



**MEETING OF THE
TEXAS WORKFORCE COMMISSION**

DATE

November 21, 2023

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Tuesday, November 21, 2023

CHAIRMAN DANIEL: All right. Good morning, everyone. This meeting is called to order. While Mr. Trobman is coming up here so I can ask him a few questions, I do want to welcome a new commissioner representing employers, Commissioner Joe Esparza. Welcome, Commissioner Esparza.

COMMISSIONER ESPARZA: Thank you, chairman. Thank you, everybody.

CHAIRMAN DANIEL: Mr. Trobman, has anyone signed up for public comment?

MR. TROBMAN: Good morning, commissioners, Les Trobman, general counsel. We have one individual here to present public comment. Ms. Kirschner.

KRISTI KIRSCHNER: Hello. Is it fine if I just start?

CHAIRMAN DANIEL: Please.

KRISTI KIRSCHNER: Perfect. Good morning. My name is Kristi Kirschner and I'm the chief human resources officer at Brazosport Independent School District located in the Gulf Coast Workforce region. In honor of National Apprenticeship Week and as an apprenticeship ambassador by the U.S. Department of Labor, it is my honor to be here this morning on behalf of the ISD and the apprentices in our district to publicly thank you and express my sincere gratitude for the invaluable support that you have extended to our first-of-its kind K-12 teacher

1 apprenticeship program. While education is one of the newest
2 apprenticeable occupations approved by the DOL and identified
3 both as a high-skill and high-wage job in our state, your
4 commitment to fostering solutions that address equity and access
5 barriers for citizens in Texas have played a pivotal role in the
6 success of our initiative to address our staffing shortages for
7 teachers. With intentional efforts to challenge the status quo,
8 Brazosport ISD established a low-cost, no-cost apprenticeship
9 model to create a talent pipeline with multiple entry points or
10 what we call on-ramps that attract and meet apprentices where
11 they are in their journey. The program includes scaffolded
12 competency-based training aligned to [inaudible] standards and
13 provide high-quality learning experiences while they are also
14 seeking degree completion and their teacher certification. This
15 opportunity, in contrast to current strategies, has proven to
16 expand the talent pipeline and addresses equity and access
17 barriers for individuals seeking a career to become a high-
18 quality teacher. As the first and only employer-led K-12 teacher
19 apprenticeship program in Texas, we have the opportunity to
20 understand and solve for the diverse and sometimes really
21 complex needs of our apprentices that have historically impacted
22 their persistence. As the RAP sponsor, we are best positioned to
23 be the opportunity multiplier providing solutions for
24 apprentices and serving as recruiters for our partners in higher
25 education. Since our launch in July of 2022, over 300 applicants

1 have applied to the apprenticeship program at the ISD, and we
2 currently serve 80 apprentices and after the first year had 23
3 completers in year one to become certified teachers. Registered
4 apprenticeships create an environment that organically remove
5 barriers to entry, but also create a pathway for individuals
6 from under-representative communities to become highly qualified
7 in their profession. Because of our partnership with Workforce
8 Development, 76 percent of our apprentices have accessed WIOA
9 funding, expansion grants and other resources to support their
10 journey, and is opening pathways to economic mobility for them
11 and their families. Additionally, the apprentices in our program
12 are representative of the demographics of the communities we
13 serve as a school district. I'm excited to share that we have
14 started a fellowship with five other school districts who will
15 join the established Registered Apprenticeship Program as new
16 employer partners. The RAP is forecasting approximately 200
17 apprentices to be actively engaged in both college and on-the-
18 job training as soon as August of 2024. As a public employer we
19 still have work to do to address our own challenges and barriers
20 just as the nursing industry did during the pandemic. However,
21 I'm confident that our work ahead in partnership with you will
22 continue to be barrier busting and may even create new
23 opportunities for public employers. Once again, thank you for
24 your unwavering support. We look forward to continuing our
25 collaborative efforts in making a lasting and positive

1 contribution to the education sector and workforce development
2 strategies in our great state. Thank you.

3 CHAIRMAN DANIEL: Thank you very much.

4 KRISTI KIRSCHNER: Thank you.

5 CHAIRMAN DANIEL: Thank you, Mr. Trobman.
6 Good morning, Ms. Miller.

7 MS. MILLER: Good morning, sir.

8 CHAIRMAN DANIEL: Thank you. Have a great
9 Thanksgiving and I hope you get a little time off. This brings
10 us to the end of Agenda Items 1 through 8. We'll take a short
11 recess.

