

1                                   TRANSCRIPT OF PROCEEDINGS  
2   BEFORE THE  
3                                   TEXAS WORKFORCE COMMISSION  
4   AUSTIN, TEXAS

4 PUBLIC MEETING            )  
5 FOR THE TEXAS            )  
6 WORKFORCE COMMISSION)

6

7                                   COMMISSION MEETING

8                                   TUESDAY, JANUARY 19, 2010

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10                               BE IT REMEMBERED THAT at approximately  
11 3:00 p.m., Tuesday, the 19th day of January 2010, the  
12 above-entitled matters came on for hearing at the  
13 Texas Workforce Commission, TWC Building, 101 East  
14 15th Street, Room 244, Austin, Texas, before TOM  
15 PAUKEN, RONALD G. CONGLETON, and ANDRES ALCANTAR,  
16 COMMISSIONERS, and LARRY TEMPLE, EXECUTIVE DIRECTOR,  
17 of the Texas Workforce Commission; and the following  
18 proceedings were reported by Janis Simon, a Certified  
19 Shorthand Reporter of:

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1 P R O C E E D I N G S

2 TUESDAY, JANUARY 19, 2010

3 (3:00 p.m.)

4 AGENDA ITEM NO. 1

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

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

11 AGENDA ITEM NO. 2

12 Discussion, Consideration, and Possible  
13 Action Regarding Whether to Assume Continuing  
14 Jurisdiction on Unemployment Compensation Cases, Wage  
15 Claim Cases, and/or Tax Liability Cases and  
16 Reconsideration of Unemployment Compensation Cases,  
17 Wage Claim Cases, and/or Tax Liability Cases, if Any  
18 No discussion.

19 AGENDA ITEM NO. 3

20 Discussion, Consideration, and Possible  
21 Action Regarding Tax Liability Cases Listed on the  
22 Texas Workforce Commission Docket 3

23 No discussion.

24 AGENDA ITEM NO. 4

25 Discussion, Consideration, and Possible

1 Action Regarding Higher Level Appeals in Wage Claim  
2 Cases listed on the Texas Workforce Commission  
3 Docket 3

4 The Commission considered and took  
5 action on all Wage Claim Cases listed on Docket 3.

6 AGENDA ITEM NO. 5

7 Discussion, Consideration, and Possible  
8 Action Regarding Higher Level Appeals in Unemployment  
9 Compensation Cases Listed on the Texas Workforce  
10 Commission Docket 3

11 The Commission considered and took  
12 action on all Unemployment Compensation Cases listed  
13 on Docket 3.

14 (The Commission paused, then continued  
15 with the remainder of the agenda.)

16 CHAIRMAN PAUKEN: Okay. I think we're  
17 ready to begin.

18 AGENDA ITEM NO. 6

19 CHAIRMAN PAUKEN: Mr. Jones, any public  
20 comment?

21 MR. PAUL N. JONES: No, sir, no public  
22 comment.

23 AGENDA ITEM NO. 7

24 CHAIRMAN PAUKEN: No. 7, discussion,  
25 consideration, and possible action regarding the

1 acceptance of pledges for Fiscal Year 2010 Child Care  
2 Matching Funds, Mr. Garcia.

3 MR. GARCIA: Good afternoon,  
4 Commissioners. Juan Garcia with Workforce  
5 Development.

6 This afternoon we have for your approval  
7 a total of local match pledges as follows: \$599,154  
8 in certifications of expense from the Upper Rio Grande  
9 Board and the Cameron County Board.

10 CHAIRMAN PAUKEN: Okay. Commissioner  
11 Alcantar.

12 COMM. ALCANTAR: I have no questions.

13 CHAIRMAN PAUKEN: Commissioner  
14 Congleton.

15 COMM. CONGLETON: No questions. I move  
16 we accept the Child Care Pledges for Fiscal Year 2010  
17 Child Care Matching Funds in the amount of \$599,154 as  
18 described by staff.

