



MEETING OF THE
TEXAS WORKFORCE COMMISSION

DATE

JANUARY 13, 2026

1 Tuesday, January 13, 2026

2 CHAIRMAN ESPARZA: Good morning, everybody.
3 Uh, Happy New Year to everybody. Uh, this meeting is called to
4 order. Mr. Trobman, has anybody signed up for public comment?

5 MR. TROBMAN: Good morning, commissioners.
6 Les Trobman, general counsel. We have two individuals registered
7 for public comment this morning. Uh, when I call your name if
8 you could go ahead unmute yourself and introduce yourself and
9 begin. First, we have Emily Rivera.

10 EMILY RIVERA: Good morning. My name is
11 Emily Rivera and I am the claimant in this case. Thank you for
12 the opportunity to speak. This is regarding written testimony in
13 support of motion for a rehearing and confidentiality request.
14 I, Emily Rivera, submit this written testimony in support of my
15 motion for a rehearing following the Texas Workforce
16 Commission's denial of my commission appeal on October 27, 2025.
17 This motion is timely filed. Confidentiality request pursuant to
18 the Texas Family Code of 99, I'm sorry, 93.003, the Public
19 Information Act, Government Code Chapter 552 and other
20 applicable confidentiality laws including official state and
21 local governing agencies, I request that all personal
22 identifying and sensitive information related to this case
23 including contact information, financial data, payroll records,
24 medical and other agency documents and case details to remain
25 confidential and not to be disclosed to the public or third

1 parties. Grounds for rehearing. New evidence and error. Accurate
2 wage calculations were not possible at the time of the initial
3 filing due to employer payroll errors including underpayments,
4 incorrect pay rates, inaccurate overtime, improper deductions,
5 and missing or incorrect payroll records. These errors occurred
6 from December 6, 2021, through December 22, 2022. My employment
7 began December 13, 2021, and ended April 6, 2022. My pay rates
8 fluctuated without consistent notice and were not accurately
9 reflected in payroll records. Sixteen dollars at hire, \$15,
10 16.35, 17, with changes effective March 1st of 2022. Some payroll
11 stubs do not reflect correct hourly rates, salary adjustments.
12 These inaccuracies prevented accurate wage reporting on my claim
13 submitted on April 15, 2022. Corrected information later
14 obtained constitutes new evidence that materially would affect
15 the decision. Employer agency error. The employer failed to
16 maintain and provide accurate payroll records as required by
17 Texas Labor Code 61.019, including records of pay rates,
18 straight time and overtime earnings and deductions. Pay was
19 variable inconsistently issued. Complete records were not
20 provided during the initial investigation and became available
21 only after the decision. Relief requested. I do request or
22 respectfully request that the commission grant this motion for a
23 rehearing, conduct a full review and investigation, compel
24 production of complete payroll records and issue a preliminary
25 wage determination pursuant to Texas Labor Code 61.052. A

1 rehearing is necessary to ensure a fair and accurate outcome.
2 The wage miscalculations resulted in denial of unemployment
3 benefits and severe financial hardship for which relief is
4 warranted. Thank you.

5 MR. TROBMAN: Thank you. Next, we have Caleb
6 Jones Timms.

7 CALEB JONES TIMMS: Good morning,
8 commissioners. My name is Caleb Jones Timms. I am the claimant
9 in case number—give me one second to pull up my notes. I'm
10 sorry. I am the claimant in the case number 3934951-2. I'm a—
11 excuse me. I am appearing today to briefly restate the
12 procedural concerns that led to the reinstatement of my case and
13 to respectfully request that those concerns result in reversal
14 of the Appeal Tribunal decision. At the Tribunal level, the
15 employer failed to appear at the continued hearing. Despite the
16 absence, the hearing officer developed and relied upon lines of
17 reasoning not argued by the employer. While material issues I
18 raised, particularly, particularly regarding contradictory
19 testimony from the June 12th hearing about who processed my
20 termination and where the, and whether any alleged misconduct
21 was personally observed were left unresolved. Those procedure
22 irregularities affected, affects the fairness and neutrality of
23 the hearing itself, not merely the outcome. When credibility
24 conflicts go unaddressed and the record is supplemented by
25 reasoning not presented by a party, the decision cannot rest on

