



**MEETING OF THE
TEXAS WORKFORCE COMMISSION**

August 4, 2020

1 TUESDAY, AUGUST 04, 2020

2 CHAIRMAN DANIEL: All right, good morning,
3 everyone. This meeting is called to order. Mr. Trobman, has
4 anyone signed up for public comment?

5 MR. TROBMAN: Good morning, Commissioner.
6 It's Les Trobman, general counsel. We do not have anyone
7 registered to provide public comment this morning.

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

10 MS. MILLER: Good morning, sir.

11 CHAIRMAN DANIEL: Thank you. This brings
12 us to the end of Agenda Items 3 through 7. We're going to take
13 a quick break to reset for the rest of the meeting.

14 COMMISSIONER ALVAREZ: Yes, sir.

15 CHAIRMAN DANIEL: All right, there's
16 everybody back. All right, this meeting is back in order. This
17 brings us to Item 8 on the Agenda. Item 8 is being postponed to
18 a future meeting. Item 9 is being postponed to a future
19 meeting. This brings us to Agenda Item 10, discussion,
20 consideration, possible action regarding communication access
21 for vocational rehabilitation customers.

22 JASON VADEN: Good morning, Commissioner.
23 For the record, Jason Vaden, Vocational Rehabilitation Division.
24 The Vocational Rehabilitation Division has historically used the
25 Texas Health and Human Services Commissions, communication

1 services for state agencies, or CSSA guidelines and rates for
2 [unintelligible] access providers. Those guidelines allow no-
3 show fees to be charged when interpreters are scheduled, but the
4 customer fails to attend the appointment. Those guidelines also
5 allow late cancellations fees to be charged when interpreter
6 services are cancelled less than 48 business hours prior to that
7 scheduled service. However, the Rehabilitation Services
8 administration advised the VR agencies that no-show fees are an
9 improper payment and, as such, not an allowable use of VR funds.

10 As a result, on December 17th of 2019, you
11 called to action, directing staff to notify communication access
12 providers about the revised proposed rate structure to comply
13 with federal guidance and to bring back the feedback received
14 along with proposed rates this year for formal adoption.
15 However, subsequent to that action, the Rehabilitation Services
16 administration issued a revised guidance providing states with
17 the flexibility to make cancellation fee payments and
18 instructing that the payments are an allowable use of VR funds.

19 As a result, we've continued to use the
20 CSSA rates that have been in place historically. We also met
21 with HHSC about the CSSA rates, which have not been updated in
22 recent years. We learned that they are reviewing the rates and
23 we anticipate they might be updated in the near future.

24 Commissioners, this morning, staff seeks
25 direction on the continuation of the VR rates for communication

1 access services in alignment with the HHSC, CSSA guidelines and
2 rates, which include appropriate cancellation fees. Also, in
3 anticipation of future rate adjustments by HHSC, staff seeks
4 direction on making corresponding adjustments to the VR rates to
5 maintain that alignment moving forward.

6 Commissioners, this concludes my remarks
7 and I'm happy to answer questions if you have any.

8 CHAIRMAN DANIEL: Comments or questions?

9 COMMISSIONER ALVAREZ: No questions here,
10 Chairman.

11 COMMISSIONER DEMERSON: None.

12 CHAIRMAN DANIEL: All right, do we have
13 any motions?

14 COMMISSIONER ALVAREZ: I move that we
15 approve the use of VR rates, which are based on CSSA for
16 interpreting and CART services that were in place prior to
17 December 17, 2019 with the understanding that the CSSA rates
18 might be updated in the future, as discussed by staff.

19 COMMISSIONER DEMERSON: Second.

20 CHAIRMAN DANIEL: Been moved and seconded.
21 We're unanimous. Let's move to Agenda Item 11, discussion,
22 consideration, and possible action regarding statewide
23 initiatives, funding, [unintelligible] Personalization
24 Opportunity Act, Temporary Assistance for Needy Families, Adult
25 Education and Literacy, childcare or other state level funds.

1 Adult Education and Literacy, AEL, Math Assistance

2 [unintelligible] or RFA, 32020-00214.

3 FEMALE WORKFORCE DIVISION: Good morning,
4 Chair, Commissioners, and Mr. Serna. For the record,
5 [unintelligible], Workforce Division. Texas Workforce
6 Commissions [unintelligible] grant applications from eligible
7 applicants to collaborate with AEL providers to operate a Math
8 Assistance call center for up to \$500,000. The call center will
9 assist eligible AEL students in preparing for the mathematics
10 portion of the Texas Certificate of High School Equivalency.
11 Assistance will also be available to AEL students who lack
12 sufficient skills in mathematics to participate effectively in
13 society. An RFA was published in May, evaluators scored the
14 applications resulting in one grant award that is anticipated to
15 start in August of 20. Recent AEL legislation requires all
16 grant applications and awards for the AEL program to be reviewed
17 and approved by TWC's commissioners prior to notification of
18 award to the grant recipient. Therefore, staff recommend
19 commission approval for one grant award for the AEL Math
20 Assistance Call Center. Any questions?

