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TRANSCRIPT OF PROCEEDINGS
BEFORE THE
TEXAS WORKFORCE COMMISSION
AUSTIN, TEXAS

PUBLIC MEETING)
FOR THE TEXAS)
WORKFORCE COMMISSION)

COMMISSION MEETING
TUESDAY, MARCH 2, 2010

BE IT REMEMBERED THAT at approximately
9:00 a.m., Tuesday, the 2nd day of March 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, CHAIRMAN, RONALD G. CONGLETON and ANDRES
ALCANTAR, COMMISSIONERS, and LARRY TEMPLE, EXECUTIVE
DIRECTOR, of the Texas Workforce Commission; and the
following proceedings were reported by William C.
Beardmore, a Certified Shorthand Reporter of:

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

2 TUESDAY, MARCH 2, 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. CONGLETON: 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 9

24 The Commission considered and took
25 action on all tax liability cases listed on Docket 9.

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 9

6 The Commission considered and took
7 action on all wage claim cases listed on Docket 9.

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 9

13 The Commission considered and took
14 action on all unemployment compensation cases listed
15 on Docket 9.

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

18 AGENDA ITEM NO. 6

19 CHAIRMAN PAUKEN: All right. Good
20 morning. We'll have No. 6. Mr. Jones, any public
21 comment?

22 MR. JONES: No, sir.

23 AGENDA ITEM NO. 7

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

1 renegotiating Program Year 2009 Performance Measures
2 Targets with the U.S. Department of Labor. Adam
3 Leonard.

4 MR. LEONARD: Commissioners, good
5 morning. For the record, Adam Leonard, Performance
6 Analysis and Reporting.

7 As you know, generally every year we
8 negotiate performance targets with the U.S. Department
9 of Labor. This usually occurs in the Spring, in the
10 May-June time frame -- April, May, June.

11 And when we did this last year, although
12 we were seeing signs of the national recession in
13 Texas, we certainly did not have any data yet that
14 showed what the impact of that recession was on our
15 performance because of the great lag that exists
16 within measures like Entered Employment Retention.

17 We're now seeing significant impact in
18 the entered employment measures where we've having
19 issues with five specific measures that we have
20 targets with DOL.

21 We are starting to see some numbers in
22 the retention data. We've got some preview datas
23 there that suggest that the overall ES retention level
24 is also dropping more than expected when we negotiated
25 these targets originally.

1 And so, therefore, we would like to go
2 forward and try to renegotiate with the DOL for
3 alternate targets. The proposed targets are listed on
4 Pages 2 and 3 of your handout, and I'll be happy to
5 answer any questions you may have.

6 CHAIRMAN PAUKEN: Well, clearly, in our
7 look at these figures every week, the continued claims
8 the companies -- as you talk to companies they're just
9 not in a hiring mode, and it is obviously a
10 dramatically different situation than what we faced a
11 year ago.

12 So I'm comfortable with what you've
13 done, Mr. Leonard. Commissioner Congleton?

14 COMM. CONGLETON: Yeah, I move we
15 approve the new proposed targets and authorize
16 Mr. Leonard and staff to negotiate with DOL.

17 COMM. ALCANTAR: Second.

18 CHAIRMAN PAUKEN: It's unanimous.

19 MR. LEONARD: Thank you.

20 AGENDA ITEM NO. 8

21 CHAIRMAN PAUKEN: Okay. No. 8,
22 Discussion, Consideration, and Possible Action
23 Regarding Performance Measure Changes for the Texas
24 Workforce Commission Fiscal Years 2011-2015 Strategic
25 Plan. Again, Mr. Leonard.

1 MR. LEONARD: Yes. This is a biennial
2 exercise where the agency updates its strategic plan.

3 Generally, LBB and the Governor's office
4 issue instructions to agencies exactly what they would
5 like to see in those plans.

