



**MEETING OF THE
TEXAS WORKFORCE COMMISSION**

May 12, 2020

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MALE: Julie, can you hear me? All right, thank you, Julie.

CHAIRMAN DANIEL: All right, I [unintelligible].

MALE: All right.

CHAIRMAN DANIEL: We're getting some feedback.

MALE: We may all have to mute our mics again.

CHAIRMAN DANIEL: All right, let's try this. Good morning, everyone. The meeting is called to order. Mr. Trobman, has anyone signed up for public comment?

MR. TROBMAN: Yes, good morning, Commissioners. I believe we have Heather Torres to provide comment. Ms. Torres, if you're here, if you could unmute yourself. Unmute your phone and then state your name and who you represent, then go ahead with your comments.

HEATHER TORRES: Can you hear me, sorry?

MALE: [Unintelligible].

HEATHER TORRES: Hello. There's a lot of feedback. That's better. Okay. [Unintelligible] with me or not? It's so loud. Okay. Well, thank you for having me. Sorry, every time I talk there's so much background noise I'm not sure what to do.

1 MALE: Chairman, I can hear her. I hear
2 the background noise but I am able to hear comments.

3 HEATHER TORRES: Okay, so I can just start
4 talking?

5 MALE: Yes.

6 HEATHER TORRES: Okay, thank you. My name
7 is Heather Torres and I am the Executive Director of Hope
8 Lutheran Learning Center. I have been in the early childhood
9 education, HA Childcare, for 17 years. Starting off as a
10 teacher's assistant and working my way up to Executive Director,
11 a position I've held now for the past 11 years. I'm an active
12 member of NACI.

13 FEMALE: [Unintelligible] she's logged in
14 twice [unintelligible].

15 HEATHER TORRES: Okay, what do you need me
16 to do?

17 FEMALE: Oh, are you there, Heather?

18 HEATHER TORRES: I can still hear you. I
19 just can't see anybody.

20 FEMALE: I thought [unintelligible]. You're
21 good.

22 HEATHER TORRES: Okay. Okay. I have been
23 an active member and speaker for the NACI and for the
24 Association of Early Learning Leaders. Childcare centers and
25 childcare teachers and employees are often overlooked and

1 underappreciated in the field of education. At times we are
2 labeled babysitters and not real educators. We are often left
3 out of teacher appreciation week freebies and left off special
4 thank you lists. If any of you have ever been in the process of
5 purchasing a house and walked the floors of a potential home
6 purchase you would have noticed the paint colors, the windows,
7 the floor layout. Rarely upon first laying eyes upon the house
8 would you comment on the foundation it's built upon. It will be
9 overlooked until much further inspections are made. Early
10 childhood education is the foundation in which a child's
11 education, self-worth and emotional and social intelligence is
12 built upon and at first glance it is often overlooked. But
13 sadly, my fellow early educators and I are used to this.

14 During a time that is considered too
15 dangerous for public schools to be open, childcare centers not
16 only remained open but took in the very children not allowed to
17 attend public school. In March, when childcare centers were
18 labeled essential the early educator's community rejoiced
19 because finally we had been seen. The State of Texas was
20 correct by allowing us to still operate because if we were
21 closed who would care for the doctor's, nurse's, electrician's
22 and elected official's children? Yes, we were given stricter
23 guidelines but this is nothing new for us.

24 Then it was announced that the Texas
25 Workforce Commission would cover the childcare costs for

1 essential workers. I passed this information along to the
2 families that I serve because at the time we are only allowed to
3 serve essential workers. Because it was not clearly stated I
4 had to investigate how much my center would be reimbursed by the
5 state and if I could charge the parents the tuition difference.
6 After many phone calls and emails gone unanswered I found out
7 that the Texas Workforce Commission would only be paying the
8 much lower state rate of childcare tuition and I was not allowed
9 to charge the parents the tuition difference.

10 These essential worker parents, who are
11 still receiving their full paycheck, were not allowed to pay the
12 difference of \$35 per week. This meant that I had to provide
13 the same service but at a 30 percent lower income. During a
14 time where cleaning and food costs are rising I had to cut costs
15 somewhere. Did this mean that I would have to cut the hourly
16 rate of my essential employees, the actual teachers taking care
17 of the children?

18 This put my entire program at risk
19 along with other centers across the state. When I asked why we
20 were not allowed to ask the parents to pay the difference I
21 explained how by helping others you were hurting us. I was told
22 that the Texas Workforce Commission had not thought of this
23 aspect before. That the Texas Workforce Commission you are
24 human and you make mistakes and that it is the essential parents
25

1 that I am serving risk their lives by working so they deserve
2 this break.

