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TRANSCRIPT OF PROCEEDINGS
BEFORE THE
TEXAS WORKFORCE COMMISSION
AUSTIN, TEXAS

PUBLIC MEETING)
FOR THE TEXAS)
WORKFORCE COMMISSION)

COMMISSION MEETING

TUESDAY, JANUARY 5, 2010

BE IT REMEMBERED THAT at approximately
9:00 a.m., Tuesday, the 5th day of January 2010, the
above-entitled matters came on for hearing at the
Texas Workforce Commission, TWC Building, 101 East
15th Street, Room 244, Austin, Texas, before TOM
PAUKEN, RONALD G. CONGLETON, and ANDRES ALCANTAR,
COMMISSIONERS, and LARRY TEMPLE, EXECUTIVE DIRECTOR,
of the Texas Workforce Commission; and the following
proceedings were reported by Janis Simon, a Certified
Shorthand Reporter of:

1 P R O C E E D I N G S
2 TUESDAY, JANUARY 5, 2010
3 (9:00 a.m.)

4 AGENDA ITEM NO. 1

5 CHAIRMAN PAUKEN: Good morning. The
6 meeting will now be called to order, and I'll turn the
7 meeting over to Commissioner Alcantar to preside over
8 that portion of the meeting involving Agenda Items 2
9 through 5.

10 COMM. ALCANTAR: Thank you, Chairman
11 Pauken.

12 AGENDA ITEM NO. 2

13 Discussion, Consideration, and Possible
14 Action Regarding Whether to Assume Continuing
15 Jurisdiction on Unemployment Compensation Cases, Wage
16 Claim Cases, and/or Tax Liability Cases and
17 Reconsideration of Unemployment Compensation Cases,
18 Wage Claim Cases, and/or Tax Liability Cases, if Any

19 A request was made to resubmit Case
20 No. 1200217 on a future docket. The Commission denied
21 the request.

22 AGENDA ITEM NO. 3

23 Discussion, Consideration, and Possible
24 Action Regarding Tax Liability Cases Listed on the
25 Texas Workforce Commission Dockets 51, 52 and 1

1 The Commission considered and took
2 action on all Tax Liability Cases listed on Dockets 51
3 and 52.

4 AGENDA ITEM NO. 4

5 Discussion, Consideration, and Possible
6 Action Regarding Higher Level Appeals in Wage Claim
7 Cases listed on the Texas Workforce Commission Dockets 09:04:22
8 51, 52 and 1

9 The Commission considered and took
10 action on all Wage Claim Cases listed on Dockets 51,
11 52 and 1.

12 AGENDA ITEM NO. 5

13 Discussion, Consideration, and Possible
14 Action Regarding Higher Level Appeals in Unemployment
15 Compensation Cases Listed on the Texas Workforce
16 Commission Dockets 51, 52 and 1

17 The Commission considered and took
18 action on all Unemployment Compensation Cases listed
19 on Dockets 51, 52 and 1.

20 (The Commission paused, then continued
21 with the remainder of the agenda.)

22 AGENDA ITEM NO. 6

23 CHAIRMAN PAUKEN: Mr. Jones, No. 6, any
24 public comment?

25 MR. PAUL N. JONES: No, sir, no public

1 comment.

2 AGENDA ITEM NO. 7

3 CHAIRMAN PAUKEN: No. 7, discussion,
4 consideration, and possible action regarding the
5 acceptance of pledges for Fiscal Year 2010 Child Care
6 Matching Funds, Mr. Garcia.

7 MR. GARCIA: Good morning,
8 Commissioners, Chairman Pauken; Juan Garcia with
9 Workforce Development.

10 This morning for your approval we have
11 local match pledges as follows: \$890,287 in cash
12 donations and transfers from the North Central Texas
13 Board and the Gulf Coast Board and \$4,075,185 in
14 certifications of expense from Panhandle, South
15 Plains, North Texas, North Central Texas, Dallas
16 County, West Central Texas, Heart of Texas, Rural
17 Capital, Deep East, Golden Crescent, Lower Rio, and
18 Gulf Coast. The total amount for your approval is
19 \$4,965,472.

20 CHAIRMAN PAUKEN: Is there a motion?

21 COMM. CONGLETON: So made.

22 COMM. ALCANTAR: Second.

23 CHAIRMAN PAUKEN: Okay. Thank you --

24 MR. GARCIA: Thank you.

25 CHAIRMAN PAUKEN: -- Mr. Garcia.

1 AGENDA ITEM NO. 8

2 CHAIRMAN PAUKEN: All right. No. 8,
3 discussion, consideration, and possible -- that's been
4 postponed until next meeting.

5 AGENDA ITEM NO. 9

6 CHAIRMAN PAUKEN: No. 9, discussion,
7 consideration, and possible action regarding General
8 Appropriations Act, Article VII, Rider 31(c), 81st
9 Texas Legislature, Regular Session (2009),
10 Ms. Carlson?

11 MS. CARLSON: (Shaking head)

12 CHAIRMAN PAUKEN: Nothing on that today.
13 We'll postpone that.

14 AGENDA ITEM NO. 10

15 CHAIRMAN PAUKEN: Discussion,
16 consideration, and possible action regarding Temporary
17 Assistance for Needy Families and Workforce Investment
18 Act Statewide Initiatives. That's also been
19 postponed? Okay.

20 AGENDA ITEM NO. 11

21 CHAIRMAN PAUKEN: No. 11, discussion
22 and -- consideration and possible action regarding
23 approval of Local Workforce Development Board
24 Nominees. I know Mr. Fuller there -- that is on the
25 agenda today.

