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TRANSCRIPT OF PROCEEDINGS
BEFORE THE
TEXAS WORKFORCE COMMISSION
AUSTIN, TEXAS

PUBLIC MEETING)
FOR THE TEXAS)
WORKFORCE COMMISSION)

COMMISSION MEETING
THURSDAY, JUNE 30, 2016

BE IT REMEMBERED THAT at 9:00 a.m. on
Thursday, the 30th day of June, 2016, the above-entitled
matter came on for hearing at the Texas Workforce
Commission, TWC Building, 101 East 15th Street, Room 244,
Austin, Texas, before ANDRES ALCANTAR, Chairman; JULIAN
ALVAREZ and RUTH R. HUGHS, Commissioners

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P R O C E E D I N G S

THURSDAY, JUNE 30, 2016

(9:00 a.m.)

AGENDA ITEM NO. 1

CHAIRMAN ALCANTAR: Good morning, everyone.

This meeting will now be called to order.

AGENDA ITEM NO. 2

Discussion, Consideration and Possible Action
Regarding Whether to Assume Continuing Jurisdiction on
Unemployment Compensation Cases, Wage Claim Cases, and/or
Tax Liability Cases and Reconsideration of Unemployment
Compensation Cases, Wage Claim Cases, and/or Tax Liability
Cases, if Any.

No Discussion.

AGENDA ITEM NO. 3

Discussion, Consideration and Possible Action
Regarding Tax Liability Cases Listed on the Texas Workforce
Commission Docket 26.

The Commission considered and took action on
all tax liability cases listed on Docket 26.

AGENDA ITEM NO. 4

Discussion, Consideration and Possible Action
Regarding Fair Housing Cases listed on the Texas Workforce
Commission Docket 26.

No Discussion.

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AGENDA ITEM NO. 5

Discussion, Consideration and Possible Action
Regarding Higher Level Appeals in Wage Claim Cases Listed on
the Texas Workforce Commission Docket 26.

The Commission considered and took action on
all wage claim cases listed on Docket 26.

AGENDA ITEM NO. 6

Discussion, Consideration and Possible Action
Regarding Higher Level Appeals in Unemployment Compensation
Cases Listed on the Texas Workforce Commission Docket 26.

The Commission considered and took action on
all unemployment compensation cases listed on Docket 26.

AGENDA ITEM NO. 7

CHAIRMAN ALCANTAR: Good morning, everyone.
We're back in session. Jewell, has anyone signed up for
public comment?

MS. PATRICIO: No public comment,
Mr. Chairman.

CHAIRMAN ALCANTAR: We have no public
comment. Larry, I think you have an announcement?

MR. TEMPLE: Yes, actually I have two. One,
we'd like to recognize the new kid on the block, Glenn.
Where's Glenn at? Stand up, Glenn.

COMM. HUGHS: I saw him walk in but --

MR. TEMPLE: Somehow, way, or another, I

1 think he does it by switching agencies periodically,
2 Glenn -- oh, this is Gwen. Well, hold on, where's Gwen?
3 Gwen? We've got two of these. Gwen, come up here. Gwen,
4 come up here.

5 COMM. ALVAREZ: How embarrassing. That was
6 embarrassing.

7 MR. TEMPLE: Gwen, I got one of yours too.

8 COMM. HUGHS: Sorry, Glenn, you can have a
9 seat.

10 MR. TEMPLE: Gwen, come on up here. Thirty
11 years.

12 CHAIRMAN ALCANTAR: We do have a pin for you
13 though. We can --

14 MR. TEMPLE: Thirty year - 30 years. Yeah.
15 Thirty years Gwen has been keeping the Office of General
16 Counsel trains running on time.

17 (Whereupon pictures were taken)

18 MR. TEMPLE: Paul, would you come up? We're
19 going to try to do this up in writing.

20 COMM. ALVAREZ: Are you sure, it's Paul
21 though?

22 MR. TEMPLE: Our group -- yeah, it's Paul.

23 COMM. HUGHS: Glenn, maybe one day it will be
24 you.

25 COMM. ALVAREZ: Hey, we're dressed alike so

1 pretend like I'm you today, man.