3 I assure you that childcare providers
4 are risking our lives more than a parent who is working from
5 home. We cannot social distance from a two-year-old who is
6 having a bad day and needs more hugs. I urge all of you, before
7 you pass any more bills, laws or grants, to consult actual
8 childcare directors that are currently on the front line of this
9 pandemic. Ratios, cleaning and any other new rules that will be
10 passed will directly affect thousands of people's lives. I
11 would be more than happy to be contacted in the future to advise
12 the Texas Workforce Commission in any way I can. Please allow
13 us to pass a tuition difference to the parents as giving them a
14 70 percent discount is still a great way to say thank you and
15 allows us to operate fully funded.

16 When can we start charging the parents
17 the difference? And another concern is, when can we start
18 caring for non-essential parent children? That is all.

19 CHAIRMAN DANIEL: Thank you. All
20 right, are there any other public comment? All right, hearing
21 none, let's move to Agenda [unintelligible]. Good morning, Ms.
22 Miller.

23 CHAIRMAN DANIEL: Thank you. This
24 brings us to the end of Agenda Items One through Seven. Let's
25 then move to Agenda Item Eight. Discussion concerning possible

1 action regarding an order to adopt program year 2020 and fiscal
2 year [unintelligible], funding estimates and funding
3 distributions to local workforce development areas
4 [unintelligible].

5 MALE: It should be Chris but I don't--
6 Chris Nelson are you on the--Mr. Chairman, we may go on to the--
7 if I can impose upon you to [unintelligible] item and I'll see
8 where Chris is at.

9 CHAIRMAN DANIEL: Say that again, Mr.
10 [unintelligible].

11 MALE: If I could impose upon you to go
12 onto the next Agenda Item, the Covid-19 [unintelligible].

13 CHAIRMAN DANIEL: You sure can.

14 MALE: I'll see where Chris Nelson is
15 at.

16 CHAIRMAN DANIEL: Understood. Thank
17 you. So we don't [unintelligible] Agenda Item Nine, we'll go
18 ahead and take up Agenda Item 10 while we're solving the
19 technical issue on Chris. This is discussion and consideration
20 of possible [unintelligible] guidance on resource utilization
21 and implementation of services and strategy. Target
22 [unintelligible] relief efforts and public health emergencies
23 including those funded with [unintelligible] dislocated worker
24 grant.

25

1 MALE: And before Clay gets started I
2 was going to just ask everybody that's on the call whether
3 they're a TWC employee or otherwise to just mute your phones,
4 your laptops, whatever, because I'm seeing a lot of other people
5 calling, user 88, 87, 3, we're hearing background noise. I
6 think Chris Nelson is ready. He got knocked off the call. So,
7 Mr. Chairman, if we could go back to that agenda item, I'd
8 appreciate it.

9 CHAIRMAN DANIEL: Okay, we're back to
10 Agenda Item Eight as stated previously.

11 CHRIS NELSON: Good morning, Chairman,
12 Commissioners, [unintelligible] for the record, Chris Nelson,
13 Chief Financial Officer. Can you hear me?

14 CHAIRMAN DANIEL: We can hear you.

15 CHRIS NELSON: Okay. This morning you
16 have before you the FY '21 PY2020 allocations for
17 [unintelligible] adult, youth and dislocated worker, rapid
18 response distributions and adult education and literacy planning
19 estimates. These would go into contracts effective July 1,
20 2020. Page one of your document is a summary of the adult,
21 youth and dislocated worker total allocations. Pages two
22 through four are the individual allocations by local area for
23 each program. A few things to note, these amounts reflect an
24 overall 7.5 percent reduction to the [unintelligible] allotments
25 mainly coming from reductions to the Texas allotment of adult

1 youth funding. Texas' dislocated worker funding also received a
2 slight reduction but much smaller than the adult youth funding.

3 The allocation of these amounts reflect
4 [unintelligible] data from 2019 as the economy was doing very
5 well in Texas and two of the factors used about 66 percent of
6 the adult and youth allocations show reduced counties and areas
7 of substantial unemployment and reduced numbers of excess
8 unemployment in areas of substantial unemployment. This
9 accounts for the increases and decreases by local area for adult
10 and youth along with the reduced state allotment. On page five
11 you have the rapid response distribution, which represents 1.25
12 percent of the dislocated worker allotment consistent with what
13 we did last year.