6 But for the past several biennia we've
7 had pretty much the same level of sets of instructions
8 that are going out. And with that in mind, we just
9 decided to be a little proactive in looking at our
10 existing performance measures and recommending
11 changes.

12 Unlike in previous years where we're
13 looking at fairly significant changes, we think we've
14 kind of reached a point of stability within the
15 measures that we have over there and, therefore, are
16 really only looking at a couple of minor changes.

17 For two measures, we wanted to insert
18 the word "average" in the title of the measure, which
19 is more consistent with the way the calculations
20 actually occur. So it's an issue of transparency.

21 And in two other places we were
22 proposing that we would eliminate, Measure 1, relating
23 to the childcare waiting list because it doesn't
24 really represent a statewide waiting list. It's
25 something that's controlled individually by each of

1 the Boards. They can choose when they want to open
2 those lists or not, how big they want to let them get
3 before they cut off access to the list, et cetera.

4 It's really more of a management tool to
5 help them deal with turnover in their programs than in
6 an overall measure of need. The other one has to do
7 with the percent of employment and housing
8 investigations that are in compliance with federal
9 review standards.

10 This is a civil rights division measure.
11 They do these investigations and have to submit the
12 results up to -- and the information up to the federal
13 agencies who then go through to make sure that they
14 meet certain review standards.

15 Well, since CRD knows what those
16 standards are, they have developed their processes in
17 such a way that they're going check by check through
18 the process to make sure that they meet -- they
19 generally are always at 99-plus percent or better.

20 From a practical standpoint, we need to
21 turn these things in on a state fiscal year basis.
22 The feds really are on kind of their own schedule.
23 It's not compatible with what we do in terms of our
24 time frame.

25 They don't even necessarily get it in

1 the same time every year. They just kind of get to it
2 when they get to it.

3 And so at this point, we're usually
4 reporting NAs to the LBB and the Governor's office
5 which means that we're not really getting much out of
6 this measure anyway. So we'd propose eliminating it.

7 CHAIRMAN PAUKEN: Okay. I think that
8 makes sense, particularly that childcare waiting list
9 opened -- you know, I think it's best to have local
10 control and local determination with respect to that.
11 Commissioner Alcantar?

12 COMM. ALCANTAR: I have no questions.

13 CHAIRMAN PAUKEN: Commissioner
14 Congleton?

15 COMM. CONGLETON: I move that we approve
16 the three discussed changes, TWC's 2011-2015 strategic
17 plan as provided by staff.

18 COMM. ALCANTAR: I would second.

19 AGENDA ITEM NO. 9

20 CHAIRMAN PAUKEN: All right. No. 9
21 Discussion, Consideration, and Possible Action
22 Regarding a Memorandum of Understanding between the
23 Texas Workforce Commission and the Texas Higher
24 Education Coordinating Board. Laurie Biscoe or
25 Catherine Bingle? Nothing today on that?

1 FROM THE AUDIENCE: We're postponing it
2 until the next meeting.

3 AGENDA ITEM NO. 10

4 CHAIRMAN PAUKEN: Okay. Discussion and
5 Consideration and Possible Action Regarding Approval
6 of Local Workforce Development Board Nominees.
7 Mr. Fuller is back.

8 MR. FULLER: Good morning, Chairman
9 Pauken, Commissioner Congleton, Commissioner Alcantar
10 and Mr. Temple.

11 For the record, John Fuller, Workforce
12 Development Division. Today before you you have
13 nominees from the Capital Area, Lower Rio Grande,
14 Rural Capital, Deep East Texas and the Gulf Coast for
15 your consideration.

16 CHAIRMAN PAUKEN: I don't have any
17 issues. Do you have any issues, Commissioner
18 Alcantar?

19 COMM. ALCANTAR: I do not.

20 CHAIRMAN PAUKEN: Commissioner
21 Congleton?

22 COMM. CONGLETON: I have no issues, and
23 I move that we approve the nominees for Capital Area,
24 Lower Rio, Rural Capital, Deep East and Gulf Coast as
25 presented by staff.

