

MEETING OF THE TEXAS WORKFORCE COMMISSION

DATE

FEBRUARY 8, 2022

Tuesday, February 8, 2022

2 CHAIRMAN DANIEL: Good morning, everyone.

The meeting is called to order. Mr. Trobman, has anyone signed up for public comment?

MR. TROBMAN: Good morning, Commissioners. We have four individuals who would like to address the commission when we get to Item Number 12.

CHAIRMAN DANIEL: Twelve. Thank you. Good morning, Ms. Miller.

MS. MILLER: Good morning, sir.

CHAIRMAN DANIEL: Motion passes with the exceptions noted. Thank you. That brings us to the end of agenda items 3 through 7. We're going to take a short break. Let's come back with Agenda Item 8. This is a policy concept to amend Chapter 807, Career Schools and Colleges, to post for public comment.

KERRY BALLAST: Good morning, Chairman

Daniel, Commissioner Alvarez, Commissioner Demerson, and Mr.

Townsend. For the record, Kerry Ballast, Workforce Development

Division. Commissioners, before you today for your consideration

for approval is a policy concept relating to potential rule

amendments to Chapter 807, Career Schools and Colleges. The

purpose for the proposed rule is to implement House Bill 33

passed by the 87th Texas Legislature Regular Session and to amend

Chapter 807 based on a thorough review of the existing rules of

Texas Education Code Chapter 132, the policy implementation and application processing. Staff recommends amending Chapter 807 to implement House Bill 33 to update definitions and to clarify language and streamline processes for school actions including applying for original certificates of approval and for subsequent renewals, meeting financial requirements, meeting school staffing requirements, conducting externships, adhering to advertising requirements, maintaining student records, adhering to cancellation and refund policies, responding to student complaints. For our truck driving schools we're also needing to amend to ensure compliance with federal regulations, and finally for closing schools. The proposed rules will also remove some sanctions concerning late renewal fees, and will differentiate between the terms agency and commission. This concludes my presentation. I'm available to answer any questions that you may have. CHAIRMAN DANIEL: Any questions or comments? COMMISSIONER ALVAREZ: Just, Kerry, thank

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you for the update.

COMMISSIONER DEMERSON: No questions. CHAIRMAN DANIEL: Is there a motion?

COMMISSIONER ALVAREZ: Chairman, I move that we approve the policy concept for Chapter 807, Career Schools and Colleges, and post to the TWC website for three-week informal public comment period.

COMMISSIONER DEMERSON: I second.

CHAIRMAN DANIEL: Moved and seconded. We're

unanimous. This is Agenda Item 9, policy paper to approve proposed amendments to Chapter 808, Youth Driver Education

5 | Funding Program, for publication in the Texas Register.

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6 BEN HOLQUIST: Good morning, Chairman

7 | Daniel, Commissioner Alvarez, Commissioner Demerson, Mr.

9 Development Division. Commissioners, before you today for your

| 10 | | consideration and approval are proposed rules relating to the

Townsend. For the record, I'm Ben Holquist from Workforce

11 creation of a new Chapter 808, Youth Driver Education Funding

Program. In an open meeting on October 19, 2021, the commission

13 | approved related policy concept and directed staff to draft

proposed rules that are before you today. Staff also posted the

15 | policy concept for three weeks to solicit input from local

| workforce public boards, and their comments received. The

proposed Chapter 808 would implement Senate Bill 2054 passed by

18 | the 87th Texas Legislature to provide financial support for

| eligible individual's driver's education and driver's tests from

a fund managed by DPS. TWC will administer the program and DPS

21 | will transfer funds to TWC. The proposed rules as presented

today include two subchapters. The first lays out eligibility

 23 | for the funds, and the second lays out the application process

requirements for funding. Eligible individuals include all those

eligible for the driver's license fee waiver, and anyone under

1 26 years of age who is in a managing conservatorship on the day 2 before their 18th birthday or as homeless child and youth. 3 Eligible individuals will apply to TWC and the fee for the test 4 for driver's education will be paid directly to the provider. 5 Staff recommends submitting these proposed rules for publication in Texas Register for a 30-day public comment period. Staff also 6 7 requests the ability to make minor nonsubstantial changes to the document in order to comply with the publication requirements of 8 9 the Texas Register and the Office of the Secretary of State. 10 This concludes my presentation. I'm available to answer any 11 questions you may have. 12 CHAIRMAN DANIEL: Any comments or questions? 13 COMMISSIONER ALVAREZ: None here, chairman. 14 COMMISSIONER DEMERSON: None. 15 CHAIRMAN DANIEL: Is there a motion? 16 COMMISSIONER ALVAREZ: Chairman, I move that 17 we approve the proposed rules for the creation of Chapter 808 18 regarding the Youth Driver Education Funding Program for

publication in the Texas Register and for public comment as discussed by staff.

COMMISSIONER DEMERSON: Second.

CHAIRMAN DANIEL: Moved and seconded. We're unanimous. This is Item 10 to amend Chapter 819, sexual harassment, and post for public comment.

