



**MEETING OF THE
TEXAS WORKFORCE COMMISSION**

DATE

NOVEMBER 7, 2023

1 Tuesday, November 7, 2023

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

5 CHAIRMAN DANIEL: Thank you very much. This
6 is [inaudible] out of the box, Child Care Local Match for Board
7 Contract Years 2023 and 2024.

8 SANDRA WILLIAMS: For the record, Sandra
9 Williams, Workforce Development Division. This is our first
10 child care local match for this year in accordance with federal
11 regulations and TWC Chapter 809, Child Care Services rule. TWC
12 requires boards to secure and submit local matching funds to TWC
13 in order to receive a portion of the CCDF funding. Supporting
14 documentation includes 17 board contract year 2024 match
15 agreements from five boards. Those five boards are Central
16 Texas, Dallas, Lower Rio, Panhandle, and Texoma. The boards have
17 secured 13.4 percent of the statewide child care local match
18 target for BCY24 with four of the five boards securing at least
19 50 percent of their target. Staff is recommending that TWC
20 accept child care pledges for donations, transfers, and
21 certifications for expenses for BCY24 in the amount of
22 \$5,418,606.

23 CHAIRMAN DANIEL: Comments or questions?

24 COMMISSIONER TREVIÑO: None here.

25 CHAIRMAN DANIEL: Is there a motion?

1 COMMISSIONER TREVIÑO: I move that we
2 approve the acceptance of the child care pledges for donations,
3 transfers, and certifications of expense for board contract year
4 2024 in the amount of \$5,418,606 as recommended today by staff.

5 CHAIRMAN DANIEL: Motion seconded, motion's
6 approved. This is Agenda Item 4, Waiver of a Portion of the
7 Child Care Services Rules in 40 TAC Sections 809.133 and
8 809.131.

9 REAGAN MILLER: Good morning, commissioners,
10 Mr. Serna. Reagan Miller with the Child Care & Early Learning
11 Division. This morning we have two waivers of the Texas Rising
12 Star child care rules. First is a waiver of Section 809.133(d),
13 which requires an onsite annual monitoring visit for existing
14 Texas Rising Star certified programs. We're requesting this
15 waiver during federal fiscal year 2024 in order to allow our new
16 Texas Rising Star centralized assessor entity to focus their
17 staffing resources on the entry-level programs that must become
18 Texas Rising Star certified by September 30th. This is a one-time
19 waiver tied to our initial implementation of mandatory Texas
20 Rising Star end of the start-up period for our new centralized
21 assessor entity. The new entity is in the process of staffing up
22 right now. The assessors can't go out and do their onsite visits
23 until the boards' mentors have worked with these child care
24 programs and they're ready to be assessed, so during this year
25 we'll be closely monitoring the boards' mentors' progress as

1 well as the centralized assessor entity's progress in the
2 implementation of mandatory Texas Rising Star. I also want to
3 note that if you approve this waiver, we will still be
4 conducting quarterly desk reviews of all current Texas Rising
5 Star certified programs looking at their child care regulation
6 history and any deficiency cited. Our second waiver is regarding
7 Section 809.133(d), also through the end of federal fiscal year
8 2024. This would allow current Texas Rising Star registered
9 homes who are expanding their capacity and becoming a licensed
10 home in the same location to be allowed to retain their Texas
11 Rising Star certification for six months based upon their child
12 care regulation initial permit rather than the child care
13 regulation full permit as required by current rules. These home-
14 based providers who are expanding capacity will receive an
15 onsite assessor visit within the first three months of this
16 facility change. This onsite visit will be required and would
17 not fall under the first waiver that I just discussed, which
18 waives onsite visits for current TRS programs. There's
19 additional detail in the discussion paper. We are recommending
20 approval of these two waivers and I'm happy to answer any
21 questions.

