 brain injury.

22 And finally, tomorrow, Carry Ballast (ph)
23 will be serving as a resource witness before the Senate
24 Natural Resources and Economic Development Committee on
25 Senate Bill 1055 by Senator Zaffirini. Senate Bill 1055

1 relates to the administration of a Workforce Diploma Pilot
2 Project by TWC.

3 This concludes my remarks and I'm happy to
4 answer any questions.

5 CHAIR HUGHS: Commissioners, any questions?
6 Thank you for the update.

7 AGENDA ITEM NO. 14

8 CHAIR HUGHS: Okay, Item 14. Ed, do we have
9 any updates?

10 MR. SERNA: I do have one thing sort of mixed
11 news to report, and that is that Cameron Bell is going to be
12 retiring.

13 COMM. ALVAREZ: What?

14 MR. SERNA: That's right. Unfortunately for
15 us and fortunately for him. Retiring I think at the end of
16 the month I think?

17 MR. BELL: Yes.

18 CHAIR HUGHS: I heard he wants a lot of
19 attention around that, too.

20 MR. SERNA: So, I didn't want that to escape
21 us. That he's done a fantastic job for us even before he
22 was coming up to the mic when John Fuller was still here,
23 he's done a fantastic job for us. I'm really going to
24 regret him not being with us. But do support him in his
25 retirement.

1 (Applause)

2 CHAIR HUGHS: Is your official last day April
3 30th?

4 MR. BELL: Yes, ma'am.

5 CHAIR HUGHS: Will you be at work that day?

6 MR. BELL: I will.

7 CHAIR HUGHS: All right. Well we have to see
8 you in here then.

9 MR. BELL: I'll be here.

10 CHAIR HUGHS: All right. We'll talk before
11 you go. Thank you.

12 COMM. THOMAS: I have a comment.

13 CHAIR HUGHS: Oh, sure. Commissioner Thomas
14 would like to speak.

15 COMM. THOMAS: Ed, I wanted to follow up,
16 again, to thank you for your assistance and your staff's
17 assistance in looking at these initiatives that you support
18 for all of the commissioners. One of the things that we've
19 been working on for months now is been looking at childcare
20 contracting slots approaching -- approach. I think we've
21 had some discussion very high level about that.

22 Only Courtney's been involved in helping us
23 try to evaluate if this was an initiative. It's a
24 critically important area, because we need to expand high-
25 quality childcare, obviously, for our families.

1 Particularly in our most underserved communities and trying
2 to figure out how to get service to those communities has
3 been something that the staff has been working very, very
4 hard on.

5 So, with that, I'd like to request that staff
6 provide an update on childcare models utilizing childcare
7 contracted slots approach to supporting providers and
8 expanding high-quality care capacity for low-income families
9 in traditionally underserved areas. The request and hope is
10 that we could, Courtney, engage in kind of a survey across
11 other states what they may or may not be doing best
12 practices, and see if there's something that we could add to
13 our tool chest of childcare services along this line.

14 MR. SERNA: Yes, sir. We'll get on that.

15 COMM. THOMAS: Thank you so much, Ed.

16 CHAIR HUGHS: Commissioner Alvarez, anything?
17 I do want to mention on the childcare. I know our rules
18 require us to have a TRS Stakeholder Meeting, so I just want
19 to mention for the benefit of my fellow commissioners. I
20 know
21 Commissioner Thomas hasn't been here for these, and I'm not
22 sure if they've been done, or if we tie them in to other
23 meetings, but I'm happy to report that will be the
24 opportunity for us as a commission to have these meetings to
25 get more information on our TRS, and kind of how the status

1 is, how it's going, hear from our stakeholders, so I'm
2 looking forward to this. And I think staff is maybe
3 starting to talk about dates, but I hope that we can
4 coordinate with all three offices and starting in, you know,
5 June or July and get this going as required in statute as
6 well, or by rule, sorry. All right, thank you.

7 MR. SERNA: Yes ma'am. We'll do that. And
8 that'll also give us time to assess what has come out of the
9 legislature as well.

10 CHAIR HUGHS: Right, and that may be another
11 listening tool in terms of what will affect and what the
12 impact of that is, and that's why I think it's good that
13 we're, you know, kind of waiting on initiatives in terms of
14 waiting to see how they may tie in, what we may do going
15 forward, based on what we hear from the legislature and then
16 we can kind of craft something together. I'm really looking
17 forward to those discussions starting in the summer.

18 CHAIRMAN LUNDEEN: Yeah. Let me be clear.
19 We were aware that the legislature was looking at this.
20 We've already asked staff to confirm for us, and the
21 confirmation back to us was that what we've asked for was
22 not in conflict or in other wise associated with what's
23 going on.

24 MR. SERNA: Yes.

25 COMM. THOMAS: So, to be very, very clear

1 that's why I'm moving forward with that request for the -
2 this evaluation of this initiative.

3 MR. SERNA: Yes sir. And it's just a request
4 for evaluation -- as I understand what you're asking, it's
5 it's just a request for evaluation anyhow.

6 COMM. THOMAS: That's exactly.

7 MR. SERNA: It doesn't implement or do
8 anything other than let us assess the situation and come
9 back to the commission.

10 COMM. THOMAS: I'm just following our agreed
11 upon commission practice to make sure once we get so far
12 along in the process to make sure that I come to the dais
13 with the initiative so that I can, from the dais, make sure
14 that my colleagues and all staff are aware of what we'd like
15 some help with.

16 MR. SERNA: Yes, sir. We appreciate that.

17 COMM. THOMAS: Awesome, thank you.

18 CHAIR HUGHS: To be even more clear, my
19 comments were not related to yours. The benching.

20 COMM. THOMAS: NO. Well, I'm sorry, I didn't
21 know -- but that is something we have looked at extensively
22 to make sure.

23 CHAIR HUGHS: Sure.

24 COMM. THOMAS: So, I didn't know, but I
25 wanted to make sure I was comfortable in case you were

1 raising that.

2 CHAIR HUGHS: It's fine. It's fair. Yeah.

3 AGENDA ITEM NO. 15

4 CHAIR HUGHS: All right. Well great. If
5 there's nothing more, is there a motion to adjourn?

6 COMM. THOMAS: So moved.

7 COMM. ALVAREZ: I'll second that.

8 COMM. THOMAS: All right. We are adjourned
9 and have a wonderful day.

10 (Proceedings concluded at 9:13:53 a.m.)

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C E R T I F I C A T E

STATE OF TEXAS)
COUNTY OF TRAVIS)

I, Kimberly C. McCright, Certified Vendor and Notary in and for the State of Texas, do hereby certify that the above-mentioned matter occurred as hereinbefore set out.

I FURTHER CERTIFY THAT the proceedings of such were reported by me or under my supervision, later reduced to typewritten form under my supervision and control and that the foregoing pages are a full, true and correct transcription of the original notes.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 20th day of May, 2019.

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

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