12 CHAIRMAN DANIEL: All right, this is Agenda
13 Item 9, adoption of final rules for 40 TAC Chapter 810, Lone
14 Star Workforce of the Future Fund.

15 COLLIN BRADLEY: Good morning, Chairman
16 Daniel, Commissioner Treviño, Commissioner Esparza, welcome, and
17 Mr. Serna. For the record, I'm Collin Bradley with the Outreach
18 and Employer Initiatives Division. Commissioners, before you
19 today for your consideration and adoption are final rule
20 amendments to Chapter 810, Lone Star Workforce of the Future
21 Fund. In an open meeting on September 11, 2023, the commission
22 approved the proposed creation of Chapter 810 regarding the
23 establishment of the Lone Star Workforce of the Future Fund
24 Grant Program. The proposed rule amendments were published to
25 the September 29, 2023, issue of the Texas Register for a 30-day

1 public comment period. Public comments were received. Staff of
2 course reviewed and responded to those comments and as a result
3 modified the proposed rules. However, the modifications to the
4 proposed rules were minor and just meant to provide additional
5 clarity. That being said, staff recommends adopting the creation
6 of Chapter 810. Additionally, should the commission adopt these
7 rules, staff requests the ability to make minor nonsubstantive
8 changes to the document in order to comply with the publication
9 requirements of the Texas Register and the Office of the
10 Secretary of State. This concludes my presentation and I'm
11 available to answer any questions.

12 CHAIRMAN DANIEL: Any comments or questions?

13 COMMISSIONER TREVIÑO: None here.

14 COMMISSIONER ESPARZA: No.

15 CHAIRMAN DANIEL: Is there a motion?

16 COMMISSIONER TREVIÑO: I move that we
17 approve the adoption of new 40 Texas Administrative Code,
18 Chapter 810, Lone Star Workforce of the Future Fund, as
19 recommended today by staff.

20 COMMISSIONER ESPARZA: I second.

21 CHAIRMAN DANIEL: It's been moved and
22 seconded and the motion carries. Thank you.

23 COLLIN BRADLEY: Thank you.

24 CHAIRMAN DANIEL: This is Agenda Item 10,
25 late refund penalty rate for career schools and colleges.

1 KERRY BALLAST: Good morning, Chairman
2 Daniel, Commissioner Treviño, Commissioner Esparza, and Mr.
3 Serna. For the record, Kerry Ballast, Workforce Development
4 Division. Texas Education Code 132.061(e) requires a career
5 school or college to pay student refunds within a 60-day period.
6 Failure to do so requires the career school or college to pay a
7 penalty. Section 132.061 also requires that the Texas Workforce
8 Commission annually establish a penalty at a level sufficient to
9 act as a deterrent to the retention of those refunds. The
10 current rate of 250 percent has proven to be effective in
11 encouraging career schools and colleges to pay student refunds
12 in the required timely manner. At this time staff seeks
13 direction on the establishment of the late refund penalty rate
14 for calendar year 2024 requesting that it remain at the current
15 annual rate of 250 percent. That concludes my remarks. I'm happy
16 to answer any questions.

17 CHAIRMAN DANIEL: Any comments or questions?

18 COMMISSIONER TREVIÑO: None here.

19 COMMISSIONER ESPARZA: No questions.

20 CHAIRMAN DANIEL: Is there a motion?

21 COMMISSIONER TREVIÑO: I move that we
22 approve the career schools and college penalty rate for late
23 refunds to students at the current annual rate of 250 percent
24 for calendar year 2024 as recommended today by staff.

25 COMMISSIONER ESPARZA: Second.

1 CHAIRMAN DANIEL: It's been moved and
2 seconded and we're unanimous and the motion carries.

3 KERRY BALLAST: Thank you.

4 CHAIRMAN DANIEL: This is Item 11, WIOA
5 Combined State Plan for program years 2024 through 2027.

6 SHIRLEY JONES: Good morning, Chairman
7 Daniel, Commissioner Treviño, Commissioner Esparza, and Mr.
8 Serna. For the record, I am Shirley Jones with the Workforce
9 Development Division. Before you today is a draft of the
10 Combined State Plan for the Workforce Innovation and Opportunity
11 Act covering program years 2024 through 2027. The plan outlines
12 the state's four-year strategy for WIOA core programs which
13 includes WIOA Adult Dislocated Worker and Youth, Wagner-Peyser
14 Employment Service including the Agricultural Outreach Plan,
15 Adult Education and Literacy, and Vocational Rehabilitation as
16 well as one partner program, the Senior Community Service
17 Employment Program. Staff is seeking approval to post the WIOA
18 Combined State Plan for program years 2024 through 2027 for a
19 30-day public comment period. This concludes my presentation.
20 I'm happy to answer any questions you may have.