1 substantial evidence. Following my public comment on December
2 16, 2025, the commissioners, the commission determined that
3 further review was warranted. I respectfully submit that the
4 same concern be just, the same concerns that justified
5 reinstatement also support reversal. Or, in the alternative,
6 corrective action that fully remedies the due process defects in
7 the record. I am, I am also experiencing documented hardship
8 including loss of housing, which makes timely and fair
9 resolution critical. I would also like to emphasize burden of
10 proof and legal sufficiency. The employer bears the burden to
11 prove misconduct where there was no employer participation at
12 the continued hearing and no cite of policy established a
13 violation. On this record the legal standard for misconduct was
14 not met warranting reversal. I would also like to emphasize the
15 scope of authority. The issue was whether the Tribunal findings
16 were supported by evidence presented by the parties where the
17 hearing officer developed theories not argued by the employer
18 and left credibility conflicts unresolved, the decision exceeds
19 proper adjudicative bounds. Reversal is appropriate, is the
20 appropriate corrective action. Because the employer did not meet
21 its burden and the record lacks supplemental evidence of
22 misconduct, reversal is warranted. Remand is appropriate only if
23 the commission believes additional neut, additional neutral
24 factfinding is required. I appreciate the commission's careful
25 review and respectfully request that the final decision

1 expressly address these procedure issues and reverse the
2 Tribunal's ruling accordingly. Thank you for your time.

3 MR. TROBMAN: Thank you. Those are the
4 comments we have this morning.

5 CHAIRMAN ESPARZA: Thank you, Mr. Trobman. I
6 now turn the meeting over to Commissioner Connett to preside
7 over Agenda Items 3 through 8.

8 COMMISSIONER CONNETT: Thank you, Chairman,
9 and good morning, Ms. Miller. I understand that we have no cases
10 to reconsider under Agenda Item 3. Is that correct?

11 COMMISSIONER CONNETT: Uh, that concludes
12 our business on Agenda Items 3 through 8. Chairman Esparza, I
13 hand the meeting back over to you.

14 CHAIRMAN ESPARZA: Thank you, Commissioner
15 Connett. Uh, we will take a short break and break for the
16 shuffle.

17 CHAIRMAN ESPARZA: Let's conclude. We are at
18 Agenda Item 9, uh, regarding acknowledgement of gifts and
19 donations of \$500 or more in value given to the Workforce
20 Commission. I think, here you are.

21 NATASHA RAY: Hello, Chairman,
22 commissioners, and Mr. Randy Townsend. My name is Natasha Ray
23 and I'm an attorney in the Office of General Counsel, and today
24 I'm presenting to you gifts and donations received by TWC for
25 your review and approval. State law allows TWC to accept gifts

1 and donations of money, services, and property that further the
2 lawful objection of the agency as long as they're not prohibited
3 by law such as from a prohibited source. Furthermore, state law
4 and TWC policy require that gifts and donations over the value
5 of \$500 be accepted by the commissioners in an open meeting
6 along with the donor's name, the amount, and the purpose
7 presented in the public record. Today I have three gifts to you
8 paid by third-party entities. Two of these gifts were for travel
9 reimbursements for employees and the third gift is for the use
10 of parking spaces. The donations have been presented before
11 interim executive, Randy Townsend, uh, for his initial
12 acceptance and his acknowledgement and approval are provided for
13 you in the document. If you have any questions, please let me
14 know. Thank you.

15 CHAIRMAN ESPARZA: Commissioners, any
16 comments or questions?

17 COMMISSIONER TREVIÑO: Uh, nothing here.

18 COMMISSIONER CONNETT: No, no comments or
19 questions. Thank you.

20 CHAIRMAN ESPARZA: Thank you, Natasha.
21 Thanks for the transparency. Uh, do we have a motion?

22 COMMISSIONER TREVIÑO: Uh, Chairman, I move
23 that we approve the acceptance and acknowledgement of gifts and
24 donations to the Texas Workforce Commission as presented today
25 by staff.

1 COMMISSIONER CONNETT: I second the motion.

2 CHAIRMAN ESPARZA: I also vote yes and the
3 motion passes. Thank you.

4 NATASHA RAY: Thank you.

5 CHAIRMAN ESPARZA: Item 10 regarding public,
6 uh, publication for public comment of proposed amendments to 40
7 Texas Administrative Code Chapter 819. Reed O'Brien.