19 COMM. ALCANTAR: I would second.

20 CHAIRMAN PAUKEN: Okay. It's unanimous.  
21 Thank you --

22 MR. GARCIA: Thank you.

23 CHAIRMAN PAUKEN: -- Mr. Garcia.

24 AGENDA ITEM NO. 8

25 CHAIRMAN PAUKEN: Okay. No. 8,

1 discussion, consideration, and possible action  
2 regarded -- regarding the Estimated Unemployment  
3 Insurance -- thank you -- Unemployment Trust Fund  
4 balance pursuant to Texas Labor Code Section 204.061  
5 and the estimated Employment and Training Investment  
6 Holding Fund balance available for transfer pursuant  
7 to Texas Labor Code Section 204.123. Mr. Townsend is  
8 back. Mr. Townsend.

9 MR. TOWNSEND: Thank you, Mr. Chairman,  
10 Commissioners.

11 I'm presenting the October 1st, 2010  
12 Unemployment Trust Fund projection. We've used  
13 information through January 13th for this estimate.  
14 We're expecting the Trust Fund balance to be zero on  
15 that date of October 1st with the outstanding Title  
16 XII advance owing back to the federal government of  
17 1 -- 1 billion 881 million.

18 That would mean --

19 CHAIRMAN PAUKEN: That's as of when?

20 MR. TOWNSEND: October 1st, 2010.

21 That would mean that we'd be below the  
22 floor on that -- on that date by 2 billion 695 million  
23 when compared with our estimated floor.

24 A few statistics to share with you this  
25 afternoon. The last six completed weeks on total net

1 benefits paid they averaged 68.8 million. That was  
2 almost 67 percent increase from the year ago total of  
3 41 million.

4 Initial claims were averaging 17,309 for  
5 the six weeks ending -- this is on a January 2nd end  
6 date, which was about 16 percent below the year ago  
7 total. The continued claims averaged 239,356 for the  
8 six weeks ending January 2nd, and that was about 50  
9 percent above the six week average a year ago.

10 Mr. Chairman, Commissioners, that --  
11 that concludes my presentation if you have questions  
12 or comments.

13 CHAIRMAN PAUKEN: Commissioner  
14 Congleton.

15 COMM. CONGLETON: I have no questions.

16 CHAIRMAN PAUKEN: Commissioner Alcantar.

17 COMM. ALCANTAR: I have no questions.

18 CHAIRMAN PAUKEN: Thank you,  
19 Mr. Townsend.

20 MR. TOWNSEND: Uh-huh.

21 CHAIRMAN PAUKEN: Let's -- would you  
22 come by my office at some point, maybe -- maybe after  
23 the meeting, because I'd like to visit with you about  
24 it?

25 MR. TOWNSEND: (Nodding)

1                   CHAIRMAN PAUKEN:   Okay.

2                   AGENDA ITEM NO. 9

3                   CHAIRMAN PAUKEN:   All right.  No. 9,  
4 discussion, consideration, and possible action  
5 regarding Commission evaluation of local workforce  
6 development board oversight capacity pursuant to 40  
7 TAC Section 800.309, Mr. Leonard.

8                   MR. LEONARD:   Good afternoon,  
9 Commissioners.  This is our annual process where we  
10 bring to you recommendations for ratings for board  
11 oversight capacity for financial management and  
12 provision of services.  And this came out and -- I'm  
13 sorry, as a part of the agency's Sunset evaluation  
14 some years ago.

15                   At this point, I wanted to say that, by  
16 rule, the Commissioners are allowed to consider or  
17 exclude from consideration measures that are related  
18 to new activities.  And we believe this year that you  
19 should consider removing the new average number of  
20 children served per day under the ARRA Child Care to  
21 be excluded from consideration, because it's a  
22 relatively new measure that started just at the  
23 beginning of the summer.  And even though Child Care  
24 as an activity has been ongoing, certainly this  
25 population is somewhat different.  There's a

1 significant amount of money that's being put into the  
2 system suddenly for -- which causes a ramp-up  
3 situation and believe that it wouldn't be appropriate  
4 to consider it at this time.