21 CHAIRMAN DANIEL: Any comments or questions?

22 COMMISSIONER TREVIÑO: None here.

23 COMMISSIONER ESPARZA: No questions.

24 CHAIRMAN DANIEL: Commissioners, so as we
25 proceed to the motion, I'm going to be a no-vote on this today.

1 Clearly staff has put a lot of effort into this. That's evident.
2 I don't think the writing is where it needs to be. I don't think
3 we're telling our story as best we can, and I think there might
4 be some inconsistencies with the data in a couple places.
5 Certainly, I saw some inconsistencies in nomenclature and a
6 little bit of inconsistencies with the strategic plan. It's got
7 the comment period. I guess we could come back after that and
8 amend it if we move forward today but I just wanted you to know
9 my position on that. That being said, is there a motion to
10 consider?

11 COMMISSIONER TREVIÑO: Yes. I move that we
12 approve the Workforce Innovation and Opportunity Act Combined
13 State Plan for program years 2024 through 2027 and for posting
14 for a 30-day public comment period as recommended today by
15 staff.

16 COMMISSIONER ESPARZA: I'm going to vote
17 with the chair on this.

18 CHAIRMAN DANIEL: All right. When is our
19 next scheduled commission meeting, Mr. Trobman?

20 MR. TROBMAN: December 5th.

21 CHAIRMAN DANIEL: December 5th is our next
22 scheduled meeting?

23 MR. SERNA: Yes, sir.
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1 CHAIRMAN DANIEL: I can have my notes to
2 staff today just on the things that I was concerned about.
3 That's two weeks from now, is that right?

4 MR. SERNA: Yes, sir, but we have annual
5 conference next week so I would propose the following—

6 CHAIRMAN DANIEL: Is there a meeting on the
7 12th?

8 MR. SERNA: I think that there is. OK, all
9 right. When do we need to get it to—Shirley, when do we need to
10 get it to Secretary of State for posting?

11 SHIRLEY JONES: March 4th. You said Secretary
12 of State or—

13 MR. SERNA: No, I mean to post for comments.

14 SHIRLEY JONES: One more time, I'm sorry.
15 The public comment period is 30 days.

16 MR. SERNA: 30 days beginning when, Joel?

17 SHIRLEY JONES: Upon approval.

18 MR. SERNA: OK.

19 JOEL MULLINS: For the record, Joel Mullins
20 with Workforce Development. There's no specific requirement for
21 when the public comment period has to happen. We just have to
22 get the public comment period completed.

23 CHAIRMAN DANIEL: That's a federal
24 requirement.

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1 JOEL MULLINS: Yes, it's a federal
2 requirement that we have the public comment.

3 CHAIRMAN DANIEL: But we don't have to go
4 through the Texas Register. This is something TWC manages.

5 JOEL MULLINS: Correct, yeah, so we can do
6 it at whatever time is convenient for us. The only real deadline
7 is that it's the Texas Workforce Investment Council has to
8 approve it, and then it needs to go through the governor's
9 office.

10 CHAIRMAN DANIEL: The gov—I'm sorry to cut
11 you off. The governor's statutory requirement to file this
12 federally is when? In March?

13 JOEL MULLINS: The federal deadline is March
14 4th.

15 CHAIRMAN DANIEL: And it's the governor's
16 filing?

17 JOEL MULLINS: Well, yes. We submit it on
18 the governor's behalf.

19 CHAIRMAN DANIEL: OK. But still somewhere
20 contained in that the TWIC has to look at it as well.

21 JOEL MULLINS: Correct, and they moved their
22 first quarter meeting up to February 16th I believe in order to
23 get it through the governor's office before the March 4th
24 deadline.

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1 CHAIRMAN DANIEL: So we need to have our 30-
2 day public comment period complete before the February meeting
3 with enough time to address any comments that we might receive.

