



**MEETING OF THE
TEXAS WORKFORCE COMMISSION**

DATE

APRIL 25, 2023

1 Tuesday, April 25, 2023

2 CHAIRMAN DANIEL: Good morning, everyone.
3 This meeting is called to order. Mr. Trobman, do we have any
4 public comment?

5 MR. TROBMAN: Good morning, commissioners.
6 Les Trobman, general counsel. We do have one commenter this
7 morning, Robin Harrison. Ms. Harrison, if you want to unmute
8 yourself, introduce yourself for the record, and begin. Ms.
9 Harrison? I think she was here earlier but she may have dropped
10 off so we'll monitor and get back with you all. Thanks.

11 CHAIRMAN DANIEL: Thank you, Mr. Trobman.
12 Good morning, Ms. Miller.

13 MS. MILLER: Good morning, sir.

14 CHAIRMAN DANIEL: Thank you. That brings us
15 to the end of Agenda Items 3 through 7. We'll take a short
16 recess.

17 CHAIRMAN DANIEL: All right, we're back. Mr.
18 Trobman, I understand our public commenter has signed on and is
19 available for public comment.

20 MR. TROBMAN: Yes, sir. Ms. Harrison, if you
21 can go ahead and unmute yourself and begin. Ms. Harrison?

22 MS. HARRISON: Yeah, I'm trying to get my
23 phone together here. It's not working right. Hold on one quick
24 second if you all can hold on just one second.

25 MR. TROBMAN: All right.

1 COMMISSIONER DEMERSON: Les, you can tell
2 her we can hear her clearly.

3 MR. TROBMAN: We can hear you.

4 MS. HARRISON: Oh, you all can hear me?

5 MR. TROBMAN: Yes, ma'am.

6 MS. HARRISON: OK. I am serving notice to
7 the Civil Rights Division and General Counsel attorneys that
8 know enough to clean up the mess they've created at TWC. While
9 you as commissioners may not be aware of the problematic issues
10 of your agency's role in investigated my fair housing civil
11 rights issues, those involved have attempted to put to bed those
12 many things that they have done wrong. They are attorneys and
13 they are required to be ethical. Your general counsel put his
14 signature on a single document once that was used to not sue my
15 case by the Office of Attorney General. His signature is on four
16 different documents and none of them have a date on it. Most
17 importantly, he doesn't know when he signed the first and only
18 time. Each document has a different title and attachment. He
19 never sent me a copy that was—he even sent me a copy that was
20 incomplete. Do you want me to talk—do you want to talk to me,
21 hear me, and correct the issues or should I let an outside force
22 review what's going on? See how the attorneys are using their
23 status to promote discrimination by discriminating themselves
24 against me as a Black woman receiving housing assistance. HUD
25 pays for these investigations and their abuse of these funds

1 will be brought to light as this is not slander when my proof
2 can come from the source, and just this morning I spoke with a
3 supervisor dealing with a retaliation case that intake—I had a
4 call come in there. They said that they would send it back to
5 HUD for them to investigate it but it sat there on his desk for
6 two weeks and nothing was done with it, and all of a sudden they
7 wanted to give me a 10-day period, and I spoke with this lady
8 today, a supervisor, and she hung up in my face twice today
9 which there's never no excuse for that, and just because you
10 don't like what I'm saying, just because I'm speaking doesn't
11 mean that I'm being combative because there are too many—right
12 now I'm in a threat of being homeless. I have continued to go
13 through retaliation with the housing authority, and they are not
14 an apartment complex, and if they keep trying to treat the
15 housing authority as an apartment complex, they are not going to
16 hold them accountable. I am asking that somebody hears me, look
17 at these documents, review the things that have happened and
18 clean it up because it's going to affect me and many other
19 clients like me if this continues. It's not right what's
20 happening, and I have everything that I need to prove it. I'm
21 not talking off the top of my head with a he say-she say thing.
22 I have proof of everything that I am saying, and I need somebody
23 to take this serious enough to look at it because HUD and TWC
24 cannot keep treating me like a tennis ball bouncing me back and
25 forth. Something needs to be done to correct this and do the

1 right thing, and hold the housing authority responsible and
2 accountable, and anything that has been done that gave him an
3 out to continue to do this to families needs to be corrected.
4 Thank you.