5                   If you were all to agree with that, then  
6 the staff ratings would be for five boards being rated  
7 above standard, 10 within standards, and 13 below  
8 standards. And that is somewhat worse than last year,  
9 but it is worth noting that this year boards were  
10 faced with quite a bit of challenge with regard to a  
11 great increase in the number of people who are in need  
12 of services, unemployed people in particular. And as  
13 it turns out, the way the rule is written right now,  
14 although you have some flexibility to not consider  
15 measures related to new activities or new  
16 responsibilities, it doesn't have kind of a general  
17 good-faith exclusion grounds that would allow you to  
18 not consider the couple of measures that seem to be  
19 the greatest stumbling blocks this year.

20                   And that's something that we're looking  
21 at now as part of the rule review of the Chapter 180  
22 and 181 rules, is to try and see where some  
23 flexibility like that might need to be built into the  
24 rule for future efforts.

25                   I'm happy to answer any questions you

1 may have.

2 CHAIRMAN PAUKEN: Commissioner Alcantar.

3 COMM. ALCANTAR: I have no questions.

4 CHAIRMAN PAUKEN: Commissioner

5 Congleton.

6 COMM. CONGLETON: I have no questions,

7 and I move that we approve staff recommendation

8 regarding the Commission's evaluation of board

9 oversight capacity and performance as discussed.

10 COMM. ALCANTAR: I would second.

11 CHAIRMAN PAUKEN: It's unanimous. Thank

12 you --

13 MR. LEONARD: Thank you.

14 CHAIRMAN PAUKEN: -- Mr. Leonard.

15 AGENDA ITEM NO. 10

16 CHAIRMAN PAUKEN: No. 10, discussion,

17 consideration, and possible action regarding the

18 General Appropriations Act, Article VII, Rider 31(c),

19 81st Texas Legislature, Regular Session (2009), Debbie

20 Carlson.

21 MS. CARLSON: Good afternoon; Debbie

22 Carlson with the Workforce Division.

23 Rider 31(c) provided the Commission with

24 \$15 million to serve Unemployment Insurance claimants

25 and to move the claimants back into the workforce. In

1 September the Commission approved the use of \$5  
2 million of these funds to support apprenticeship  
3 initiatives. In October the Commission approved the  
4 remaining \$10 million to fund the Texas Back-to-Work  
5 Initiative.

6 Under the American Recovery and  
7 Reinvestment Act, the Temporary Assistance for Needy  
8 Families Emergency Contingency Fund allows states to  
9 draw additional funds if they increase their  
10 TANF-related spending in any of three categories,  
11 including subsidized employment. States that increase  
12 TANF-related spending on subsidized employment may  
13 receive 80 percent reimbursement of the increased  
14 amount. In order to receive the reimbursement, the  
15 funds must be expended by September 30th of this year.

16 Based on the availability of these ARRA  
17 TANF Emergency Funds, staff recommends redirecting the  
18 \$5 million previously approved for the apprenticeship  
19 to support the Texas Back-To-Work Initiative. We  
20 further recommend the additional \$5 million be  
21 distributed to local workforce development areas based  
22 on their ability to expand subsidized employment  
23 services, which allow the state to draw down funds  
24 from the ARRA TANF Emergency Fund.

25 And I'll be happy to answer any

1 questions.

2 CHAIRMAN PAUKEN: Commissioner

3 Congleton.

4 COMM. CONGLETON: I have no questions.

5 CHAIRMAN PAUKEN: Commissioner Alcantar.

6 COMM. ALCANTAR: I just want to thank  
7 staff for their work in exploring further the -- the  
8 ability to leverage the TANF dollars and really  
9 appreciate the effort that went into that.