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ROBERT GONZALEZ: Good morning, Chairman Daniel, Commissioner Alvarez, Commissioner Demerson, Mr. Townsend. For the record, I'm Robert Gonzalez from the Civil Rights Division. Commissioners, before you today for your consideration for approval is a policy concept relating to potential rule amendments to Chapter 819, Texas Workforce Commission Civil Rights Division. House Bill 21 and Senate Bill 45 relate to sexual harassment complaints filed against [inaudible]. HB21 expanded the statute of limitations for filing sexual harassment discrimination complaints and SB45 broadened the definition of employer as it relates to filing of a sexual harassment discrimination complaint. Currently Chapter 819 allows complaints to be filed within 180 days of the alleged unlawful employment practice. New Texas Labor Code 21.202 increased the statute of limitations for filing complaints alleging sexual harassment within the 300 days of the alleged sexual harassment. The amendment to Chapter 819 will increase the statute of limitations to file a complaint alleging sexual harassment to within 300 days of the alleged unlawful employment practice. Currently 819.11 defines an employer as having 15 or more employees. New Texas Labor Code 21.141 expands the definition of employers regarding allegations of sexual harassment to include employers with at least one employee, and a person who acts directly in the interest of the employer in relation to a sexual harassment complaint. New Texas Labor Code

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   21.141 also includes the definition for sexual harassment. The
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    amendments to 819.11 will expand the definition of employer and
   add the definition of sexual harassment to align with the
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   definitions in the new Texas Labor Code. The amendment will also
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    include sexual harassment as an unlawful employment practice.
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    Staff recommends amending Chapter 819 to bring compliance with
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    HB21 and SB45. That concludes my presentation. I'm available to
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   answer any questions that you may have.
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                         CHAIRMAN DANIEL: Are there any comments or
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   questions?
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                         COMMISSIONER ALVAREZ: Thank you, Mr.
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   Gonzalez. None here, chairman.
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                         COMMISSIONER DEMERSON: I wanted to ask Mr.
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   Gonzalez how long he's worked at the agency.
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                         ROBERT GONZALEZ: I've only worked here
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   since 2017.
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                         COMMISSIONER DEMERSON: 2017? Good, good,
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   good. First time presenting here?
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                         ROBERT GONZALEZ: Yes.
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                         COMMISSIONER DEMERSON: Good, welcome. No
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   other questions or comments.
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                         CHAIRMAN DANIEL: Normally you have a lot of
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    questions for [inaudible].
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                         COMMISSIONER ALVAREZ: For newbies.
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                         CHAIRMAN DANIEL: I mean you said no other-
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   he didn't give me a chance to ask questions. You said no
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   comment. The kids would call that ghosting, I mean that guy was
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   gone.
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                         COMMISSIONER ALVAREZ: That tells me some,
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   Aaron, if you haven't-Commissioner Demerson, if you haven't seen
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   him since 2017.
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                         COMMISSIONER DEMERSON: Hey, he took off.
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   Mr. Gonzalez, you want to come back up?
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                         CHAIRMAN DANIEL: Apparently, I don't have
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   any questions or comments either, commissioners.
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                         COMMISSIONER ALVAREZ: I heard he was going
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   to let him have it, that's what he said prior to him coming up.
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                         CHAIRMAN DANIEL: Who said that?
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                         COMMISSIONER ALVAREZ: Aaron, Commissioner
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    Demerson said I'm going to ask him a lot of questions.
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                         CHAIRMAN DANIEL: Commissioner Demerson said
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   that?
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                         COMMISSIONER ALVAREZ: I'm going to ask him
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   a lot of questions.
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                         COMMISSIONER DEMERSON: I'm done. I'm done
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   with my questions but the chairman may not be done so you may
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   want to stay there.
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CHAIRMAN DANIEL: Given everything that's transpired, I have no questions or comments. Thank you so much for coming and presenting.

COMMISSIONER ALVAREZ: Good job.

ROBERT GONZALEZ: Thank you.

CHAIRMAN DANIEL: Is there a motion?

COMMISSIONER ALVAREZ: Yes, chairman. I move

that we approve the policy concept for amending Chapter 819 to implement House Bill 21 and Senate Bill 45 of the 87th

Legislature as discussed by staff, and post the policy concept for comment.

COMMISSIONER DEMERSON: Second.

Seconded. We're unanimous. Let me just take a pause here in the agenda. That's good staff work to cut off questions and comments, just cut out. That does not need to go in the manual or anywhere. I'm just playing with you, man. Don't take it seriously. Agenda Item 11, staff has nothing under Agenda Item 11. This is Agenda Item 12, Statewide Initiatives, discussion, consideration, and possible action regarding statewide initiatives funded with Workforce Innovation and Opportunity Act, TANF, AEL, child care or any other state-level funds. I have a proposal I would like to introduce to the commission today. Like you, commissioners, I've been traveling quite a bit these last several months. I've been approached by a number of

employers expressing concerns about the availability of skilled workforce often in high-wage positions. These conversations really-they've been ongoing through the fall but I began to notice a new tone starting in early December. It's continued through present day. I consulted with our TWC staff in two divisions in early December with the Workforce Division and also with the Employer Services Division here at the agency, and started looking at different ways to aid employers with their particular hiring challenges. I think it's something we can move relatively fast on, and I think we can really-kind of some short-term concerns particularly volatility among employees in the workforce but I think probably in a long-term fashion we can really put some things in place here at TWC that can help employers and job seekers frankly moving on down the road. I've not been reluctant at all to talk about how I think the apprenticeship programs at TWC play a pretty critical role in the marketplace, and there's some very robust apprenticeship programs out there. Electricians and plumbers come to mind although there are many, many apprenticeship programs in the state. I think the nature of getting licensed in Texas as an electrician, certainly as a plumber, there is a sequence of courses and training that's very spelled out by the state, and so those programs by nature take a number of years to develop. There's ways that that can be mitigated by CT courses in high school but I want to kind of set that concept aside because

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that's not really what I've discovered is an area that we can help in that we don't seem to be having a lot of activity in. There are much shorter paths to very good wage, career-oriented jobs in the workforce that I think can be addressed by apprenticeship because an apprenticeship program can be stood up in a short period of time to provide the kind of training but also the necessary wages for someone to really improve their economic position in the state. Everything that I've talked to employers about during this time period has been related to what economists would characterize as middle skills jobs meaning no college degree but some significant kind of training after high school. So I've had conversations with hospitals. I've had conversations with advanced manufacturing facilities in the state. I most recently had a conversation with some franchise owners that own automotive repair shops. The one factor that they all have in common is that they really are focused on finding a way to get people this advanced training, don't need a college degree but there's just not a lot of folks with that training out there. So they want to get them on salary and then have sort of an expeditious way to get them the training they need, and I think that an apprenticeship program could reallywhere they can get that registered with the federal government, I think that provides them not just a short-term tool to address their short-term problem but a longer-term tool to be able to address their talent needs long into the future. So these