5 MR. TROBMAN: Thank you.

6 CHAIRMAN DANIEL: All right. This is Agenda
7 Item 8, Report to the Governor on Legislative Leadership Offices
8 Concerning the Estimated Unemployment Trust Fund Balance and the
9 Estimated Employment and Training Investment Holding Fund
10 Balance.

11 CHRIS NELSON: Good morning, chairman,
12 commissioners, Mr. Townsend. For the record, Chris Nelson, chief
13 financial officer. This morning you have before you the
14 unemployment insurance trust fund projection, and that's the
15 projection for October 1, 2023, and I'll walk through the 2023
16 column for your benefit. So we started on October 1, 2022, with
17 a 2.13-billion-dollar balance. At this time, we are projecting
18 2.063 billion in revenue this year. That is again slightly down
19 from the 2022 revenue of 2.6 billion largely based off our
20 projections from the non-LEU COVID chargebacks that are going
21 through review. As we collect the first quarter revenue here on
22 May 1st, we'll have a much better projection of what that revenue
23 reduction will be, and we'll adjust from that point but right
24 now we're projecting 2.063 billion in revenue. We're projecting
25 to pay out 2.3 billion right now so we are projecting to be at

1 1.9 billion balance on September 30th or October 1st, and that is
2 above the floor of projected to be 1.3 billion so we're above
3 the floor, below the ceiling which is right where we're hopeful
4 to be. Related to that, on Section 3 is the ETIA account so as
5 you know, if we're above the floor, it's good. If we're below
6 the floor, we have to transfer from the ETIA account into the
7 trust fund. If we're above the floor, the ETIA account funds the
8 Skills appropriation for that year. So at this point we're
9 projecting a 220-million-dollar balance after doing a Skills
10 transfer of 19.9 million. I would like to note that the 19.9 is
11 based off the current Skills appropriation pending legislation,
12 the General Appropriations Act, if the Skills amount is updated,
13 that amount could be increased based off the appropriations
14 bill. That's all I have at this point. I'd be happy to answer
15 any questions.

16 CHAIRMAN DANIEL: Any questions or comments?

17 COMMISSIONER DEMERSON: Good update, Chris.

18 COMMISSIONER TREVIÑO: No comments. Thank
19 you.

20 CHRIS NELSON: I would also like to note
21 that I have two high school students from the Harmony Science
22 Academy that are job shadowing me today, Sandra Cardenas and
23 C.A. Eiken [SP], and they are here to follow me around and
24 hopefully I'll keep them on the business track by the end of the
25 day. That's all I have. Thank you.

1 CHAIRMAN DANIEL: I do have a lot—I have a
2 number of questions about like what your day entails so I'd like
3 to talk to the young people at the end of the day to get a real
4 sense for what does go on during the day.

5 CHRIS NELSON: They'll have a full report
6 for you before they leave.

7 CHAIRMAN DANIEL: A full-ish report.

8 CHRIS NELSON: Yes, full-ish, yes, ish.

9 CHAIRMAN DANIEL: Any questions? No
10 questions. Thank you, sir.

11 COMMISSIONER DEMERSON: Let me mention this.
12 I had an opportunity to address the Harmony school at the
13 Capitol. Were you guys at the Capitol? Good, good. Were you in
14 my presentation? She thinks. I made quite an impression, right?

15 CHAIRMAN DANIEL: I think she was politely
16 suggesting that she was not there for your presentation.

17 COMMISSIONER DEMERSON: Either she was there
18 and I was that—

19 CHAIRMAN DANIEL: I was impressed. There's
20 some serious manners going on there. Well, you know, it's not
21 familiar to me. No, I wasn't there.

22 COMMISSIONER DEMERSON: Enjoyed the
23 presentation. Welcome aboard. It may have been.

24 CHAIRMAN DANIEL: It's all coming back to
25 her now.

1 COMMISSIONER DEMERSON: Thank you.

2 CHAIRMAN DANIEL: This is Agenda Item 9,
3 Reinstatement of Child Care Automated Attendance Tracking in
4 Conjunction with the Implementation of the Texas Workforce
5 Commission's New Child Care Case Management System.

