



**MEETING OF THE
TEXAS WORKFORCE COMMISSION**

DATE

JANUARY 11, 2022

1 TUESDAY, JANUARY 11, 2022

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

5 LES TROBMAN: Good morning,
6 Commissioners. Les Trobman, general counsel. We have one person
7 who would like to offer comment when we arrive at Item 13.

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

10 MS. MILLER: Good morning, sir.

11 CHAIRMAN DANIEL: Thank you. That
12 brings us to the end of Agenda Items 3 through 7. We will take
13 short recess.

14 CHAIRMAN DANIEL: All right, we're back
15 with Agenda Item 8, AEL Advisory Committee Report 2021 annual
16 recommendations.

17 MAHALIA BALDINI: Good morning, Chair
18 Daniel, Commissioner Alvarez, Commissioner Demerson, and Mr.
19 Serna. For the record, Mahalia Baldini with Adult Education and
20 Literacy Workforce Development Division. Texas Labor Code
21 315.005 requires TWC to establish an adult education and
22 literacy advisory committee which is charged with reporting to
23 the Commission annually and advising the Commission on various
24 aspects related to the enhancement of adult education in Texas.
25 In the 2020 report the committee made three recommendations, and

1 I'm happy to report that TWC has made some great progress on
2 each of these. First, with regards to the AEL statewide brand,
3 TWC rolled out a social media marketing campaign called Move
4 Ahead with Adult Ed, and worked with the Texas Education Agency
5 to promote high school equivalency voucher programs. Secondly,
6 to support employer engagement, the Commission approved two
7 initiatives for a total of \$1.7 million specifically to support
8 building work-based programs and pre-apprenticeship bridge to
9 construction trades programs. Thirdly, on the topic of serving
10 special populations in Texas through interagency coordination,
11 the Commission also approved a \$750,000 initiative to build
12 integrated and training programs in correctional facilities with
13 an interagency contract with Windham School District which would
14 support both pre- and post-release services to individuals who
15 are within two years of their release. TWC also continues to
16 collaborate with other agencies. Here with us today is an
17 advisory member who during his four years of committed time with
18 the committee has provided great insight into TWC and its
19 Workforce partners on how we can enhance adult education and
20 literacy. With that I'd first like to thank our presiding
21 officer, Mr. Donald Tracy with Austin Community College for his
22 work on the committee, and for making himself available today to
23 present this year's recommendations.

24 DONALD TRACY: For the record, my name
25 is Donald Tracy, and I serve as the director of corporate and

1 community education for Austin Community College. I'm the
2 outgoing presiding officer for the AEL Advisory Committee. I
3 appreciate the opportunity to come this morning and present our
4 recommendations to you but first I just want to tell you what a
5 privilege it's been over the last four years serving on this
6 committee and being a part of this conversation. What we do here
7 in the state of Texas to support our adults in gaining basic
8 skills and vocational skills to ready them for the workforce is
9 second to none. It's a tremendous asset for us to be able to
10 leverage these programs and engage with special populations and
11 underserved folks in order to help them to enter the workforce
12 and be successful so this has been a great privilege for me to
13 be able to be a part of it so I appreciate that.

14 DONALD TRACY: I want to start our
15 recommendations with just a little bit of a background
16 statement. Last year we had made some recommendations around
17 communications and collaboration and coordination across the AEL
18 system communicating AEL opportunities more broadly. Of course
19 there was a tremendous marketing campaign that occurred over
20 this last year, and then when we talk about collaboration, we're
21 talking about how do we connect our AEL providers with employers
22 and identify ways to develop pre-apprenticeship programs and
23 things like that, and then coordinating support for these
24 special populations. So those were our basic recommendations
25 last year, and we wanted to build upon those and extend those