14 Starting on page six you have the
15 planning estimates for adult ed. We should be receiving the
16 final allotment in the next few weeks at which point we'll bring
17 the final document to you for approval for final allocation.
18 For AEL the planning estimate allotment is 1.2 percent higher
19 than last year so slightly more than we got compared to what
20 just happened on [unintelligible]. And that concludes my
21 remarks on [unintelligible]. Happy to answer any questions.

22 CHAIRMAN DANIEL: Questions or
23 comments?

24 MALE: No questions, Chairman. Here.

25 CHAIRMAN DANIEL: Do I need a motion?

1 MALE: Yes, Chairman. I move that we
2 approve Fiscal Year 2021, Fiscal Year 2020, [unintelligible]
3 grant allocations, distributions and planning estimates for
4 [unintelligible] adult, youth and dislocated worker, rapid
5 response and [unintelligible] as discussed by staff and order
6 the executive director to administer these block grant
7 allocations in the most feasible and economic manner within in
8 all guidelines prescribed by HB1, general appropriations act,
9 '86 legislature, regular session, the Texas Labor Code and TWC
10 rules.

11 MALE:: Second.

12 CHAIRMAN DANIEL: [Unintelligible],
13 second, we're unanimous. Thank you.

14 CHRIS NELSON: Thank you.

15 CHAIRMAN DANIEL: Let's move back to
16 Agenda Item 10, as previously stated.

17 MALE: We'll have Clay Cole first and
18 then Courtney Arbour.

19 CLAY COLE: Okay, good morning,
20 Commissioner Daniel. Good morning, Chairman Daniel,
21 Commissioner Alvarez, Commissioner Demerson, Mr.
22 [Unintelligible]. For the record, Clay Cole, Unemployment
23 Insurance. UI has experienced a downturn in UI claims over the
24 past week, however, levels are still much higher than the pre-
25 Covid-19 days. UI and IT teams deployed the pandemic emergency

1 unemployment compensation program over the weekend. Payments
2 for PUC starting yesterday. Over the next couple of weeks TWC
3 will be mailing approximately 130,000 notices to potential
4 customers providing instructions for applying for the 13-week
5 extension of federal benefits for those individuals who have
6 exhausted regular state unemployment benefits dating back to
7 2019 in some cases.

8 The process can be very simple as
9 individuals are calling an IVR and answering a couple questions,
10 which can trigger the claim unless there's an issue that we
11 detect upfront. Teams have deployed an assembly line processing
12 plan for processing the pandemic unemployment assistance proof.
13 The PUADUA proof. Processing began accelerating last week with
14 the addition of new temporary staff. And today UI staff will be
15 training TWC's facility staff on helping processing DUAPUA
16 federal income tax proof and other employer responses.

17 TWC partner call centers are learning
18 new skills enabling them to service a greater number of UI
19 customers and assist with outbound calls. This will continue to
20 help TW experienced staff focus on highly skilled assignments.
21 UI continues to work closely with communication, finance,
22 operational insights on messaging outreach and data analytics
23 for reducing and preventing unnecessary calls to call centers.
24 This week we'll be drilling down into some additional trends and

1 efforts to identify claims that we can--that can be updated with
2 automated scripts.

3 UI continues to actively work on plans
4 for Texas opening back up for business. UI and IT deployed a
5 new website portal this weekend to capture information from
6 employers about individuals not able to return to work. UI
7 continues to monitor assignment productivity closely for
8 training and shifting internal resources to areas of most
9 pressing need.

10 And again, just a big thanks to all our
11 TWC volunteers for helping us during these unprecedented times.
12 This concludes my update and I'll be happy to answer any
13 questions you may have.

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

16 MALE: None from here, Chairman, thank
17 you.

18 MALE: No questions here, thank you.

19 CHAIRMAN DANIEL: Thank you, thank you,
20 Clay.

21 MALE: Courtney Arbour.

22 COURTNEY ARBOUR: Good morning,
23 Commissioner. Mr. Serna. For the record, Courtney Arbour,
24 Workforce Division. On April 14, the Commission took action to
25 make funds from several [unintelligible] available for Covid

1 response. Much collaborative activity has taken place from that
2 time to now to develop and execute grants with--between
3 workforce business operations, legal and finance and others.
4 [Unintelligible] have acted quickly to bring those activities
5 into play.

6 Staff were asked at an April 14
7 Commission meeting to share a one-month update on the status of
8 those funds and my remarks today will provide that update.