22 CHAIRMAN DANIEL: Comments or questions?

23 COMMISSIONER TREVIÑO: Just one. Given that
24 staff are asking for a one-time waiver of the TRS annual
25 monitoring assessments on behalf of the CLI, I ask that staff

1 provide the commission offices with quarterly updates on the
2 number of assessments conducted by CLI and the boards' progress
3 monitoring entry-level designated programs. Regarding the second
4 waiver, I would like clarification on how this waiver which
5 includes an onsite assessment within three months of a home-
6 based provider going from registered to licensed aligns with
7 waiver one. I want to confirm that the waiver one is not
8 applicable under the exception granted in waiver two.

9 REAGAN MILLER: Yes, on your second
10 question, this is correct. Waiver one is not applicable to those
11 home-based programs who go from registered to licensed. And on
12 your first request for data, we'll be happy to provide that with
13 you. It is something that we're closely monitoring and we'll be
14 happy to share quarterly updates with commission offices.

15 COMMISSIONER TREVIÑO: OK. Thank you,
16 Reagan.

17 CHAIRMAN DANIEL: We're taking a brief
18 recess. All right. We're back in session. Did you have any
19 further comments or questions on Agenda Item 4?

20 COMMISSIONER TREVIÑO: No.

21 CHAIRMAN DANIEL: Is there a motion?

22 COMMISSIONER TREVIÑO: I move that we
23 approve the following waivers through September 30, 2024, as
24 described in the discussion paper and presented here today.
25 Number one, waiver of 40 Texas Administrative Code, Section

1 809.133(d)(1), Texas Rising Star annual monitoring assessments
2 requirements, and number two, waiver of 40 Texas Administrative
3 Code, Section 809.131(a)(1), requirements for Texas Rising Star
4 home-based providers who are moving from a registered home to a
5 licensed home permit at the same location for up to a six-month
6 period.

7 CHAIRMAN DANIEL: I second the motion. The
8 motion carries. This is Agenda Item 5, Certification and
9 Recertifications of Community Rehabilitation Programs to
10 Participate in the Purchasing from People with Disabilities
11 Program.

12 JUAN GARCIA: Good morning, commissioners,
13 Mr. Serna. Juan Garcia with the Voc Rehab Division. This morning
14 for your approval we have one new CRP applying for certification
15 to participate in the Purchasing from People with Disabilities
16 Program, and 10 CRPs that are applying for recertification. The
17 new CRP is the Beacon Group out of San Antonio. The 10 CRPs that
18 are applying for recertification are as follows: Austin Task out
19 of Austin; Citizens Development Center in Dallas; Endeavors in
20 San Antonio; Fresh Start of Monroe in Amarillo; Opportunities
21 for Deserving Individuals in Beaumont; San Antonio Lighthouse
22 for the Blind in San Antonio; South Texas Lighthouse for the
23 Blind in Corpus Christi; Peak Performers in Austin; West Texas
24 Centers out of Big Spring; and World Technical Services in San
25 Antonio. Staff recommends the certification of one new CRP and

1 the recertification of 10 CRPs applying to participate in the
2 PPD Program. With that I can answer any questions you might
3 have.

4 CHAIRMAN DANIEL: Any comments or questions?

5 COMMISSIONER TREVIÑO: None here.

6 CHAIRMAN DANIEL: Is there a motion?

7 COMMISSIONER TREVIÑO: I move that we
8 approve the certification and recertification of the following
9 community rehabilitation programs for participation in the
10 Purchasing from People with Disabilities Program as recommended
11 today by staff: The new certification of Beacon Group and the
12 recertification of Austin Task, Citizens Development Center;
13 Endeavors; Fresh Start of Monroe; Opportunities for Deserving
14 Individuals; San Antonio Lighthouse for the Blind; South Texas
15 Lighthouse for the Blind; Peak Performers; West Texas Centers;
16 and World Technical Services.

17 CHAIRMAN DANIEL: I second the motion. The
18 motion carries. This is Agenda Item 6, Proposed Rules for 40 TAC
19 Chapter 800, Allocations, and Chapter 805, Adult Education &
20 Literacy.

