



**MEETING OF THE  
TEXAS WORKFORCE COMMISSION**

**June 16, 2020**

1 TUESDAY, JUNE 16, 2020

2 CHAIRMAN DANIEL: The record

3 [unintelligible] one person signed in who'd like to address the  
4 Commission, John Russo. If you'll go ahead and  
5 [unintelligible].

6 JOHN RUSSO: Hello. This is John Russo.  
7 Shall I proceed?

8 CHAIRMAN DANIEL: Yes, please.

9 JOHN RUSSO: Okay. Well, good morning,  
10 Commissioners and thank you for the opportunity for me to speak  
11 today. My name is John Russo. I'm the president of Sprouting  
12 Star Children's Academy in Pflugerville, Texas. It's my  
13 understanding that the Commission intends to take up the matter  
14 of attendance standards for the Workforce Child Care Subsidy  
15 Program. I'm respectfully and strongly encouraging the  
16 Commissioners to consider first and foremost the health and  
17 safety of the children, families and child care professional  
18 staff and also the stability of the childcare system that serves  
19 this program.

20 I respectfully encourage the Commissioners  
21 not to seek any relief for any growing fiscal strains at the  
22 expense of that health and safety. My statements today I'm  
23 making in the context of the escalating Covid-19 cases and  
24 hospitalizations. By every measure that I'm aware of, the  
25 situation actually seems to be worse than April, not better. In

1 March and April, many of your swift decisions really helped  
2 stabilize the child care system and I'm very thankful for the  
3 steps that you took in March and April to help us keep our  
4 center open. In May, it seems like maybe this is kind of  
5 changing and I'm concerned that in patients with the virus's  
6 schedule is pulling back many of the supports and pushing  
7 children and staff back into conditions that could be dangerous.  
8 I respectfully wanted to ask that that be considered and that we  
9 don't reverse the course at this time. You know, I don't want  
10 any conditions that might be responsible to encourage a Covid-19  
11 emergency in a child care center or possibly undermine the  
12 public confidence in our system.

13                   Rather, what we desperately need in the  
14 child care industry, is an intentional program that focuses on  
15 safety, fairness and funding. By safety, I mean taking  
16 leadership, defining what is actually sufficient. At the  
17 moment, you know, all of the emergency conditions have been  
18 removed as of Friday and Health and Human Services, at least at  
19 my level, are noticeably absent in this discussion. We need to  
20 define what safe conditions are and for fairness, we need to  
21 make sure we don't push the most vulnerable, our children and  
22 our child care workers, into unsafe conditions prematurely to  
23 try to offset other problems.

24                   And lastly, with funding, the controls that  
25 are required are beyond the means of most centers. So

1 supplemental payments like the ones that you've already  
2 graciously provided and grants to open centers, I believe, are  
3 going to be needed to help keep the system from collapsing. I  
4 hope you will consider my statements. The pandemic doesn't seem  
5 to be over and I know here at our center, we're not acting like  
6 it is over and I just wanted to encourage you all to consider  
7 that as you make your decisions. Thank you again for taking the  
8 time to hear my concerns prior to your deliberations.

9 CHAIRMAN DANIEL: Thank you. This time, we  
10 do not have any other commenters who have registered and signed  
11 in [unintelligible] Good morning [unintelligible].

12 MR. STALINSKI: Good morning, Chairman  
13 Daniel, Commissioner Alvarez, Commissioner Demerson and Mr.  
14 Cerna. For the record, I'm Jason Stalinski, director of the  
15 [unintelligible] Policy Planning and Prosecution Department. As  
16 currently written, Commission Rule [unintelligible] claimant  
17 withdraw their wage claim before and after the Commission's  
18 written decision becomes final. The proposed rules allow a  
19 Claimant to withdraw their wage claim at any point prior  
20 [unintelligible] when a wage claim is withdrawn, it's as if the  
21 wage claim never existed [unintelligible] any administrative  
22 penalties and noted violations, which the ATC may have assessed.

23 If claimant would like for TWC to cease  
24 collection after a written decision is final, they may file a  
25 Satisfaction of Payment Declaration. A Satisfaction of Payment

1 Declaration differs from withdrawal and that TWC collections  
2 will cease collection action on wages. However, the employer  
3 will still be liable for any administrative penalties assessed  
4 on the claim and a noted violation would remain.

5 The proposed rules are submitted for public  
6 comment and no comments were received. As a result, there have  
7 been no changes between the proposed rule [unintelligible] and  
8 what is before you today.

9 Staff seeks Commission action regarding the  
10 adoption of this [unintelligible] 821 rule as included in your  
11 notebooks and published on the agency's website. If the rules  
12 are adopted, staff requests the ability to make minor non-  
13 substantive changes to the document in order to comply with  
14 publication requirements of the Texas Register and the Texas  
15 Secretary of State.

16 I am here this morning as a resource for  
17 any questions you may have.

18 CHAIRMAN DANIEL: Comments or questions?

19 COMMISSIONER ALVAREZ: No, Chairman.

20 MALE: None here.

21 CHAIRMAN DANIEL: We have a motion?

22 COMMISSIONER ALVAREZ: I move that we adopt  
23 the proposed rules relating to the withdrawal of page claims as  
24 previously published to the Texas Register, with permission for  
25 staff to make minor, non-substantive changes.

1 CHAIRMAN DANIEL: [Unintelligible] thank  
2 you.

3 MR. STALINSKI: Thank you.

4 CHAIRMAN DANIEL: This is Item Nine,  
5 discussion and consideration of possible action regarding the  
6 use of pre-employment transition services funds to provide  
7 support goods and services for eligible students with  
8 [unintelligible].

9 MR. VADEN: Good morning, Commissioners.  
10 For the record, Jason Vaden, Vocational Rehabilitation Division.  
11 This year, the Rehabilitation Services Administration  
12 [unintelligible] policy interpretation that provides additional  
13 flexibility and providing support services and goods to support  
14 students that are participating in pre-employment transition  
15 services. The policy interpretation only pertains to students  
16 that are determined eligible for the VR program and who need  
17 those support goods and services to participate in pre-  
18 employment transition activities. Some of these services that  
19 were not previously allowed include transportation, counseling  
20 and guidance, assessment services and rehabilitation technology  
21 [unintelligible] the availability of these additional services  
22 will allow us to better support students who need assistance in  
23 order to participate in pre-employment transition services and  
24 will count towards the state's 15 percent expenditure  
25 requirement.

1                   This morning, staff seeks direction on  
2 updates to the Vocational Rehabilitation Service's Manual to  
3 conform with the Rehabilitation Services Administration policy  
4 interpretation, as set forth in your materials.

5                   Commissioners, this concludes my remarks  
6 and I'm happy to answer questions if you have any.

7                   CHAIRMAN DANIEL: Comments or questions?

8                   MALE: No, Chairman.

9                   MALE: [unintelligible].

10                  COMMISSIONER ALVAREZ: I move that we  
11 approve the repeal of Chapter 857 and changes to Chapter 858  
12 [unintelligible] to the Texas Register as discussed  
13 [unintelligible].

14                  MALE: I so move as second  
15 [unintelligible].

16                  CHAIRMAN DANIEL: This is Agenda Item Ten,  
17 discussion and consideration and possible action regarding  
18 adoption of rules providing purposes of good and services for  
19 Vocational Rehabilitation Services and Vocational Relocation  
20 Services [unintelligible].

21                  MR. VADEN: Again for the record, Jason  
22 Vaden, Vocational Rehabilitation Division. Commissioners, on  
23 February the 4<sup>th</sup>, you approved proposed amendments to TWC's  
24 Chapter 857 and 858 rules regarding requirements for purchases  
25 of goods and services for the Vocational Rehabilitation Program.

1 MY [unintelligible] background, these rules  
2 were transferred to TWC in 2016 with a transition of the  
3 Vocational Rehabilitation Program, and as such, they overlap  
4 certain existing TWC administrative rules that contain numerous  
5 references to programs that were not transferred to TWC. the  
6 rule proposal was posted in the Texas Register on February the  
7 21<sup>st</sup> with a 30-day public comment period. No comments were  
8 received and as a result, no modifications were made to the  
9 final language before you today.

