

	TABLE OF CONTENTS	PAGE
1		
2		
3	AGENDA ITEM NO. 1	3
	Chairman Pauken	
4	AGENDA ITEM NOS. 2 & 3	3
5	Roger Dickinson, Jonathan Babiak, Doug Carnes, and Lisa Stefani	
6	AGENDA ITEM NOS. 4 & 5	4
7	Lisa Stefani, Jonathan Babiak, and Roger Dickinson	
8	AGENDA ITEM NO. 6	No Action
	Jewell Patricio	
9		
10	AGENDA ITEM NO. 7	4
	Nicole Verver	
11	AGENDA ITEM NO. 8	6
	Randy Townsend	
12		
13	AGENDA ITEM NO. 9	8
	Nicole Verver	
14	AGENDA ITEM NO. 10	11
	Nicole Verver	
15		
16	AGENDA ITEM NO. 11	13
	Laurie Biscoe	
17	AGENDA ITEM NO. 12	16
	Larry Jones	
18		
19	AGENDA ITEM NO. 13	No Action
	Tom McCarty	
20	AGENDA ITEM NO. 14	17
	Gene Crump, Chairman Pauken, and Commissioners	
21		
22	AGENDA ITEM NOS. 15 & 16	No Action
23	AGENDA ITEM NO. 17	19
	Chairman Pauken and Commissioners	
24	REPORTER'S CERTIFICATE	20
25		

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

2 WEDNESDAY, FEBRUARY 17, 2010

3 (1:00 p.m.)

4 AGENDA ITEM NO. 1

5 CHAIRMAN PAUKEN: Okay. Good afternoon.

6 The meeting will now be called to order, and I'll turn

7 the meeting over to Commissioner Alcantar to preside

8 over that portion of the meeting involving Agenda

9 Items 2 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 No discussion.

20 AGENDA ITEM NO. 3

21 Discussion, Consideration, and Possible

22 Action Regarding Tax Liability Cases Listed on the

23 Texas Workforce Commission Docket 7

24 The Commission considered and took

25 action on all Tax Liability Cases listed on Docket 7.

1 AGENDA ITEM NO. 4
2 Discussion, Consideration, and Possible
3 Action Regarding Higher Level Appeals in Wage Claim
4 Cases listed on the Texas Workforce Commission
5 Docket 7

6 The Commission considered and took
7 action on all Wage Claim Cases listed on Docket 7.

8 AGENDA ITEM NO. 5
9 Discussion, Consideration, and Possible
10 Action Regarding Higher Level Appeals in Unemployment
11 Compensation Cases Listed on the Texas Workforce
12 Commission Docket 7

13 The Commission considered and took
14 action on all Unemployment Compensation Cases listed
15 on Docket 7.

16 (The Commission paused, then continued
17 with the remainder of the agenda.)

18 AGENDA ITEM NO. 6

19 CHAIRMAN PAUKEN: Good morning.

20 And any public comment?

21 MS. PATRICIO: No public comment, sir.

22 CHAIRMAN PAUKEN: No public 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, and it's not Juan Garcia. It's Nicole
3 Verver.

4 Nicole.

5 MS. VERVER: Good afternoon, Chairman
6 Pauken, Commissioners; Nicole Verver for Workforce
7 Development.

8 This afternoon we have for your approval
9 local match pledges and certification of expense from
10 Dallas, North East Texas, Upper Rio, West Central,
11 Heart of Texas, and Texoma. The total amount for your
12 approval is 2,322,546.

13 CHAIRMAN PAUKEN: Any discussion?

14 (No response)

15 CHAIRMAN PAUKEN: Is there a motion?

16 COMM. CONGLETON: Move that we accept
17 the Child Care pledges for Fiscal Year 2010 -- Child
18 Care Matching Funds in the amount of \$2,322,546 as
19 discussed by staff.

20 COMM. ALCANTAR: I would second.

21 CHAIRMAN PAUKEN: Okay. It's unanimous.
22 Thank you, Nicole.

23 MS. VERVER: Okay. And I just want to
24 add that the boards have raised 100 percent of their
25 required local match. So, we want to thank them for

1 their efforts.

2 CHAIRMAN PAUKEN: Okay. Terrific.

3 AGENDA ITEM NO. 8

4 CHAIRMAN PAUKEN: No. 8, discussion,
5 consideration, and possible action regarding the
6 estimated Unemployment Trust Fund balance pursuant to
7 Texas Labor Code Section 204.061 and the estimated
8 Employment and Training Investment Holding Fund
9 balance available for transfer pursuant to Labor --
10 Texas Labor Code Section 204.123, Mr. Townsend.