21 MAHALIA BALDINI: I saw you coming, Les.
22 Commissioners, before you today for your consideration and
23 approval are the proposed rule amendments for Chapter 800,
24 General Administration, and Chapter 805, Adult Education &
25 Literacy. The proposed amendments to Chapter 800 create a new

1 section, 800.69, Integrated English Literacy and Civics
2 Education Program, which outlines how funds appropriated to the
3 state under the Workforce Innovation and Opportunity Act,
4 Section 243, will be allocated through a statewide competition.
5 The proposed amendments also incorporate into rule the
6 requirements of House Bill 1602 and House Bill 2575 as passed by
7 the 88th Texas Legislature, Regular Session. The purpose of the
8 proposed Chapter 805 amendments is to align the rules with
9 federal statutory language related to the state's requirement to
10 award multiyear grants on a competitive basis to eligible
11 providers with demonstrated effectiveness within the state. This
12 would provide the state with the greatest flexibility to
13 determine the duration of awarded grants. Staff recommends
14 submitting the proposed rule for publication in the Texas
15 Register for a 30-day public comment period. Staff also requests
16 the ability to make minor nonsubstantial changes to the document
17 in order to comply with the publication requirements of the
18 Texas Register and the Office of the Secretary of State. This
19 concludes my comments and I'm happy to answer any questions that
20 you may have.

21 CHAIRMAN DANIEL: Any comments or questions?

22 COMMISSIONER TREVIÑO: None here.

23 CHAIRMAN DANIEL: Is there a motion?

24 COMMISSIONER TREVIÑO: I move that we
25 approve the proposal of amendments to 40 Texas Administrative

1 Code, Chapter 800, Subchapter B, Allocations, and Subchapter L,
2 Workforce Diploma Pilot Program, and Chapter 805, the Adult
3 Education and Literacy, relating to statewide competitive grant
4 funding for publication in the Texas Register and public comment
5 as recommended today by staff.

6 CHAIRMAN DANIEL: I second the motion. The
7 motion carries. This is Agenda Item 7, Proposed Rules for 40
8 TAC, Chapter 845, Texas Work & Family Clearinghouse.

9 COLLIN BRADLEY: Good morning, Chairman
10 Daniel, Commissioner Treviño, and Mr. Serna. For the record, I'm
11 Collin Bradley with the Outreach and Employer Initiatives
12 Division. Commissioners, before you today for your consideration
13 for approval are the proposed rule amendments to Chapter 845,
14 Texas Work & Family Clearinghouse. These proposed amendments
15 will implement the changes made by House Bill 2975 which was
16 passed into law during the last legislative session. The
17 majority of the changes made by House Bill 2975 revolved around
18 changing the language within the statute so fortunately none of
19 the main content within the rules needed to change. We just
20 needed to update the title, some definitions, and some other
21 language within the chapter. Staff recommends submitting the
22 proposed rule for publication in the Texas Register for a 30-day
23 public comment period. Staff also requests the ability to make
24 minor nonsubstantial changes to the document in order to comply
25 with the publication requirements of the Texas Register and the

1 Office of the Secretary of State. This concludes my presentation
2 and I'm available to answer any questions you may have.

3 CHAIRMAN DANIEL: Comments or questions?

4 COMMISSIONER TREVIÑO: None here.

5 CHAIRMAN DANIEL: Is there a motion?

6 COMMISSIONER TREVIÑO: I move that we
7 approve the proposal of amendments to 40 Texas Administrative
8 Code, Chapter 845, Texas Work & Family Clearinghouse, for
9 publication in the Texas Register and public comment as
10 recommended today by staff.

11 CHAIRMAN DANIEL: I second the motion. The
12 motion carries.

13 COLLIN BRADLEY: Thank you.

14 CHAIRMAN DANIEL: Thank you. This is Agenda
15 Item 8, Business Enterprises of Texas Customer Satisfaction
16 Survey and Cost Analysis Report for Submission to the Governor
17 and the Legislative Budget Board.