21 CHAIRMAN DANIEL: Comments or questions?

22 COMMISSIONER ALVAREZ: I do have a comment
23 on this Agenda Item, Chairman. Commissioners, I would like to
24 defer this Agenda Item until the next commission meeting. I
25 would like staff to brief each of the commissioners on the

1 scoring details for this application. At this time, I do not
2 feel that I have sufficient information upon which to base a
3 decision.

4 CHAIRMAN DANIEL: Additional comments or
5 questions?

6 COMMISSIONER DEMERSON: I know we were
7 looking at taking action on this [unintelligible], Commissioner
8 Alvarez, but I also want us to make sure that we're looking at
9 Texas employers for these tremendous opportunities. So, anyway,
10 I think looking at this might be an opportunity for us.

11 FEMALE WORKFORCE DIVISION: Excellent.
12 We'll set up a briefing on both commissioners, thank you.

13 CHAIRMAN DANIEL: Thank you. This will
14 move us to Item 12, discussion, consideration and possible
15 action regarding guidance on resource utilization or
16 implementation of services and strategies to target disaster
17 relief efforts and public health emergencies, including those
18 funded with the Department of Labors' Disaster Dislocated Worker
19 Grant.

20 ED SERNA: Chairman, Commissioners, Ed
21 Serna, Executive Director Texas Workforce Commission. Really
22 have no staff reports from any of the divisions that are working
23 through the COVID emergency. I would like to report, however,
24 that we did not have to draw down any Title 12 loans yesterday,
25 as Texas employers deposited approximately \$175 million into the

1 fund and that covered all the state benefits that were paid.

2 With that, I have nothing else to report.

3 CHAIRMAN DANIEL: All right, thank you.

4 Any questions for Ed?

5 COMMISSIONER ALVAREZ: No, sir.

6 CHAIRMAN DANIEL: All right, Item 13 is
7 being postponed to a future meeting. Item 14, discussion,
8 consideration, and possible action regarding the Initial High
9 School Equivalency Voucher distribution related to
10 [unintelligible] enacted by the 86th Texas Legislature, regular
11 session.

12 MAHALIA BALDINI: Good morning, Chair
13 Daniel, Commissioner Alvarez, Commissioner Demerson, and Mr.
14 Serna. For the record, my name is Mahalia Baldini with Adult
15 Education and Literacy. House Bill 3 Section 1.046 enacted by
16 the 86th Texas Legislature in a regular session of 2019 added a
17 new section to the Texas Education Code, Section 48.302, subsidy
18 for High School Equivalency Examination for certain individuals.
19 This legislation required that the Texas Education Agency enter
20 into an MOU with TWC when transferring funds to subsidize the
21 cost of a high school equivalency exam for individuals who are
22 21 years of age or older. It also required TWC to develop rules
23 addressing program implementation and eligibility requirements
24 for high school equivalency subsidy program.

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1 First, issue one of this discussion paper
2 describes the methodology for the initial voucher distribution
3 to AEL grant recipients. Proposed rules under new Subchapter E
4 require the commission to approve an initial high school
5 equivalency voucher distribution by September 1 of each year.
6 The proposed rules also allow for the commission to approve an
7 adjustment to the distributions mid-year or at any other time,
8 based on the voucher usage and demand.

9 TWC staff will monitor the voucher usage of
10 this initial distribution to recommend any further distribution
11 changes. The methodology used for the proposed initial voucher
12 distribution, as shown in table 1 of your notebook materials,
13 considers individual high school equivalency test-taking data
14 from 2019 through February of 2020.

15 Issue two describes the plan for AEL grant
16 recipients to distribute vouchers to eligible individuals.
17 Proposed rules under new Subchapter E, state that TWC will
18 prioritize subsidies for current or former AEL program
19 participants, but also states that subsidies may go to
20 individuals who are eligible to receive a subsidy, but are not
21 current or former AEL participants.

22 Because AEL grant recipients will manage
23 the voucher distribution to eligible subsidy recipients, staff
24 is recommending that TWC provide AEL grant recipients
25 flexibility to develop local policies related to the

1 distribution of subsidies to individuals who are not current or
2 former AEL participants.

3 So, at this time, staff seeks direction on
4 the items described in one and two, distribute high school
5 equivalency subsidy vouchers, as shown in table one, to
6 implement the high school equivalency subsidy program required
7 under House Bill 3, and to allow AEL grant recipients to develop
8 local policies related to the distribution of subsidies to
9 individuals who are not current or former AEL participants. So,
10 thank you for your time this morning, and I'm happy to answer
11 any questions.

12 CHAIRMAN DANIEL: Comments or questions?

13 COMMISSIONER ALVAREZ: No comments at this
14 time, Chairman.

15 COMMISSIONER DEMERSON: None here.

16 CHAIRMAN DANIEL: Do we have any motions?

17 COMMISSIONER ALVAREZ: Chairman, I move
18 that we approve the distribution of HSC vouchers as outlined in
19 table one and approve allowing AEL grant recipients to develop
20 local policies related to distribution of vouchers to
21 individuals who are not current or former AEL participants, as
22 discussed.