4 JOEL MULLINS: Correct, and then get final
5 approval from you all. The TWIC needs it from us by I think
6 January 26th is what they were saying in order to make their
7 meeting. I believe there's not currently a commission meeting
8 scheduled in mid-January but if we got one scheduled then, then-

9 CHAIRMAN DANIEL: Well, Joel, for you I
10 would schedule a special meeting if we have to but only for you.

11 JOEL MULLINS: Thank you, thank you.

12 CHAIRMAN DANIEL: [Inaudible].

13 MR. SERNA: Mr. Chairman, I think that we
14 can bring this back up not at the 5th meeting, December 5th
15 meeting, but the one after that and still have adequate time to
16 respond to public comment, present to the commission, and get it
17 to Texas Workforce Investment Council, and then through council
18 to the governor's office by the required deadlines.

19 CHAIRMAN DANIEL: OK. Thank you.

20 MR. SERNA: So we'll bring it back on the
21 commission meeting of the 12th for posting for public comment.

22 CHAIRMAN DANIEL: OK. All right. Thank you.

23 MR. SERNA: Thank you, Shirley.

24 CHAIRMAN DANIEL: Let's move to Agenda Item
25 12, board nominations.

1 COURTNEY ARBOUR: Good morning. Courtney
2 Arbour, Workforce Division. Today for your consideration we have
3 Workforce Board nominations for Workforce Solutions, many, many
4 boards: Brazos Valley, Cameron County, Concho Valley, Deep East
5 Texas, North Central Texas, Tarrant County, Golden Crescent,
6 Greater Dallas, Gulf Coast, Lower Rio Grande Valley, Middle Rio
7 Grande, Panhandle, Rural Cap, South Plains, and Texoma. We
8 recommend approval of the nominations that you've been briefed
9 on and that are included in your packet.

10 CHAIRMAN DANIEL: Comments or questions?

11 COMMISSIONER TREVIÑO: None here.

12 COMMISSIONER ESPARZA: No questions.

13 CHAIRMAN DANIEL: Commissioner Esparza, I've
14 been here a little over four years, four and a half, and at no
15 time has division director Courtney Arbour even done a board
16 nomination motion so this is a serious issue before us. I'm
17 trying—like I read the material but I don't know which one of
18 them she's focused on but I just know it's serious that she
19 showed up to do this today.

20 COURTNEY ARBOUR: This is a serious matter,
21 chairman.

22 CHAIRMAN DANIEL: It's a very serious
23 matter. Is there a motion?

24 COMMISSIONER TREVIÑO: I move that we
25 approve the local Workforce Development Board member nominees

1 presented today for the following Workforce Solutions: Brazos
2 Valley, Cameron County, Concho Valley, Deep East Texas, North
3 Central Texas, Tarrant County, Golden Crescent, Greater Dallas,
4 Gulf Coast, Lower Rio Grande Valley, Middle Rio Grande,
5 Panhandle, Rural Capital Area, South Plains, and Texoma.

6 COMMISSIONER ESPARZA: Second.

7 CHAIRMAN DANIEL: It's been moved and
8 seconded and we're unanimous and the motion carries.

9 MR. SERNA: We do have a legislative update.

10 CHAIRMAN DANIEL: So I walked in, Mr. Serna,
11 and Michael Britt had a tie on but more importantly he had kind
12 of a bounce in his step. It was some enthusiasm that I couldn't
13 explain.

14 MR. SERNA: Perhaps he will.

15 CHAIRMAN DANIEL: And so here we are with
16 the legislative report.

17 MICHAEL BRITT: I couldn't let you all go to
18 the Thanksgiving holiday without having a legislative report so,
19 good morning, Chairman Daniel, Commissioner Treviño,
20 Commissioner Esparza, and Mr. Serna. For the record, Michael
21 Britt, Governmental Relations. Last Thursday the U.S. Congress
22 passed and the president signed HR6363, the Further Continuing
23 Appropriations and Other Extensions Act of 2024. Under this
24 legislation it funded some federal agencies until January 19,
25 2024, and it funded the rest of the federal government until

1 February 2, 2024. The U.S. Departments of Labor, Health and
2 Human Services, and Education are all among the federal agencies
3 whose funding is now continued until February 2, 2024. This
4 concludes my remarks. I'm happy to answer any questions.