6 ALLISON WILSON: Good morning, chairman,
7 commissioners, Mr. Townsend. For the record, Allison Wilson with
8 the Child Care & Early Learning Division. On March 9, 2021, you
9 approved a discussion paper which directed staff to issue
10 special guidance on attendance requirements during the
11 procurement and implementation of a new system to track
12 attendance. Implementation of the new system is scheduled to
13 begin in mid May with phase one which includes automated
14 attendance tracking. Phase two which will include full
15 functionality for child care case management will be implemented
16 in October of this year. Over the summer child care programs and
17 parents will be onboarded and trained in the new system. Staff
18 recommends rescinding the March 9, 2021, guidance with the
19 rollout of phase one of the new system, beginning to collect
20 child attendance data in mid May in the new system, and
21 reinstating all requirements and procedures for child care
22 attendance effective October 1st with the implementation of phase
23 two and the full child care case management system. I'm happy to
24 answer any questions you may have.

25 CHAIRMAN DANIEL: Any comments or questions?

1 COMMISSIONER DEMERSON: None here.

2 COMMISSIONER TREVIÑO: None here.

3 CHAIRMAN DANIEL: Is there a motion?

4 COMMISSIONER DEMERSON: I move that we
5 approve the implementation plan for the child care case
6 management automated attendance as described in the discussion
7 paper and recommended today by staff.

8 COMMISSIONER TREVIÑO: I second the motion.

9 CHAIRMAN DANIEL: It's been moved and
10 seconded, and the motion carries. Agenda Item 10, Revisions to
11 the Texas Rising Star Guidelines to Align with Previously
12 Approved Amendments to the Texas Administrative Code.

13 ALLISON WILSON: Again, for the record,
14 Allison Wilson with Child Care & Early Learning. The commission
15 establishes rules to administer the Texas Rising Star program
16 including guidelines for rating child care programs for Star-
17 level certification and designation as entry level. Based on
18 past legislation, program improvements, and prior changes you
19 approved to TWC's child care rules, revisions to the guidelines
20 are needed. A full summary of the proposed revisions is provided
21 in the discussion paper. Staff would like to highlight two of
22 these revisions. First, voluntary participation in mentoring.
23 With the passage of House Bill 2607 during the 87th Texas
24 Legislature, participation in the Texas Rising Star program is
25 now mandatory for all child care services providers. Engaging

1 with a Texas Rising Star mentor is a key component of the
2 program but not all programs want or need mentoring services.
3 The proposed guideline revisions include new guidance for boards
4 on entering into agreements with providers and allows providers
5 to opt out of receiving mentoring services. Then the second
6 thing to highlight is termination of a provider's agreement.
7 With the implementation of House Bill 2607 as well as other rule
8 amendments, staff identified the need to standardize processes
9 for involuntary termination of a provider's child care services
10 agreement. The proposed guideline revisions include guidance for
11 boards that will help ensure consistency across the state. Staff
12 recommends approval of the proposed revisions to the Texas
13 Rising Star guidelines for publication and distribution. Staff
14 also requests authority to make minor, nonsubstantive edits as
15 needed. That concludes my remarks. Happy to answer any
16 questions.

17 CHAIRMAN DANIEL: Comments or questions?

18 COMMISSIONER DEMERSON: None here.

19 COMMISSIONER TREVIÑO: None here.

20 CHAIRMAN DANIEL: Is there a motion?

21 COMMISSIONER DEMERSON: I move that we
22 approve the revisions to the Texas Rising Star guidelines as
23 described in the discussion paper and recommended today by
24 staff.

25 COMMISSIONER TREVIÑO: I second the motion.

1 CHAIRMAN DANIEL: The motion carries.

2 ALLISON WILSON: Thank you.

3 CHAIRMAN DANIEL: This is Agenda Item 11,
4 Apprenticeship Training Program Funding for Fiscal Year 2024.

5 KERRY BALLAST: Good morning, chairman,
6 commissioners, and Mr. Townsend. For the record, Kerry Ballast,
7 Workforce Development Division. For your consideration today is
8 the fiscal year 2024 planning estimates for apprenticeship
9 training programs. Each year the Texas Workforce Investment
10 Council makes recommendations regarding the Chapter 133
11 Apprenticeship Training Program. TWIC recommendations for FY24
12 are a contact-hour rate not to exceed \$4.25, and a five percent
13 reserve fund for new programs or established programs not
14 currently receiving funds. Commission decision points for the
15 FY24 funding are as follows: A planning estimate as detailed in
16 your notebook materials for FY24 training funds contingent upon
17 adoption of our FY24 operating budget, a contact-hour rate not
18 to exceed \$4.25, and a five percent reserve for new programs or
19 established programs that are not currently receiving funds. As
20 required by TAC Rule 837.21, with the commission's approval we
21 will provide public notice of the amount of funds available to
22 support apprenticeship training programs for FY24. This
23 concludes my remarks. I'm happy to answer any questions.