23 COMMISSIONER DEMERSON: Second.

24 CHAIRMAN DANIEL: Been moved and seconded.

25 We're Unanimous. Thank you.

1 MS. MILLER: Thank you.

2 CHAIRMAN DANIEL: Move to Agenda Item 15,
3 discussion, consideration and possible action regarding approval
4 at local workforce development for nominees.

5 SHUNTA WILLIAMS: Good morning, Chairman
6 Daniel, Commissioner Alvarez, Commissioner Demerson, and Mr.
7 Serna. For the record, Shunta Williams with the Workforce
8 Development Division. And before you for consideration, we have
9 Workforce Board Nominees for Workforce Solutions Capital Area,
10 North Texas, Northeast Texas, Panhandle, South Plains, and
11 Southeast Texas. This concludes my request and I'm here to
12 answer any questions you may have.

13 CHAIRMAN DANIEL: Comments or questions?

14 COMMISSIONER ALVAREZ: No comments, sir.

15 COMMISSIONER DEMERSON: None here.

16 CHAIRMAN DANIEL: Do we have a motion?

17 COMMISSIONER ALVAREZ: Chairman, I move
18 that we approve the board nominees for Capital Area, North
19 Texas, Northeast Texas, Panhandle, South Plains, and Southeast
20 Texas.

21 COMMISSIONER DEMERSON: Second.

22 CHAIRMAN DANIEL: Been moved and seconded.
23 We're unanimous. Thank you. Do we have a legislative report
24 today?

25 COMMISSIONER ALVAREZ: Yes, sir.

1 MICHAEL BRICK: Good morning, Chairman
2 Daniel, Commissioner Alvarez, Commissioner Demerson. For the
3 record, Michael Brick, Governmental Relations. I do have an
4 update this morning. Congressional leaders are continuing
5 negotiations on additional COVID-19 relief legislation,
6 including a potential extension to the Federal Pandemic
7 Unemployment Compensation Program that expired at the end of
8 July. At this time, an agreement has not yet been reached. We
9 will continue to monitor these negotiations and Congressional
10 action and will keep your offices updated as details emerge
11 related to unemployment insurance or other TWC programs.

12 Regarding the Texas legislature, House
13 Committee on International Relations and Economic Development
14 Chairman [unintelligible] Rafael Anchia has requested TWC to
15 present at a virtual Town Hall he is hosting on Wednesday,
16 August 12 at 9:00 AM on the topic of Childcare as Economic
17 Development. Chairman Anchia has requested that TWC speak on
18 several points, including the importance of childcare in
19 relation to economic development, how the COVID-19 pandemic has
20 affected childcare operations and exposed vulnerabilities, and
21 what the state can do to ensure high quality childcare is
22 available for parents throughout the state.

23 Reagan Miller will be participating in the
24 Town Hall on behalf of TWC. The virtual Town Hall will be open
25 to all members of the Texas Legislature as well. While these

1 Town Halls are not formal committee meetings, with the COVID-19
2 pandemic preventing House Committees from holding formal in-
3 person meetings, House Committee Chairs are making use of these
4 virtual Town Halls to hear reports from the public and experts
5 on topics of importance to their committees and the Texas
6 Legislature. This concludes my remarks and I'm happy to answer
7 any questions you may have.

8 CHAIRMAN DANIEL: Any comments or
9 questions?

10 COMMISSIONER ALVAREZ: No, chairman.

11 COMMISSIONER DEMERSON: None. Thank you,
12 Michael.

13 CHAIRMAN DANIEL: All right, Ed, do we
14 have an Executive Director's Report today?

15 ED SERNA: No, sir. I have nothing to
16 report.

17 CHAIRMAN DANIEL: All right. Is there any
18 other order of business to come before the commission?

19 COMMISSIONER ALVAREZ: Not from here,
20 Chairman.

21 COMMISSIONER DEMERSON: None here.

22 CHAIRMAN DANIEL: Then, do we have a
23 motion to adjourn?

24 COMMISSIONER ALVAREZ: Chairman and
25 Commissioner, I make a motion that we adjourn the meeting

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COMMISSIONER DEMERSON: Second.

CHAIRMAN DANIEL: It's been moved and seconded to adjourn. This commission meeting is adjourned. Thank you.

COMMISSIONER DEMERSON: Thank you, guys. Have a good week.

CHAIRMAN DANIEL: You too. Thanks so much. It's good to see you guys, even if it's on the screen.

COMMISSIONER DEMERSON: Yep, you got it. Thumbs up.

COMMISSIONER ALVAREZ: I'm the same height as you all [unintelligible] appreciate it.

COMMISSIONER DEMERSON: Yes, sir. All right.

CHAIRMAN DANIEL: All right, have a great day.

COMMISSIONER ALVAREZ: You too, chairman, commissioner, everyone.