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conversations, they sort of start after maybe a presentation I've given or I've been to a school to do a JET presentation. Someone from the employer side will catch me after the meeting. They've been very casual conversations. Locally here in Austin, I was in Kerrville recently, talked to several folks there, been up in the Metroplex, talked to some folks up there. Now I think we've done a good job with our apprenticeship expansion dollars in terms of how that process has worked, and I think from a longer-term perspective, setting up some registered apprenticeships in Texas, that process as it's been pursued by TWC is likely the most orderly way to ensure we get the best possible product or the best possible programs for the state. I'm suggesting today a little bit of a change. I think we're under a little bit of a time pressure. Working with our Workforce Division staff, they assure me that they can administer both a combination of apprenticeship dollars and WIOA dollars working together, I think much the same as your concept for the technology workers, the combination of funds, the difference being rather than putting out a request for proposals and taking the extreme amount of time that that process takes, they assure me that there's a very much precedented way for us to administer this as a statewide program and take applications, meaning if your application qualifies, you could be granted funds. So there won't be a request for proposals, they'll put out application guidelines, they'll accept applications, those

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applications that meet the quidelines would then be funded. The model, if you would, it would very much match up with the Skills Development Fund model that we're using. In this proposal that I have, employers would then be able to apply directly to TWC to set up and register a registered apprenticeship program and start conducting that program. The same types of things that we've seen money spent for both from the apprenticeship expansion and also from WIOA would be eligible here. The reason for this change is not just the speed with which I think we need to stand up some registered apprenticeship programs in some very specific areas but it also lets employers who have employees in multiple locations across the state, it lets them do something across their bandwidth without worrying about our geographic divisions. Our boards do a great job with this but they're drawn into specific service areas, and I think from what I'm seeing in the marketplace right now for talent, I think employers—we may come back to that but employers I think at this point need to be able to move a little more quickly, and I think working directly with TWC to establish some apprenticeship programs that have some promise for continuing into the future, I think this lets us do that. I did have staff help me with a policy concept paper. It lays out probably much better than what I just did, at least more succinctly, it lays out the strategy behind it. This policy concept paper would authorize staff to stand up an apprenticeship program to set up registered apprenticeships as

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I've described where employers and others could apply directly to TWC for the funding. After consulting with staff, and Commissioner Alvarez, I'll tell you publicly, when I started working on this, I did not know you were working on your nursing proposal which I think is a very good proposal. Nursing is not something I contemplated in here although you'll see that I mentioned nursing assistants and patient care technicians because those were mentioned to me. I think there's-I don't know-I think that's what you're presenting now. I'm not certain of that. If it is, certainly the nursing assistants, if that can be covered somewhere else, it does not have to be covered here. Patient care technicians, I might ask that it stay in here just simply because it helps us move quickly into a critical need for hospitals, and then those could be blended into whatever it is you're working on relative to nursing. I saw your summary documents from your roundtable and I think your concept for kind of revolutionizing nursing education is a pretty sound one, and I'm looking forward to hearing what you want to work on relative to that. I had already started down this road in early December and so I learned of your work and so I did consult with staff. I'm asking for 3.5 million in apprenticeship expansion funds and 3.5 million in WIOA funds. Honestly, I did not ask staff what the balances were in terms of multiple projects, and do want to discuss that here today. I'm prepared to make a motion and hopefully pass this today. I'd love to hear from you before we

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do that just to hear your thoughts and try to understand how this folds into some other things that we're working on here at TWC.

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COMMISSIONER ALVAREZ: Chairman, before I take any action on what you just proposed, I'd like for our public commenters to say a few words. I think we were—they may be waiting for this particular agenda item [inaudible] and if that's OK, chairman.

CHAIRMAN DANIEL: Yeah.

COMMISSIONER ALVAREZ: And then I would like to read my discussion paper before we take any action.

MR. TROBMAN: Commissioners, we have four public commenters. When I read your name, if you can go ahead and unmute yourself and introduce yourself and proceed. Daniel King.

DANIEL KING: Good morning, commissioners. I had the privilege of attending the roundtable that was just mentioned that Commissioner Alvarez hosted on the concept of an apprenticeship program for nursing. I think it's a pretty exciting and doable concept if we're able to move forward with it. As I think everyone knows, we face a critical nursing shortage in the state of Texas and actually nationwide and even globally. The shortage actually predated COVID by many, many years, and has been getting worse, and then COVID has exacerbated the shortage. It is currently projected to actually

get worse with different surveys showing that a high percentage of nurses are burned out, maybe want to retire early, look for something different to do so obviously this affects patient care. It affects life, safety, health, and these kind of areas. So the nursing shortage and trying to find ways to resolve this is something I've been looking at for quite a while. In looking at the state data, one potential pool, there's actually, according to state data there's actually more LVNs that are needed, and of course a big shortage of RNs, registered nurses. I can see an apprenticeship program working very well in particular for LVNs, and kind of going back to the chairman's comments, you can stairstep from PCT to LVN and then maybe LVN to RN but one of the challenges with LVNs in trying to become RNs is LVNs usually, many times let's say they're employed. They're supporting their family. Most of the RN programs like LVN to ADN and so forth are pretty intense, and so typically they find themselves unable to work at all or maybe just a little bit of part-time work, and so that often serves as a barrier where they may have to choose between supporting their family and going on to school. Through an apprenticeship program they could get paid through the apprenticeship. The LVNs, if they've been at the LVN work for a number of years, they have already-many times they have very good skills so it would be a matter of them through an apprenticeship program raising their skill and knowledge level to that of an RN and possibly a

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partnership between a college for some of the academic and the health care setting such as the hospital, and providing that paid apprenticeship program. I think this creates just another viable route that will take some individuals who have a high interest in becoming a registered nurse and already have some pretty good clinical background but to be able to go through a paid apprenticeship, be paid to learn and earn, and meet their needs in terms of supporting their family and moving themselves forward but meet our state's needs, meet our patient's needs and improve the quality of life and health care for our citizens. I just wanted to comment that I think if the details can be worked through with, you know, and the approvals from the appropriate agencies can be gotten, I think it presents a very exciting opportunity to meet our challenge in this field.