2 MR. TEMPLE: Glenn, we'll do yours next time.

3 All right.

4 UNIDENTIFIED VOICE: If I may, I'll speak
5 from up here, so we capture we it all. Everyone can hear
6 it. This month the -- or last month we learned that -- from
7 the digital -- this -- the Center for Digital Government,
8 the Texas Workforce Commission received the award for Best
9 Data Analytics Business Intelligence Project -- it's hard
10 for me to read this because it's on clear glass -- for the
11 Improved Fraud Discovery Project.

12 You all may remember, or the Commissioners,
13 in 2014 the beginning of the Improved Fraud Discovery
14 project. It involved numbers of divisions, IT Division,
15 Regulatory Integrity Division. And, anyway, that program
16 was submitted -- that project was submitted for the best of
17 Texas Awards, and -- and we did receive the Best of Texas
18 Award for 2016 for Best Data Analytics. So here's the
19 crystal award plaque.

20 (Applause)

21 UNIDENTIFIED VOICE: We'll get a -- we'll go
22 and get a photograph.

23 (Whereupon pictures were taken)

24 AGENDA ITEM NO. 8

25 CHAIRMAN ALCANTAR: All righty. Item 8.

1 Discussion, Consideration and Possible Action Regarding the
2 Certification and Recertification of Community Rehab.
3 Programs to Participate in the Purchasing from People with
4 Disabilities State-Use Program, Kelvin. Good morning.

5 MR. MOORE: Good morning. Good morning,
6 Mr. Chairman, Commissioners and Mr. Temple. For the record,
7 my name is Kelvin Moore, Program Manager Purchasing from
8 People with Disabilities -- Purchasing from People with
9 Disabilities. We have before you Agenda Item 8 for the
10 recertification of two community rehabilitation programs,
11 Tarrant County Association for the Blind DBA Lighthouse for
12 the Blind of Fort Worth, Oak Creek Day
13 Habilitation/Vocational Center Lufkin, Texas.

14 Staff has reviewed all of the materials
15 presented by the CRP. In addition, we have worked with the
16 CNA of the central nonprofit agency, TIBH, and we recommend
17 recertification of the two CPRs. Are there any questions?

18 CHAIRMAN ALCANTAR: Commissioner Hughs?

19 COMM. HUGHS: I move that the Commissioners
20 approve the recertification of the Oak Creek Center and
21 Tarrant County Association for the Blind doing business as
22 Lighthouse -- Lighthouse for the Blind of Forth Worth
23 Community Rehabilitation Programs to participate in the
24 Purchasing from People Disabilities State-Use Program.
25 Thank you.

1 COMM. ALVAREZ: I second that.

2 CHAIRMAN ALCANTAR: It is unanimous.

3 AGENDA ITEM NO. 9

4 CHAIRMAN ALCANTAR: Item 9. Discussion,
5 Consideration and Possible Action Regarding the Approval of
6 Products and Services Offered by CRPs Under --

7 MR. MOORE: Yes.

8 CHAIRMAN ALCANTAR: -- the Purchasing from
9 People with Disabilities State-Use Program, Kelvin again.

10 MR. MOORE: Yes. For the record, again,
11 Kelvin Moore, Program Manager Purchasing from People with
12 Disabilities with the Workforce Commission. We have before
13 you Agenda Item 9, a listing of service contracts that are
14 being offered by the community rehabilitation programs
15 through the state-use Works Wonders Program.

16 Staff have reviewed all of the materials
17 presented by the CRP. We are recommending approval of all
18 the service contracts offered by the CRPs presented before
19 you. All contracts are paying at above minimum wage. Any
20 questions?