1 this year. Those are themes that I suspect will come up year
2 after year after year. The more that we can communicate the
3 opportunities through adult ed and literacy programming out
4 there, the better. It increases access. The more that we can
5 collaborate with our employers to develop pre-employment and
6 also employer-based training, work-based learning, the better.
7 The more that we can coordinate across agencies, the more that
8 we can coordinate with local service providers, community-based
9 organizations, faith-based organizations, and others, the
10 better. So I think those themes are probably going to still come
11 up so this year as we went through our different meetings and
12 heard from different groups around, we wanted to identify some
13 very specific recommendations around communication, around
14 coordination and collaboration. From the standpoint of
15 communication, in looking at expanding access and supporting and
16 identifying support organizations, the need really is for
17 individuals to be stable while they're in these adult ed and
18 literacy programs in the community. So how do we do that?
19 Individuals may have issues with child care or transportation or
20 other things. Life happens at a hundred miles an hour to people
21 every day. A big part of success for individuals that are
22 participating in adult ed and literacy programming is having a
23 stable foundation to stand on while they're in these programs.
24 For us it was important to really focus on how we can connect
25 some of these service organizations together at the local level,

1 the hyperlocal level, and provide those supports so that there's
2 some stability. That's going to be an important piece. The
3 second thing when we start talking about coordination, it's
4 really about enhancing career readiness, and I just want to say
5 as a side note, the last two years have been a tremendous
6 challenge for our providers, for our students, for our
7 employers. When we start talking about career readiness, one of
8 the things that came crashing through to the front for all of us
9 was digital literacy as we had to go virtual with our learning,
10 as we had to go virtual in our workplaces, individual's access
11 to and ability to use digital technology became a critical
12 issue. Many people don't have those basic skills, and so this
13 year specifically we're suggesting that as we're coordinating
14 with employers, that we need to identify those pre-employment
15 digital literacy skills that are going to be important, and that
16 we can help support developing. These are things that happen
17 pre-certificate, right? Just to get through a certificate
18 program you might need to know how to use a computer and have
19 access to a computer. It's hugely important so we had a specific
20 recommendation around that. Then the third area when we talk
21 about coordination, we've had a few conversations along the way,
22 I think, Commissioner Alvarez, about this particular one. One of
23 the recommendations that we have in supporting those that are
24 incarcerated and getting ready to return to our communities is a
25 tri-agency group that would include TWC, Health and Human

1 Services Commission, and Texas Department of Criminal Justice,
2 and looking at how can we really support those individuals that
3 are coming back into our communities. Those were some specific
4 things that we wanted to bring to the front this year that sort
5 of extend the communication, the collaboration, and the
6 coordination. We wanted to make sure that individuals are stable
7 while they're taking courses with us. We wanted people to be
8 better prepared for the modern workforce with digital literacy
9 skills, and we think that there's a real opportunity for us with
10 some of the special populations. They are our future workforce,
11 special populations, particularly those that are coming back
12 from incarceration, and a tri-agency effort sort of like we've
13 had with TWC and TEA and the Coordinating Board to look at
14 higher education in general, same sort of thing for our
15 returning citizens. I'll leave it with a couple of final little
16 recommendations that we had. As we were figuring out what this
17 new world is going to look like, and as we are living with
18 integrated digital technologies in our learning environments and
19 our workplaces, we think it's important that those learning
20 platforms that adults are connected to are culturally relevant
21 and are designed for adults, not just kids. That was another
22 recommendation as we look at those learning platforms being more
23 culturally relevant, designed for adults. And then the last
24 piece, and we saw this in our work at the college, as we pushed
25 everything online our instructors had as many issues with

1 digital literacy and digital capability as our students did so
2 we're suggesting that there also be some background work to
3 support individuals who are delivering training. That's our
4 recommendations for this year. Would appreciate any questions
5 you guys have.

6 CHAIRMAN DANIEL: Thank you. Are there
7 any comments or questions?

8 COMMISSIONER ALVAREZ: Chairman, I
9 would just like to thank Mahalia and your team. I'd also like to
10 acknowledge the great work under Don Tracy as serving as chair
11 of the committee, and all your members for your commitment, hard
12 work, and expertise to improve the quality of life and
13 effectiveness of our AEL program so thank you. Please convey
14 that to the other members of your committee.

15 COMMISSIONER DEMERSON: I, too, want to
16 thank you, Don, for your work not only with AEL Advisory
17 Committee but with your work with all of our TWC programs and
18 the like, good job. These are good recommendations. I was very
19 interested in hearing about the collaboration and the
20 communication piece especially with the Department of Criminal
21 Justice and HHS. In our agency kind of a—we already have a tri-
22 agency initiative that's there but pulling agencies together
23 like that and collaborating is very, very important. I commend
24 you on even looking forward to doing work in that area.