10 This morning, staff seeks direction on the  
11 repeal of Chapter 857 with final adoption of amendments to the  
12 Chapter 858, Vocational Rehabilitation Purchases goods and  
13 services rules as set forth in your materials.

14 That concludes my remarks and I'm happy to  
15 answer any questions you may have.

16 CHAIRMAN DANIEL: [Unintelligible].

17 COMMISSIONER ALVAREZ: I do have a comment,  
18 Chairman. Jason, I apologize on the [unintelligible] Item  
19 Number Ten and so this is my motion for Item Number Ten once  
20 [unintelligible].

21 CHAIRMAN DANIEL: Did you want--all right.  
22 Let's take up Agenda Item Ten, yeah.

23 COMMISSIONER ALVAREZ: Okay. So Agenda  
24 Item Ten. So again, apologies to you, Jason. I move that we  
25 approve the repeal of Chapter 857, the changes to Chapter 858,



1 which were proposed--proposed--correction, which were posted to  
2 the Texas Register as discussed [unintelligible].

3 MALE: Second that.

4 CHAIRMAN DANIEL: [Unintelligible]unanimous.

5 MALE: [Unintelligible] do we need to go  
6 back and have a revised motion on Agenda Item Nine?

7 CHAIRMAN DANIEL: [Unintelligible] so that's  
8 a majority vote, so will not reconsider the vote on Agenda Item  
9 Nine.

10 MALE: Thank you.

11 COMMISSIONER ALVAREZ: So Jason, may I  
12 just--is this the use of [unintelligible]?

13 MR. BADEN: Yes, sir.

14 COMMISSIONER ALVAREZ: Okay. So I have--I  
15 do have some comments [unintelligible] the Commission  
16 appreciates RSA's policy [unintelligible] enables previous funds  
17 to be used on certain goods and services that are necessary for  
18 eligible students [unintelligible] to participate fully and  
19 [unintelligible] in pre-ETS activities. However, the Commission  
20 further encourages RSA to consider all available flexibility to  
21 allow pre-apprenticeships to be included in pre-ETS work-based  
22 [unintelligible] work readiness training and career exploration  
23 activities.

24 Because the Commission believes that pre-  
25 apprenticeships can be developed and implemented that introduces

1 students to the registered apprenticeship as a pathway to  
2 careers in high skill, high wage occupations earlier in their  
3 secondary education.

4 In addition, pre-apprenticeships can  
5 provide students with work-readiness skills and behaviors that  
6 [unintelligible] further career choices regardless of whether  
7 the student proceeds to participate in registered apprenticeship  
8 [unintelligible].

9 Finally, pre-apprenticeship can serve as a  
10 valuable work-based learning environment for students to develop  
11 transferable skills that expand both their knowledge and future  
12 career options.

13 I'm having staff work on a letter for my  
14 signature encouraging RSA to consider expanding [unintelligible]  
15 and would invite my fellow commissioners to sign the letter with  
16 me to show our commitment to expanding opportunities with  
17 students with a disability [unintelligible].

18 MALE: [Unintelligible].

19 CHAIRMAN DANIEL: [Unintelligible].

20 COMMISSIONER ALVAREZ: Yes, Chairman. I  
21 move that we approve discussed changes to [unintelligible] to  
22 confirm the rehabilitation service administration clarification,  
23 providing additional flexibility for allowing [unintelligible]  
24 funds preserved for pre-ETS support goods and services for  
25 eligible students with disabilities.

1 MALE: Second.

2 CHAIRMAN DANIEL: [Unintelligible] second,  
3 we're unanimous.

4 MR. VADEN: Thank you.

5 CHAIRMAN DANIEL: Okay. This number is to  
6 Agenda Item 11, discussion, consideration and possible action  
7 regarding [unintelligible].

8 MR. HOOKS: Morning, Commissioners, Mr.  
9 Cerna. This is Michael Hook [unintelligible] the Texas Human  
10 Resources code Title 40, Chapter 122057 requires the Texas  
11 Workforce Commission to establish the purchasing for People with  
12 Disabilities Advisory Committee, consisting of 13 members.  
13 Advisory Committee must be composed of four representatives  
14 [unintelligible] community rehab programs or CRPs to participate  
15 in the PPD program [unintelligible] individuals with  
16 disabilities, four individuals [unintelligible] participating in  
17 the PPB program and the executive [unintelligible] a designee  
18 be, we currently [unintelligible] Shawn Quigley, Randy Lacey,  
19 Brooke Holfield expired in 2019. These members would like to  
20 continue their commitment to the Advisory Committee for a second  
21 term.

22 Four vacancies exist on the PPB Advisory  
23 Committee. The recommended nominees are Michael Slavota, Monica  
24 [unintelligible] Giovanni Washington and James Neenan. Staff  
25 seeks direction on reappointing committee member Shawn Quigley,

1 Randy [unintelligible] PPD Advisory Committee for an additional  
2 four-year term and appointing nominees Michael Slavota, Monica  
3 [unintelligible] Giovanni Washington and James [unintelligible]  
4 Any questions?

5 CHAIRMAN DANIEL: [Unintelligible]

6 MALE: [Unintelligible]

7 CHAIRMAN DANIEL: Do we have any motion?

8 MALE: Yes, sir. So I'm gonna do my best,  
9 Mr. Hooks. And so--because I lost you for a minute, I want to  
10 make sure [unintelligible] able to reference those individuals  
11 that are to be reappointed and those appointed. So I move that  
12 we reappoint [unintelligible] Randy Lacey [unintelligible] and  
13 appoint Michael [unintelligible] Washington and James  
14 [unintelligible] to serve on the PPWD Advisory Committee.

15 MALE: I will second that.

16 CHAIRMAN DANIEL: [Unintelligible] thank  
17 you. Agenda Item 12, discussion, consideration, possible action  
18 regarding [unintelligible].

19 MR. HOOKS: This is Michael Hooks again.  
20 The Texas Workforce Commission administers the purchasing for  
21 People with Disabilities program. TWC's responsibilities  
22 include determining the eligibility requirements for  
23 participation in the program by community rehab programs  
24 [unintelligible] requirements when a community rehab program is  
25 certified or recertified [unintelligible] CRPs must reapply

1 every three years prior to the expiration [unintelligible] TWC  
2 reviews the submitted application, all required documentation  
3 prior to forwarding recommendations for certification to  
4 [unintelligible] applications for initial certification  
5 [unintelligible] recertification, all CRPs meet the requirements  
6 for certification. I can tell you TWC's PPD rule, Chapter 806.

7 Staff seeks direction on approving and  
8 certifying and recertifying the [unintelligible] to participate  
9 in the PPD program. Thank you [unintelligible].

10 CHAIRMAN DANIEL: Any comments  
11 [unintelligible].

12 COMMISSIONER ALVAREZ: I move that we  
13 approve the certification and recertification of the Community  
14 Rehabilitation Programs as discussed by staff [unintelligible].

15 MALE: [Unintelligible].

16 CHAIRMAN DANIEL: [Unintelligible] under  
17 the Purchase for People with Disabilities program.

18 MR. HOOKS: I'm sorry. Did you call Item  
19 13?

20 CHAIRMAN DANIEL: I did.

21 MR. HOOKS: [Unintelligible] we're getting  
22 a little breakup on the microphone. The PPD program with the  
23 assistance of Texas Comptroller Public Accounts reviews Austin  
24 houses [unintelligible] pricing submitted by the central non-  
25 profit request on behalf of CRP's disability program. TWC's 806

1 purchase for products and services for people with disabilities  
2 requires comptroller to provide the PPD program with the  
3 necessary information and resources to comply with this  
4 requirement to determine fair price [unintelligible] currently,  
5 the staff seeks decision on approving 29 new products presented  
6 by four CRPs and 53 product price revisions submitted by two  
7 CRPs. That concludes my remarks.

