



**MEETING OF THE  
TEXAS WORKFORCE COMMISSION**

**DATE**

**AUGUST 15, 2023**

1 Tuesday, August 15, 2023

2 CHAIRMAN DANIEL: The motion passes with the  
3 exceptions noted. We'll take a short recess.

4 MS. GONZALES: Thank you.

5 CHAIRMAN DANIEL: All right. We're back.  
6 This is Agenda Item 8, Proposed Rules for 40 TAC Chapter 838,  
7 Texas Industry-Recognized Apprenticeship Program.

8 KERRY BALLAST: Good morning, Chairman  
9 Daniel, Commissioner Demerson, Commissioner Treviño, and Mr.  
10 Nelson. For the record, I'm Kerry Ballast with the Workforce  
11 Development Division. Commissioners, before you today for your  
12 consideration are proposed rules to amend Chapter 838, Texas  
13 Industry-Recognized Apprenticeship Programs Grant Program. The  
14 amendments will amend 40 TAC Chapter 838 to remove references to  
15 the federal industry-recognized apprenticeship program and the  
16 standards recognition entities because they no longer exist, and  
17 to state the eligibility criteria and application process for  
18 entities that apply to take part in the Texas Industry-  
19 Recognized Apprenticeship or what we call TIRA grant program.  
20 Texas Government Code 2001.039 requires state agencies to review  
21 their rules at least every four years. This rulemaking will  
22 satisfy that statutory requirement. Staff recommend amending  
23 Chapter 838 to update, remove—to remove references to rescinded  
24 federal program language and, in addition, staff recommend  
25 amendments to the definitions for eligible applicants and grant

1 programs as well as enhancement to the availability of funds for  
2 applicants. Staff also recommend reviewing Chapter 801 in  
3 accordance with Texas Government Code as referenced earlier.  
4 This concludes my presentation. I'm available to answer any  
5 questions that you may have.

6 CHAIRMAN DANIEL: Comments or questions?

7 COMMISSIONER DEMERSON: None here.

8 COMMISSIONER TREVIÑO: None here.

9 CHAIRMAN DANIEL: Is there a motion?

10 COMMISSIONER DEMERSON: I move that we  
11 approve the proposed amendments to 40 Texas Administrative Code,  
12 Chapter 838, Texas Industry-Recognized Apprenticeship Grant  
13 Program for publication in the Texas Register and public comment  
14 as recommended today by staff.

15 COMMISSIONER TREVIÑO: I second the motion.

16 CHAIRMAN DANIEL: The motion passes. This is  
17 Agenda Item 9, Local Workforce Development Board Membership  
18 Requirements.

19 JOEL MULLINS: Good morning, chairman,  
20 commissioners, Mr. Nelson. For the record, I'm Joel Mullins with  
21 Workforce Development. During the 88<sup>th</sup> Regular Session, the Texas  
22 Legislature passed House Bill 1615 which amended Texas  
23 Government Code, Section 2308.256 to require that each local  
24 Workforce Development Board expand its membership to include a  
25 representative of the child care workforce. The Workforce

1 Innovation and Opportunity Act requires that board members who  
2 represent organizations, agencies, or other entities must be  
3 individuals with optimum policymaking authority within the  
4 entities they represent. Today staff recommends that for the  
5 purposes of filling the new child care workforce board member  
6 category, a representative of the child care workforce be  
7 defined as a current owner or director of a child care provider  
8 that is licensed by or registered with the Texas Health and  
9 Human Services Commission's child care regulation department.  
10 That's all I have, and I'm happy to answer any questions.

11 CHAIRMAN DANIEL: Comments or questions?

12 COMMISSIONER DEMERSON: Joel, did you say a  
13 current owner or a director?

14 JOEL MULLINS: Yes, correct.

15 COMMISSIONER DEMERSON: OK, good. No other  
16 questions or comments.

17 COMMISSIONER TREVIÑO: No comments.

18 CHAIRMAN DANIEL: Is there a motion?

19 COMMISSIONER DEMERSON: I move that we  
20 approve the definition of a representative of the child care  
21 workforce for utilization in a local Workforce Development Board  
22 member appointments in composition as recommended today by  
23 staff.

