



**MEETING OF THE
TEXAS WORKFORCE COMMISSION**

DATE

JUNE 14, 2022

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Tuesday, June 14, 2022

CHAIRMAN DANIEL: Good morning. This meeting is called to order. Mr. Trobman, has anyone signed up for public comment?

MR. TROBMAN: No, sir.

CHAIRMAN DANIEL: Thank you very much, Mr. Trobman. Good afternoon, Ms. Miller.

MS. MILLER: Good morning, sir.

CHAIRMAN DANIEL: Thank you. We'll take a short recess.

CHAIRMAN DANIEL: This is Agenda Item 8, Chapter 835, Self-Sufficiency Fund rules.

ABBY AUSTIN: Good morning, commissioners and Mr. Serna. For the record, my name is Abby Austin with Outreach and Employer Initiatives. Commissioners, before you today for your consideration for approval are proposed rule amendments to Chapter 835, Self-Sufficiency Fund. In an open meeting on December 21, 2021, the commission approved the policy concept regarding the amendments to Chapter 835 rules. The policy concept was posted to TWC's website. These proposed amendments to Chapter 835 will implement Senate Bill 770 passed by the 87th Texas Legislature, Regular Session, to specify eligibility as individuals who are identified by the commission as being low income or at risk of becoming dependent on public assistance benefits, and to include language on the process for

1 the commission to establish an income limit for use in
2 determining an individual's eligibility to receive benefits.
3 Considering that the intention of Senate Bill 770 is to expand
4 eligibility for individuals to participate in this program,
5 these proposed amendments will also expand eligibility to youth
6 up to the age of 24 who are part of a low-income family. This
7 proposed change is possible due to recent changes submitted for
8 Texas Temporary Assistance for Needy Families or TANF state plan
9 which would allow for the expanded eligibility. Also, Texas
10 Government Code 2001.039 requires that every four years each
11 state agency review and consider for readoption, revision or
12 appeal each rule adopted by that agency. TWC reviewed the
13 chapter as part of the proposed rule in accordance with the
14 statutory requirement. Staff recommends submitting the proposed
15 rule for publication in the Texas Register for a 30-day public
16 comment period. Staff also requests the ability to make minor
17 nonsubstantive changes to the document in order to comply with
18 the publication requirements of the Texas Register and the
19 Office of the Secretary of State. This concludes my
20 presentation. I'm happy to answer any questions.

21 CHAIRMAN DANIEL: Comments or questions?

22 COMMISSIONER ALVAREZ: None here, chairman.

23 COMMISSIONER DEMERSON: None.

24 CHAIRMAN DANIEL: Do we have a motion?
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1 COMMISSIONER ALVAREZ: I move that we
2 approve the proposed rule amendments for Chapter 835, Self-
3 Sufficiency Fund, and post to the Texas Register for a 30-day
4 public comment period.

5 COMMISSIONER DEMERSON: I second.

6 CHAIRMAN DANIEL: It's been moved and
7 seconded. We're unanimous. Thank you. This is Agenda Item 9,
8 Chapter 854, BET rules.

9 LIZET HINOJOSA: Good morning, Chairman
10 Daniel, Commissioner Alvarez, Commissioner Demerson, and Mr.
11 Serna. For the record, Lizet Hinojosa with Vocational
12 Rehabilitation Division. Commissioners, before you today for
13 your consideration and adoption are final rule amendments for
14 Chapter 854, Business Enterprises of Texas. In an open meeting
15 on March 22, 2022, the commission approved proposed amendments
16 to Chapter 854 to incorporate revisions approved by the
17 Rehabilitative Services Administration to bring BET rules into
18 compliance with the Randolph-Sheppard Act. The proposed rule
19 amendments were published in the April 8, 2022, issue of the
20 Texas Register for a 30-day public comment period. No comments
21 were received. Additionally staff conducted a four-year rule
22 review of Chapter 854 in accordance with the Texas Government
23 Code 2001.039 and determined that the initial reasons for
24 adopting the chapter still exist and the chapter is still
25 needed. Staff recommends adopting the amendments to Chapter 854.

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

6 CHAIRMAN DANIEL: Any comments or questions?

7 COMMISSIONER ALVAREZ: None here.

8 COMMISSIONER DEMERSON: None here.

9 CHAIRMAN DANIEL: Is there a motion?

10 COMMISSIONER ALVAREZ: Chairman, I move that
11 we adopt the amendments to 40 Texas Administrative Code Chapter
12 854, Business Enterprises of Texas, as recommended by staff.