MR. TROBMAN: Thank you. We have Mark Sherry.

MARK SHERRY: Good morning. Thank you for allowing me to speak today. I find interesting a recent survey by one of our most professional societies, the American College of Health Care Executives, very recently ranked for the first time in nearly 20 years that staffing has been rated as a higher concern than financial challenges in health care. Personnel shortages of all time have ranked as the number one problem, and in fact, 94 percent of the CEOs that have been surveyed state that the lack of RNs was the most pressing staffing issue in

their hospitals and of which they face today. The need I believe for innovative action is undeniable. Although this is just one tool in our recruitment and retention toolboxes, I'm increasingly convinced that helping us grow our own talent is a positive approach. All registered apprenticeships, if utilized strategically, promise a win-win situation to help fill critical staffing shortages. Appreciate your time and thank you for letting me comment today.

MR. TROBMAN: Thank you. Ms. Coronado-Garcia.

CORONADO-GARCIA: Good morning, Mr.

Chairman, Commissioner Alvarez, and Commissioner Demerson. My name is Aida Coronado-Garcia. I'm a family nurse practitioner and chief operating officer for DHR Health. Thank you for allowing us to be here today. First of all I wanted to thank Commissioner Alvarez for the roundtable event that we had in Austin which I found was very, very helpful in regards to the registered apprenticeship for the nursing program initiative that we've been discussing for about a year now. I just want to make sure to let you all know that DHR is supportive of this. Thank you for allowing the stakeholders to be part of this initiative and DHR Health in Edinburg and Brownsville is here to support this as we've lost probably about 50 percent of our staff with the nursing shortage so I'm just happy to be here and

just want to make sure that we're here to support this and we are in agreement with this. Thank you.

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MR. TROBMAN: Thank you, and finally, Paul Fletcher.

PAUL FLETCHER: Good morning, Chairman Daniel, Commissioner Demerson, and Commissioner Alvarez. For the record, my name is Paul Fletcher, and I'm the CEO for Workforce Solutions Rural Capital Area. Thank you for this opportunity to speak on an important subject. My comments this morning are directed towards the staffing shortage we are experiencing in the health care industry. Even prior to COVID we were seeing staff deficits in critical health care positions such as registered nurses, and the shortages became even worse during COVID as staff were in such great demand and they were overworked and overstressed. I have seen statistics that predict a shortage of 57,000 registered nurses in the next 10 years, and that's just in Texas. The current academic educational system did not have enough capacity prior to COVID and still does not have the capacity needed to produce the number of RNs and other health care staff that will be needed today and for the future. We have seen earn and learn type systems such as apprenticeship work in other industries to produce the trained and skilled talent that they require, and we should look at a work-based solution for health care as well to supplement the number of trained RNs and other skilled talent that is currently being

produced by the academic and educational system alone. The intent is not to dilute the training that is required to be a skilled health care professional but to build off the existing foundation to provide upskilling opportunities for a new audience and a deeper talent pool for the industry. We have seen some proven models that do this work in other parts of the country, and we should seriously consider designing such a system for Texas that can supplement the numbers of staff needed while providing work-based earn and learn opportunities. These work-based opportunities will help attract a different audience to this industry since not everyone can stop earning to learn a new profession. As we build this system for Texas, we should learn from the experiences of others that have tried a similar solution and be sure to incorporate guidance from the health care industry, academia, and licensing to make sure we create a system that produces the skilled talent the industry needs. Finally we should be cautious as we proceed to make certain that the system we build does not have unintended consequences by continually checking in on the training being delivered, the content being mastered, and being certain that the talent supply going to the health care industry meets that industry's needs. Thank you for the opportunity to speak this morning. COMMISSIONER ALVAREZ: Chairman, if I may

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COMMISSIONER ALVAREZ: Chairman, if I may proceed, I'd like to read out my discussion paper. Everything that I'm going to read to you is based on what I shared with you

all last week, and if I may for the record, on January 27, 2022, Commissioner Alvarez, myself, commissioner representing labor, convened a meeting with industry partners, apprenticeship staff, and workforce development staff at the request of Baylor Scott & White and Doctors Hospital Renaissance to discuss their staffing needs. This discussion paper reflects the discussion held at that meeting and is being brought forward as you can tell by today's meeting. Over the past 10 years, registered nurses have been the top job posting in Texas. In 2001, the 77^{th} Texas Legislature passed Senate Bill 572, Nursing Shortage Act, which established a program to increase both student enrollment in nursing education programs and the number of nursing school facilities or faculty I should say. Subsequent rider language has provided funding to institutions of higher education toward this effort. For this biennium the legislature appropriated approximately 18 million to continue to address these shortages. These discussions have also been taking place with legislators and those people that were the authors of this bill. In October of 2020, a Texas Higher Education Coordinating Board work group study indicated that preregistered nurses, RN licensure student admissions. We met with some of the stakeholders at Texas A&M University while we were there. Increased from 10,856 in academic year 2008 to 2009 to 16,284 in academic year 2017-2018, a 50 percent increase. During that same time though, qualified applicants not admitted to the RN program increased from 8,957