8 CHAIRMAN DANIEL: Comments or questions?

9 MALE: No comments [unintelligible].

10 COMMISSIONER ALVAREZ: I move to accept the  
11 new products and price revisions except for Item Number 34 as  
12 discussed by staff. And I wasn't sure if [unintelligible].

13 CHAIRMAN DANIEL: Michael?

14 MR. HOOKS: I'm sorry. I'm sorry, I had  
15 break-up.

16 COMMISSIONER ALVAREZ: Michael, did you  
17 reference an exclusion of one of the items?

18 MR. HOOKS: No, sir, I did not.

19 MALE: Commissioner Alvarez, do you  
20 [unintelligible] motion?

21 COMMISSIONER ALVAREZ: Yes, I do. We had  
22 discussions with staff and at this point, we were  
23 [unintelligible] in the price reduction [unintelligible]  
24 products and price provisions [unintelligible].

25 MALE: Second.

1 CHAIRMAN DANIEL: [Unintelligible] noted  
2 seconded the motion. This is Item 14, discussion and  
3 [unintelligible] possible action regarding approval of services  
4 offered by Community Rehabilitation Programs under the  
5 [unintelligible] for People with Disabilities program  
6 [unintelligible].

7 MR. HOOKS: Again, Michael Hooks. TWC's  
8 Chapter 806, PPD, purchase from [unintelligible] products and  
9 services for people with disabilities requires the TWC, with the  
10 assistance of a Texas Comptroller, determine the fair market  
11 price of all services provided by individuals with disabilities  
12 and offer for sale in the state agencies and political  
13 subdivisions by community rehab programs participating with PPD  
14 program.

15 Currently, CRPs have presented 32  
16 temporary, 33 new, 437 renewal and 14 transfer service contracts  
17 for approval [unintelligible] approve the service contracts  
18 offered by the certified CRPs. That concludes my remarks.

19 CHAIRMAN DANIEL: Any comments or  
20 questions?

21 COMMISSIONER ALVAREZ: Chairman, the only  
22 comment I have is [unintelligible] or at least close to that, so  
23 thank you [unintelligible].

24 CHAIRMAN DANIEL: Are there any motions?  
25

1 COMMISSIONER ALVAREZ: I move that we  
2 approve service contracts offered by CRPs under the Purchasing  
3 [unintelligible] People with Disabilities [unintelligible] by  
4 staff.

5 MALE: I second.

6 CHAIRMAN DANIEL: [Unintelligible]  
7 consideration and possible action regarding Purchasing for  
8 People with Disabilities program temporary suspension  
9 [unintelligible].

10 MALE: Mr. Hooks. We have received  
11 additional information regarding this item and request that we  
12 continue this item to a future date.

13 CHAIRMAN DANIEL: Comments or questions?

14 MALE: I'm okay with that [unintelligible].

15 CHAIRMAN DANIEL: This is Agenda Item 16  
16 [unintelligible] initiative, including those [unintelligible].

17 MS. ARBOR: Good morning, commissioners,  
18 Mr. Cerna. For the record, Courtney Arbor, Workforce Division.  
19 Commissioners, in April, you voted for redirect more than 12  
20 claimants [unintelligible] funding and award grants to Workforce  
21 wards for Covid response purposes. Several boards applied for  
22 and have been approved for a portion of the funding and at the  
23 time of that last commission meeting on June 2, a balance of  
24 approximately 5.8 million remain.

25



1                   You ask that we insure that  
2 [unintelligible] that were in process at the time be funded but  
3 that we bring a state-level plan to you to increase the skills  
4 of Texans throughout the state using the remainder or a portion  
5 of the remainder of that funding.

6                   Staff have researched the options available  
7 and in order to use the remaining funds most effectively to  
8 address the increased state-wide demand for skills enhancements  
9 for our workforce, TWC approved [unintelligible] massive open  
10 online forces provider at the state level to provide up-scaling  
11 opportunities to the dislocated workers in Texas. These  
12 platforms provide online courses spanning a number of  
13 occupational skills in addition to various professional  
14 development topics.

15                   The second issue for you today is the--  
16 relates to WIOA and the term substantial layoffs. WIOA sets the  
17 criteria for determining eligibility for dislocated workers who  
18 can receive WIOA-funded [unintelligible] including in this  
19 definition are individuals who have been terminated or laid off  
20 from employment as a result of permanent or substantial layoff.  
21 And as you know, social distancing requirements and closure of  
22 non-essential businesses for several weeks due to Covid-19  
23 pandemic resulted in a loss of employment for millions of Texans  
24 and made it more difficult for those who were unemployed before  
25 the pandemic to reenter the workforce now.

1                   The term substantial layoff, though part of  
2 the WIOA definition, is not fully defined by existing  
3 legislation or regulation. Establishing a definition of  
4 substantial layoff that includes all individuals receiving  
5 unemployment benefits during the Covid-19 pandemic would ensure  
6 that all UI claimants, all UI recipients can receive WIOA  
7 [unintelligible] services including the statewide initiative  
8 that we are talking about today.

9                   So we have two decisions points for you,  
10 commissioners. One, staff seeks direction on the approval of up  
11 to \$5.8 million in WIOA statewide funds, reserved under WIOA  
12 [unintelligible] up to two vendors for a statewide skills--  
13 excuse me, skills enhancement initiative to provide rapid  
14 skilling to dislocated workers in Texas.

15                   And second, we seek direction on defining  
16 substantial layoff to include all individuals receiving UI  
17 benefits during the pandemic, the Covid-19 pandemic.

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

20                   COMMISSIONER ALVAREZ: Chairman  
21 [unintelligible] Courtney, thank you for the work and thank you  
22 coming back with the specifics on how this funding needs to be  
23 used. So I have a question. Well, eligible UI claim is  
24 enrolled [unintelligible] considered to be and committed to  
25 improve training in the process of UI?

1 MS. ARBOR: Commissioner, the local  
2 workforce boards continue to provide training for individual  
3 training accounts and through WIOA, also have flexibility to buy  
4 courses with local training providers which meet the definition  
5 of training and commission-approved training. Those enrolled in  
6 this skills enhancement project in almost all cases won't be  
7 considered to be enrolled in commission-approved training. But  
8 there--if enrolled in WIOA or skills development or adult  
9 education and literacy, that would apply.

10 COMMISSIONER ALVAREZ: Thank you, Courtney.  
11 I bring that up because [unintelligible] I'd also like--two  
12 comments that I'd like to add. Also I would like the focus to  
13 remain short-term training [unintelligible] recognized in some  
14 of the [unintelligible] in certifications rather than four-year  
15 degrees. Rather, according to the UI claimant dashboard, which  
16 I have here in front of me on our website, top UI claims by  
17 industry are full-service restaurants a 24,000 people followed  
18 by [unintelligible] services at 19,000, limited services  
19 restaurants at 15,500, support activities for oil and gas  
20 operations at 14,000 and hotel and motel at 6,500.

21 In-fact, I have seen news articles  
22 indicating major layoffs at hotels across the state. This was  
23 just from our recent clips. Commissioners [unintelligible]  
24 focus on [unintelligible] claimants for [unintelligible] that we  
25

1 recognize on our own website. Industries--and we'd like this  
2 direction to be provided to [unintelligible].

3 MALE: Sir, I--and Commissioner Alvarez,  
4 I'd like to, first of all, applaud the staff on [unintelligible]  
5 innovative and providing opportunities for us all. I think it's  
6 important as [unintelligible] needs so that we make sure that  
7 the training that's taking place [unintelligible] thank you guys  
8 for that direction and applaud the staff for bringing back this  
9 opportunity.

10 MALE: And I, as well, so thank you for the  
11 comments, Commissioner. I appreciate the fact that we do state  
12 your, you know, industry-recognized credentials. And these  
13 industry-recognized credentials allows for anywhere, not just in  
14 Texas [unintelligible] want them to, right, but they do have the  
15 industry-recognized credentials as [unintelligible].