21 CHAIRMAN ALCANTAR: Commissioner Hughs?

22 COMM. HUGHS: I move that we approve the
23 service contracts.

24 COMM. ALVAREZ: I second that.

25 CHAIRMAN ALCANTAR: It is unanimous. Thank

1 you.

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AGENDA ITEM NO. 10

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CHAIRMAN ALCANTAR: Item 10 is being

4

deferred.

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AGENDA ITEM NO. 11

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CHAIRMAN ALCANTAR: Item 11. Discussion,

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Consideration and Possible Action Regarding Policy Concepts

8

on Purchasing of Products and Services from People with

9

Disabilities, Kelvin.

10

MR. MOORE: Yes. For the record, again,

11

Kelvin Moore, Program Manager Purchasing from People -- from

12

People with Disabilities Texas Workforce Commission. We

13

have before you Agenda Item 11, policy concept on purchasing

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of products and services from people with disability rules

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Texas Administrative Code 806. The 84th Legislature regular

16

session 215 enacted Senate Bill 212 abolishing the Texas

17

Council on Purchasing from People with Disabilities or

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TCPPD.

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The senate bill transferred all former TCPPD

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powers and duties to the Texas Workforce Commission to

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administer the purchasing from the -- people disabilities

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program. Texas Workforce Com -- Texas Workforce Commission

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administratively transferred the former council rules in

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Texas Administrative Code 189 concerning the purchasing from

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people with disabilities from the comptroll -- from the

1 comptroller's office to the Texas Administrative Code 806
2 under the Texas Workforce Commission. This transfer was
3 effective September 1st, 2015.

4 Staff recommend amending the TWC Chapter 806
5 purchasing from people disabilities which include bringing
6 rules governing the purchasing from people with disabilities
7 into alignment with Senate Bill 212, changing a reference to
8 council, subcommittees and comptroller. Those are no longer
9 accurate in the -- in -- in the rules. Clarifying the
10 consumer complaint process and other prog -- programmatic
11 changes regarding all approval processes. Staff is seeking
12 approval for the policy concept for posting to the Texas
13 Workforce Commission website for a three-week public comment
14 period. Is there any questions?

15 CHAIRMAN ALCANTAR: Commissioner Hughs?

16 COMM. HUGHS: I move that we approve the
17 staff's recommendations.

18 COMM. ALVAREZ: I second that.

19 CHAIRMAN ALCANTAR: We are unanimous. Thank
20 you, sir.

21 MR. MOORE: Thank you.

22 AGENDA ITEM NO. 12

23 CHAIRMAN ALCANTAR: Item 12. Discussion,
24 Consideration and Possible Action Regarding WIOA. We have
25 no update.

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AGENDA ITEM NO. 13

CHAIRMAN ALCANTAR: Item 13. Discussion, Consideration Regarding State Level Program Adult Education and Literacy Performance Measures. And we have no update there.

AGENDA ITEM NO. 14

CHAIRMAN ALCANTAR: Item 14 Regarding State Funded Programs. We have no -- no update there.

AGENDA ITEM NO. 15

CHAIRMAN ALCANTAR: Item 15 is a Discussion, Consideration and Approval of Local Board Nominees, John Fuller. Good morning, John.

MR. FULLER: Good morning, Mr. Chairman, Commissioners, Mr. Temple. For the record John Fuller, Workforce Development. Commissioners, before you today, you have nominations from Coastal Bend, Panhandle and Rural Capital for your consideration.

CHAIRMAN ALCANTAR: Commissioner Hughs?

COMM. HUGHS: I move that we approve the local Workforce Development Board nominees for Coastal Bend, Panhandle and Rural Capital Area.

COMM. ALVAREZ: I second that.

CHAIRMAN ALCANTAR: It is unanimous.

MR. FULLER: Thank you.

CHAIRMAN ALCANTAR: Thank you, John.