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to 12,916, a 44.2 percent increase of people eligible to attend a nursing program but were unfortunately not able to, certainly a capacity building issue. In 2020, the Texas Center for Nursing Workforce Studies predicted that Texas would have a deficit by 2032, just 10 years from now, of 57,012 registered nurses in demand. Given the shortages the state is experiencing now, the shortages expected for the future, and the clear need to move more students to RN programs, it is an opportune time to find innovative approaches for meeting this critical need. These were proposed initiatives in the report. One such approach is to develop a statewide initiative for the health care industry to increase the number of career pathways opportunities to registered apprenticeship to ultimately increase the number of RNs in the state. The statewide health care registered apprenticeship initiative will be designed to offer employers the innovative approach to hiring and training future nurses and health care staff, and to expand opportunities for students who wish to pursue career pathways to registered nurse and other health care fields. The statewide initiative will be a collaborative effort in which TWC staff will work together to ensure and expedite application process, coordinate across multiple workforce areas, streamline management of multiple funding streams. While some elements of the statewide initiatives will be developed in response to stakeholder feedback, the following may be considered as fundamental items:

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Providing paid RN clinicals, number one on the agenda. Providing paid RN clinicals which is not being done now. Convening workshops that include subject matter experts representing health care providers, higher education, and workforce to explore ways to support pathways credentialing for certified nurse assistant, licensed vocational nurse, associate degree nursing to registered nurse, and registered nurse to bachelor of science in nursing. Identifying, mapping, and incorporating credentialing, relevant [inaudible] health care industry that are stackable and portable. For example, phlebotomy and developing articulated crosswalks as we know through the Tri-Agency's efforts thereby enabling students who have completed registered apprenticeship programs to earn college credit like we do now with the crosswalk that was established in 2018. Staff presents for consideration and discussion the concepts above which you see as discussed. In addition it is proposed that the following funds and amounts be used for the statewide health care registered apprenticeship initiative. I ask that we usebefore I reference how much money, I'd like to ask-I'm also going to give you a copy of what I was provided by our financial officer as far as commission reserve. On our WIOA statewide commission reserve we have 12,351,11 dollars available. Of this I would like to use 10 million dollars of WIOA statewide, and I'd like to ask that—which by the way, I think that—I wrote down some notes here-I want to say that the folks that represent the

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apprenticeship department starting with Desi Holmes [inaudible] and others that are involved in that department have done an excellent job with the grant expansion that we have been awarded from the Department of Labor. It's certainly evident because of the number of rounds that we've received it. We not only received one of the highest amounts but we've been recognized from DOL for the hard work that we've done and how innovative been able to be. These conversations that I've had with stakeholders have been taking place as you can tell prior to the legislative session. Before the legislative session when I asked for an LAR to increase the number of or to even talk to the legislature about pre-apprenticeship funding or registered apprenticeship funding, those discussions were taking place prior to the legislative session. As you can tell this past session we were very fortunate that a lot of apprenticeship programs or workforce development initiatives were actually passed, and I can assure you that this upcoming legislative session, by conversations that I've had with members have said that workforce and apprenticeship is going to be high on their agenda as it was this past session. So again thank you to Desi and all the work that she's done. With that said I'm also asking that five million from the DOL apprenticeship expansion be used to pay for up to 2,000 per apprentice based on the funding availability. So I know that this was an action item. I have seen your discussion paper, chairman. I certainly know-I have no

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doubt that we need to have, and I know at yesterday's discussion you had with TxDOT, you indicated the value of apprenticeship and I certainly value that and thank you for that as this is a part of our workforce. I also know that there are some-the TRUE initiative by the Texas Higher Education Coordinating Board is a grant designed to accelerate workforce training credentialling opportunities urgently needed for economic recovery due to COVID pandemic and the future competitive workforce in Texas. Certifications are to be awarded. A consortium will be developed for pathways in forklift operators, a certified logistics which I see is listed here as what you've listed out, and all of this is while they earn and learn and receiving certifications. This is a consortium with Texas Southmost College, University of Houston, Houston Community College, and of course the folks there in the area. So I can see that these initiatives that you've laid out are certainly of value to everybody around the state, not just South Texas. But again I do know that I rolled this out last week. I would ask before we take any action on yours that we-I'm ready to make a motion that we approve the discussion paper and my initiative to continue this thing that we've been working on for certainly a long time on developing this apprenticeship nurse which includes, as referenced earlier, the certified nurse assistants, licensed vocational nurse, associate degree in nursing to a registered nurse, and

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1 registered nurse to a bachelor of science. Those are my remarks 2 and I'm ready to make a motion. 3 CHAIRMAN DANIEL: What's our balance right 4 now in the registered apprenticeship expansion dollars? Five 5 total? MR. TOWNSEND: [inaudible], chairman. Five 6 7 million in the registered apprenticeship [inaudible]. 8 CHAIRMAN DANIEL: And is this the most up-9 to-date number on the WIOA Commission reserve? 10 MR. TOWNSEND: The number that Chris 11 provided me this morning was 12 million in the 2022 reserve 12 balance for WOIA and then the estimate is showing 11.3 million 13 for the 2023. Of course, the commissioners haven't taken up the 14 2023 budget. I will note though there was about five million of 15 that 11 million for next year that is assumed not to [inaudible] 16 but the commission hasn't taken action on those initiatives so 17 just wanted to point that out. Those were the numbers, 23 if you 18 assume that we won't continue those 2023 initiatives or I guess 19 they would be 18. 20 CHAIRMAN DANIEL: Say that to me again. 21 What's available right now? 22 MR. TOWNSEND: 12 million in 2022 and then 23 five million in the apprenticeship expansion so that would be

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CHAIRMAN DANIEL: Commissioner, I'm in favor of your nursing strategy. I'm not in favor of putting all the available funds into this single strategy. A couple things we could do here. We could table both of these, look for ways to scale these up into future years. We can table both of these and come back, let us all think about it and come back for a different perhaps funding strategy but obviously these are in competition for all the available funds on the apprenticeship expansion money. We could probably make it work on the WIOA funds based on what's available right now. I think it's the apprenticeship expansion money that's going to be the limiting factor. Probably for me the better bet would be to table them both and look at the dollars and try to figure out what compromises can be made on the dollars, and how these can be scaled up over time.