5 CHAIRMAN DANIEL: Any questions, comments?

6 COMMISSIONER ESPARZA: None.

7 COMMISSIONER TREVIÑO: None here.

8 CHAIRMAN DANIEL: Thank you.

9 MICHAEL BRITT: Thank you.

10 CHAIRMAN DANIEL: An executive director's
11 report.

12 MR. SERNA: Well, two things. One I've
13 already mentioned, the annual workforce conference is next week
14 in Houston. There'll be several meetings going on prior to the
15 conference start but the conference officially begins at noon or
16 after lunch on Wednesday and runs through middle of the day on
17 Friday, and then the last item is simply to wish the
18 commissioners and the agency staff a happy Thanksgiving and the
19 beginning of the holiday season. That's all I have, sir.

20 CHAIRMAN DANIEL: Well, I'll wish you a
21 happy Thanksgiving right back then. Then the big jamboree in
22 Houston, big workforce—I call it the big annual meeting, the
23 BAM. It's a really good schedule this year. Commissioner Esparza
24 got here just at the right time. He didn't have to plan a super
25 session.

1 COMMISSIONER ESPARZA: Good timing, right?

2 MR. SERNA: I have a super session that he
3 can take over and I've spoken to him about it, and I think he'll
4 go up and introduce himself, and then he's asked me to still
5 moderate that for him just this year.

6 CHAIRMAN DANIEL: Mr. Serna, I think that
7 just shows a lot of ability and discretion on the part of
8 Commissioner Esparza like might as well just start taking credit
9 for your work from the beginning like the rest of us do. I'm
10 looking forward to the meeting. It's going to be a good meeting.
11 There's some great sessions. A couple of keynote speakers I
12 think are going to be really, really interesting, and it should
13 be a good meeting. How many are we expecting? Does anybody know?
14 I haven't heard.

15 MR. SERNA: I don't have an estimate yet but
16 I know that we had the host hotel, the conference hotel, the
17 Marriott Marquis booked and we're in an overflow hotel as well
18 so our conference planning staff has done an outstanding job
19 juggling all that and getting meeting spaces and hotel rooms and
20 everything else taken care of in two hotels so it may be a large
21 number again.

22 CHAIRMAN DANIEL: The Marriott Marquis has
23 kind of a lazy river situation, does it not?

24 MR. SERNA: Yes, sir.

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1 CHAIRMAN DANIEL: Mr. Trobman, do we have—
2 can the commissioners go to the lazy river? Do we have to post
3 that meeting? We're good? I hope it's heated. It's cold.

4 MR. SERNA: [Inaudible].

5 CHAIRMAN DANIEL: Is there any other item of
6 business that needs to come before the commission?

7 COMMISSIONER TREVIÑO: I just want to
8 welcome Commissioner Esparza as well. Welcome aboard. It's going
9 to be great working together, a great team. So I want to wish
10 everyone a happy Thanksgiving as well.

11 COMMISSIONER ESPARZA: Chairman, if I may.
12 Thank you all, everybody. I want to say my first week here at
13 the agency has been spectacular. I was able to meet with a lot
14 of division heads who crammed a lot of information over at me
15 and I really appreciate that, and look forward to seeing
16 everybody in Houston, and just as a thank you for just your
17 dedication and your dedication to your divisions and staff, I
18 really, really appreciate the support that you all have given
19 me, and the confidence too but I'd like to invite everybody up
20 for refreshments in the office so come on up and ruin your lunch
21 over a box of donuts and come and have a little meet and greet
22 so any time after that. Thank you all.

23 CHAIRMAN DANIEL: All right, well, welcome,
24 and thank you for throwing your own welcome reception.

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1 COMMISSIONER ESPARZA: There you go. I like
2 to party.

3 CHAIRMAN DANIEL: It's like a really tough
4 precedent he's setting for us.

5 COMMISSIONER ESPARZA: I know.

6 CHAIRMAN DANIEL: I'm going to start
7 welcoming me every week.

8 COMMISSIONER ESPARZA: Right?

9 CHAIRMAN DANIEL: Have a reception. Is there
10 a motion to adjourn?

11 COMMISSIONER TREVIÑO: I move to adjourn.

12 COMMISSIONER ESPARZA: I second.

13 CHAIRMAN DANIEL: It's been moved and
14 seconded to adjourn and we're adjourned. Thank you.

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