1 much more profound impact are the advances in technology that
2 we've seen throughout the pandemic and how those will alter how
3 we learn, how we work, where we work, where we learn, and we're
4 going to continue to learn things about those. So I think it's
5 nice that our adult education and literacy group is really
6 already focusing on those things and lets us be ahead of the
7 that. I think that there's no possible way that rescaling and
8 upscaling don't become absolutely critical for Texas and for
9 this agency as people really try to get those middle skills jobs
10 that are going to pay them a lot more money and put their
11 families in a lot better financial position, and our ability to
12 continue to train people to take these available high-paying,
13 high-demand jobs I think becomes absolutely critical for us, and
14 so the work that you put into this report and the work that you
15 guys have done kind of repeatedly over the last three, four,
16 five, 10 years I think, become the foundation for some really
17 successful things that TWC has done and is going to do with
18 regard to helping people get that better job, put their family
19 in a better economic position, and lift up communities by
20 helping families find the success that they're doing. So,
21 Donald, as always, thank you. I know I'll see you again in all
22 of our many ventures. I always do but I just really appreciate
23 the willingness of volunteers to continue to do this, and the
24 amount of effort and energy that you guys bring to the table. It
25 really helps all of us and so thank you so much.

1 include the addition of charter schools, the Windham School
2 District, and public state colleges. Staff recommends these
3 proposed rules be published in the Texas Register for a 30-day
4 public comment period. If this action is approved by the
5 Commission, staff also requests the ability to make minor
6 nonsubstantive changes to the document in order to comply with
7 the publication requirements of the Texas Register and the
8 Office of the Secretary of State. This concludes my
9 presentation. I'm available to answer any questions that you
10 have.

11 CHAIRMAN DANIEL: Comments or
12 questions?

13 COMMISSIONER ALVAREZ: None here,
14 Chairman.

15 COMMISSIONER DEMERSON: None here.

16 CHAIRMAN DANIEL: Is there a motion?

17 COMMISSIONER DEMERSON: Chairman, I
18 move that we approve the proposed rule to the Texas Register for
19 public comment.

20 COMMISSIONER ALVAREZ: I second.

21 CHAIRMAN DANIEL: Moved and seconded.
22 We're unanimous. Thank you. This is Agenda Item 10, Chapter 800,
23 Sick and Family Leave Pool, Proposed Rules Publication for
24 Public Comment.

1 COMMISSIONER ALVAREZ: Lowell, are you
2 on? Is your mic on?

3 LOWELL KEIG: It is now.

4 COMMISSIONER ALVAREZ: I was just
5 trying to save Les a walk. I saw his frustration. He made the
6 face. He made the face.

7 LOWELL KEIG: Good morning, everyone.
8 I'm Lowell Keig, the director of the Division of Business
9 Operations. Commissioners, before you today for your
10 consideration for approval are proposed rule amendments to
11 Chapter 800, General Administration. In an open meeting on
12 November 2, 2021, the Commission approved related policy concept
13 and directed staff to draft the proposed rule amendments that
14 are before you today. Senate Bill 248 from the 73rd Texas
15 Legislature added Texas Government Code Sections 661.001 through
16 008 which established the sick leave pool. The sick leave pool
17 provides eligible employees with additional paid sick leave in
18 documented cases of a catastrophic illness or injury to the
19 employee or the employee's immediate family member. House Bill
20 2063 from the 87th Texas legislature added Texas Government Code
21 Sections 661.021 through 028 which established the family leave
22 pool. The family leave pool provides eligible employees with the
23 ability to apply for leave time and more flexibility in bonding
24 with and caring for children through a child's first year
25 following birth, adoption or foster placement or caring for a

1 seriously ill family member of the employee including pandemic-
2 related illnesses or complications caused by the pandemic. Both
3 bills require TWC to adopt rules and prescribe procedures
4 relating to the operation of its sick and family leave pools.
5 Staff seeks direction on submitting these proposed rules for
6 publication in the Texas Register for a 30-day public comment
7 period. If so directed staff also requests the ability to make
8 minor nonsubstantive changes to the document in order to comply
9 with the publication requirements of the Texas Register and the
10 Office of the Secretary of State. This concludes my
11 presentation. I'm available to answer any questions that you may
12 have.