10 CHAIRMAN PAUKEN: Okay. Is -- do you  
11 need a motion?

12 MS. CARLSON: Yes, sir.

13 CHAIRMAN PAUKEN: Commissioner Alcantar,  
14 do you have a motion?

15 COMM. ALCANTAR: I move that we accept  
16 staffs' recommendation to invest an additional 5  
17 million into -- as proposed.

18 CHAIRMAN PAUKEN: Okay. Second? I'll  
19 second.

20 COMM. CONGLETON: You can second it?

21 CHAIRMAN PAUKEN: I'll second.

22 COMM. CONGLETON: Okay.

23 Well, as you know, I'm generally opposed  
24 to subsidized wages. I believe it puts down pressure  
25 on a -- wage rates, which ought to be decided by

1 workers and employers bargaining in a free market.  
2 Nonetheless, these are extraordinary times. It's  
3 impossible to ignore both the high unemployment rate  
4 and the availability of additional funds needed to  
5 stimulate the economy.

6 But at this moment I believe it's more  
7 important to maximize the funds we can draw down from  
8 the federal government and put that work -- put that  
9 to Work in Texas. So, I agree.

10 CHAIRMAN PAUKEN: Okay.

11 COMM. ALCANTAR: Chairman, I would also  
12 like to ask staff to continue working and to convene  
13 some stakeholders to come up with a modified approach  
14 as to trying to -- for trying to expand  
15 apprenticeship.

16 CHAIRMAN PAUKEN: Right.

17 COMM. ALCANTAR: I -- I think we need --  
18 (Simultaneous discussion)

19 CHAIRMAN PAUKEN: Okay. That's a good  
20 idea.

21 MS. CARLSON: Yes, sir.

22 CHAIRMAN PAUKEN: Okay.

23 MS. CARLSON: Thank you.

24 CHAIRMAN PAUKEN: Thank you,  
25 Ms. Carlson.

1 AGENDA ITEM NO. 11

2 CHAIRMAN PAUKEN: All right. No. 11,  
3 discussion, consideration, and possible action  
4 regarding Temporary Assistance for Needy Families and  
5 Workforce Investment Act Statewide Initiative, Cindy  
6 Geisman -- oh, no --

7 MS. MILLER: Reagan Miller for the  
8 record.

9 CHAIRMAN PAUKEN: Sorry, Reagan.

10 MS. MILLER: That's okay.

11 Good afternoon, Commissioners. I'll be  
12 presenting the next few items.

13 Following on what Debbie said, we have  
14 another opportunity to maximize the receipt of TANF  
15 ARRA dollars. A couple of months ago, you approved  
16 using 2 million of the TANF state-level reserve for  
17 subsidized employment activities. We asked boards to  
18 submit requests to us, and there was a resounding  
19 response. And we actually got \$5.5 million in  
20 requests.

21 So, we're coming back today to request  
22 that the Commission dedicate an additional \$3.5  
23 million to supporting TANF subsidized employment  
24 initiatives. And as Debbie said, these funds would  
25 also qualify for that federal TANF ARRA fund.

1                   And with that, we're requesting your  
2 approval.

3                   CHAIRMAN PAUKEN: Okay. Commissioner  
4 Alcantar.

5                   COMM. ALCANTAR: Again, I really want to  
6 commend you, Reagan, and -- and your team for working  
7 with all relevant parties to make sure that these  
8 expenditures qualify. And I appreciate the effort.

9                   CHAIRMAN PAUKEN: Okay. Commissioner  
10 Congleton.

11                  COMM. CONGLETON: I have no questions,  
12 and I move we allocate the \$3.5 million in Statewide  
13 TANF funds for Fiscal Year 2010 to be subsidized and  
14 used for employment initiatives.

15                  COMM. ALCANTAR: I would second.

16                  CHAIRMAN PAUKEN: Okay. It's unanimous.  
17 Thank you.

18                  MS. MILLER: Thank you. We also have  
19 another agenda item under this posting with our WIA  
20 State Level Funds.