16 CHAIRMAN DANIEL: Additional comments?  
17 Courtney, well done. Very good proposal, very well thought out  
18 [unintelligible] are there any motions?

19 MALE: I move that we approve up to 5.8  
20 million in WIOA statewide funds reserved under WIOA 133A to  
21 contract with up to two vendors for a statewide up-scaling of  
22 dislocated worker initiative to provide rapid up-scaling to  
23 dislocated workers in Texas focusing on the top UI claim filing  
24 industries [unintelligible] I further move that we define  
25

1 substantial layoff to include all individuals receiving UI  
2 benefits during the Covid-19 pandemic.

3 MALE: I second.

4 CHAIRMAN DANIEL: [Unintelligible].

5 MS. ARBOR: Thank you.

6 CHAIRMAN DANIEL: Let's move to Agenda Item  
7 17, discussion, consideration of possible action regarding  
8 adoption of rules relating to child care evaluations, medicine  
9 reimbursement rates [unintelligible].

10 MS. R. MILLER: Good morning, Mr. Chairman,  
11 Commissioners. Regan Miller with the Child Care and Early  
12 Learning division. The proposed rules for Chapter 809 were  
13 published in the Texas Register on February 21. No public  
14 comments were received on the proposed rules and no changes have  
15 been made to the final rule. These rules include technical  
16 change based on legislative revisions to child care regulation  
17 corrective action categories, as well as amendments to allow for  
18 a commission-established minimum threshold for childcare  
19 reimbursement rates.

20 Staff seeks direction on adoption of these  
21 final rules and I'm happy to answer any questions.

22 CHAIRMAN DANIEL: Comments or questions?

23 MALE: No comments, Chairman.

24

25

1 MALE: None here [unintelligible] related  
2 to childcare reimbursement rates and corrected actions as  
3 discussed.

4 MALE: I second.

5 CHAIRMAN DANIEL: [Unintelligible] second  
6 and we're unanimous. Thank you.

7 MS. R. MILLER: Thank you.

8 CHAIRMAN DANIEL: Agenda Item 18,  
9 discussion, consideration of possible action regarding adoption  
10 of rules relating to age discrimination [unintelligible].

11 MR. STONEY: Good morning Chairman and  
12 Commissioners. For the record, Brian Stoney, Director of Civil  
13 Rights Division [unintelligible] the 86<sup>th</sup> Texas Legislature  
14 repealed Section 21.054, subsection B of the Texas Labor Code  
15 [unintelligible] recommended age discrimination within the job  
16 training program for individuals at least 40 years of age but  
17 younger than 56 years. On April 3, 2020, the Commission  
18 proposed amendments to Section 819.12, subsection D, to align  
19 with the current statutory language in Texas Labor Code Section  
20 21.054. No comments were received on the proposed rules.

21 Today, we're seeking direction on the  
22 adoption of the final rules amending Chapter 819 to align with  
23 the language in Texas Labor Code. This concludes my remarks.  
24 I'm available to answer any questions.

25 CHAIRMAN DANIEL: Comments or questions?

1 MALE: Not here, Chairman.

2 MALE: [Unintelligible].

3 CHAIRMAN DANIEL: Is there a motion?

4 MALE: Thank you, Brian, for the  
5 presentation. I move that we adopt the proposed changes to  
6 Section 819 (inaudible) Texas register with permission for staff  
7 to make minor, non-substantive changes.

8 MALE: Second the motion.

9 CHAIRMAN DANIEL: [Unintelligible] second  
10 the motion [unintelligible] this is Agenda Item 19, discussion  
11 [unintelligible].

12 ADAM: Good morning, Mr. Chairman,  
13 Commission. My name is Adam [unintelligible] I am the Director  
14 of Operation [unintelligible] Texas Workforce Commission.  
15 Earlier this year, you approved a set of renegotiated targets  
16 for adult education grantees. That was part of a new process we  
17 put in place this year to allow the grantees to kind of take a  
18 mid-year look at what the demand is for different types of  
19 services and--and inform them [unintelligible] to us. We went  
20 through the process and unfortunately, when I provided this  
21 information originally on March 3, I left one off and that is  
22 Amarillo college. They did go through the process on time.  
23 Program staff and myself reviewed and agreed with their proposal  
24 and this should have been in the material in March, so I'm  
25 seeking your approval now to correct this oversight and allow it

1 to [unintelligible] renegotiated targets. And I'm happy to  
2 answer any questions you may have about this.

3 CHAIRMAN DANIEL: Comments or questions?

4 MALE: No comments, Chairman  
5 [unintelligible].

6 CHAIRMAN DANIEL: Is there a motion?

7 COMMISSIONER ALVAREZ: I move that we  
8 approve Program Year 2019 [unintelligible] participants serve  
9 [unintelligible] Amarillo College as discussed.

10 MALE: Second.

11 CHAIRMAN DANIEL: [Unintelligible] second  
12 and we're unanimous. Thank you.

13 ADAM: Thank you.

14 CHAIRMAN DANIEL: Don't have anything to  
15 present on Agenda Item 20, so we're moving to Agenda Item 21  
16 [unintelligible] discussion, consideration [unintelligible]  
17 target disaster relief efforts, public health [unintelligible]  
18 going to start with [unintelligible].

19 MR. COLE: Good morning, Chairman Daniel,  
20 Commissioner Demerson, Commissioner Alvarez, Mr. Cerna. For the  
21 record, Clay Cole, Unemployment Insurance Division director.  
22 Covid-19 pandemic has caused both economic and personal stress  
23 on the employers of Texas and their workforce. In response, the  
24 TWC has acted to soften the blow by providing unemployment  
25 benefits and services to millions of Texans in need. As Texas



1 begins to recover and Governor Abbot works to reopen Texas  
2 economy, so too must [unintelligible] this reopening.

3                   Accordingly, we propose operationalizing  
4 the following three items. Though we are not seeking a vote, we  
5 are just seeing the commissioners' support as we continue to  
6 move forward. The first item is we recommend to reinstate work  
7 search requirements effective July 6, 2020, which customers will  
8 notice the first time when requesting payment the week of July  
9 19. Under the authority of the executive director, UI division  
10 is preparing [unintelligible] requirements starting July 6,  
11 2020. In order to provide all affected persons ample notice, a  
12 comprehensive campaign that messages claimants and employers  
13 will begin immediately and will use all [unintelligible] will  
14 also receive notification of work search requirements with their  
15 payment request immediately following July 5, 2020 and to be  
16 effective with their next payment request following that  
17 notification. As I indicated, that would be the week beginning  
18 July the 19<sup>th</sup>.

19                   Item Two is being recommended as setting  
20 the work search requirement to a maximum of three under  
21 Commission Rule 815.28(c). The executive director recommends  
22 resetting the maximum number of work search requirements to  
23 three for all areas of the state. Now, counties that have their  
24 work search requirement to less than three may keep that number  
25 intact as the economic reopening progresses, local workforce

1 boards will evaluate their specific economic conditions and will  
2 advise the executive director [unintelligible] the respective  
3 requirement.

4                   And Item Three are the guidelines  
5 [unintelligible] Covid-19. UI will continue to follow state and  
6 federal law, rules, precedents, those claimants directly  
7 impacted by Covid-19. However, we acknowledge the reality the  
8 Covid-19 pandemic presents unique scenarios that must be  
9 reviewed on a case-by-case basis. In performing this review,  
10 six exceptions will be considered--and this was part of our  
11 press release that we issued earlier this year [unintelligible]  
12 are at high risk, people 65 years or older and-or people with  
13 medical issues like heart disease, diabetes, cancer or weakened  
14 immune system are at a higher risk for getting very sick from  
15 Covid-19, as described by Texas Department of Health Services.