13 CHAIRMAN DANIEL: Comments or
14 questions?

15 COMMISSIONER ALVAREZ: None here,
16 Chairman.

17 COMMISSIONER DEMERSON: None here.

18 CHAIRMAN DANIEL: Is there a motion?

19 COMMISSIONER ALVAREZ: Chairman, I move
20 that we approve the proposed amendments to 40 Texas
21 Administrative Code Chapter 800, Subchapter D, Employee
22 Benefits, for publication in the Texas Register and public
23 comment as recommended by staff.

24 COMMISSIONER DEMERSON: Second.

1 CHAIRMAN DANIEL: Moved and seconded.
2 We're unanimous.

3 LOWELL KEIG: Thank you.

4 CHAIRMAN DANIEL: Thank you. This is
5 Agenda Item 11, Pledges for Board Contract Year 2021, 2022,
6 Child Care Matching.

7 TRAVIS WEAVER: Good morning, Chairman
8 Daniel, commissioners, Mr. Serna. For the record, Travis Weaver
9 of Workforce Development Division. The Texas Workforce
10 Commission allocates federal funding for child care services for
11 the Child Care Development Fund to local Workforce Development
12 areas. For a portion of the CCDF funding, local Workforce
13 Development boards are required to secure and submit local
14 matching funds to TWC in accordance with federal regulations,
15 the TWC Chapter 809 Child Care Services rules, and TWC Chapter
16 800, General Administration rules. Boards submit annual local
17 pledges from private and public entities to secure federal child
18 care funds pursuant to 809.17, and to maximize resources for
19 child care needs in the community. Support documents include 65
20 Board Contract Year, BCY22 match agreements from 15 boards which
21 include Alamo, Cameron County, Central Texas, Concho Valley,
22 Dallas County, Gulf Coast, Lower Rio, North Central, Central
23 Texas, Coastal Bend, Dallas County—I already said Dallas County,
24 Golden Crescent, Lower Rio, Panhandle, Rural Cap, South Plains,
25 South Texas, and West Central. Boards have secured 72.19 percent

1 in statewide child care local match target for BCY22 compared to
2 72.87 percent for BC21 during the same time period with 19
3 boards securing at least 50 percent of target, and nine boards
4 securing their BCY22 local match target. A couple items to note,
5 we do want to point out that Deep East Texas has secured two new
6 provider pledge partners for BCY22 in Jasper ISD and Tenaha ISD,
7 and the city of Dallas has increased their pledge by \$375,000
8 for Workforce Greater Dallas. Today staff seeks direction on
9 accepting child care pledges for donations, transfers, and
10 certifications of expense for BCY22 in the amount of
11 \$21,341,559. This concludes my comments and I'll be happy to
12 answer any questions.

13 CHAIRMAN DANIEL: Any comments or
14 questions?

15 COMMISSIONER ALVAREZ: None here,
16 Chairman.

17 COMMISSIONER DEMERSON: None here.

18 CHAIRMAN DANIEL: Is there a motion?

19 COMMISSIONER ALVAREZ: Chairman, I move
20 that we accept child care match in the amount of \$21,341,559 for
21 Board Contract Year 2022.

22 COMMISSIONER DEMERSON: I second.

23 CHAIRMAN DANIEL: We're unanimous.

24 Thank you. Let's move to Agenda Item 13, CCDBG COVID-19 federal
25 funding, third tranche new initiatives on modification.