21                  Several months ago Commissioner Alcantar  
22 requested that staff look into small board funding,  
23 particularly in light of the reductions that Texas is  
24 seeing in its WIA allotment and the impact that has on  
25 the smallest of boards. As you're aware, TWC

1 currently dedicates a portion of its WIA State Level  
2 Funding to provide each of the five small boards with  
3 an additional \$200,000 each year.

4                   In looking at this, staff first went out  
5 to visit the smallest board, Concho Valley. Concho  
6 Valley has expressed a need for additional funds. So  
7 we started there, and we really looked into their  
8 service delivery model, their staffing levels through  
9 an on-site visit. And then we followed up with visits  
10 to other boards to determine what sort of parallels we  
11 could draw on those other small boards.

12                   I do want to note that because each of  
13 the small boards are set up so differently, it's very  
14 difficult to draw complete parallels in how things are  
15 set up, but we were able to draw some general  
16 conclusions. First of all, we do believe that Concho  
17 has some opportunities to create additional  
18 efficiencies through changes in staffing patterns,  
19 changes in service delivery design, but -- but those  
20 don't ever come about quickly. But at the same time,  
21 we also recognize that Concho Valley has faced some  
22 significant cuts over the past several years as our  
23 WIA allotment has declined.

24                   As a point of reference, when TWC began  
25 providing small board funding in Program Year 2003,

1 our smallest board, Concho Valley, at that point when  
2 we gave them small board funding had a base level of  
3 1.4 million in its receipt of WIA funds. And since  
4 that time, they've seen steady increases and actually  
5 got above 1.6 million.

6                   Now, they've dropped down, so they're  
7 just receiving slightly over a million dollars. So,  
8 we have seen those -- those shifts impacting that  
9 board significantly. And based on this, we are  
10 recommending that -- that we re-examine small board  
11 funding and, in doing so, that we establish a minimum  
12 WIA threshold going back to where we started in PY '03  
13 of 1.4 million.

14                   We would look at this every year, at the  
15 actual base amount. We know that WIA funds will  
16 likely continue to decrease, the Texas allotment will,  
17 even if federal funds stay stable. And so this would  
18 be something that we'd have to look at on an annual  
19 basis.

20                   And then we would evaluate each of the  
21 small boards' receipt of WIA funds from all of their  
22 sources. And any board that fell below 1.4 million,  
23 we would make up the difference. If you concur with  
24 that, for Program Year '09, that would result in  
25 Concho Valley receiving an additional \$332,967.

1                   And I'd be happy to answer any  
2 questions.

3                   CHAIRMAN PAUKEN: Commissioner  
4 Congleton.

5                   COMM. CONGLETON: I'm agreeable to that.

6                   CHAIRMAN PAUKEN: Commissioner Alcantar.

7                   COMM. ALCANTAR: Well, again, thank you  
8 for all the work. I want to thank all the staff that  
9 were involved in this. I also want to thank the other  
10 boards that helped inform this action in -- in terms  
11 of providing information that we needed.

12                   I do think that there's opportunities  
13 for efficiencies, and that truly applies to all our  
14 boards and to our own internal operations. And we  
15 should strive for that. And I -- but I also believe  
16 that having gone out to this and some -- and the other  
17 boards that are out there, that this board has been  
18 able to generate support from local leaders, from --  
19 from industry, and from other -- other -- other local  
20 civic groups. And we need to recognize that and make  
21 sure that they maintain that momentum that they're  
22 generating and not take two steps back.

23                   And for that reason, I support the  
24 staffs' recommendation.

25                   CHAIRMAN PAUKEN: Is there a motion?

1 COMM. CONGLETON: So made.

2 COMM. ALCANTAR: Second.

3 CHAIRMAN PAUKEN: It's unanimous.

4 AGENDA ITEM NO. 12

5 CHAIRMAN PAUKEN: All right.

6 Ms. Miller, where are we now?

7 MS. MILLER: We are now on --

8 (Laughter)

9 MS. MILLER: -- Agenda Item 12, which is  
10 the --

11 CHAIRMAN PAUKEN: -- discussion,  
12 consideration, and possible action regarding a policy  
13 concept to repeal obsolete Child Care Service Rules 40  
14 TAC Sections 809.92(b)(4)(A), 809.93(a)(2) and  
15 809.93(b) and waive application of rules pending  
16 repeal, and it is Reagan Miller, not Nicole Verver.