add, I'm looking at your initiative which I said I have no doubt that industry is looking for this. Certainly know that other agencies are doing pretty much similar to what you propose but I'm OK with what you've laid out. Let me remind everyone that we have 12 million dollars and we have—we need to start looking at ways to spend this money, and I've been informed that there are monies that I don't want to see just released out to the board just for the sake of it because we didn't put it in an initiative. I'd be willing to—I just ask that we have been

working closely with Department of Labor and I'm not sure of the other offices as well because unfortunately we don't get a chance to speak but I would like to commit the five million to the initiative that I've rolled out because this is a really good reflection of what this expansion grant should be used for. The discussions that we've had with the Department of Labor and the folks in Washington, they're excited about how we're going to be using this expansion grant given the opportunity to do so. I could take less on the WIOA funding because I don't know how much it costs for clinicals. I'd go down to five million on the clinicals rather than the 10 but I just ask, for the record, that the expansion money that we've worked really hard on for years since we first started getting this award, that it all be dedicated to this apprenticeship nursing expansion grant. Again, because of the conversations we've had, my decision will be to keep the five million for this initiative that we're rolling out, and if you want to use the WIOA, I'd be OK with that. I'd be willing to even go less on my 10 million to the five million. We could work with that and certainly work with the institutions that we've been working with on this initiative to have paid clinicals and to come up with-I mean there's some work that we need to do and that is the articulation. The articulation with the SanJac just like we did with stakeholders so those conversations are already taking place. We were very fortunate that last time we had Rex Peoples unfortunately who's passed

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since, worked with Dr. Sally Janes, and we articulated this program, and we had this conversation at ACC when many of the folks who were there didn't know that there was already an articulation agreement with the colleges and the apprenticeship schools. So there is something already in place that we've been working on since 2017. So I'd be willing to negotiate handling the registered apprenticeship nurse with my initiative asking for all five million dollars of the apprenticeship expansion money, and asking less of the WIOA which would give a balance of seven million dollars that you could work with if you'd be interested in that.

CHAIRMAN DANIEL: Unfortunately I think the apprenticeship dollars are key to my effort. I don't see leaving this many employers stranded just simply because we want to rush through a decision today. My preference would be to table this and take a hard look at this, understand the money, and move forward at a later date.

COMMISSIONER ALVAREZ: Well, since I just got your discussion paper, I'm not ready to take action like you said. I'll table it but I'm ready for mine to move.

CHAIRMAN DANIEL: I move to table both concepts to a future meeting.

COMMISSIONER DEMERSON: I'm in agreement we need to come to a resolve on the dollar amounts. Let me understand this, the five million DOL that we have there that

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   we're looking at allocating, you need, chairman, your
   initiative, 3.5 DOL apprenticeship expansion. For what you're
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   trying to accomplish you need 3.5 in that particular area. Would
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   you be able to use WIOA other monies in that area?
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                         CHAIRMAN DANIEL: I don't know. I need to
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   explore that. I don't think so but let me confer.
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                         COMMISSIONER DEMERSON: OK.
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                         CHAIRMAN DANIEL: We have a motion on the
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   table to table both issues.
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                         COMMISSIONER ALVAREZ: I'm in disagreement
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   on that.
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                         COMMISSIONER DEMERSON: Yeah, so I thought
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   you were in agreement with tabling.
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                         COMMISSIONER ALVAREZ: Nope. I'm ready to
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   take action on mine. I've changed the amount to the five million
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   dollars of DOL expansion and five million dollars of WIOA,
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   leaving a balance of seven million, more than half.
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                         COMMISSIONER DEMERSON: And so what happens
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   there is if we allocate the entire five million for DOL, then
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   the chairman's initiative, the 3.5 that he's looking at-we're
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   not sure we can use the WIOA-
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                         COMMISSIONER ALVAREZ: We can use the WIOA.
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   We can use it. [inaudible]
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                         COMMISSIONER DEMERSON: Do we have anybody
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   on staff or anybody-can somebody address that because-
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COMMISSIONER ALVAREZ: We can use it for this initiative that's been laid out by the chairman. I know that because we've been working on this for a long time.

COMMISSIONER DEMERSON: If you're reducing yours from 10 to five, then that means we have monies available but we need to be clear, Mr. Chairman, if that works for what you're trying to do with your expansion.

CHAIRMAN DANIEL: We have policy items next week. Let's table it and bring it back next week, and we'll have the answers to those questions.

answer them [inaudible], could we use WIOA funding to pay for the initiatives rolled out by Chairman Daniel? Does it necessarily include—unless that's the preference of that initiative to use that?

COURTNEY ARBOUR: Courtney Arbour, Workforce Division. These are concepts at this point and while they both have some level of detail, I'm not sure I can tell you exactly if there is anything in either paper that can't be funded with WIOA. You're aware that WIOA requires the [inaudible] eligibility for customers. The apprenticeship expansion funds offers a little bit more flexibility while those expansion grants also have contractual requirements on the numbers served so we need to balance out how those funds are used to serve trainees while also building programs. So as far as a list,

likely everything is allowable under both but it's a little bit of a balancing act when you look at the grant requirements and the numbers that we need to serve through the grant.