8 REED O'BRIEN: Good morning, Chairman
9 Esparza, Commissioner Connett, Commissioner Treviño, and Mr.
10 Townsend. For the record, my name is Reed O'Brien with the
11 Office of General Counsel. Commissioners, before you today for
12 your consideration for approval are proposed rule amendments to
13 Chapter 819, Civil Rights Division. This rulemaking will align
14 the rules relating to employment discrimination training with
15 current federal guidance provided in Executive Order 14281
16 issued in April 2025 and it will clarify the definition of
17 disability as it relates to the Texas Property Code Chapter 301
18 and its use in the Texas Workforce Commission rules, Chapter
19 819, Subchapters G through L. Additionally, staff completed a
20 statutorily required review of the rules in Chapter 819 and, uh,
21 this proposed rule will serve as public notice of the review in
22 accordance with Texas Government Code Chapter 2001. Staff
23 recommends submitting the proposed rule for publication in the
24 Texas Register for a 30-day public comment period and staff also
25 requests the ability to make minor nonsubstantive changes to the

1 document to comply with publication requirements of the Texas
2 Register and the Office of the Secretary of State. And that
3 concludes my comments. I'm available for any questions.

4 CHAIRMAN ESPARZA: Thanks, Reed.
5 Commissioners, any comments or questions?

6 COMMISSIONER TREVIÑO: Uh, none here.

7 COMMISSIONER CONNETT: No, thank you.

8 CHAIRMAN ESPARZA: Very good. Do I have a
9 motion?

10 COMMISSIONER TREVIÑO: Uh, Chairman, I move
11 that we approve the proposed amendments to Chapter 819, Civil
12 Rights Division, for publication for public comments as
13 recommended today by staff.

14 COMMISSIONER CONNETT: I second that motion.

15 CHAIRMAN ESPARZA: I also vote yes. The
16 motion passes. Thank you, Reed.

17 REED O'BRIEN: Thank you.

18 CHAIRMAN ESPARZA: Agenda Item 11, uh,
19 regarding a request to the U.S. Department of Health and Human
20 Services to extend federal Child Care and Development Fund
21 waivers. Allison.

22 ALLISON WILSON: Thanks. Good morning,
23 Chairman, commissioners, and Mr. Townsend. For the record,
24 Allison Wilson with the Child Care & Early Learning Division.
25 Today you have before you a discussion paper regarding the

1 extension of two existing federal CCDF waivers that Texas has in
2 place. These waivers were to provide TWC with additional time to
3 implement new provisions added to the CCDF federal reg,
4 regulations. The Office of Child Care has notified states that
5 they may request extensions for these waivers. The following two
6 waivers require extensions and corresponding amendments to
7 Texas, uh, CCDF state plan for fiscal years 26 through 28. The
8 first is a waiver of the requirement to provide child care
9 services through some grants and contracts for direct services.
10 ACF's recently proposed rules amended the regulations to return
11 flexibility to states and remove this requirement. Services
12 provided via grants and contracts will remain allowable at board
13 option under TWC rules and Texas statute. The second waiver is
14 of the requirement for the parent copay to be capped at seven
15 percent of family income regardless of the number of children in
16 care. TWC has already been implementing this provision but we
17 would like to request additional time to fully implement. The
18 seven percent copay cap is being implemented on a rolling basis
19 as families are redetermined eligible for child care services,
20 and some families have had their redeterminations extended.
21 Staff recommends the commission approve these two waiver
22 extensions as outlined in the discussion paper. That concludes
23 my remarks and I'm happy to answer any questions.

24 CHAIRMAN ESPARZA: Thanks, Allison.

25 Commissioners, any comments or questions?

1 COMMISSIONER TREVIÑO: Uh, none here.

2 COMMISSIONER CONNETT: No, thank you.

3 CHAIRMAN ESPARZA: Very good. Uh, is there a
4 motion?

5 COMMISSIONER TREVIÑO: Uh, Chairman, I move
6 that we approve the Child Care and Development Fund waiver
7 extensions and corresponding amendment, amendments to the CCDF
8 state plan as described in the discussion paper and recommended
9 today by staff.

10 COMMISSIONER CONNETT: I second that motion.

11 CHAIRMAN ESPARZA: I also vote yes. The
12 motion passes. Thank you, Allison.

13 ALLISON WILSON: Thank you.

14 CHAIRMAN ESPARZA: James, come on up. Uh,
15 Item 12 regarding approval of the selection of decisions for the
16 AEL Distance Education Professional Development Center, and
17 James.