11 MR. TOWNSEND: Good afternoon,
12 Mr. Chairman, Commissioners, presenting the
13 Unemployment Compensation Trust Fund as of October
14 1st, and we prepared this information through February
15 10th. Based on that information, our Trust Fund
16 balance is expected to be zero on October 1st, 2010
17 with a Title XII advance outstanding on that date of
18 almost 1.8 billion. We'd be about 2.6 billion below
19 the floor based on that current -- or on the estimated
20 balance.

21 Sharing a little bit of trend
22 information with you, for the last six completed
23 weeks -- this is as of January 30th -- our total net
24 benefits paid averaged 67.6 million per week. That
25 was up about 36 percent from the one-year-ago total of

1 49.7 million. Our initial claims averaged nine --
2 19,464 for the six weeks ending January 30th. That
3 was about 14 percent below the -- the one-year-ago
4 six-week average of 22,000. So, that's a -- a good --
5 good direction to be going with initial claims.

6 Our continued claims, however, averaged
7 239,000 for the six weeks ending January 30th. And
8 that was about 31 percent above the one-year-ago total
9 for continued claims.

10 CHAIRMAN PAUKEN: Well, obviously, the
11 latter number, the continued claims, reflects the --
12 the -- the reality that companies are not -- still not
13 in a hiring mode. Let me ask you, Mr. Townsend, I
14 know you've been doing some projections the last
15 couple of months. Are the numbers tracking your
16 projections? Are they worse or better than what your
17 projections were, say, six weeks, two months ago where
18 we'd be today?

19 MR. TOWNSEND: Actually, they're
20 tracking pretty well. We -- this projection is a
21 little bit lower, actually, than where we were --
22 where I was projecting last month. And if the trends
23 continue, I think we're going to be -- at this point
24 we're going to be pretty close to what we're
25 predicting. Of course, there's still some -- some

1 time in there that will -- will tell, I guess. But
2 for the most part we're tracking pretty -- pretty
3 closely with our projections.

4 CHAIRMAN PAUKEN: Okay.

5 Commissioner Congleton.

6 COMM. CONGLETON: Thanks.

7 CHAIRMAN PAUKEN: Commissioner Alcantar.

8 COMM. ALCANTAR: No questions.

9 CHAIRMAN PAUKEN: Okay. Thank you,
10 Mr. Townsend.

11 AGENDA ITEM NO. 9

12 CHAIRMAN PAUKEN: All right. Number --
13 No. 9, discussion, consideration, and possible action
14 regarding the Project Reintegration of Offenders
15 Strategic Plan for Fiscal Year -- Years 2010-2011 for
16 submission to the Legislative Budget Board and the
17 Governor's Office pursuant to the General
18 Appropriations Act, Article VII, Rider 11, 81st Texas
19 Legislature, Regular Session (2009), Nicole Verver.

20 MS. VERVER: Again, for the record,
21 Nicole Verver, Workforce Development.

22 For your consideration today is the
23 Project Reintegration of Offenders Strategic Plan for
24 2010 and 2011. TWC, the Texas Department of Criminal
25 Justice, the Windham Independent School District, and

1 the Texas Youth Commission are partners on the
2 project. Prior to March 1st of each even-numbered
3 year, the agencies are required to submit the
4 Strategic Plan to the Governor's Office and the
5 Legislative Budget Board.

6 We've focused on a couple of major areas
7 within the plan. In September of '09, TDCJ formed a
8 new division focused on reentry and integration, which
9 has been charged with many of the prisoner reentry
10 issues and functions. The new division has assumed
11 responsibility for the prerelease function of Project
12 RIO, which formerly fell under the purview of Windham
13 School District.

14 Staff has updated the plan to reflect
15 this. We've also updated the statutory restrictions
16 on employment of convicted felons to reflect
17 additional legislation passed last session, as well as
18 to reflect changes in entities responsible for issuing
19 the licenses. And, finally, we've updated the
20 performance benchmarks, the demographic and historical
21 service data in the Workforce and Criminal Justice
22 directories.

23 At this time I will be glad to answer
24 any questions.

25 CHAIRMAN PAUKEN: Ms. Verver, do -- do

1 we have any indication as to whether, in light of the
2 increasing unemployment levels and difficult economic
3 situation we're in, that it's more difficult to -- for
4 those who are exoffenders to be hired?

5 MS. VERVER: What we've found is talking
6 to the boards and our -- our Criminal Justice partners
7 is that these -- these -- these people have additional
8 barriers to employment already. And with the
9 recession and economy the way it is, they are having a
10 little more difficulty in staying in the program a
11 little longer.

12 CHAIRMAN PAUKEN: Okay. Do we have any
13 statistical backup on, say, comparing it pre --
14 pre-recession to post-recession?

15 MS. VERVER: We have our -- our
16 performance measures that we report to the LBB on a
17 monthly basis for retention and entered employment.
18 Our numbers served in the program are staying
19 constant. We're just noticing that they're staying in
20 a little longer.