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COMMISSIONER ALVAREZ: Again, I only ask that because I'm reading out exactly what was in the local paper regarding what the Coordinating Board was using to fund logistics, mechanics, forklift operators, exactly some of the things that I see rolled out here. And so I know that WIOA funding can be used, at least our funding could be used to pay for very similar programs. And again the reason that I mention this, chairman, is because the articulation agreements that we have, everything seems to be in place with-and I certainly understand your concern but they already seem to be in place. It's just a matter of how we're going to use this money to expand in something that's never been done. Yes, we gave out a report at the roundtable discussion of what Minnesota was doing but Minnesota didn't go through Department of Labor to get this done. We're going through the Department of Labor and I just certainly would like to use the funding that we have available, the five million, to be able to do this which we were only allocated 10 million this last round, and as you've noticed, we have come up with programs that were never in existence before because of the creativity of Desi and her team. So that's the only reason why I bring that up. I know that these-like I said, chairman, I think that what you brought forth, considering I'm

just seeing it for the first time, is very similar to what's already—what other agencies are doing. I'm certainly in agreement with it. I'm just asking that we use the five million from the expansion. That's all I say. I don't know if Commissioner Demerson has met with employers to have the same discussion.

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COMMISSIONER DEMERSON: The employers did not talk about any of these concepts. I was on record last week applauding the fact that Baylor Scott & White, Mark Sherry and DHR had come, and so I appreciate the fact that the chairman was talking about employers today. I've not had an opportunity to visit with the stakeholder groups that I normally talk with about any of the initiatives aside from the one that you pushed forward last week. I think both initiatives are fine. I always say employers have another option, another tool in the toolbox for them to use, and I think both of these efforts fit right into the need of having employees at the locations, and so both initiatives are good. Where we are is with the decision point right now, and so when you bring in something a little bit late in the game, I'd say it does lead to wanting more discussion and more time to look at this thing, to look over it with staff, and so if we're clear based on what Courtney has provided in terms of the balances, if we're looking at trying to make decisions today, then we're going to have to resolve the issues around the DOL apprenticeship expansion part. One party wants five million,

the other party wants 3.5 million. We only have five million and so we need to figure out where we're going to go there. Can we use WIOA statewide monies to take care of either your portion of the DOL apprenticeship expansion or the chairman's portion of the apprenticeship expansion? If that money can be used in both spots, then let's start splitting through so that we can get to where we're both trying to go if we're in a position to do that.

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COMMISSIONER ALVAREZ: Look, this is the last thing I'm going to say regarding this issue. The expansion grant is for innovative ways to use the money for exactly what we're rolling out here on these registered nurses, this program that we have laid out in front of you. It's not to continue to train folks that are in those trades that we already have. The expansion grant paid for the brewmaster course, it paid for the apprenticeship daycare, I mean these professionals that are there that are now receiving articulation. There's an articulation agreement with Tarleton State. This is an innovative way with your support that we can actually use the five million dollars to actually implement a plan that's not been developed anywhere in the country, that we will be setting a model for how we are going to be training nurses using the expansion grant. Five million doesn't seem like a lot. I mean it seems like a lot of money but when you look at this, it's perfect because of the need that's out there, because of how innovative that our team has been here at TWC, it's only

appropriate that we use this money for initiatives like this that don't exist anywhere else in the country like we've done in the past. If you look at what we've done and rolled out, it's been programs in making beer or for transitioning veterans or for those individuals that were homeless or those individuals that were single parents that received a credential thanks to Judy McDonald and the Fort Worth Board that allowed those individuals to receive not only an apprenticeship certification as far as college-apprenticeship certifications but also college credit. That's what we're going to do here but any less money I think on this would-it just wouldn't be the same because like I said, our goal here is to prove to everyone around the country that Texas is going to use the money and who knows with the next round we're going to be able to get more money but-and some of the initiatives that you've laid out, chairman, I certainly appreciate those and I think they're great initiatives but let's think of something that's not been done before.

CHAIRMAN DANIEL: Courtney's answer is inconclusive so I don't think a week is going to make a difference. Neither one of these are ready to roll out. We should table these for a week and bring them back next week with all the facts at our fingertips.

COMMISSIONER ALVAREZ: Again, my vote is not to do that and take action on [inaudible].

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CHAIRMAN DANIEL: I have a motion pending to table both until next week. If there's a second, we'll proceed with that.

COMMISSIONER DEMERSON: I think I'd like to see it discussed a little bit more. I think both of the proposals are worth it. One spot—I'm just going to state it again, one with five million and the other with 3.5 million, and then maybe opportunities to use WIOA statewide in those areas. If we can do that, if we're looking at trying to get something approved, it seems like, Mr. Alvarez, you're ready to take action today.

COMMISSIONER ALVAREZ: I'm ready to take action today.

COMMISSIONER DEMERSON: Then can we do anything?

COURTNEY ARBOUR: Commissioners, may I introduce one other fact that might be helpful to you as you make your decision. We have an RFA that is scheduled to go out this week with expansion grant dollars that has been in our original statement of work for this grant for several months. It is intended to expand apprenticeship opportunities to new industries or expand existing to new demographics and that kind of thing. It's a three-million-dollar RFA that was part of our statement of work when we were awarded the grant. We very likely can approach DOL about a change to the statement of work if

1 you'd like to repurpose that three million as part of the 2 initiatives you're discussing today. 3 CHAIRMAN DANIEL: I think we would need a 4 week to discuss that with DOL, and we would want to know for 5 sure that we can do that. I don't want to violate our agreement. COURTNEY ARBOUR: OK. 6 7 COMMISSIONER DEMERSON: So the option is 8 either to table or to push forth an initiative. 9 CHAIRMAN DANIEL: That's true. 10 COMMISSIONER DEMERSON: That's kind of where 11 we are. So based on what we've heard, Mr. Chairman, you're not 12 of the opinion with WIOA that we can move that money into that-13 CHAIRMAN DANIEL: I just don't know. I'm 14 willing to work toward that end and I think both of these are 15 worthwhile projects and we should find a way to do both of them. 16 I just think we need a few more days to get that done. 17 COMMISSIONER DEMERSON: Commissioner 18 Alvarez, you require five million to carry out your-19 COMMISSIONER ALVAREZ: Again, it just sends 20 a message to Department of Labor, and I know that the 21 initiatives that have been rolled out could be used with WIOA 22 funding. We've done our homework on that stuff. I mean we've 23 been working on this for a long time. We had private meetings at 24 the conference regarding health care professionals that were 25 there, prior to that, prior to the session with the DHR folks

and South Texas College. Again, my [inaudible] purpose is just being innovative. Registered nursing, give everybody a message around the state and around the country that we're going to be the first to do it.

