



**MEETING OF THE
TEXAS WORKFORCE COMMISSION**

DATE

MARCH 9, 2021

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

TUESDAY, March 9, 2021

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

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

CHAIRMAN DANIEL: Thank you, Mr. Trobman. Good morning, Ms. Miller.

MS. MILLER: Good morning, sir.

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

MS. MILLER: Thank you so much. Thank you commissioner.

CHAIRMAN DANIEL: All right, let's pick up with Agenda Item 8, Discussion, Consideration, and Possible Action Regarding the Acceptance of Pledges for Board Contract years 2020 and 2021 Child Care Matching Funds.

MR. WEAVER: Good morning, gentleman. Chairman Daniel, commissioners, Mr. Serna. For the record, Travis Weaver, Workforce Development Division. Today, Workforce Development and Childcare and Early Learning are presenting for your approval, BCY 2021 Child Care Local Match. Annually, local workforce Development boards submit local match pledges to secure federal childcare funds pursuant to commission rule

1 809.17. Commissioners, a couple of comments prior to our
2 requests. Today's agenda includes 18 match agreements from ten
3 boards, which includes Borderplex, Cameron County, Capital Area,
4 Concho Valley, Dallas, Heart of Texas, Lower Rio, Northeast,
5 Southeast and Texoma. All boards have secured a portion of
6 match with all boards securing at least 50% of their total. Of
7 the 28, 26 boards have secured matched, of which 11 have
8 exceeded their local BCY 2021 match target. Boards have secured
9 102.67% of the statewide childcare local match target compared
10 to 108.92% at this time last year. One item of note, due to a
11 longstanding partner not participating this year for Cameron
12 County, the board was able to secure pledges from two new
13 partners, City of Harlingen and the County of Cameron. Due to
14 the new partners, Cameron County was able to secure their match
15 target for BCY 2021. We are very appreciative that the board
16 was not only able to secure new partners, but was also able to
17 expand their local partnership for childcare. Today, staff
18 requests commission acceptance of childcare pledges for
19 donations, transfers and certifications of expense for BCY 2021
20 in the amount of \$6,645,028. Commissioners, this concludes my
21 comments for BCY 2021. I am happy to answer any questions.

22 CHAIRMAN DANIEL: Any comments or
23 questions?

24 COMMISSIONER ALVAREZ: Thank you, Mr.
25 Weaver, for the report.

1 COMMISSIONER DEMERSON: Good work in that
2 space.

3 MR. WEAVER: Thank you.

4 CHAIRMAN DANIEL: This is further proof, we
5 should never underestimate the ingenuity of people from Cameron
6 County. Do we have a motion on this issue?

7 COMMISSIONER ALVAREZ: Chairman, I love
8 that. Don't make me cry here. I move that we accept Childcare
9 match in the amount of \$6,645,028 for Board Contract Year 2021.

10 COMMISSIONER DEMERSON: I second the
11 motion.

12 CHAIRMAN DANIEL: Chairman seconds it,
13 we're unanimous. Thank you.

14 MR. WEAVER: Thank you, sir.

15 CHAIRMAN DANIEL: This is Agenda Item 9,
16 Discussion, Consideration, and Possible Action Regarding the
17 RESEA State Plan for 2021 for Submission to the U.S. Department
18 of Labor.

19 MR. HERR: It's frozen.

20 COMMISSIONER ALVAREZ: Ethan are you ready?

21 MR. HERR: Yes, sorry, everybody. I'm
22 having a little bit of a connection issue. Can you hear me
23 okay?

24 COMMISSIONER ALVAREZ: Yes, sir. We can
25 hear you fine.

1 MR. HERR: Okay, good morning, everybody.
2 Good morning, chairman, commissioners, Mr. Serna. For the
3 record, my name is Ethan Herr with Workforce Development. For
4 your consideration this morning is the Reemployment Services and
5 Eligibility Assessment. That's the RESEA 2021 State Plan.
6 States are statutorily required to submit this plan annually to
7 the U.S. Department of Labor. The plan is also an application
8 for funding. Texas's allocation this year is \$11,745,300, which
9 is about 500,000 more than last year. This year's plan is
10 largely the same as last year's plan, as approved by DOL. The
11 numbers are different to reflect the change in this year's
12 allocation, but the methodology is the same. So this morning,
13 staff is seeking approval of the 2021 RESEA State Plan for
14 submission to DOL and I'm happy to answer any questions you may
15 have.

16 CHAIRMAN DANIEL: Questions or comments?

17 COMMISSIONER ALVAREZ: None here, Chairman.

18 COMMISSIONER DEMERSON: No questions here.

19 Thank you.

20 CHAIRMAN DANIEL: Do you have a motion on
21 this issue.

22 COMMISSIONER ALVAREZ: I move that we
23 approve the Unemployment Insurance Reemployment Service and
24 Eligibility Assessment State Grant Plan as discussed by staff.

25 COMMISSIONER DEMERSON: Second.

1 CHAIRMAN DANIEL: Chairman is seconding,
2 votes unanimous. Thank you. According to Item 10, staff has
3 nothing to report under Agenda Item 10. Agenda Item 11,
4 Discussion, Consideration, and Possible Action Regarding a
5 Discussion Paper on Child Care Excessive Absence Tracking.