1 MR. FULLER: Good morning, Chairman
2 Pauken, Commissioner Congleton, Commissioner Alcantar.
3 Today -- I'm John Fuller for the record from Workforce
4 Development.

5 Today before you we have nominees from
6 Concho Valley, Dallas County, Gulf Coast, North East
7 Texas, Rural Capital, Lower Rio Grande, and East
8 Texas. I'll be available for any -- to answer any
9 questions.

10 CHAIRMAN PAUKEN: I have concern about
11 every -- everything is fine, except I think two
12 members really don't qualify in the private sector,
13 and that's the one appointment in the Dallas County
14 Workforce Development Board and Appointment No. 2 in
15 the East Texas Workforce Development Board. They
16 don't have employees, and I just don't think they
17 qualify in terms of what we're looking for with regard
18 to private sector representation. So, I would support
19 all of the other nominees with the exception of those
20 two proposed names.

21 MR. FULLER: Which number was that from
22 Dallas --

23 CHAIRMAN PAUKEN: That would be --

24 MR. FULLER: -- or East Texas, rather?

25 CHAIRMAN PAUKEN: -- there's only one on

1 Dallas, is -- is -- there's only one that's named.

2 So, it's No. 1 on that and No. 2 on --

3 MR. FULLER: On East Texas.

4 CHAIRMAN PAUKEN: -- on East Texas, the
5 same situation.

6 MR. FULLER: Okay.

7 COMM. CONGLETON: I think we need a
8 motion before we start taking objections --

9 CHAIRMAN PAUKEN: Yeah, I -- oh, a
10 motion to approve all but those two, is what my motion
11 is.

12 COMM. CONGLETON: I disagree, and I move
13 that we approve all the nominees.

14 CHAIRMAN PAUKEN: Well, there's a motion
15 on the floor. So --

16 COMM. CONGLETON: And I disagree.

17 CHAIRMAN PAUKEN: Okay. I know. You --
18 but -- just say there's --

19 Commissioner Alcantar, what's your --

20 COMM. ALCANTAR: Yeah, the -- I guess
21 the one by the Dallas County Board was submitted by
22 the Chamber, and the other one I also would not have a
23 problem in terms of accepting that nomination. So, I
24 would approve all of them.

25 CHAIRMAN PAUKEN: Okay. So, I'll

1 maintain my dissent.

2 MR. FULLER: Thank you.

3 AGENDA ITEM NO. 12

4 CHAIRMAN PAUKEN: Okay. No. 12,
5 discussion, consideration, and possible action
6 regarding submission of the 2009 Texas Workforce
7 Commission Annual Report to the Governor and the
8 Legislature pursuant to Texas Labor Code Section
9 301.065, Ann Hatchitt.

10 MS. HATCHITT: Good morning, Chairman
11 Pauken, Commissioner Congleton, Commissioner Alcantar,
12 Mr. Temple. For the record, Ann Hatchitt, TWC
13 Communications.

14 You have before you the 2009 TWC Annual
15 Report for your consideration and possible action this
16 morning. The report reflects the extraordinary
17 demands placed on the workforce system in 2009 due to
18 the economic recession, as well as the tremendous
19 level of service provided by the Texas workforce
20 system over the year. The exponential growth of the
21 unemployment claimants, increase in customers served
22 at the workforce centers, TWC staff, board staff and
23 contractor staff met those challenges.

24 Staff from across the agency helped us
25 with the information for the Annual Report. I would

1 like to recognize Adam Leonard for helping us with the
2 accuracy of all that data, from my department Debbie
3 Pitts was the primary writer of the report. Shannon
4 Thomas did the layout and the design, and Lisa Gibbons
5 supervised the project. The whole department was
6 involved in that effort.

7 So, I'd be happy to answer any
8 questions.

9 CHAIRMAN PAUKEN: Okay. Good job, Ann.
10 And to all of your people, please extend our
11 appreciation.

12 Is there any motion required?

13 MS. HATCHITT: Yes.

14 COMM. CONGLETON: Move that we approve
15 the TWC Annual Report for 2009 for submission to the
16 Governor and the Legislature.

17 COMM. ALCANTAR: And I would second.

18 CHAIRMAN PAUKEN: Okay. It's unanimous.
19 Thank you.

20 MS. HATCHITT: Thank you so much.

21 AGENDA ITEM NO. 13

22 CHAIRMAN PAUKEN: No. 13, discussion,
23 consideration -- anything from Mr. Lewis today?

24 MR. LEWIS: (Shaking head)

25 AGENDA ITEM NO. 14

1 CHAIRMAN PAUKEN: No. 14, anything from
2 you, Mr. Temple?

3 MR. TEMPLE: No, sir.

4 AGENDA ITEM NO. 17

5 CHAIRMAN PAUKEN: All right. Is there a
6 motion to adjourn?

7 COMM. CONGLETON: So made.

8 COMM. ALCANTAR: Second.

9 CHAIRMAN PAUKEN: All right. It's
10 unanimous.

11 (Meeting adjourned: 9:53 a.m.)

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C E R T I F I C A T E

STATE OF TEXAS)
COUNTY OF TRAVIS)

I, JANIS SIMON, a Certified Shorthand Reporter in and for the State of Texas, do hereby certify that the above-mentioned matter occurred as hereinbefore set out.

I FURTHER CERTIFY THAT the proceedings of such were reported by me or under my supervision, later reduced to typewritten form under my supervision and control and that the foregoing pages are a full, true, and correct transcription of the original notes.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this day of 2010.

JANIS SIMON
Certified Shorthand Reporter
CSR No. 7076 - Expires 12/31/11
Firm Registration No. 276
Kennedy Reporting Service, Inc.
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