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AGENDA ITEM NO. 16

CHAIRMAN ALCANTAR: Item 16. Discussion,
Consideration and Possible Action Regarding Final Rules for
AEL Related to Allocations and Staff Qualifications, Carrie.
Good morning.

MS. TUPA: Good morning, Chairman,
Commissioners. For the record Carrie Tupa, Adult Education
and Literacy. Today we bring before you final rules for
Chapter 800 and Chapter 805. Final rules for Chapter 800
Subchapter B add a stop-gain provision to Adult Education
and Literacy allocation methodology. Final rules for
Chapter 805 Subchapters 8, A and B, address the change in
compulsory age of attendance by the Texas Education Agency
and staff qualification and development requirements
modifying requirements to -- for better alignment and
integration with other programs and organizations by
creating flexibility around staff development requirements
for individuals without a teaching certificate including
Workforce center and Workforce training staff who provide
critical support for AEL programs. Staff development
requirements are also more targeted to better support
program performance.

Today we are requesting the approval of these
final rules with the ability to make technical formatting
adjustments prior to publication in the Texas Register.

1 CHAIRMAN ALCANTAR: Any questions?

2 COMM. ALVAREZ: No.

3 CHAIRMAN ALCANTAR: Commissioner Hughs?

4 COMM. HUGHS: I move that we approve staff's
5 recommendation.

6 COMM. ALVAREZ: I second that.

7 CHAIRMAN ALCANTAR: It is unanimous.

8 MS. TUPA: Thank you.

9 CHAIRMAN ALCANTAR: Thank you, Carrie.

10 AGENDA ITEM NO. 17

11 CHAIRMAN ALCANTAR: Item 17. Discussion,
12 Consideration and Possible Action Regarding Proposed or
13 Considered State or Federal Legislation, Michael. Good
14 morning.

15 MR. BRITT: Good morning Mr. Chairman and
16 Commissioners. For the record, Michael Britt, Governmental
17 Relations. The U.S. House and Senate will be wrapping up
18 their legislative business over the next two weeks in
19 preparation for their August recess. Currently for next
20 week the House will be in session Tuesday through Friday,
21 and the Senate Wednesday through the end of the week. Both
22 chambers are scheduled to adjourn for the August recess on
23 July 15th, and they are -- and return to Washington on
24 September the 6th.

25 On the state side of things, the interim

1 committee hearings are -- are starting to slow down for the
2 summer months. We will be monitoring the House General
3 Investigating and Ethics Committee hearing on July 12th. At
4 that hearing the Committee will be di -- discussing the
5 issue of state agency use of emergency leave and settlement
6 payments to departing employees. This concludes my remarks,
7 and I'll be happy to answer any questions that you may have.

8 CHAIRMAN ALCANTAR: Any questions?

9 COMM. ALVAREZ: No questions.

10 CHAIRMAN ALCANTAR: Thank you, Michael.

11 AGENDA ITEM NO. 18

12 CHAIRMAN ALCANTAR: Item nine -- Item 18.
13 Report and Update by the Executive Director. Larry, what do
14 you have for us this morning?

15 MR. TEMPLE: A couple of things. One,
16 Commissioner Hughs and I both attended two conferences last
17 week in -- in Canton city. One was the Federation -- or the
18 Foundation for Governmental Account -- Accountability
19 headquartered out of Naples. They had 31 states
20 represented, mainly policy directors, chief of staffs for
21 governors' offices, some agency directors and legislative
22 chairs. It was pretty much all -- all the republican states
23 were there.

24 They asked that Texas -- Ben Taylor, from the
25 Governor's office represented the policy for the Governor's

1 office, asked that we present our history on our TANF
2 program, our sanctioned policy and the positive results
3 we've gotten from that. It was received very well, and
4 particularly when I started talking about our WIOA
5 consolidated plan. I imagine we'd probably have five or six
6 states that are going to come to our conference now after
7 hearing how we've got everything put together.