9 [Unintelligible] grants were executed to the 28 workforce board
10 making [unintelligible] funds available for purchasing tools to
11 assist employers and job seekers remotely, for remote hiring
12 events and other online [unintelligible] in addition to hiring
13 staff and expanding their online presence through website
14 activities. Procurements and purchases are underway for
15 distance learning and website expansion [unintelligible] updates
16 have been made to their websites and the hiring of staff is also
17 underway in the [unintelligible].

18 Funds were approved for adult education
19 literacy activities for [unintelligible] distance learning for
20 purchase of software and other online tools enabling greater
21 reach for student instruction and approximately a million
22 dollars in expenses at the local level are already contract
23 [unintelligible].

24 Commissioners, you're aware that the
25 funds were also made available for integration of staff at the

1 AEL sites doing follow-up with students to determine testing and
2 employment outcomes. [Unintelligible] students now will include
3 a discussion of any layoffs, including Covid-related layoffs,
4 with referrals made to workforce solutions offices for help. So
5 the timing of that funding and the additional funding you
6 provided is timely given our economic situation.

7 Nine applications have been submitted
8 [unintelligible] approved totally just under \$1.4 million. The
9 funds will be used for training in addition to
10 purchasing software or expanded licenses for software for
11 virtual hiring events for employers and [unintelligible].
12 Employers with other layoff aversion and rapid response
13 strategies, such as purchasing personal protective equipment,
14 wage assistance--or excuse me, or other unplanned Covid-related
15 costs with training being the real priority here to help with
16 layoff aversion or upscaling in this changing economy. Also,
17 boards have purchased literature and materials to assist job
18 seekers in transitioning to re-employment in this changing
19 economy.

20 On skills development, nine
21 applications have been received requesting training in sectors
22 that are in highest demand right now, including manufacturing,
23 hospitality, food chain supply and including meat processing
24 plants, healthcare and transportation are the greatest priority.
25 In future weeks I'll provide you with information about the

1 training counts. These applications are approved and underway
2 and we'll be able to tell you with these number of funding
3 streams updates on the number of people who have been impacted
4 or are receiving training services specifically with the
5 dollars.

6 I'm happy to answer any questions you
7 have.

8 CHAIRMAN DANIEL: Any comments or
9 questions?

10 MALE: Chairman, the only comment we
11 have is to just acknowledge the great work that Dale and his
12 team and, of course, Anson, have done to inform the folks around
13 the state about the various opportunities they have for short-
14 term training. So I just wanted to acknowledge that, so thank
15 you.

16 MALE: Mr. Chairman, I [unintelligible]
17 comment on the virtual hiring events that the boards are taking
18 on. I think as we begin to reopen and talk about jobs that are
19 available, those are vitally important. We were visiting with
20 the [unintelligible] about [unintelligible] weeks ago and making
21 sure that we [unintelligible] in those positions is very
22 important for the employers here in Texas and so I commend the
23 team [unintelligible] who are doing around that as we adjust to
24 the situation we're dealing with.

25

1 CHAIRMAN DANIEL: Thank you. Courtney,
2 thank you.

3 COURTNEY ARBOUR: Thank you.

4 ED SERNA: And Mr. Chairman,
5 Commissioners, I have one item under this agenda item and that
6 is to inform the Commission that staff has started developing
7 proposals to present to the Commission in formal meeting on when
8 we will reinstate work search. We've got some information that
9 I'll be sharing with Commission offices and we'll make public,
10 of course, that goes hand-in-hand with what Clay and Courtney
11 have reported. Clay reported on our continuing UI activities.
12 Courtney reported on our preliminary steps in the recovery, and
13 the restart of the economy and part of that is us looking at
14 alternatives on when we will reinstate work search. We
15 recognize, of course, that there are constraints still in the
16 economy and we want to take those into consideration. I know
17 that I was quoted in the Texas Tribune as indicating that when
18 the Governor established 50 percent, that we would go 50 percent
19 and that may be something being proposed but there are other
20 alternatives, as well, that we propose to make and may make more
21 sense. So that's just kind of a starting stake in the ground
22 that I challenged staff with and starting putting plans
23 together.

24 I have had conversations with
25 legislative members and will continue to seek input from our

1 staff with regard to where the economy's at and the availability
2 of jobs for individuals as well. Plus the exceptions that we
3 have in place right now we continue to apply with regard to the
4 impacts of Covid, quarantine, health issues and, of course,
5 childcare. So this is just a heads-up item to let the
6 Commissioners know that staff will be proposing something in the
7 next week or two on how we believe we should re-implement.