21 CHAIRMAN PAUKEN: Okay.

22 MS. VERVER: We certainly can run some
23 analysis for you --

24 (Simultaneous discussion)

25 CHAIRMAN PAUKEN: Yeah, it would be

1 helpful to just know particularly on the employment
2 side pre- and post-recession figures.

3 MS. VERVER: Okay. We can do that.

4 CHAIRMAN PAUKEN: Okay. Thank you.

5 Is there any motion?

6 COMM. CONGLETON: Move that we approve
7 the Project RIO Strategies Plan for Fiscal Year 2010
8 to 2011 for submission to the Governor and the LBB as
9 discussed.

10 COMM. ALCANTAR: I would agree.

11 CHAIRMAN PAUKEN: Okay.

12 MS. VERVER: Thank you.

13 AGENDA ITEM NO. 10

14 CHAIRMAN PAUKEN: No. 10, discussion,
15 consideration, and possible action regarding an
16 amendment to the Federal Fiscal Year 2010 Supplemental
17 Nutrition Assistance Program Employment and Training
18 State Plan for submission to the U.S. Department of
19 Agriculture.

20 MS. VERVER: Again, for the record,
21 Nicole Verver.

22 This afternoon, for your consideration,
23 is an amendment to the 2010 SNAP E&T State Plan. The
24 SNAP E&T Plan is being amended to add a new subsidized
25 employment component to the menu of services available

1 to SNAP E&T participants. This plan amendment will
2 inform the U.S. Department of Agriculture's Food and
3 Nutrition Services that the component is part of TWC's
4 new TANF Subsidized Employment Initiative.

5 Since federal law and regulations
6 prohibit the use of SNAP funds to subsidize --
7 subsidize wages of SNAP recipients, the amendment
8 states that TANF funds will be used instead of the
9 SNAP funds. Additionally, F&S provided us with
10 clarification that all wages received from the new
11 Subsidized Employment component must be counted when
12 determining an individual's eligibility for SNAP
13 benefits.

14 HHSC has been informed of this
15 clarification, and we've also amended the State Plan.
16 Finally, we've amended the plan to include Texas
17 portions -- Texas's portion of the ABAWD-only
18 allocation, which is significantly higher than we've
19 received in prior years. At this time I'll be glad to
20 answer any questions.

21 CHAIRMAN PAUKEN: Okay. Any questions?

22 (No response)

23 CHAIRMAN PAUKEN: Is there a resolution?

24 COMM. CONGLETON: Move that we approve

25 the amendments and State Plan for Supplemental

1 Nutrition Assistance Program Employment & Training
2 Program for submission to the U.S. Department of
3 Agriculture as discussed.

4 COMM. ALCANTAR: I would second.

5 CHAIRMAN PAUKEN: Okay. It's unanimous.

6 Thank you --

7 MS. VERVER: Thank you.

8 CHAIRMAN PAUKEN: -- Ms. Verver.

9 AGENDA ITEM NO. 11

10 CHAIRMAN PAUKEN: No. 11, discussion,
11 consideration, and possible action regarding the
12 identification of career schools and colleges and the
13 education programs eligible to participate in the
14 Texas Career Opportunity Grant Program, Ms. Biscoe.

15 MS. BISCOE: Good afternoon,
16 Mr. Chairman and Commissioners; Laurie Biscoe,
17 Workforce Division.

18 I'm here this afternoon to present
19 information about the Texas Career Opportunity Grant
20 Program and the career school programs that will be
21 eligible for this new tuition assistance program.
22 The -- the Texas Career Opportunity Grant Program
23 provides tuition assistance to -- assistance grants to
24 students at career schools and colleges. Last year
25 the Legislature passed HB 3519 which requires TWC and

1 the Texas Higher Education Coordinating Board to enter
2 into an MOU for the administration of the program.

3 And for the first time the Legislature
4 funded the program by appropriating \$675,000 a year to
5 the Higher Education Coordinating Board for
6 administration of the program. We're currently
7 working with the Coordinating Board on the final
8 details of the MOU, which we'll be bringing back to
9 you here in the future.

10 For today's consideration we're asking
11 for your approval of the methodology to be used to
12 identify the career school and college programs that
13 will be eligible to participate in the program, a key
14 TWC responsibility. The Texas Labor Code lists
15 specific eligibility requirements. For instance, the
16 school must be accredited for at least five years,
17 have had a certificate of approval from TWC for the
18 past five years, and eligible programs must be one
19 academic year in length and lead to a certificate
20 certification, degree, or diploma.

21 In addition, TWC may target specific
22 career fields when identifying eligible programs based
23 on the state's need for workforce development in those
24 career fields. After looking at career field
25 eligibility options, staff is recommending that we

1 limit eligibility to career schools and colleges and
2 their education programs that support occupations
3 included on the statewide target occupation list.
4 Tying the use of these limited grant funds to programs
5 supporting the statewide target occupations will
6 support students in fields in which there is a
7 documented workforce need and will align the grant
8 funding with its purpose of ensuring a qualified
9 workforce to meet the needs of Texas.