8 At the UWC -- and -- and Commissioner jump in
9 anytime -- at the UWC, Chuck Ross did presentations on PEO
10 and on our timeliness -- our failure of timeliness for
11 employers. There was some good questions, some good
12 comments. Everyone appreciated having it explained, and we
13 got some really good comments on our job search. There was
14 a presentation that listed us as one of three states of best
15 practices for our job search and -- and what we've been
16 doing on the ten-week measures.

17 So Doug Holmes gave a long list of things
18 that are pending in congress. A lot workmen's comp, but
19 then -- and also a lot of things about, you know, trust fund
20 balances and that sort of thing that the administration's
21 pushing for which would be huge increases for us if we did.
22 So, Commissioner, anything?

23 COMM. HUGHS: Right. Yeah, I think it was a
24 great conference, had a lot of value. It certainly
25 highlights how well Texas is doing compared to other states,

1 and Chuck Ross did a great job in his presentation, so I
2 think we're very well represented even with you there.

3 MR. TEMPLE: And Paul from over in the Office
4 Debt and -- and -- yeah -- the WIOA rules are -- that's why
5 I've got Jason here to kind of go over what the timing, and
6 he's been talking to folks, but the rules are -- I don't
7 know if they've been released yet, but there's a conference
8 call at 1:30 today. And then if you'll give the details on
9 the conference calls you've had on -- on the plan approval
10 which we still haven't received. They sent out about half
11 of them Monday, and we still haven't received our copy yet
12 that went to the Governor's office. Jason?

13 MR. VADEN: Good morning, Commissioners.
14 Jason Vaden. Just to give you a quick update on the status
15 of WIOA final regs. As Mr. Temple indicated, we do expect
16 that those final regs will be released at some point today.
17 There is a joint conference call with the Department of
18 Labor and Department of Education at 1:30 announcing the
19 release of those regulations that we're going to sit in on.

20 As far as the WIOA combined state plan goes,
21 we expect that we will have a substantially approved
22 approval letter today. In -- in -- in talking with some
23 other states, they have noted a number of deficiencies in
24 their state plans. We would then have until September 1st
25 of this year to correct those issues or deficiencies or show

1 that we have a plan in place that then will address those in
2 (indiscernible).

3 CHAIRMAN ALCANTAR: All right. Thank you.

4 MR. TEMPLE: Thank you, Jason. And that's
5 all we have.

6 AGENDA ITEM NO. 19

7 CHAIRMAN ALCANTAR: All right. Commissioners
8 will be going into Executive Session under Agenda Item 19(c)
9 and pursuant to Government Code 551.074(a)(1) regarding The
10 Appointment, Employment, Evaluation, Reassignment, Duties,
11 Accomplishments, Performance, Goals, and Responsibilities of
12 the Executive Staff and Other Personnel. And under Agenda
13 Item 19(d) pursuant to Government Code 551.071(1) regarding
14 the pending litigation of Maria Olivas v. TWC.

15 (Off the record 9:42 a.m. to 10:47 a.m.)

16 CHAIRMAN ALCANTAR: It is 10:46 a.m. We are
17 back in session. Do we have a motion to adjourn?

18 COMM. HUGHS: I move that we adjourn.

19 COMM. ALVAREZ: Yeah, I do, too. I agree
20 with that.

21 CHAIRMAN ALCANTAR: We're adjourned. Thank
22 you.

23 (Proceedings concluded at 10:48 a.m.)

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C E R T I F I C A T E

STATE OF TEXAS)
COUNTY OF TRAVIS)

I, Kimberly C. McCright, Certified Vendor and Notary in and for the State of Texas, do hereby certify that the above-mentioned matter occurred as hereinbefore set out.

I FURTHER CERTIFY THAT the proceedings of such were reported by me or under my supervision, later reduced to typewritten form under my supervision and control and that the foregoing pages are a full, true and correct transcription of the original notes.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 7th day of July, 2016.

/s/ Kimberly C. McCright
Kimberly C. McCright
Certified Vendor and Notary Public

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