17 MS. MILLER: Yes. Again, for the  
18 record, Reagan Miller.

19 This afternoon we do have a policy  
20 concept for some Child Care rules, and we're bringing  
21 these up as we begin implementing the Child Care  
22 Automated Attendance System where we replace manual  
23 child care attendance with this automated process.  
24 One of the goals of this system is to reduce  
25 operational costs associated with tracking and

1 processing child care attendance records. And so, as  
2 we begin rolling this out across the state, we've  
3 identified the need to -- to revisit a few of the  
4 Child Care rules.

5                   Specifically, the Child Care Automated  
6 Attendance System negates the need for providers to  
7 submit paper records at the end of each month. One of  
8 the things we do want to point out after some  
9 discussions and your office briefings was one of the  
10 things that we want to ensure that this automated  
11 assistance does is require that providers still sign  
12 off on the attendance records that are being  
13 automatically submitted through this system. So,  
14 providers will still have to verify that the care that  
15 they provided took place as they submit those records  
16 electronically.

17                   In the meantime, this policy concept  
18 recommends that we begin formal rulemaking process to  
19 repeal Sections 809.92(b)(4)(A), which requires  
20 providers to document and maintain attendance records,  
21 Section 809.93(a)(2), which requires a declaration of  
22 services be submitted by providers, and 809.93(b),  
23 which specifies the element of the declaration of  
24 services, as those will now be done through the  
25 automated system.

1                   We're also recommending that in the  
2 interim the Commission waive the identified rules to  
3 the local workforce areas as they begin implementing  
4 the Child Care Automated Attendance and that we would  
5 notify the boards of this through a WD letter. And  
6 with your approval, we would share this policy concept  
7 with the boards as we begin drafting rules for your  
8 consideration.

9                   CHAIRMAN PAUKEN: Commissioner Alcantar.

10                  COMM. ALCANTAR: I have no questions.

11                  CHAIRMAN PAUKEN: Commissioner  
12 Congleton.

13                  COMM. CONGLETON: No questions, and I  
14 move we approve the policy concept and waive the  
15 application of rules pending repeal as recommended by  
16 staff.

17                  COMM. ALCANTAR: I would second.

18                  CHAIRMAN PAUKEN: It's unanimous.

19                                 AGENDA ITEM NO. 13

20                  CHAIRMAN PAUKEN: And now we go to  
21 No. 13, discussion -- discussion, consideration, and  
22 possible action regarding an order pursuant to the  
23 General Appropriations Act, Article VII, Rider 19,  
24 81st Texas Legislature, Regular Session, concerning  
25 additional funds under the Supplemental Nutrition

1 Assistance Program Employment and Training Program,  
2 again, Reagan Miller.

3 MS. MILLER: TWC received notice from  
4 the U.S. Department of Agriculture that our SNAP E&T  
5 Program qualifies for an additional almost \$7 million  
6 in ABAWD-only funds. These funds will allow TWC to  
7 serve an additional almost 11,500 SNAP recipients.

8 As previously approved, when you adopted  
9 the 2010 board allocations, these ABAWD-only funds  
10 will be allocated to the workforce areas in the same  
11 proportion as the original allocation. And today for  
12 your approval is a Rider 19 Order and Written Plan  
13 requesting additional appropriation authority of  
14 approximately 3.5 million, which will allow TWC the  
15 authority to access all of the ABAWD funds awarded to  
16 it.