16                   Household member at high risk, people 65  
17 years or older are at a high risk for getting very sick  
18 [unintelligible] as described by the Texas Department of Health  
19 Services. Diagnosed with Covid-19. The individual has tested  
20 positive for Covid-19 by a source authorized by the State of  
21 Texas and is not recovered. Family member with Covid. Anybody  
22 in the household has tested positive for Covid-19  
23 [unintelligible] authorized [unintelligible] and has not  
24 recovered and 14 days has not yet passed [unintelligible]  
25 currently 14-day quarantine due to close contact exposure with

1 Covid-19. And in child care [unintelligible] available or  
2 alternatives are available. By supporting these three items,  
3 the UI division believes that the Commission can assist the  
4 Governor and reopen the Texas economy while [unintelligible]  
5 benefits to those Texans with a continuing need for them. This  
6 does not require a vote and these are operational items, though  
7 we're seeking to [unintelligible] move forward with reopening  
8 the economy. And this concludes my update and I'll be happy to  
9 answer any questions you might have.

10 CHAIRMAN DANIEL: [Unintelligible] make  
11 sure it was absolutely, clearly presented to you all, the three  
12 items that we're gonna be working on.

13 First of all, as he indicated, staff is  
14 going to be moving forward with reinstating work search unless  
15 the Commission asks us not to. We will begin our outreach  
16 campaign today and extensive outreach to media, social media  
17 [unintelligible] with the individuals that are receiving  
18 benefits from us so that they know that we're going to be  
19 reinstating work search [unintelligible] July 6 and then the  
20 first time that anybody actually has to report anything  
21 [unintelligible] their continued benefits is on July the 19<sup>th</sup>.

22 So a little bit more than two weeks of peer  
23 notification and then we turn it on to the system. Individuals  
24 can begin their work search activities. We will include clear  
25

1 definitions of what we mean by work search activities beginning  
2 on July the 6<sup>th</sup> and [unintelligible].

3                   Also we reached out to all the boards and  
4 we will be setting a statewide job search to a maximum of three  
5 [unintelligible] that have something less than three can  
6 maintain that less than three but because the economy is just  
7 starting back up, we're about to approve the start with a max  
8 [unintelligible] areas back when the economy was good, it had a  
9 maximum of about 10, 12 job searches which really may not be  
10 practical right now.

11                   We continue to work on that  
12 [unintelligible] was also very important [unintelligible] clay  
13 did point them out but again, bad connection is--in order to  
14 assist us, we'll look at each situation [unintelligible] case by  
15 case basis. However, we'll provide clear guidelines to our  
16 staff that there are six situations that is absolutely  
17 [unintelligible] individual himself is either at high risk  
18 because of age or medical condition to Covid-19 or as a  
19 household member [unintelligible] high risk of age or medical  
20 condition [unintelligible] the individual has been diagnosed  
21 with Covid-19 or is in a household with someone who's been  
22 diagnosed with Covid-19 [unintelligible] because the individual  
23 has been quarantined--14-day quarantine period.

24                   And then finally child care. While we know  
25 we're opening child care back up, some individuals still have

1 challenges with [unintelligible] finding suitable child care  
2 just because some child care providers are still only accepting  
3 smaller population [unintelligible] so those are the six known  
4 [unintelligible] so you all have [unintelligible].

5 COMMISSIONER ALVAREZ: [Unintelligible] and  
6 a couple of suggestions and I would ask Clay and Ed to make any  
7 clarifications. I do want to make sure that we are thoughtful  
8 and ready.

9 I would like staff to provide a briefing  
10 before reinstatement of the work search requirement regarding  
11 number of job openings in each board area related to the UI  
12 claims by industry. I'm seeing some, for example, on the online  
13 Dallas [unintelligible] Dallas-Fort area where they had 753 job  
14 openings in Dallas County right now [unintelligible] it is  
15 apparent that under 081528, which I [unintelligible] providing  
16 work search activities. My concerns as [unintelligible] provide  
17 these additional work search activities.

18 Can staff provide more detailed information  
19 regarding these work search activities [unintelligible]  
20 services? And [unintelligible] reshape the number  
21 [unintelligible] how will we be providing this notice in direct  
22 compliance [unintelligible] doing it through WIOA and what press  
23 release that needs to go out today. If there is a change in the  
24 [unintelligible] shall be notified in the change in writing.  
25 And I want to stress by U.S. Mail, this reference here, I do not

1 believe [unintelligible] the notice requirements set forth  
2 [unintelligible] we need to send letters by U.S. Mail in  
3 addition to notifying claimants when they file their request.

4           Also Rule 1818--correction. Also Rule  
5 815.28 [unintelligible] requires coordination with boards to  
6 ensure that they set their work search number in an open meeting  
7 before the work search requirement goes into effect and I'm sure  
8 this will happen before July 19 reimburse--reinstatement  
9 [unintelligible] work search.

10           As far as the risk factors [unintelligible]  
11 what you laid out. I have a couple of recommendations. On our  
12 website it currently says at high risk, people 65 or older are  
13 at real risk pertaining [unintelligible] Covid-19 but I would  
14 like to have seen [unintelligible] at high risk people 65 or  
15 older, which we have, or are at higher risk for getting very  
16 sick from [unintelligible] this comes from the resource of DSHS  
17 [unintelligible] lung disease, heart disease, unmanaged  
18 diabetes, severe physical obesity and other factors.

19           On the second one, we have household member  
20 at high risk, 65 years or older are at higher risk of getting  
21 very sick from Covid-19. Again, I would just [unintelligible]  
22 at high risk, people 65 years or older [unintelligible] Covid-  
23 19. This again comes from [unintelligible] on the child care, I  
24 understand the challenges that we have sometimes finding child  
25 care. I want to ask right now as we have child care, daycare

1 closed, we have what I'd like to see [unintelligible] child  
2 school or daycare close and no reasonable alternatives are  
3 available. Adding the word reasonable.

4                   Boards in TWC staff should be mindful that  
5 under Section Code 7.008 is determining whether work search  
6 [unintelligible] should be included in consideration as to  
7 whether the employer is following any CDC or OSHA guidelines.  
8 Texas Health and Human Services guidelines as referenced earlier  
9 and remediation taken at workplaces when there have been  
10 previous infections or death from Covid-19 [unintelligible] was  
11 not suitable for requiring them to fill out the claims with  
12 their party [unintelligible] and while waiting resolutions and  
13 outcomes [unintelligible] Chairman, those are my remarks and a  
14 few recommendations on the changes, so that we can  
15 [unintelligible].

16                   COMMISSIONER DEMERSON: Thank you, Mr.  
17 Chairman. Commissioner Alvarez [unintelligible] have a plan  
18 establishing--I would say that's just over communicate  
19 [unintelligible] and they've never done it before and then make  
20 sure that we have the ability to report the work source  
21 activity. I know that that's something that happens but  
22 [unintelligible] that we're set up as a team to make sure that  
23 we can receive those things [unintelligible] the right way. I  
24 think this represents an opportunity [unintelligible] Work In  
25 Texas website, we really encourage and enforce [unintelligible]

1 looking for work, we want to make sure that we--that it's out  
2 there and available [unintelligible] even more so and having  
3 [unintelligible] to do that. And then third and lastly, student  
4 [unintelligible] making that clear that they're then promised a  
5 job, it makes it clear [unintelligible] you have continued  
6 benefits and discussion with employees and employers in regards  
7 to the job is very important stressing that we were going  
8 [unintelligible] with their employers in regards to that  
9 situation [unintelligible] back and forth would be beneficial  
10 for both [unintelligible].

11 MALE: And I just want to make a, Chairman,  
12 play reference to the [unintelligible] press release that went  
13 out. We would [unintelligible] corrections noted, I wasn't  
14 aware [unintelligible] need to take Commission action to add the  
15 words reasonable and [unintelligible].