13 COMMISSIONER DEMERSON: I second.

14 CHAIRMAN DANIEL: It's been moved and
15 seconded. We're unanimous. Thank you. This is Agenda Item 10,
16 Chapter 856, VR services rules.

17 CHERYL FULLER: Good morning, Chairman
18 Daniel, Commissioner Alvarez, Commissioner Demerson, Mr. Serna.
19 For the record, Cheryl Fuller, Vocational Rehabilitation
20 Division. Commissioners, before you today for your consideration
21 for approval is a policy concept to amend 40 TAC Chapter 856,
22 Vocational Rehabilitation Services, and specifically Chapter
23 856.57 to increase efficiency in the process of establishing the
24 annual rates for medical services. Texas Labor Code Chapter
25 352.054, Rates for Medical Services, requires TWC to adopt by

1 rule standards governing the determination of rates paid for
2 medical services. TWC is also required to reevaluate these rates
3 annually and to provide notice of the proposed scheduled rates
4 for public comment. Currently TWC's three-member commission
5 reviews and establishes the rates themselves. However, it may
6 not be necessary for the commission to establish the rates
7 because the Texas Labor Code requires the commission to adopt by
8 rule standards governing determination of the rates, and these
9 standards are currently in 40 TAC Chapter 856.57. So after
10 reviewing the current process, staff identified that efficiency
11 could be increased by allowing the executive director or deputy
12 executive director to establish the rates for medical services
13 annually based on the standards set forth in rule by the
14 commission. Staff therefore recommends amending 40 TAC Chapter
15 856.57 to add that TWC's executive director or deputy executive
16 director may establish the rates annually based on the standards
17 adopted by the commission and to include the process for
18 providing the notice of the proposed schedule of rates for
19 public comment. This concludes my presentation and I'd be happy
20 to answer any questions.

21 CHAIRMAN DANIEL: Any comments or questions?

22 COMMISSIONER ALVAREZ: None here, chairman.

23 COMMISSIONER DEMERSON: None.

24 CHAIRMAN DANIEL: Is there a motion?

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1 COMMISSIONER ALVAREZ: Chairman, I move that
2 we approve the policy concept for amending 40 TAC Section 856.57
3 as discussed by staff.

4 COMMISSIONER DEMERSON: I second.

5 CHAIRMAN DANIEL: It's been moved and
6 seconded. We're unanimous. Thank you. This is Agenda Item 12,
7 professional development support for nonprofit adult literacy
8 organizations RFA approval.

9 SANDRA WILLIAMS: Good morning, Chairman
10 Daniel, Commissioner Demerson, Commissioner Alvarez, Mr. Serna.
11 For the record, this is Sandra Williams with the Workforce
12 Development Division. Commissioners, before you today for your
13 consideration and approval is a discussion paper regarding RFA
14 32022-0020 which is AEL professional development support for
15 nonprofit adult literacy organizations as required by Texas
16 Labor Code Section 315.007(d). This RFA sought applications from
17 nonprofit literacy organizations who are not receiving AEL funds
18 either directly or as a subrecipient and will provide
19 professional development to tutors, instructors, administrative
20 staff, and trainers for nonprofit adult literacy organizations
21 in Texas. Staff recommends awarding \$300,000 in one award as
22 laid out in the discussion paper which is the entire amount
23 allocated for this initiative. This concludes my presentation
24 and I am happy to answer any questions that you may have.

25 CHAIRMAN DANIEL: Comments or questions?

1 COMMISSIONER ALVAREZ: None here, chairman.

2 COMMISSIONER DEMERSON: None.

3 CHAIRMAN DANIEL: Is there a motion?

4 COMMISSIONER ALVAREZ: Yes, I move that we
5 approve the recommended applicant and issue one grant awarding
6 \$300,000 for the professional development support for nonprofit
7 adult literacy organizations, RFA 32022-00204.

8 COMMISSIONER DEMERSON: Second.

9 CHAIRMAN DANIEL: It's been moved and
10 seconded. We're unanimous. Thank you. This is Agenda Item 14,
11 board nominations.

12 CHERIE DUDLEY: Good morning, chairman,
13 commissioners, and Mr. Serna. For the record, Cherie Dudley with
14 the Workforce Development Division. For your consideration this
15 morning we have Workforce Board nominations for Concho Valley,
16 Middle Rio Grande, Permian Basin, and Southeast Texas. Staff
17 recommends approval on the presented nominees, and I'm here to
18 answer any questions you may have.