18 JAMES GOLSAN: Good morning, Chairman and
19 commissioners, and Mr. Townsend. For the record, I'm James
20 Golsan with the Workforce Development Division. Today I'm
21 presenting the RFA selection decision for the AEL Distance
22 Education Professional Development Center. Briefly, the purpose
23 of this RFA is to create a statewide DEPDC that will deliver
24 distance learning and remote learning training, technical
25 assistance, and capacity-building services for AEL grantees. The

1 evaluation team received or reviewed two eligible applicants and
2 a single winner was selected for the full available award of one
3 million dollars. Grants are anticipated to begin in June of
4 2026. This morning staff recommends approval of one award in the
5 amount of one million dollars for the AEL Distance Education
6 Professional Development Center. I'd be happy to answer any
7 questions you all might have.

8 CHAIRMAN ESPARZA: Thank you, James.
9 Commissioners, any comments or questions?

10 COMMISSIONER TREVIÑO: Uh, nothing here.

11 COMMISSIONER CONNETT: None here.

12 CHAIRMAN ESPARZA: Is there a motion?

13 COMMISSIONER TREVIÑO: Chairman, I move that
14 we approve one grant award for the Adult Education and Literacy
15 Distance Education Professional Development Center in the amount
16 of one million dollars as described in the discussion paper and
17 recommended today by staff.

18 COMMISSIONER CONNETT: I second the motion.

19 CHAIRMAN ESPARZA: I also vote yes. The
20 motion passes. Thanks, James.

21 JAMES GOLSAN: Thank you.

22 CHAIRMAN ESPARZA: Agenda Item 13, board
23 nominees.

24 KARA LEVY: Good morning, Chairman,
25 commissioners, and Mr. Townsend. For the record, Kara Levy,

1 Workforce Development Division. Today for your consideration we
2 have board nominations for the following boards: Workforce
3 Solutions East Texas; Workforce Solutions Golden Crescent;
4 Workforce Solutions Northeast Texas; Workforce Solutions Permian
5 Basin; Workforce Solutions Texoma. Staff presents these
6 nominations for your consideration and I'm happy to answer any
7 questions you have.

8 CHAIRMAN ESPARZA: Thank you. Commissioners,
9 any questions?

10 COMMISSIONER TREVIÑO: Uh, none here.

11 COMMISSIONER CONNETT: No comments or
12 questions. Thank you.

13 CHAIRMAN ESPARZA: Is there a motion?

14 COMMISSIONER TREVIÑO: Chairman, I move that
15 we approve the local Workforce Development board member nominees
16 presented today for the following: Workforce Solutions East
17 Texas; Golden Crescent; Northeast Texas; Permian Basin; and
18 Texoma.

19 COMMISSIONER CONNETT: And I second the
20 motion.

21 CHAIRMAN ESPARZA: I also vote yes. The
22 motion passes. Thank you, Kara.

23 KARA LEVY: Thank you.
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1 CHAIRMAN ESPARZA: Appreciate it. Uh, item
2 17, Michael Britt, nothing? OK. I do believe we have an
3 executive director's report for item 18.

4 RANDY TOWNSEND: Yes, good morning, uh,
5 Chairman, commissioners. Uh, just wanted to bring you up to, uh,
6 up to date on, uh, just high level, uh, the response to our, uh,
7 direction we received from the governor's office on the child
8 care fraud prevention and detection. I know each of your offices
9 have been receiving information about the actions that have been
10 taking place over the last week or so, uh, and obviously we have
11 a couple of reports that will be due later, one later this month
12 on a progress report and then end of February, and just wanted
13 to make sure, uh, that, uh, everyone was, uh, was aware that all
14 the cross-divisional efforts underway, uh, child care fraud
15 detection, finance, among other areas to, to make sure we're
16 staying focused on this, this effort, and staff is doing a
17 fantastic job. We're having several meetings, communications
18 with, uh, including providers and all the stakeholders, uh, as
19 we move this forward but it's on a very quick, uh, uh, fast-
20 paced track to, to make sure that we're, uh, doing the type of,
21 uh, due diligence that needs to be done, uh, to make sure the
22 child care program is, is, is being addressed in terms of fraud
23 prevention and detection in particular but just wanted to make
24 sure that, uh, I knew that you know that but I thought it made
25 sense just to, uh, make sure that publicly we're, we're, we're

1 all on the same page on this so that was it this morning. Thank
2 you.