1 REAGAN MILLER: Good morning, chairman
2 and commissioners. For the record, Reagan Miller with the Child
3 Care and Early Learning Division. This morning for your
4 consideration are several modifications to the 2022 Child Care
5 Relief Funds which was initially approved in the third tranche
6 discussion paper. We have three issues that we're seeking your
7 additional direction on. First, on adding a requirement for
8 providers applying for the 2022 relief funds to commit to
9 remaining open through May 2023. We're making a significant
10 investment, over 2.4 billion, and these funds should be able to
11 assist child care providers in supporting their ongoing
12 operating costs allowing them to remain open. Secondly, we're
13 seeking your direction on modifying the payment cycle and moving
14 from two payments to four quarterly payments. Prior to each
15 payment being authorized, TWC staff will review child care
16 regulation data to confirm that providers remained open and
17 operational, and that they have submitted their required TWC
18 reports. Finally we're seeking your direction on dedicating up
19 to 20 million in stimulus funding to support the monitoring and
20 oversight of the 2.45 billion being awarded in relief funding.
21 We will establish a dedicated child care relief fund hotline and
22 we will plan to monitor approximately 25 percent of all child
23 care relief fund awardees. We believe that these additional
24 parameters will help to provide greater accountability and

1 ensure that the significant investment of funds are expended
2 appropriately. I'm happy to answer any questions. But I believe...

3 CHAIRMAN DANIEL: We have a public
4 comment, commissioners. We'll bring Reagan back up for any
5 commentary or questions.

6 LES TROBMAN: Commissioners, we have
7 Brooks Jones. Mr. Jones, if you could unmute yourself and
8 introduce yourself for the record.

9 BROOKS JONES: Hi, my name is Brooks
10 Jones. I'm with Christian Preschool Centers. We operate in South
11 Plains and Panhandle regions. We are—I'm excited about this.
12 This is going to be very tremendous and helpful for our industry
13 but we are concerned with the three quarterly and how they'll be
14 done. We were wondering though if one of the things, if we apply
15 for and then let's say we get the money in December, potentially
16 not be able to expense that money or are we using it more as a
17 reimbursement. If it's done more as a reimbursement, the child
18 care industry is still having to front all the money and then be
19 reimbursed so we'd like to see that happen of course over two
20 years so for 2022 and 2023, allowing us to have some flexibility
21 so we're not having to pay taxes on it or go through that maybe
22 we're going to get the money late December, not able to expense
23 it or if we're doing a reimbursement, that changes the way child
24 care providers might do it so I'm hoping this is not done more
25 as a reimbursement but more as a how we plan on do it and then

1 get the funds but that's kind of what we're looking at, what I'm
2 seeing as a potential negative for our industry. So that's
3 Number 13. I didn't get to write Number 14 but Number 14
4 [inaudible] we'd like to have it where the TWC mandates that a
5 child care professional be on the Workforce boards because like
6 in South Plains there's not anybody on our board that's actually
7 a professional in child care, either an owner or an
8 administrator. I think that would be a nice addition or
9 requirement for local Workforce boards. Thank you.

10 CHAIRMAN DANIEL: Thank you. Reagan,
11 it's yours.

12 REAGAN MILLER: So those are all my
13 remarks this morning. I'm happy to answer any questions.

14 CHAIRMAN DANIEL: Any questions or
15 comments?

16 COMMISSIONER ALVAREZ: After hearing
17 him, is there a way we could change the schedule?

18 REAGAN MILLER: So the way the federal
19 law works, we are instructed to provide these funds in advance
20 of provider incurring those costs so they would not be getting
21 reimbursed after the fact. We would be paying them on a
22 quarterly basis, and then they could use those funds, have those
23 in the bank, to be able to pay for costs that they would incur
24 so I think the way the federal law was structured helps address
25 that concern about reimbursements. The 2.45 billion, again if we

1 make that available over a quarterly period, it doesn't mean
2 that they have to expend those funds within that quarter so they
3 would have some flexibility in how they would administer those
4 program by program.

5 COMMISSIONER ALVAREZ: Thank you,
6 Reagan.

7 COMMISSIONER DEMERSON: Reagan, I just
8 continue to appreciate the way that you guys are implementing
9 and processing this large amount of money out in this very
10 important area so thanks for the work that you're doing.

11 REAGAN MILLER: Thank you,
12 Commissioner.

13 CHAIRMAN DANIEL: Any further comments
14 or questions? Is there a motion?

15 COMMISSIONER ALVAREZ: Chairman, I move
16 that we approve the following modifications to the methodology
17 and plan for distribution of ARPA Stabilization Grant funds for
18 the 2022 Child Care Relief Funds as recommended by staff adding
19 a requirement that providers must commit to remaining open
20 through May 2023, modify the payment cycle and issuing four
21 quarterly payments, and dedicating up to 20 million for
22 monitoring and oversight.