16 CHAIRMAN DANIEL: You can if you want to  
17 [unintelligible] you give us additional authority if you wanted  
18 to make it formal, that way we can discuss it [unintelligible]  
19 the language that's in the--just a couple things very quickly.  
20 The language that's in the website [unintelligible]  
21 conversations previously and we'll finally get it corrected,  
22 shouldn't reflect that it's 65 and at high risk or individuals  
23 that are at high risk, not just 65 and [unintelligible] younger  
24 and at high risk. We'll make sure that they reflect that  
25 [unintelligible] that's the case right now but I think--



1 MALE: It's written poorly  
2 [unintelligible].

3 CHAIRMAN DANIEL: Yes, sir. That's the  
4 intent now but it is [unintelligible] and then the other is with  
5 regard to communications [unintelligible] not only use the  
6 social media and other methods of outreach but we're going to  
7 communicate directly with the individuals [unintelligible] we're  
8 going to be sending out [unintelligible] communicating with them  
9 [unintelligible] and then we're going to do it even after we  
10 turn it back on the system but before they have to report  
11 anything [unintelligible] but the commitment that I made, a  
12 conversation that I've had with staff [unintelligible] very  
13 minimum, we would communicate two weeks out, a week out, several  
14 days out, the day before, the day of, the day after. That  
15 communication's going to include method that we have.

16 And then for new claimants that are talking  
17 to us [unintelligible] most people that file initial claims come  
18 through online, they'll see [unintelligible] the rule also  
19 defines them, as well [unintelligible] but a motion on the six  
20 factors clarifying language is fine, that would be great.

21 COMMISSIONER ALVAREZ: That helps us with  
22 our office when we have claims [unintelligible] one of the other  
23 things that I would like to add that I just want to commend you  
24 for the hard work that you've put in place and everything in  
25 work search [unintelligible] I certainly understand the position

1 you're in [unintelligible] operations and I commend you for  
2 that. You're doing a really good job and I just wanted to make  
3 that known.

4 MALE: Appreciate it.

5 COMMISSIONER ALVAREZ: And as of yesterday  
6 and I can say [unintelligible] but I could be wrong but I did  
7 look them up yesterday just because I knew we were going to have  
8 these comments today. Chairman, recommendations so that we have  
9 something to [unintelligible] changes, if you're okay with that,  
10 you know, that we'd take action on [unintelligible] the six  
11 factors because right now, it's just based on [unintelligible]  
12 have to use the factors in determining [unintelligible] cases  
13 we're going to have rather than it's based on a press release.  
14 And I understand the intent, which was great but I'm just--I'm  
15 just asking [unintelligible] these are now [unintelligible].

16 CHAIRMAN DANIEL: [Unintelligible].

17 MR. COLE: Can you all hear me? I don't--  
18 yeah, can you hear me now? I apologize for my [unintelligible]  
19 just want to add to it. I mean, just to clarify what I  
20 presented to was, again, these are some guidelines that we're  
21 using but we still, you know, we still rely on state statute in  
22 our rulemaking to provide the, you know, the fundamental  
23 differences to make our decision on a case-by-case basis. So I  
24 just wanted to make sure that was noted.

25

1                   MALE: Right [unintelligible] make sure to  
2 verify [unintelligible] bring it back and forth, whatever, make  
3 sure that that's [unintelligible] and so I'm not sure if it does  
4 it one way or the other. I think the way you [unintelligible]  
5 not asking for any action to be taken but presented it to us and  
6 so [unintelligible].

7                   CHAIRMAN DANIEL: And would you like to go  
8 over the six [unintelligible] the six factors?

9                   MALE: To get clarification on the new  
10 language that I've added?

11                   CHAIRMAN DANIEL: Yes, sir. To clarify the  
12 six factors and [unintelligible] adhere to both state and  
13 federal law that all of our [unintelligible] our staff to be  
14 able to use. First off is [unintelligible] age and or is  
15 [unintelligible] from a health perspective, more susceptible to  
16 be infected by Covid-19 or has an individual in the household  
17 who is over 65 and-or is at higher risk because of health  
18 conditions.

19                   If the individual has been diagnosed with  
20 Covid-19 or is in a household with an individual that has been  
21 diagnosed with Covid-19, if the individual is quarantined  
22 because of Covid-19, we have several of our employees right now  
23 as a matter-of-fact, a portion, they're not looking for jobs but  
24 they are quarantined because of exposure, though they haven't  
25 been diagnosed. And then the sixth one, because the first

1 [unintelligible] the sixth one is suitable child care. If  
2 suitable child care is not available for the individuals.

3 COMMISSIONER ALVAREZ: So my recommendation  
4 on that [unintelligible] would be to put the word reasonable.

5 CHAIRMAN DANIEL: Reasonable, great.

6 COMMISSIONER ALVAREZ: I have a copy here,  
7 Chairman, if you'd like that pretty much explained it exactly to  
8 the point with the addition of the words or, if reasonable for  
9 three of the factors. And again, it's up to the Commission. I  
10 commend--like I said earlier, the work is done [unintelligible]  
11 if you want us to take this further and just have the Commission  
12 approve this.

13 CHAIRMAN DANIEL: Well, I don't object.  
14 Here's two options that I would [unintelligible] the first is we  
15 take a little recess and [unintelligible] so I can see it, so we  
16 can take action on it. That's option A. Option B, honestly, I  
17 can't think of any ill effect [unintelligible] I don't object to  
18 the motion. And we can push this to the next [unintelligible] I  
19 would certainly make that your call.

20 I hear what we're saying. I actually find  
21 myself agreeing with you but since we're going to take a vote, I  
22 would really like to see [unintelligible] or we can bring it  
23 back next week [unintelligible] again. Because I think the  
24 substance of what you're doing is already there and I do agree

25

1 with your desire to [unintelligible] I would be happy either  
2 way. Those are [unintelligible].

3 COMMISSIONER ALVAREZ: Thank you, Chairman.  
4 So we'll go ahead and proceed on the reason for refusal. We're  
5 looking at multiple wording that was referenced on our website  
6 and I referenced one that was given to me some time back and  
7 then I was just given another one, and so I appreciate the  
8 corrections or the additions that [unintelligible] they read the  
9 following. People 65 years or older and-or people with medical  
10 issues like heart disease, diabetes, cancer or a weakened immune  
11 system or at higher risk for getting very sick from Covid-19.  
12 Our source is DSHS website. Household member at high risk, 65  
13 years or older at a higher risk of getting very sick from Covid-  
14 19. Source DSHS website. Diagnosed with Covid, the individual  
15 has tested positive for Covid-19 by a source authorized by the  
16 State of Texas and has not recovered. Family member with Covid.  
17 Anybody in the household has tested positive for Covid-19 by a  
18 source authorized by the State of Texas and is not recovered and  
19 14 days have not yet passed. Quarantine. Individual is  
20 currently in 14-day quarantine due to close contact exposure to  
21 Covid-19. Child care, which I referenced earlier. Child school  
22 or day care closed and no reasonable alternatives are available.  
23 That concludes my six [unintelligible] recommendations.

24 MALE: And that's in form of a motion, so  
25 with that, I'll second [unintelligible].

1 CHAIRMAN DANIEL: [Unintelligible].

2 COMMISSIONER ALVAREZ: Chairman, would you  
3 like me to make it in the form of a motion or did you--these  
4 were just recommendations?

5 CHAIRMAN DANIEL: I'll take it  
6 [unintelligible] it's in the form of a motion [unintelligible].

7 COMMISSIONER ALVAREZ: Okay. So with the  
8 six that I referenced with one major change or minor change.  
9 The second refusal is household member at a high risk. People  
10 65 or older are--or at a higher risk of getting very sick from  
11 Covid-19. Source, DSHS. I motion that the following six  
12 refusal reasons [unintelligible].

13 MALE: I second the motion.

14 CHAIRMAN DANIEL: [Unintelligible] and  
15 second, the motion carries.

16 COMMISSIONER ALVAREZ: Thank you very much,  
17 I appreciate it.

18 CHAIRMAN DANIEL: Yes, absolutely.

19 COMMISSIONER ALVAREZ: Thank you  
20 [unintelligible].

21 CHAIRMAN DANIEL: And, Commissioner, was  
22 that the only item [unintelligible] back to your original  
23 discussion before the break. You had presented a couple  
24 different things and I just want to make sure we covered all the  
25 territory that you wanted to cover.