24 COMMISSIONER TREVIÑO: I second the motion.

25 CHAIRMAN DANIEL: The motion carries.

1 JOEL MULLINS: Thank you.

2 CHAIRMAN DANIEL: Thank you. This is Agenda  
3 Item 10, Appointment of a Representative for the Texas Workforce  
4 Commission to serve on the Educational Research Center Advisory  
5 Board.

6 ADAM LEONARD: Good morning, chairman,  
7 commissioners. For the record, Adam Leonard, chief analytics  
8 officer. Texas Education Code 1.005 requires the Higher  
9 Education Coordinating Board to create a set of educational  
10 research centers that link data from the Tri-Agency agencies  
11 together in order to do educational research around the  
12 effectiveness of K-12 and postsecondary education programs in  
13 order to improve education in Texas and to prepare them for  
14 work. Within that there's a second statute, 1.006, which  
15 identifies the measures of an advisory board who have to approve  
16 project proposals from people who wish to use the ERC data, and  
17 we need you to designate a new member to serve for that today or  
18 would prefer that you do. I have been serving in that role for a  
19 number of years now and am ready to pass the mantle along to  
20 Angie Stout who is one of my senior researchers in Information,  
21 Innovation, and Insights. She is highly qualified with a Ph.D.  
22 and has conducted a number of evaluation projects for us. She's  
23 also been serving as kind of my assistant in this process,  
24 reviewing all the proposals and prepping me with questions,  
25 suggestions, and input for my participation in the process. She

1 is more than ready to take over and will represent the agency  
2 well. I'm happy to answer any questions you may have.

3 CHAIRMAN DANIEL: Any comments or questions?

4 COMMISSIONER DEMERSON: None here.

5 COMMISSIONER TREVIÑO: None here.

6 CHAIRMAN DANIEL: I do find it, Commissioner  
7 Demerson, very interesting that Adam came to get himself off of  
8 this board so Angie could be on this board, and Angie kind of  
9 get herself on the board in place of Adam. The message is not  
10 lost on her.

11 ADAM LEONARD: I will note that I do have  
12 documentation that she wants this I could share if necessary.

13 CHAIRMAN DANIEL: Is she in the room?

14 ADAM LEONARD: She's not in the room. The  
15 ERCs actually work remotely anyway so [inaudible].

16 CHAIRMAN DANIEL: The reasons are mounting.  
17 Is there a motion?

18 COMMISSIONER DEMERSON: I was going to ask  
19 for Angie as well, I was looking out in the audience and so none  
20 here. I move that we approve the designation of Angie Stout to  
21 serve as TWC's representative on the Education Research Center's  
22 Advisory Board pursuant to the Texas Education Code, Section  
23 1.006, as recommended today by staff.

24 COMMISSIONER TREVIÑO: I second the motion.

25 CHAIRMAN DANIEL: The motion carries.

1 ADAM LEONARD: Thank you.

2 CHAIRMAN DANIEL: Thank you. This is Agenda  
3 Item 11, Board Nominations.

4 CHERIE DUDLEY: Good morning, chairman,  
5 commissioners, Mr. Nelson. For the record, Cherie Dudley with  
6 Workforce Development. Today for your consideration we have  
7 workforce nominations for Alamo, Capital Area, Golden Crescent,  
8 and Middle Rio Grande. Staff recommends approval on the  
9 presented nominees, and I'm here to answer questions you may  
10 have.

11 CHAIRMAN DANIEL: Comments or questions?

12 COMMISSIONER DEMERSON: Chairman, I'm just  
13 going to mention that I was looking for Cherie on this side.  
14 Walking from the other side this time so throwing us off a  
15 little bit.

16 CHAIRMAN DANIEL: They made a decision when  
17 they walked in. They considered seats on both sides. I watched  
18 them. They chose this side.