17 CHAIRMAN PAUKEN: Commissioner  
18 Congleton.

19 COMM. CONGLETON: I have no questions.

20 COMM. ALCANTAR: I have no questions.

21 CHAIRMAN PAUKEN: Is there a motion?

22 COMM. CONGLETON: Move that we order the  
23 Finding of the Fact and Written Plan submitted to the  
24 Governor and the LBB --

25 COMM. ALCANTAR: I second.

1                   COMM. CONGLETON:  -- as required by  
2 Rider 19 for the additional appropriation of 3.5  
3 million in federal funds for the Supplemental  
4 Nutrition Assistance Program Education Training  
5 Program as discussed.

6                   COMM. ALCANTAR:  Second.

7                   CHAIRMAN PAUKEN:  All right.

8                   AGENDA ITEM NO. 14

9                   CHAIRMAN PAUKEN:  No. 14, discussion,  
10 consideration, and possible action regarding an order  
11 pursuant to the General Appropriations Act, Article  
12 VII, Rider 19, 81st Texas Legislature, Regular  
13 Session, concerning additional funds under a Workforce  
14 Investment Act National Emergency Grant for  
15 multi-company layoffs, again, Reagan Miller.

16                  MS. MILLER:  As you're aware, we let you  
17 know last week that the Department of Labor did  
18 approve the multi-company NEG in the amount of  
19 \$2,201,214, and this grant will provide services to  
20 assist about 500 workers affected by layoffs in  
21 multiple companies.  This NEG will be operated by the  
22 Central Texas Workforce Board, and for your approval  
23 today is a Rider 19 Order and Written Plan requesting  
24 appropriation authority to allow TWC and the boards to  
25 access and expend these additional federal NEG funds.

1                   CHAIRMAN PAUKEN: Commissioner  
2 Congleton.

3                   COMM. CONGLETON: I have no questions,  
4 and I move that we approve the Rider 19 Order and  
5 Written Plan, which will provide TWC \$2,201,214 NEG --  
6 in NEG funds to provide dislocated workers with  
7 training and other workforce services needed to regain  
8 employment and that the Written Plan and Order be  
9 filled with the -- filed with the Governor and the  
10 LBB.

11                   COMM. ALCANTAR: I would agree.

12                   CHAIRMAN PAUKEN: It's unanimous. Thank  
13 you, Ms. Miller.

14                   AGENDA ITEM NO. 15

15                   CHAIRMAN PAUKEN: Laurie Biscoe, No. 15,  
16 discussion, consideration, and possible action  
17 regarding the definition of terms for the  
18 administration of the Trade Adjustment Assistance  
19 Program.

20                   MS. BISCOE: Good afternoon,  
21 Mr. Chairman and Commissioners. Laurie Biscoe, for  
22 the record, Workforce Division. In implementing the  
23 expanded Trade Program, we've identified a couple of  
24 areas in which statewide definitions or standards are  
25 either required or will assist in the consistent

1 administration of the program.

2                   First, we are recommending that the --  
3 that the term "local commuting area" for TAA purposes  
4 be defined as 50 miles from a trade-affected worker's  
5 residence to a training provider. The TAA requirement  
6 is that travel and subsistence costs be included in  
7 the cost of training for any training outside the  
8 local commuting area. If the commuting distance is  
9 beyond the 50 mile standard, transportation and  
10 subsistence costs will need to be included in the cost  
11 of training and be paid for with TAA funds. Defining  
12 this statewide will allow for consistency of  
13 administration across the board areas.

14                   Second, under the new TAA provisions,  
15 DOL is directing states to define what the state's  
16 "reasonable cost of training" is to be used in  
17 considering and approving training. Because of the  
18 significant variation in training costs across board  
19 areas, we are recommending that the reasonable cost of  
20 training in Texas be calculated as twice the statewide  
21 average cost of TAA training, based on training that  
22 was approved in the prior federal fiscal year. Staff  
23 is also recommending that the standard not be a cap  
24 but that, if the cost of training exceeds twice the  
25 average statewide cost of training, a board be

1 required to submit a justification to TWC's Trade  
2 Services Unit for consideration before approval.