1                   COMMISSIONER ALVAREZ:   Well, the main ones  
2 were the factors with the language and then, of course, just  
3 being mindful.  Other than that, there were no comments and I  
4 think Ed had referenced a work search and I wasn't sure if he  
5 wanted to [unintelligible].

6                   MALE:  I don't think we need a motion on  
7 work search.  That's certainly an operational issue.  While this  
8 is still--while this [unintelligible] did want to comment and  
9 echo comments made by Commissioner Alvarez and Commissioner  
10 Demerson, which is--I know this already to be the case but I  
11 feel compelled to weigh in.  Which is every available form of  
12 communication, every reasonably available form, it should  
13 [unintelligible] this is a very trying time for people.  This  
14 provision is required by federal law, this is not something we  
15 just came up with.  This is us enforcing the laws that exist  
16 today.

17                   I think you found a very reasonable way to  
18 enforce the law, something we're compelled to do.  And so the  
19 more communications we do here, obviously the better off  
20 everyone's going to be.  You've already stated all your  
21 available forms of communication and certainly, I think that  
22 will get the job done.  We will likely revisit this issue  
23 sometime after July 19 just to make sure things are operating as  
24 expected.  I expect them to be operating the way they're  
25 supposed to be.

1                   But I think it is part of our due diligence  
2 to ensure that these things operate smoothly, so at some point  
3 after the implement--or this shows a full implementation on July  
4 19.

5                   At the next sort of [unintelligible] may  
6 not be the very next week, just give us an update on how things  
7 are going and if we run into any major issues, I think that  
8 would be helpful [unintelligible].

9                   MALE: What I propose is we'll provide an  
10 update on July the 6<sup>th</sup> because we would've gotten feedback,  
11 comments--

12                   MALE: Right.

13                   MALE: --by then. That's [unintelligible]  
14 system just to confirm it's doing that. And we'll reconfirm all  
15 the communication methods that we've used prior to that and then  
16 we will also report back after July 19, very shortly after July  
17 19, with the issues that we're having in case we need to retract  
18 a little bit or continue to move forward [unintelligible] so we  
19 both--just as we're going to [unintelligible] communicate to the  
20 public and the claimants, will communicate with the  
21 commissioners on how we're doing this [unintelligible] these are  
22 trying times and we're settling in, as well and we're going to  
23 be adding another [unintelligible] some people are used to, a  
24 lot of people are not, that we'll be [unintelligible]  
25 Commissioner Demerson, you had asked about--or you made a



1 reference to making sure that we have mechanisms for receiving  
2 all that.

3                   We continue to leave those questions about  
4 job search in our system so when individuals come back to  
5 request continue payment, continuation of their benefits, those  
6 questions are still there, they're just null right now. So  
7 they're used to seeing them, that our system already has been  
8 reflecting that information [unintelligible] thank you. And  
9 that's all I have [unintelligible] Regan Miller on child care  
10 item. Regan?

11                   Ms. R. Miller: Good morning, again,  
12 Commissioners. For the record, Regan Miller with the Child Care  
13 and Early Learning division. This morning for your  
14 consideration is a discussion paper regarding when we should  
15 consider reinstating child care attendance standards. As you'll  
16 recall in mid-March, you approved a state waiver request, which  
17 was subsequently approved by the Governor, to waive child  
18 absences during the Covid pandemic. This allowed children to  
19 remain eligible in the event they accrued absences beyond the  
20 standard annual limit of 40. This was especially important  
21 early on in the pandemic, as regulated child care was only  
22 available to the children of essential workers and because child  
23 care providers were limiting parents' access inside their  
24 centers, so parents didn't have access to our attendance-  
25 tracking system.

1                    Since then, child care has opened to all  
2 families and child care regulation issued clarified guidance May  
3 26 that parents can access a child care operation in order to  
4 swipe their attendance card. As the Texas economy reopens under  
5 Governor Abbot's instruction, TWC will be reconsidering policies  
6 that were temporarily modified to address the initial Covid  
7 crisis.

8                    In considering the timing of when to make  
9 these changes, we have considered other TWC programs, Covid  
10 policy changes which are being reconsidered as the economy  
11 reopens. So we are seeking your directions first on reinstating  
12 TWC's child care attendance policies, resetting all children's  
13 absence clock and reactivating the maximum number of unexplained  
14 absences, which is 40 as set forth in TWC's child care rules.

15                    Second, we're looking at implementing this  
16 in alignment with other TWC Covid policy changes. Considering  
17 what you just discussed in light of UI claimants and their  
18 requirement to search for work, we are looking at aligning this  
19 with a date that claimants would be required to report their  
20 work search activities. And based on that discussion, these  
21 absences would be reinstated Monday, July 20. All families  
22 must, again, begin using TWC's automated attendance system. If  
23 parents don't resume swiping, then those will count as  
24 unexplained absences towards that maximum limit.

25

1 I'll also note that we received  
2 notification from child care regulation on Friday that the  
3 emergency child care rules initially issued were repealed.  
4 Those did contain some requirements for temperature screening  
5 before entering a child care operation. We had referenced that  
6 in our discussion paper. Those will not be requirements  
7 anymore, although we believe programs may optionally require  
8 parents to undergo those checks.

9 And in light of Covid, we also want to  
10 clarify that absences that are due to the child or the child's  
11 family being instructed to self-isolate or quarantine based on  
12 instructions from a medical professional, the health department  
13 or another state or local entity would not count towards the 40  
14 unexplained absence limits.

15 It's also going to be very important that  
16 parents are notified of these changes. We will direct the  
17 boards to help disseminate this information and we will take  
18 steps to distribute these updates thorough our distribution  
19 lists at the state level. And that concludes my remarks, I'd be  
20 happy to answer any questions.

21 CHAIRMAN DANIEL: Comments or questions?

22 COMMISSIONER ALVAREZ: Chairman, I'd like  
23 to state that I appreciate Regan's work on her child care.  
24 She's done a tremendous job of overseeing it [unintelligible] I  
25

1 know that she focuses on the safety of our children, she knows  
2 how important that is, so I appreciate that [unintelligible].

3 COMMISSIONER DENNISON: Regan, I don't want  
4 to assume this, but I know that you guys are probably in touch  
5 with the Advisory Committee [unintelligible] on child care as we  
6 move forward [unintelligible] taking place so that what we're  
7 doing is embedded with those individuals. As well, thank you  
8 for the work that's being done in this area, that continues to  
9 be done.

10 CHAIRMAN DANIEL: Are there any motions?

11 COMMISSIONER ALVAREZ: Chairman, with that,  
12 I move that we reinstate Commission attendance policies for  
13 regulated child care to coincide with the reinstatement of the  
14 UI work search requirement as discussed by staff. I further  
15 move that we reactivate the limit of unexplained absences, reset  
16 all unexplained absences, require families to track child  
17 attendance with the automated system, not count Covid-related  
18 absences as unexplained absences and direct the boards to inform  
19 parents and providers of these policies.

20 COMMISSIONER DENNISON: I second the  
21 motion.

22 CHAIRMAN DANIEL: [Unintelligible] second  
23 and we're unanimous.

24 MS. R. MILLER: Thank you, Commissioners.  
25

1 CHAIRMAN DANIEL: We're still on Agenda  
2 Item 21.

3 COMMISSIONER ALVAREZ: And then  
4 [unintelligible] has anything to update on our activities on the  
5 workforce side to being the restart of the economy. Courtney?

6 MS. ARBOR: And Commissioners, I do have  
7 one very newsworthy update for you today. We've been providing  
8 information on the grant activities and just overall activities  
9 about what [unintelligible] providers and workforce boards are  
10 doing but today, I wanted to talk specifically about the call  
11 centers.