19 COMMISSIONER DEMERSON: This side, not bad.

20 CHAIRMAN DANIEL: I don't understand the  
21 strategy but it was definitely a strategy.

22 COMMISSIONER DEMERSON: So that I would look  
23 up over here and wonder where are they.

24 CHAIRMAN DANIEL: [Inaudible]. I'm almost  
25 sure. Commissioner Treviño?

1 COMMISSIONER TREVIÑO: No, no comments.

2 Thank you.

3 CHAIRMAN DANIEL: Is there a motion?

4 COMMISSIONER DEMERSON: All right. I move  
5 that we approve the local Workforce Development Board member  
6 nominees presented today for the following: Workforce Solutions  
7 Alamo, Capital Area, Golden Crescent, and Middle Rio Grande.

8 COMMISSIONER TREVIÑO: I second.

9 CHAIRMAN DANIEL: The motion carries.

10 CHERIE DUDLEY: Thank you.

11 CHAIRMAN DANIEL: Thank you. You're waiting  
12 patiently on Agenda Item 12, the Subsequent Certification of  
13 Local Workforce Development Boards, aren't you?

14 CHERIE DUDLEY: Yes, I am.

15 CHAIRMAN DANIEL: All right.

16 CHERIE DUDLEY: Again, good morning, all.

17 For the record, Cherie Dudley with Workforce Development. Today  
18 for your consideration is the 2023 subsequent certification of  
19 all 28 local Workforce Development Boards. In accordance with 29  
20 USC Section 3122, the governor shall once every two years  
21 certify one board for each local area in the state. Subsequent  
22 certification is focused on the local boards being composed  
23 according to state and federal law. Based on the staff's review  
24 of the board's composition according to their local agreements  
25 and evidence to ensure services are delivered to meet local



1 performance measures, it is our recommendation for the  
2 commission to recommend subsequent certification to the governor  
3 of the 28 local Workforce Development Boards. This concludes my  
4 request and I'm available to answer questions you may have.

5 CHAIRMAN DANIEL: Comments or questions?

6 COMMISSIONER DEMERSON: None here.

7 COMMISSIONER TREVIÑO: None here.

8 CHAIRMAN DANIEL: Is there a motion?

9 COMMISSIONER DEMERSON: I move that we  
10 approve the submission to the governor of the recommended  
11 subsequent certification of the 28 local Workforce Development  
12 Boards as presented today by staff.

13 COMMISSIONER TREVIÑO: I second the motion.

14 CHAIRMAN DANIEL: And the motion carries.

15 Thank you.

16 CHERIE DUDLEY: Thank you.

17 CHAIRMAN DANIEL: All right, no legislative  
18 report, and then we'll have an extensive, lengthy, and detailed  
19 executive director's report from Mr. Nelson.

20 CHRIS NELSON: I thought you would never  
21 ask.

22 CHAIRMAN DANIEL: All right. Whoa, whoa,  
23 whoa. That looks like grievances. This is not the time in the  
24 meeting when we do grievances.

25

1                   CHRIS NELSON: I have nothing to report for  
2 the executive director today.

3                   CHAIRMAN DANIEL: Comments or questions?

4                   COMMISSIONER DEMERSON: I can't add to that.

5                   COMMISSIONER TREVIÑO: Good job, Chris.

6                   CHAIRMAN DANIEL: Is there any other order—

7                   CHRIS NELSON: I did ask if you were ready  
8 before we started.

9                   CHAIRMAN DANIEL: You did. You did. Just let  
10 the record reflect that Mr. Nelson has a hundred percent  
11 outperformed Mr. Serna today during this commission meeting. Is  
12 there any other order of business to come before the commission?

13                   COMMISSIONER DEMERSON: Mr. Chairman, I  
14 think it's 110 percent. I'm wearing Mr. Nelson's jacket  
15 [inaudible] so 110 percent. Nothing else.

16                   COMMISSIONER TREVIÑO: Nothing else. Thank  
17 you.

18                   CHAIRMAN DANIEL: Is there a motion to  
19 adjourn?

20                   COMMISSIONER DEMERSON: So moved.

21                   COMMISSIONER TREVIÑO: I second.

22                   CHAIRMAN DANIEL: It's been moved and  
23 seconded to adjourn and we're adjourned. Thank you.

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