24 CHAIRMAN DANIEL: Comments or questions?

25 COMMISSIONER DEMERSON: None here.

1 COMMISSIONER TREVIÑO: None here.

2 CHAIRMAN DANIEL: Is there a motion?

3 COMMISSIONER DEMERSON: Chairman, I move
4 that we approve the following apprenticeship training program
5 parameters for fiscal year 2024 as described in the discussion
6 paper and recommended today by staff. Number one, a planning
7 estimate of 3,732,785 in general revenue, 1,650,000 in Workforce
8 Innovation and Opportunity Act statewide funds, and 150,000 in
9 temporary assistance for needy families, noncustodial parent
10 funds for fiscal year 2024 registered apprenticeship funds.
11 Number two, a fiscal year 2024 contact-hour rate not to exceed
12 \$4.25, and last, a five percent reserve of planning estimate
13 funds for new or established registered apprenticeship training
14 programs that did not receive Chapter 133 funds in fiscal year
15 2023.

16 COMMISSIONER TREVIÑO: I second the motion.

17 CHAIRMAN DANIEL: The motion carries.

18 KERRY BALLAST: Thank you.

19 CHAIRMAN DANIEL: This is Agenda Item 12,
20 Board Nominations.

21 CHERIE DUDLEY: Good morning, chairman,
22 commissioners, and Mr. Townsend. For the record, Cherie Dudley
23 with Workforce Development. Today for your consideration we have
24 Workforce Board nominations for Lower Rio Grande Valley, Coastal
25 Bend, South Plains, and Texoma. Staff recommends approval on the

1 presented nominees, and I'm here to answer questions you may
2 have.

3 CHAIRMAN DANIEL: Any questions?

4 COMMISSIONER DEMERSON: None here.

5 COMMISSIONER TREVIÑO: None here.

6 CHAIRMAN DANIEL: Is there a motion?

7 COMMISSIONER DEMERSON: I move that we
8 approve the local Workforce Development board member nominees
9 presented today for the following: Workforce Solutions Lower Rio
10 Grande Valley, Coastal Bend, South Plains, and Texoma.

11 COMMISSIONER TREVIÑO: I second the motion.

12 CHAIRMAN DANIEL: The motion carries.

13 CHERIE DUDLEY: Thank you.

14 CHAIRMAN DANIEL: Thank you. An executive
15 director's report.

16 RANDY TOWNSEND: Unless Mr. Serna is back
17 there standing up, there's no executive director report.

18 CHAIRMAN DANIEL: No, he hasn't moved.

19 RANDY TOWNSEND: OK. I believe we're good
20 then.

21 CHAIRMAN DANIEL: He was signaling to me
22 like this which means that you had a 10-minute report that he
23 was expecting to [inaudible].

24 RANDY TOWNSEND: That would be real
25 exciting.

1 CHAIRMAN DANIEL: Maybe some insight on how
2 the chief financial officer spends his day actually.

3 RANDY TOWNSEND: I'm carefully watching him.

4 CHAIRMAN DANIEL: You're carefully watching
5 this? Is there any other order of business to come before the
6 commission.

7 COMMISSIONER DEMERSON: [Inaudible] chief
8 financial officer [inaudible].

9 CHAIRMAN DANIEL: He has some insight into
10 these matters.

11 COMMISSIONER DEMERSON: None here.

12 COMMISSIONER TREVIÑO: None here.

13 CHAIRMAN DANIEL: Is there a motion to
14 adjourn?

15 COMMISSIONER DEMERSON: So moved.

16 COMMISSIONER TREVIÑO: I second the motion
17 to adjourn.

18 CHAIRMAN DANIEL: We're adjourned.

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