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COMMISSIONER DEMERSON: I know you've been working on apprenticeship for quite some time and so this DOL expansion grant in your comments with ACC and the others, is this conversation going a number of years back?

been working on this just like reentry. These aren't just things that we just did. We've been having stakeholder meetings. Like I said, at state conference we had that reserved room that both of you all were able to use. We've had conversations with folks in person even during the pandemic regarding this. We've been to talk to the folks at Department of Labor multiple times.

COMMISSIONER DEMERSON: I want to visit with my team for a second so give me a recess real quick.

CHAIRMAN DANIEL: OK, we're back in session. We have a motion pending for a second to table both of these items until the next commission meeting.

COMMISSIONER DEMERSON: Mr. Chairman, before I second the motion I want to state a few things here. Again, both proposals I think are very good proposals from the standpoint it appears that Commissioner Alvarez based on comments that he's been working on this apprenticeship expansion

area for quite some time, and the five million that he is requesting, I'm going to support that, however, I want to visit with my stakeholders, and visiting with the staff and the team, we need time to discuss both initiatives. I have questions about your proposal in regards to other industries and the like, and I think there are some things that we can look at there. I do hope that we're in a position to also find out a little bit more on the WIOA statewide funding, and that that's in a position to be utilized towards apprenticeship expansions, then we're in a position to do that as well but emphatically want to support what Commissioner Alvarez is allocating towards the DOL apprenticeship expansion but want to also take the time to visit with my stakeholders to do that, and so I'll second that motion to table and come back for a vote next week.

CHAIRMAN DANIEL: All right, it's been moved, seconded to table the motion and bring it back next week. We've had considerable discussion. All in favor say aye.

CHAIRMAN DANIEL: All opposed.

COMMISSIONER ALVAREZ: Aye.

CHAIRMAN DANIEL: It's two ayes, one nay.

²¹ ||The motion carries. We'll bring this back next week. Mr.

Trobman, make sure this is on the agenda for next week that it

23 | be brought back. There's nothing for staff to report under

 24 | Agenda Item 13. Agenda Item 14, board nominations, discussion,

1 consideration and possible action regarding approval of local 2 Workforce Development Board nominees. 3 CHERIE DUDLEY: Good morning, chairman, 4 commissioners, Mr. Townsend. For the record, Cherie Dudley with 5 the Workforce Development Division. For your consideration this 6 morning we have Workforce board nominations for Cameron County, 7 Deep East Texas, Greater Dallas, Rural Capital Area, South 8 Plains, and Southeast Texas. Staff seeks guidance on the 9 presented nominees, and I'm here to answer any questions you may 10 have. 11 CHAIRMAN DANIEL: Any comments or questions? 12 COMMISSIONER ALVAREZ: None here. 13 COMMISSIONER DEMERSON: None. 14 CHAIRMAN DANIEL: Is there a motion? 15 COMMISSIONER ALVAREZ: Chairman, I move that 16 we approve board nominees for Cameron County, Deep East Texas, 17 Greater Dallas, Rural Capital Area, South Plains, and Southeast 18 Texas. 19 COMMISSIONER DEMERSON: Second. 20 CHAIRMAN DANIEL: It's been moved and 21 seconded. We're unanimous. Legislative report? 22 MICHAEL BRITT: Good morning, Mr. Chairman, 23 commissioners, and Mr. Townsend. For the record, Michael Britt, 24 governmental relations. As you all are aware, the federal 25 government has currently funded through next Friday, February

18th. U.S. House and Senate appropriation leaders continue to negotiate topline spending amounts for funding the remainder of the current federal fiscal year. While congressional leaders are reporting that they are close to an agreement on these funding levels, they are also discussing the need for a short-term continuing resolution to give appropriators time to complete these negotiations, and for the U.S. House and Senate to take action on a full appropriations package. Therefore, yesterday U.S. House leaders introduced HR6617, the Further Additional Extending Government Funding Act. This measure would extend federal government funding through March 11, 2022, and the U.S. House is expected to take a vote on this measure later this afternoon. This concludes my remarks and I'm happy to answer any questions that you all may have.

CHAIRMAN DANIEL: Any comments or questions?

COMMISSIONER ALVAREZ: None here, chairman.

COMMISSIONER DEMERSON: None.

CHAIRMAN DANIEL: Is there any other business to come before the commission?

COMMISSIONER ALVAREZ: Chairman, I'd just like to recognize that this is CTEs month. In observance of CTE month and also from February 1st to March 1st is also—we are acknowledging Black History Month so I'd like to just recognize and place on the record the two things that I just stated.

1	CHAIRMAN DANIEL: Commissioner, have we
2	traditionally done like media outreach or something like that
3	with regard to CTE month?
4	COMMISSIONER ALVAREZ: No, the only thing
5	that we have, chairman, is of course the House resolution and
6	that's just acknowledging CTE signing day but nothing for the
7	agency to acknowledge.
8	CHAIRMAN DANIEL: Would there be objection
9	to asking staff to initiate some sort of media outreach with
10	regard to CTE month?
11	COMMISSIONER ALVAREZ: I think that's an
12	excellent idea, sir.
13	COMMISSIONER DEMERSON: Agree.
14	CHAIRMAN DANIEL: All right. Is there a
15	motion to adjourn?
16	COMMISSIONER ALVAREZ: Chairman, I move that
17	we adjourn.
18	COMMISSIONER DEMERSON: Second.
19	CHAIRMAN DANIEL: It's been moved and
20	seconded to adjourn. We're adjourned. Thank you.
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