19 CHAIRMAN DANIEL: Comments or questions?

20 COMMISSIONER ALVAREZ: None here, chairman.

21 COMMISSIONER DEMERSON: None here.

22 CHAIRMAN DANIEL: Is there a motion?

23 COMMISSIONER ALVAREZ: Chairman, I move to
24 approve the board nominees for Concho Valley, Middle Rio Grande,
25 Permian Basin, and Southeast Texas.

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COMMISSIONER DEMERSON: I second.

CHAIRMAN DANIEL: It's been moved and seconded. We're unanimous. Thank you. I do not believe there is either a legislative proposal update or a legislative report today. Mr. Serna has indicated that there is not an executive director's report today. Mr. Serna, I do have a request for you though. As we are preparing to implement the action we took recently related to hearings for non-LEU base period employers, I had asked that staff look at, investigate, and find a process similar to what we saw today during the UI portion of the docket where several hearings with the same employer were scheduled concurrently. Anything else for Mr. Serna?

COMMISSIONER ALVAREZ: None here, chairman.

COMMISSIONER DEMERSON: None here.

CHAIRMAN DANIEL: The time is now 9:52. The Texas Workforce Commission is going into executive session in room 250-B to discuss the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the executive director, internal auditor, executive staff, or other personnel pursuant to Texas Government Code Section 551.074(a)(1).

CHAIRMAN DANIEL: The executive session is now concluded, and the time is 10:35. Is there any other order of business to come before the commission?

COMMISSIONER ALVAREZ: None here, chairman.

1 COMMISSIONER DEMERSON: Chairman, a couple
2 of things real quick. I had an opportunity to present at ACC
3 last week their honors graduation ceremony and so our AEL
4 program, those that were receiving GEDs and the like. It was a
5 very moving ceremony but these are individuals that have made
6 commitments to try to make a difference and ACC were honoring
7 them with a graduation ceremony. Also, thanks, Ed, to the team
8 for our kickoff of Texas Interns Unite!, TIU, that initiative
9 with a press conference at the Google facility followed up with
10 the program chairman. Thank you for participating last Friday on
11 that event. Commissioner Alvarez, we mentioned that you were out
12 that day but very supportive of the efforts but the event went
13 very well with the interns throughout the state, and we're
14 looking forward to future events as we go forward. That's it.

15 CHAIRMAN DANIEL: I went to the watch party
16 that your interns were hosting just to check to see what was
17 going on. The music was a little loud. I asked them to turn it
18 down but the refreshments were great. I appreciate you doing
19 that.

20 COMMISSIONER DEMERSON: Mr. Chairman, in our
21 report on Monday one of the highlights of their day was the fact
22 that you guys went down there to meet with them. They actually
23 mentioned that in that report so thank you for doing that. It
24 meant a lot to them.

25 CHAIRMAN DANIEL: Absolutely. Anything else?

1 COMMISSIONER ALVAREZ: Chairman, since
2 Commissioner Demerson brought something up, this past Friday,
3 last Friday, I want to thank Cheryl Fuller and her VR staff for
4 rolling out the first apprenticeship 2.0 which Jason Vaden was a
5 huge part of. As you know, last year we wrote a letter, or two
6 years ago, we wrote a letter to Donald Trump, the president, and
7 asked him with some flexibility on [inaudible] funding to allow
8 these individuals with a disability to explore various careers
9 that were out there available to them. Their first trip was to
10 NASA, and I had an opportunity to travel with these students on
11 a boat at the port of Houston so I wanted to take this
12 opportunity to thank Cheryl Fuller. Cheryl, thank you for
13 allowing us to work with Jason Vaden on this as I know there's
14 only one other entity besides San Jac that got awarded, and
15 unfortunately, I won't be able to make the next four but just so
16 that you know, Ed, we're the only ones in the country that are
17 actually doing this. The Secretary of Labor allowed TWC an
18 opportunity to try this as a pilot program if I'm not mistaken
19 so please let staff know that. That's all I got, chairman.

20 COMMISSIONER DEMERSON: Commissioner
21 Alvarez, I would love to get more information on that
22 initiative. It sounds like—

23 COMMISSIONER ALVAREZ: They've got one more
24 event.

25 COMMISSIONER DEMERSON: OK.

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CHAIRMAN DANIEL: Is there a motion to adjourn?

COMMISSIONER ALVAREZ: Chairman, I move that we adjourn.

COMMISSIONER DEMERSON: Second.

CHAIRMAN DANIEL: It's been moved and seconded to adjourn. We're adjourned.