6 MS. WILSON: Good morning, chairman,
7 commissioners, Mr. Serna. For the record, Allison Wilson, with
8 the Child Care and Early Learning Division. Today for your
9 consideration, we bring forward a discussion paper on temporary
10 changes to requirements related to absence tracking for children
11 participating in the subsidized child care program. For the
12 past year, the commission has waved TWC's attendance standards
13 as set forth in 40TAC 809.78 including the requirement to use
14 TWC's automated attendance system. This waiver has provided
15 relief to families during the COVID-19 emergency and has
16 supported providers by allowing them to follow CDC guidance
17 limiting access to their facilities to reduce viral spread. TWC
18 must procure a new automated attendance system. While we were
19 in the procurement process and until procurement is complete,
20 TWC will temporarily stop collecting all attendance data through
21 an automated system. During this time, we will implement
22 interim procedures to manually collect information from
23 providers on excessive absences. Staff seeks direction on
24 ending the waiver of 809.78 that was previously approved on
25 March 17, 2020 and allowing boards to determine on a case-by-

1 case basis if a child's absence is Covid related and should be
2 excused. Staff also seeks direction on issuing guidance on
3 reinstating attendance requirements and interim procedures,
4 including instructing childcare programs to provide notice to
5 the board if a child accrues five consecutive absences.
6 Instructing boards to base 15 and 30-day absence notifications
7 required under 809.78(d)(1) on three and five provider notices
8 respectively and instructing boards that the definition of
9 excessive absences as set forth in 809.210 as 40 absences will
10 be based upon the receipt of eight provider notices. That
11 concludes my remarks and I'm happy to answer to answer any
12 questions that you have.

13 CHAIRMAN DANIEL: Thank you. Questions or
14 comments?

15 COMMISSIONER ALVAREZ: None here, Chairman.

16 COMMISSIONER DEMERSON: No questions or
17 comments.

18 CHAIRMAN DANIEL: Do you have a motion?

19 COMMISSIONER ALVAREZ: Chairman, I move
20 that we end the prior waiver of 40TAC 809.78 effective April 1,
21 2021 and issue guidance on reinstating attendance requirements
22 as presented by staff.

23 COMMISSIONER DEMERSON: Second.

24 CHAIRMAN DANIEL: Chairman seconds, vote is
25 unanimous, thank you. Do we have anything on Agenda Item 12?

1 MR. SERNA: No, sir. We do not.

2 CHAIRMAN DANIEL: Thank you. This is
3 Agenda Item 13, Discussion, Consideration and Possible Action
4 Regarding Approval of Local Workforce Development Board
5 Nominees.

6 MS. WILLIAMS: Good morning, chairman,
7 commissioners and Mr. Serna. For the record, Shunta Williams
8 with the Workforce Development Division and before you for
9 consideration today our Workforce Board Nominees for Workforce
10 Solutions Capital Area, Golden Crescent, Gulf Coast and Lower
11 Rio Grande Valley. Staff recommend that all nominees be
12 approved and I'm here to answer any questions you may have.

13 CHAIRMAN DANIEL: Comments or questions?

14 COMMISSIONER ALVAREZ: None here.

15 COMMISSIONER DEMERSON: None, thank you.

16 CHAIRMAN DANIEL: Do we have a motion?

17 COMMISSIONER ALVAREZ: I move to approve
18 the board nominees for Capital Area, Golden Crescent, Gulf Coast
19 and Lower Rio Grande Valley.

20 COMMISSIONER DEMERSON: Second.

21 CHAIRMAN DANIEL: Chairman second, votes
22 unanimous. Thank you.

23 MS. WILLIAMS: Thank you.

24 CHAIRMAN DANIEL: We have nothing on Agenda
25 Item 14. Let's see, Agenda Item 15, Legislative Report. I

1 believe Michael Britt's going to bring us a Legislative Report
2 today.

3 MR. BRITT: Good morning, Mr. Chairman,
4 commissioners, Mr. Serna. For the record, Michael Britt,
5 Governmental Relations. This past Saturday, the U.S. Senate
6 passed H.R.1319, the American Rescue Plan Act of 2021. The
7 Senate did make changes to the UI portions of this bill. The
8 changes made by the Senate would keep the Federal Unemployment
9 Compensation Program or FPUC at \$300 per week, which is a
10 reduction of \$100 per week from the U.S. House passed version of
11 the bill. The Senate version of the bill does extend this
12 benefit until September 6th of this year. The U.S. House is
13 scheduled to take up the measure to concur with the Senate
14 amendments to the bill this week and that vote could occur as
15 soon as this afternoon. Regarding the Texas Legislature, the
16 House Committee on International Relations and Economic
17 Development has requested that TWC testify on House bill 7 by
18 represent of button at their hearing on Wednesday. HB-7 would
19 make changes to replenishment ratio used to determine an
20 employer's unemployment compensation tax rate. Also, for the
21 Texas Legislature, the deadline for filing bills for the 87th
22 Texas Legislative Session is this Friday, March 12th. That
23 concludes my remarks and I'm happy to answer any questions that
24 you have.