18 CHERYL FULLER: Good morning, Mr. Chairman,
19 Commissioner Treviño, and Mr. Serna. For the record, Cheryl
20 Fuller, Vocational Rehabilitation Division. Today I bring for
21 your consideration and approval the Business Enterprises of
22 Texas Customer Satisfaction and Cost Analysis report to the
23 governor and the Legislative Budget Board pursuant to Rider 36
24 as part of the TWC performance reporting for the 22-23 biennium.
25 The survey covers state host agency satisfaction with

1 operational conditions of BET facilities located in state agency
2 buildings. Survey topics include hours of operation, pricing,
3 menu items, and product lines for cafeterias, snack bars,
4 convenience stores, and micromarkets. The survey also covers
5 satisfaction with product lines and the availability of product
6 in vending machines. This year's survey was initially conducted
7 in June with a very low response rate. We revised and
8 streamlined the survey, increased outreach to host agencies, and
9 conducted the survey again from September 5th to September 26th,
10 this time receiving 691 responses, up from 615 last year. Of
11 note, 92 percent of respondents agreed that operating hours are
12 conducive to their daily schedule, 76 percent agreed that BET
13 facilities make available a wide variety of food and beverage
14 choices, 75 percent agree that healthy choices are readily
15 available, and over 80 percent of respondents rated the quality
16 of food, the quality of service, and the overall atmosphere of
17 BET facilities each at three stars or better. Staff is seeking
18 commission's approval of this year's annual report for
19 submission to the governor and the LBB and permission to make
20 nonsubstantive changes and corrections to the final formatting
21 of the report. That concludes my presentation. I'd be happy to
22 answer any questions.

23 CHAIRMAN DANIEL: Comments or questions?

24 COMMISSIONER TREVIÑO: None here.

25 CHAIRMAN DANIEL: Is there a motion?

1 COMMISSIONER TREVIÑO: I move that we
2 approve the Business Enterprises of Texas Customer Satisfaction
3 Survey and Cost Analysis report for submission to the governor
4 and Legislative Budget Board as recommended today by staff.

5 CHAIRMAN DANIEL: I second the motion. The
6 motion carries.

7 CHERYL FULLER: Thank you.

8 CHAIRMAN DANIEL: Thank you. This is Agenda
9 Item 9, Board Nominations.

10 CHERIE DUDLEY: Good morning, chairman,
11 commissioner, Mr. Serna. For the record, Cherie Dudley with
12 Workforce Development. Today for your consideration we have
13 Workforce Board nominations for Concho Valley, Northeast Texas,
14 Central Texas, Coastal Bend, Permian Basin, and Texoma. Staff
15 recommends approval on the presented nominees, and I'm here to
16 answer questions you may have.

17 CHAIRMAN DANIEL: Any comments or questions?

18 COMMISSIONER TREVIÑO: None here.

19 CHAIRMAN DANIEL: Is there a motion?

20 COMMISSIONER TREVIÑO: I move that we
21 approve the local Workforce Development Board member nominees
22 presented today for the following: Workforce Solutions Concho
23 Valley, Northeast Texas, Central Texas, Coastal Bend, Permian
24 Basin, and Texoma.

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1 CHAIRMAN DANIEL: I second the motion. The
2 motion carries.

3 CHERIE DUDLEY: Thank you.

4 CHAIRMAN DANIEL: Thank you. An executive
5 director's report.

6 MR. SERNA: Yes, sir. Just a brief
7 recognition sort of. Saturday is Veterans Day and I wanted to
8 make sure that—I know that you all are aware of it but just
9 reinforce that we have a very successful team in our Veterans
10 Leadership Program. The 22 staff has served about 50,000
11 individuals, veterans and their family members, since the
12 program began in 2008. On average they serve about 9,000
13 veterans or spouses every year, and services range from helping
14 with transition to medical services, health services, mental
15 health and health services, financial, food insecurities,
16 housing, and just transition into the civilian labor force and
17 finding jobs. I think they do an outstanding job. All 22 of them
18 are veterans themselves so they really understand what our
19 veterans are going through so I just wanted to acknowledge that
20 group with Veterans Day coming up. That's all I have.

21 CHAIRMAN DANIEL: All right, thank you. Is
22 there any other order of business to come before the commission
23 today? No? Is there a motion to adjourn?

24 COMMISSIONER TREVIÑO: Yeah, before I make a
25 motion, I just want to thank all the staff for their work on the

1 motions and my team working together so with that I move to
2 adjourn.

3 CHAIRMAN DANIEL: I second the motion, and
4 we are adjourned.

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