12 You are aware--well, let me back up just a  
13 little. You're aware that there is so much good work happening  
14 at the local level, specifically to help employers finding  
15 workers as the economy reopens. Employers are participating in  
16 virtual hiring events hosted by workforce solutions offices and  
17 are in contact with staff in those offices to help with job  
18 postings, find grants and Covid resources in addition to other  
19 workforce needs.

20 So staff and workforce solutions offices  
21 also work with unemployment insurance recipients and job  
22 seekers, assisting them with case management in various programs  
23 that are operated through workforce solutions and also providing  
24 job leads.

25

1                   Some offices have reopened to the public,  
2 as you know and those that have not, continue to provide  
3 services remotely. So at the same time that the local  
4 activities are going on, TWC staff have been looking at ways to  
5 support boards as they support employers and job seekers across  
6 Texas.

7                   We see the demand for workers increasing  
8 and as the economy reopens, there's just a lot more workforce  
9 need than, you know, week to week. So as part of our  
10 preparedness, TWC staff have been looking at different options  
11 for how to support the state. We are entering into two  
12 contracts with up to two call centers and the call centers will  
13 provide assistance to job seekers as more and more of them  
14 aggressively begin reentering the workforce looking for work,  
15 needing help with work in Texas registration and applications  
16 and resumes.

17                   So the call centers are being contracted,  
18 they will be on-boarded in the next few weeks and they'll help  
19 with those things in addition to making referrals to the local  
20 workforce solutions offices, providing information about hiring  
21 events in their area and any up-scaling opportunities available  
22 to them.

23                   I just wanted to let you know that we are  
24 well on our way into those contracts with the call centers as  
25

1 another way to support the workforce boards and employers and  
2 job seekers in the state.

3 MALE: And very quickly to add to that.  
4 Both call centers will be Texas based and be staffed by Texas  
5 [unintelligible].

6 CHAIRMAN DANIEL: Any comments or  
7 questions?

8 COMMISSIONER ALVAREZ: Chairman, I'd just  
9 like to add on to thank Courtney for the updates. Certainly a  
10 very valuable to us. I also want to take this opportunity to  
11 thank our 28 workforce boards around the state of Texas for  
12 their creativity and their commitment to serve everyone, both  
13 employers, employees and being creative as they've been. So for  
14 those boards that have reached out to my office, I'll tell you  
15 I'm impressed with some of the innovative initiatives that they  
16 have put forth, like allowing local board areas to have internet  
17 connectivity so that a job seeker can be in a parking lot who  
18 lacks inability to have broadband service at his home can go to  
19 the parking lot and fill out any paperwork that he needs to.

20 So I appreciate that. I know that very  
21 [unintelligible] very happy, the creativity as I reference.

22 COMMISSIONER DENNISON: Yeah, ditto and  
23 echo Mr. Alvarez's statements there.

24 CHAIRMAN DANIEL: Okay. Anything else on  
25 Agenda Item 21?

1 COMMISSIONER ALVAREZ: No, sir.

2 CHAIRMAN DANIEL: [Unintelligible] 22  
3 discussions [unintelligible] local workforce development  
4 [unintelligible].

5 COMMISSIONER ALVAREZ: Chairman, excuse me.  
6 Do we have a motion that we need to make to reinstate commission  
7 policies? Is there--is that an action item?

8 CHAIRMAN DANIEL: [Unintelligible].

9 COMMISSIONER ALVAREZ: Sorry.

10 CHAIRMAN DANIEL: Agenda Item 22,  
11 discussion, consideration for possible action regarding  
12 [unintelligible] local law enforcement [unintelligible].

13 MR. WESSNER: Good morning Chairman Daniel,  
14 Commissioner Alvarez, Commission Demerson and Mr. Cerna. For  
15 the record, Richard Wessner, Workforce And Board Support.  
16 Before you for consideration, we have board nominees for  
17 Workforce Solutions Brazos Valley, Heart of Texas and northeast  
18 Texas. If there are no questions, staff asks that all nominees  
19 be approved.

20 CHAIRMAN DANIEL: Comments or questions?

21 COMMISSIONER ALVAREZ: No comments,  
22 Chairman.

23 CHAIRMAN DANIEL: Do we have a motion?

24 COMMISSIONER ALVAREZ: I move to approve  
25 the board nominees for Brazos Valley and the Heart of Texas and



1 reconsider the board nominee for northeast Texas on future  
2 docket after additional information is obtained.

3 COMMISSIONER DENNISON: I'll second the  
4 motion.

5 CHAIRMAN DANIEL: [Unintelligible] the  
6 motion. Thank you.

7 MR. WESSNER: Thank you, commissioners.

8 CHAIRMAN DANIEL: [unintelligible]  
9 legislative report.

10 Good morning, Mr. Chairman,  
11 [unintelligible] I wanted to let you know that both the U.S.  
12 House and [unintelligible] are both in session this week. We  
13 will be monitoring [unintelligible] on Thursday at 11:00 a.m.  
14 our time. The U.S. House Select subcommittee on coronavirus  
15 prices will be holding a remote hearing titled the Unemployment  
16 [unintelligible] America's [unintelligible] it looks like  
17 there'll be three speakers presenting at the hearing. Michael  
18 Evermore, Senior Research and Policy Analyst [unintelligible]  
19 William Sprigs, Professor of Economics at [unintelligible]  
20 University and Jason Berman, Professor [unintelligible] continue  
21 to monitor any congressional action on legislation that will  
22 provide further assistance to those effected by Covid-19. That  
23 concludes our remarks [unintelligible].

24 CHAIRMAN DANIEL: Questions or comments?

25 COMMISSIONER ALVAREZ: None here, Chairman.

1 CHAIRMAN DANIEL: [Unintelligible] Mr.  
2 Cerna?

3 MR. CERNA: Very quickly, just to make sure  
4 the Commission is aware, we ourselves just at the state  
5 [unintelligible] are experiencing a significant spike in our  
6 employees who are under quarantine because they were in contact  
7 with someone who has been diagnosed with Covid-19  
8 [unintelligible] with Covid-19. Our practice, as soon as we  
9 find out, is to conduct our own internal contact tracing and  
10 then require the quarantine of any employees that came in  
11 contact with the individual whether it's employee or contractor.  
12 And then [unintelligible] unfortunately happened here in Austin.  
13 Several of our remote facilities and in our call centers as  
14 well. We're especially concerned in our call center because of  
15 the activity that we're still working on and I want to make sure  
16 the Commission is rethinking all the steps necessary  
17 [unintelligible] as well as social distancing [unintelligible]  
18 in our call center. And our call center, the majority of staff  
19 are teleworking but they're not actively [unintelligible] but  
20 still, we're looking there but also here. So just as the rest  
21 of the state's seeing an uptick, we're seeing an uptick as well.  
22 That will be the [unintelligible].

23 CHAIRMAN DANIEL: Thank you. Do you have  
24 any comments or additional questions?

25

1                   COMMISSIONER ALVAREZ: Chairman, I've had  
2 an opportunity to visit two call centers. Let me tell you, the  
3 morale is very good, so thank you then for the encouragement  
4 that continue to thank us for all our support. And so thank you  
5 for your commitment to making sure that we have reached out to  
6 work [unintelligible] from people that are calling in at all  
7 times and for your creativity on all this. I just want to take  
8 the opportunity to thank you and so keep up the great work. And  
9 like I said, I can't express enough what you do for our call  
10 center employees, so thank you for that.

11                   COMMISSIONER DENNISON: No comments, just  
12 keep up the good work.

13                   CHAIRMAN DANIEL: [Unintelligible] is there  
14 any other order of business [unintelligible]?

15                   COMMISSIONER ALVAREZ: No, sir.

16                   COMMISSIONER DENNISON: No.

17                   CHAIRMAN DANIEL: Do we have a motion to  
18 adjourn?

19                   COMMISSIONER ALVAREZ: Chairman, I move  
20 that we adjourn.

21                   COMMISSIONER DENNISON: Second the motion.

22                   CHAIRMAN DANIEL: [Unintelligible]

23

24

25