25 CHAIRMAN DANIEL: Any questions?

1 COMMISSIONER ALVAREZ: None here, chairman.

2 COMMISSIONER DEMERSON: None, thank you.

3 CHAIRMAN DANIEL: Thanks, Michael.

4 MR. BRITT: Thank you.

5 CHAIRMAN DANIEL: Now for the Executive
6 Director's Report.

7 MR. SERNA: Chairman, we continue to work
8 on making changes in response to the Governor's Executive Order
9 with regard to the requirement of the mandate for the use of
10 facemasks. In essence, what we will do for our employees, our
11 contractors, and our customers is that will be something that
12 will be strongly recommended in all of our offices, but not
13 required in order to receive services or come to work. In
14 addition with the commission's approval, we will be looking at
15 making some modifications to the Commission Hearing Room, our
16 meeting room, to allow for hybrid meetings beginning as early as
17 next Tuesday. Again, if you all agree, those changes will
18 include making sure that there's adequate space in the audience,
19 Plexiglas partitions between the commissioners. We will allow
20 our staff to present either in-person or via Zoom, as they have
21 been doing successfully. That will let us continue to provide
22 the information and respond to the questions of the
23 commissioners in real time.

24 CHAIRMAN DANIEL: All right. I think with
25 the Governor's announcement last week for changes, I think they

1 will start happening tomorrow and certainly for the commission
2 to meet in-person. I appreciate your work on that. I know that
3 there's a lot of TWC employees that will be impacted and
4 certainly boards and board employees. Appreciate the
5 thoughtfulness that's going into that. As that gets developed,
6 I'm sure we'll put that out in writing and I think folks will be
7 happy to see how that's clarified for them and have it in
8 writing so they can see what exactly what they need to be doing.

9 MR. SERNA: Yes, sir. We've got a message
10 that we've prepared that we'll send out later today that
11 recognizes that this becomes effective tomorrow.

12 CHAIRMAN DANIEL: All right.

13 MR. SERNA: And, that's all I have to
14 report, gentlemen.

15 CHAIRMAN DANIEL: Thank you. Any other
16 questions or comments for Ed?

17 COMMISSIONER ALVAREZ: No. Thank you for
18 the update, Ed.

19 MR. SERNA: Yes, sir.

20 COMMISSIONER DEMERSON: None here. Thank
21 you.

22 CHAIRMAN DANIEL: All right. I do have one
23 point of personal privilege. Wanted to welcome [inaudible] to
24 our office. She has joined us as a Staff Attorney and a Policy
25 Advisor. Looking forward to working with her. She has a great

1 deal of TWC experience and I'm delighted she's decided to join
2 us over here.

3 COMMISSIONER ALVAREZ: Welcome aboard.

4 COMMISSIONER DEMERSON: Welcome.

5 CHAIRMAN DANIEL: All right. One more
6 thing to do today. The time is now 10:22 and the Texas Workforce
7 Commission is going into Executive Session in Room 644 to
8 discuss the Appointment, Employment, Evaluation, Reassignment
9 Duties, discipline, or Dismissal of the Executive Director,
10 Internal Auditor, Executive Staff, and other Personal pursuant
11 to Texas Government code 551.074(a)(1).

12 We need to get some sort of background
13 music or something. Like the Jeopardy theme or something.

14 COMMISSIONER DEMERSON: That would be
15 pretty cool while we were out.

16 COMMISSIONER ALVAREZ: If you untie your
17 bowtie and let it dangle, you could do some Sinatra.

18 CHAIRMAN DANIEL: It's before lunch, that's
19 just not fair to everybody. There he is. The Executive Session
20 is now concluded and the time is 11:13 PM. Is there any other
21 order of business to come before the commission? Hearing nos.
22 Is there a motion to adjourn?

23 COMMISSIONER ALVAREZ: [inaudible]

24 COMMISSIONER DEMERSON: I second the
25 motion. Chairman, before we adjourn just real quickly I wanted

1 to--Commissioner Alvarez was garbled. I don't know if mine is
2 garbled or not.

3 CHAIRMAN DANIEL: Yours is not.

4 COMMISSIONER DEMERSON: Okay. Two quick
5 points here. I wanted to commend the staff for letting the team
6 on Black History Month. We had a great program from the agency
7 last month as we closed out Black History Month and then
8 secondly Jen Troke and her team, James, Courtney and the Foster
9 Care Conference. We had the First Lady attend that conference
10 last Friday, the First Lady of the State of Texas and the First
11 Lady of UTSA in a very well-done conference and I wanted to
12 commend you as a team on that very well-done, thought out and
13 very well-received Foster Care Conference. Thank you.

14 MR. SERNA: Thank you, sir. It was all a
15 team.

16 COMMISSIONER DEMERSON: I second that
17 motion.

18 CHAIRMAN DANIEL: Motion to adjourn and we
19 are adjourned.

20

21

22

23

24

25