8 CHAIRMAN DANIEL: Well, that's an
9 important next step for us and I would encourage you and staff
10 to continue to visit with the multiple stakeholders that are
11 interested in this issue. There are a number of factors that we
12 need to consider and even some variable [unintelligible]. An
13 informed decision here I think is very, very important and so
14 whether the next meeting or the next, I look forward to having
15 that information to help this Commission make an informed
16 decision. Commissioners, comments or questions for Mr. Serna on
17 this issue?

18 MALE: No, Chairman, but thank you, Ed,
19 for providing us with an update and meeting with your staff
20 regularly and obviously with the Governor's Office regarding
21 what our next steps will be. So thank you for that.

22 MALE: I have nothing else, Mr.
23 Chairman.

24 CHAIRMAN DANIEL: Okay. Well,
25 Commissioner Demerson, are you [unintelligible]?

1 COMMISSIONER DEMERSON: No, I was just
2 going to say a strategic and calculated approach as you
3 mentioned is the way we want to go towards work search.

4 CHAIRMAN DANIEL: Absolutely. Thank
5 you, sir. Ms. [unintelligible], thank you. That's all we have
6 in Agenda Item 10 is what I'm showing. Tom, do you have a
7 report today?

8 TOM MCCARTY: Yes, sir, I do have a
9 report. Good morning, Chairman Daniel, Commissioner Alvarez,
10 Commissioner Demerson. For the record, Tom McCarty, External
11 Relations. Congress returned from recess last week. While
12 there has been talk of further stimulus bills related to Covid-
13 19, neither chamber has begun to move in any new pieces of
14 legislation yet. We will, of course, keep your offices informed
15 as things develop. We are monitoring one federal hearing this
16 week. Today at 10:00 A.M. the U.S. Senate Health, Education,
17 Labor and Pensions Committee is holding a hearing entitled,
18 Covid-19 Safely Getting Back to Work and Back to School. This
19 concludes my remarks and I'm happy to answer any questions you
20 may have.

21 CHAIRMAN DANIEL: Thank you, Tom.
22 Comments or questions? I'm hearing none. Thank you. Mr.
23 [unintelligible], do you have anything to report under the
24 executive director report?

25

1 MALE: No, sir, only that staff
2 continues to concentrate as they reported on our support of
3 fellow Texans on the UI side. And Courtney and her team
4 continue to provide support on the restart effort. We'll
5 continue to do that.

6 CHAIRMAN DANIEL: I encourage staff to
7 continue to work together as we look at ways to restart not just
8 our offices but certainly the services that we're providing to
9 Texans. I think we're going to have to be somewhat creative in
10 [unintelligible] to provide services to people and maybe even
11 some novel and new services that we haven't thought of.

12 Mr. Serna, I do encourage staff to work
13 together across divisions. I know it's difficult when we're
14 moving as rapidly as we are because sometimes consult with our
15 colleagues. But I think that it's pretty critical here that we
16 do that. I think our folks have been doing a great job at
17 addressing issues as they come up. I see us moving toward
18 hopefully a more proactive kind of approach and maybe
19 anticipating some things. This happened very rapidly,
20 [unintelligible] very rapidly and sometimes I feel like we had
21 to feel our way to a solution rather than approach it directly.
22 And I think that's understandable. That's not a criticism from
23 me. It's just simply stating the facts of what we saw.

24 But as I see businesses able to reopen
25 under the protocols that the Governor has announced and that the

1 state's scientific and medical community are encouraging us to
2 do, I think that employers are going to have some questions. I
3 think that employees are going to have some questions. And I
4 think that a number of answers to those questions are going to
5 come from our staff here at TWC, both in an advisory capacity
6 and in our ability to deliver programs.

7 The short version of what I'm
8 suggesting is, is that I continue to encourage staff to put
9 these things in writing, bring them to the Commission in writing
10 and collaborate with their colleagues when they do it so that we
11 have a fairly cohesive plan.

12 MR. SERNA: Yes, sir, absolutely we
13 will.

14 CHAIRMAN DANIEL: Any questions or
15 comments for Mr. Serna?

16 MALE: No, Chairman.

17 MALE: None here.

18 CHAIRMAN DANIEL: Is there any other
19 order of business to come before the Commission today? Hearing
20 none, do we have a motion to adjourn?

21 MALE: Chairman, I move that we
22 adjourn.

23 MALE: I second.

24 CHAIRMAN DANIEL: It's been moved and
25 seconded to adjourn. We're adjourned, thank you.