3 CHAIRMAN ESPARZA: Great. Randy, thank you.
4 I also want to commend you and, uh, Reagan and Allison, and
5 Chris, Michael, and everybody who kind of worked tired,
6 tirelessly to respond, uh, and work with all of our
7 stakeholders. Yeah, we're hearing it. Uh, we're going to
8 continue to, to listen and we're going to continue to, to, to
9 layer, uh, to make sure that we're getting good traction on, uh,
10 making sure all this, these tax dollars are going to where,
11 where it's needed. It's a very, very precious resource that goes
12 to providers, that goes to our parents, uh, and it's, it's, it's
13 a, we're, we're, it's going to be heavy this, this, this
14 legislative session so, uh, quick response is, is definitely
15 appreciated, uh, to our legislature and to our parents and to
16 our providers so thanks again for that. Uh, early in the year.
17 [inaudible].

18 CHAIRMAN ESPARZA: Uh, fall, item, we're at
19 item, Agenda Item 19, uh. We're going to break for executive
20 session and I've got to say the magic words. The time is now
21 10:55. Texas Workforce Commission is now going into executive
22 session to discuss the appointment, employment, and duties of
23 the executive director, internal auditor, executive staff and
24 other personnel pursuant to government code, Texas Government
25

1 Code 551.047(a)(1). Don't go away. We're going to meet in that
2 room. I forget what it is.

3 CHAIRMAN ESPARZA: The time is now 11:01.
4 The commission met in executive session beginning at 10:55?
5 [Inaudible].

6 COMMISSIONER TREVIÑO: I think that's what
7 it was, yes.

8 CHAIRMAN ESPARZA: Yeah, 10:55 and concluded
9 at 11:01. Uh, I make a privileged motion that we appoint Steve
10 Pier to serve as the Texas Workforce Commission executive
11 director effective February 1, 2026, at the ceiling of Group 7
12 salary for the administrative head of the agency.

13 COMMISSIONER CONNETT: Chairman, it's with
14 great enthusiasm and optimism that I second the motion. I look
15 forward to working with Mr. Pier on the agency's, uh, ongoing
16 efforts on efficiency and effectiveness, uh, ensuring the public
17 trust and integrity are maintained in the expenditure of public
18 funds and of course innovation for this agency and for the
19 future of the Texas workforce.

20 COMMISSIONER TREVIÑO: I'll agree with the
21 motion.

22 CHAIRMAN ESPARZA: Good. The motion passes,
23 uh, and we've got a new executive director. Uh, with that I'd
24 like to thank everybody's, especially those who applied, uh, in
25 the state, out of state, everywhere we've got, uh, especially

1 our internal applications. We appreciate everything that we've
2 done, uh. Our HR office, thank you all for your support, and
3 I've got our General Counsel's office to support this as well so
4 we look forward to having our new executive director start, uh,
5 February 1st of 2026. Uh, and in the spirit of bringing on great
6 talent, I want to introduce, uh, Nuhan Nafsin is our new intern
7 in the office of a, our commissioner's office of employers so
8 Nuhan, thank you very much for joining us. He comes over from UT
9 so we got another UT here, uh, uh, student that's coming over
10 here and, uh, you all, I've known him for just like a little bit
11 of yesterday and, uh, I think Allison met him yesterday. We came
12 in over there for our deal. Uh, very bright student, uh. He's
13 got a hell of a handshake, you all, and he asked some great
14 questions so if, uh, this is any indi, indication of his
15 generation, the kids are all right so thank you. Look forward to
16 having you and, uh, continue. We're going to be bringing him all
17 over the place. He just basically said he wants to learn about
18 government so it sounds like he's got a public servant's heart
19 so appreciate that. It's a lot of fun. He's sitting in my office
20 so if anybody wants to come and talk to him, just come on in
21 except for you guys. You all have to like [inaudible]. OK,
22 everybody. Thank you all. Uh, is there a motion to adjourn?

23 COMMISSIONER TREVIÑO: Chairman, I move to
24 adjourn.

25 COMMISSIONER CONNETT: I second.

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CHAIRMAN ESPARZA: All righty. Uh, the
motion is made and seconded. We are adjourned. Thank you all.