23 COMMISSIONER DEMERSON: I second.

24 CHAIRMAN DANIEL: It's been moved and
25 seconded. We're unanimous. Thank you.

1 REAGAN MILLER: Thank you.

2 CHAIRMAN DANIEL: OK, this is Agenda
3 Item 14, board nominations.

4 CHERIE DUDLEY: Good morning, chairman,
5 commissioners, and Mr. Serna. For the record, Cherie Dudley with
6 the Workforce Development Division. For your consideration this
7 morning we have Workforce board nominations for Alamo, Capital
8 Area, Concho Valley, East Texas, North Central Texas, and Rural
9 Capital area. Staff seeks direction on the presented nominees,
10 and I'm here to answer any questions you may have.

11 CHAIRMAN DANIEL: Any comments or
12 questions?

13 COMMISSIONER ALVAREZ: Just nice to
14 have you here.

15 CHERIE DUDLEY: Thank you.

16 COMMISSIONER DEMERSON: I'm not sure if
17 I've had the pleasure of seeing Cherie present to us. This is
18 the first time. I missed the meeting the first time.

19 CHERIE DUDLEY: The first time.

20 COMMISSIONER DEMERSON: So there may be
21 a lot of questions that we may have for you. Not at this time.

22 CHAIRMAN DANIEL: So you're going to
23 save your questions? I'm going to ask mine. Just kidding. Thank
24 you very much. If there are no further questions, is there a
25 motion?

1 COMMISSIONER ALVAREZ: Yes, chairman. I
2 move to approve the board nominees for Alamo, Capital Area,
3 Concho Valley, East Texas, North Central Texas, and Rural
4 Capital Area.

5 CHERIE DUDLEY: Thank you.

6 COMMISSIONER DEMERSON: It hadn't been
7 seconded yet. Second the motion.

8 CHAIRMAN DANIEL: I was going to second
9 it if you weren't going to you. We're unanimous.

10 COMMISSIONER ALVAREZ: Welcome aboard.

11 CHERIE DUDLEY: Thank you.

12 CHAIRMAN DANIEL: I'm not showing
13 anything on Agenda Item 15. I'm showing that we're not having a
14 legislative report today which brings us to the executive
15 director's report, the highlight of every Commission meeting.

16 ED SERNA: I know you all wait for it.
17 You all wait for it. I'll be sending in reports when I'm not
18 attending the meetings in the future. I did have one thing I
19 wanted to share with the Commission and that is that our
20 unemployment insurance staff led by Terri Warren met with U.S.
21 Digital Services in the Department of Labor. They were
22 interested in studying how we handle the Disaster Unemployment
23 Assistance Program, and U.S. Digital Services heard from DOL and
24 other states that Texas was the leader when it came to the DUA
25 program, and they were very impressed with the work that we've

1 done in those programs, and are going to try to take that
2 information that we provided them and maybe replicate it for
3 other states to be able to use so I'm very pleased with the UI
4 staff despite everything else that they're doing, that they get
5 one informally recognized. It's not a formal recognition or
6 anything like that but I wanted to do it by our peers as well as
7 DOL for our outstanding service, their outstanding service with
8 regard to managing the DUA programs. Hopefully we won't have too
9 many disasters where we have to take advantage of that but when
10 we do, we'll handle it, and that's all I really have to report.

11 CHAIRMAN DANIEL: Any other questions
12 or comments for Ed?

13 COMMISSIONER ALVAREZ: None here,
14 chairman.

15 COMMISSIONER DEMERSON: None here.

16 CHAIRMAN DANIEL: Is there any other
17 order of business to come before the commission today?

18 COMMISSIONER ALVAREZ: Just like to
19 wish everyone Happy New Year.

20 COMMISSIONER DEMERSON: Chairman, no
21 one pointed out an intern we just hired so I wanted to point out
22 Nic Garrett who's in the audience. He's an intern on our team
23 here. He's a student at Southwest Texas State, a marketing
24 major. Glad to have him on board.

25 COMMISSIONER ALVAREZ: Welcome aboard.