10 And I'll be glad to answer any
11 questions.

12 CHAIRMAN PAUKEN: Commissioner Alcantar.

13 COMM. ALCANTAR: I have no questions.

14 CHAIRMAN PAUKEN: Commissioner
15 Congleton.

16 COMM. CONGLETON: I have no questions.

17 CHAIRMAN PAUKEN: Is there a motion?

18 COMM. CONGLETON: Move that we -- that
19 in addition to the requirements set forth in the Texas
20 Labor Code Sections 305.023, 305.024 and pursuant to
21 Section 305.021 only those career schools and college
22 programs supporting occupations, including the most
23 current statewide target occupation list, be eligible
24 to the -- for the Texas Career Opportunity Grant
25 Program as discussed by the staff.

1 COMM. ALCANTAR: I would second.

2 AGENDA ITEM NO. 12

3 CHAIRMAN PAUKEN: Okay. No. 12,
4 discussion, consideration, and possible action
5 regarding approval of local workforce development
6 board nominees, Mr. Jones.

7 MR. JONES: Good afternoon,
8 Mr. Chairman, Commissioners. For the record, I'm
9 Larry Jones with Workforce Development.

10 We have before you nominees from four
11 workforce board areas, including Upper Rio Grande,
12 Permian Basin, Rural Capital Area, and Gulf Coast
13 Workforce Development Boards for your consideration
14 and/or approval today, sir.

15 CHAIRMAN PAUKEN: Okay. I -- I have no
16 problems with any of the proposed nominees.

17 Do my Commissioner -- fellow
18 Commissioners have any issues?

19 (No response)

20 CHAIRMAN PAUKEN: Okay. Is there a
21 motion to approve the nominees?

22 COMM. CONGLETON: Move that we approve
23 the nominees from Upper Rio, Permian Basin and Rural
24 Capital and Gulf Coast as presented by staff.

25 COMM. ALCANTAR: I would second.

1 CHAIRMAN PAUKEN: Okay. It's unanimous.

2 MR. JONES: Thank you.

3 AGENDA ITEM NO. 13

4 CHAIRMAN PAUKEN: All right. No. 13,

5 Mr. McCarty, do you have anything in terms of

6 legislative issues?

7 MR. McCARTY: (Shaking head)

8 AGENDA ITEM NO. 14

9 CHAIRMAN PAUKEN: Sitting in for

10 Mr. Temple is Mr. Crump.

11 Any -- any -- anything on administrative

12 matters from you?

13 MR. CRUMP: No, sir, Mr. Chairman,

14 nothing this afternoon.

15 CHAIRMAN PAUKEN: Let me -- let me just

16 raise an issue. I know this issue when I first got

17 here came up, this Child Care issue of some problems

18 in the system. And what confused me is that the -- in

19 a sense inspections are the enforcement in terms of

20 identifying problem areas. I remember -- I remember

21 there was an incident when I first came aboard that

22 was, you know, really a -- a very tragic situation.

23 And I was surprised to learn that it's totally

24 separate in terms of Child Protective Services having

25 responsibility over that.

1 And I know that's a legislative
2 decision. But it just seems to me that maybe we ought
3 to have somebody at least look at it from a policy
4 standpoint to see whether it might make sense to put
5 that back together again, because I -- I think maybe
6 it gets lost in the process over there at Child
7 Protective Services with so much on their plate and
8 whether that's something that we might want to
9 consider in terms of the future legislative agenda,
10 because it struck me as -- as odd and in talking with
11 some of the local Child Care representatives when --
12 when it was all connected they -- at least some of
13 them felt it was a better system to allow more control
14 over potential areas of abuse or problems.

15 MR. CRUMP: Yes, sir, Mr. Chairman. We
16 can put that on our list and do some research around
17 that and bring that back to the Commission.

18 CHAIRMAN PAUKEN: Okay.

19 All right. I don't have anything else.
20 I do want to add I want to thank the board members,
21 particularly the Board Chairman of South East Texas,
22 for the hospitality I was shown in Beaumont yesterday.
23 And -- and it's -- it's encouraging to see a couple of
24 major refinery upgrades which are going to hire
25 people. So, that's good news in these tough times.

1 MR. CRUMP: Yes, sir.

2 AGENDA ITEM NO. 17

3 CHAIRMAN PAUKEN: All right. Is there a
4 motion to adjourn?

5 COMM. CONGLETON: So made.

6 COMM. ALCANTAR: Second.

7 CHAIRMAN PAUKEN: All right. It's
8 unanimous.

9 (Meeting adjourned: 1:45 p.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
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