3 And with that, I'll be glad to answer  
4 any questions.

5 CHAIRMAN PAUKEN: Commissioner  
6 Congleton.

7 COMM. CONGLETON: I have no questions,  
8 and I move that we approve the staff recommendation  
9 for definition of terms for local commuting area and  
10 for reasonable cost of training for the Trade  
11 Adjustment Assistance Program.

12 COMM. ALCANTAR: I would second.

13 CHAIRMAN PAUKEN: It's unanimous. Thank  
14 you, Ms. Biscoe.

15 AGENDA ITEM NO. 16

16 CHAIRMAN PAUKEN: Mr. Fuller,  
17 discussion, consideration, and possible action  
18 regarding approval of local workforce development  
19 board nominees.

20 MR. FULLER: Good afternoon, Chairman  
21 Pauken, Commissioner Congleton, Commissioner Alcantar.  
22 For the record, I'm John Fuller with the Workforce  
23 Development Division.

24 Today before you we have a nominee from  
25 East Texas Workforce Development Board for your

1 consideration and possible approval.

2 CHAIRMAN PAUKEN: I have no questions.

3 Is there a motion?

4 COMM. CONGLETON: Move that we approve  
5 the nominee from East Texas.

6 COMM. ALCANTAR: Second.

7 CHAIRMAN PAUKEN: It's unanimous. Thank  
8 you, Mr. Fuller.

9 AGENDA ITEM NO. 17

10 CHAIRMAN PAUKEN: I understand,  
11 Mr. McCarty, we don't have a report for you.

12 AGENDA ITEM NO. 18

13 CHAIRMAN PAUKEN: Mr. Temple, anything  
14 for you?

15 MR. TEMPLE: Two things: One, as you  
16 know, we got the letter from Leadership, the Governor,  
17 Speaker, Lieutenant Governor's Office, directing us to  
18 look at our General Revenue budget and take a 5 -- and  
19 propose 5 percent cuts that reflect the least impact  
20 to services and -- over the biennium, and we're  
21 looking at that. Our share of those cuts would be  
22 approximately \$15 million, a little over 15 million --

23 CHAIRMAN PAUKEN: That's a -- that's a  
24 two-year figure --

25 MR. TEMPLE: Over two -- yes.

1                   CHAIRMAN PAUKEN:  -- 7.5 million each  
2 year.

3                   MR. TEMPLE:  Yes, sir.

4                   And -- so we're looking at that.  We'll  
5 be bringing some options around to you, talking to you  
6 about those in the near future.

7                   And, secondly, because of the -- the --  
8 the overwhelmingly positive response that we had from  
9 our -- our workforce boards related to the wage  
10 subsidy, beyond the funding that we had, we've asked  
11 the boards to spend this week looking at, you know,  
12 how much more they think they could do if funding was  
13 available.  We have the board EDs and their key  
14 personnel coming into Austin next Monday to meet with  
15 them, to see -- and what their plans would be so that  
16 if -- if we do have the need and they believe they  
17 have the capacity, then we'll go after additional  
18 stimulus dollars through the TANF.  So, we'll keep you  
19 posted on that as well.

20                   CHAIRMAN PAUKEN:  Okay.

21                   AGENDA ITEM NO. 21

22                   CHAIRMAN PAUKEN:  Is there a motion to  
23 adjourn?

24                   COMM. CONGLETON:  So made.

25                   COMM. ALCANTAR:  Second.

1                   CHAIRMAN PAUKEN: It unanimous.

2                   (Meeting adjourned: 3:37 p.m.)

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1 C E R T I F I C A T E

2 STATE OF TEXAS )  
3 COUNTY OF TRAVIS )

4

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

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

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

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22 JANIS SIMON  
23 Certified Shorthand Reporter  
24 CSR No. 7076 - Expires 12/31/11  
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