1 COMM. ALCANTAR: I would second.

2 CHAIRMAN PAUKEN: It's unanimous. Thank
3 you, Mr. Fuller.

4 MR. FULLER: Thank you.

5 AGENDA ITEM NO. 11

6 CHAIRMAN PAUKEN: No. 11, Discussion,
7 Consideration, and Possible Action Regarding Enacted,
8 Proposed or Considered Federal Regulations, Executive
9 Orders or Federal or State Enacted or Proposed
10 Legislation. Mr. McCarty?

11 MR. MCCARTY: Good morning, Chairman
12 Pauken, Commissioner Congleton and Commissioner
13 Alcantar. Tom McCarty, External Relations.

14 On October 24th the Senate passed 15
15 billion hiring incentives to restore Employment Hire
16 Act -- HR 2847 -- which was formerly known as the
17 "Jobs Bill."

18 2847 includes a payroll tax reduction
19 for businesses that hire new workers, extensions of
20 the Highway Trust Fund, the Build America Bond Program
21 and expense deductions for small businesses.

22 The House is expected to concur in
23 Senate amendments this week and pass out the bill.
24 The Senate just last night attached a one-year
25 extension for the expired UI provisions to HR 4213,

1 which is the Tax Extenders Bill.

2 We expect that the Senate will vote on
3 this bill this week and send it to the House for
4 concurrence. That concludes my remarks on the --

5 CHAIRMAN PAUKEN: Any questions,
6 Commissioner Alcantar?

7 COMM. ALCANTAR: No questions.

8 CHAIRMAN PAUKEN: Commissioner
9 Congleton?

10 COMM. CONGLETON: No, sir.

11 CHAIRMAN PAUKEN: Okay. Thank you,
12 Mr. McCarty. All right.

13 AGENDA ITEM NO. 12

14 CHAIRMAN PAUKEN: All Right.

15 Mr. Temple, do you have any reports today?

16 MR. TEMPLE: Only one thing. Just to
17 report back, when we went to the -- Commissioner
18 Alcantar and I both -- at the NASWA conference a week
19 and a half ago.

20 We laid out our Texas Back to Work
21 Program and our proposal of going after the stimulus
22 money. I don't believe there's another state in the
23 nation of the 30 that are pulling down the money that
24 are targeting UI claimants back to work with any of
25 these dollars.

1 So I think Reagan Miller is not here
2 today, but has had six conference calls since that
3 meeting with my counterparts trying to figure out how
4 they can do that, because it's all been on the welfare
5 side, and a lot of them haven't thought about the
6 flexibility.

7 So I just wanted to let you-all know
8 that, once again, TWC is definitely on the cutting
9 edge on this initiative. And Jane Oates and others
10 from DOL were very complimentary of our efforts, and I
11 just wanted to pass that along to you.

12 CHAIRMAN PAUKEN: Okay. Is there a
13 motion to adjourn?

14 COMM. CONGLETON: So made.

15 COMM. ALCANTAR: Agreed.

16 CHAIRMAN PAUKEN: Okay. Thank you.

17 AGENDA ITEM NO. 13

18 CHAIRMAN PAUKEN: My apologies. We do
19 have to go into Executive Session regarding
20 litigation -- Vincent Jimenez versus Texas Workforce
21 Commission.

22 (Executive Session: 9:34 a.m. to
23 9:46 a.m.)

24 CHAIRMAN PAUKEN: Okay. It is now 9:46
25 and we're back in regular session. Is there a motion?

1 COMM. CONGLETON: I vote that we make
2 the settlement between Vincent F. Jimenez and Texas
3 Workforce Commission.

4 CHAIRMAN PAUKEN: And approve that
5 settlement?

6 COMM. CONGLETON: Yes.

7 COMM. ALCANTAR: I would second.

8 CHAIRMAN PAUKEN: Okay. It's unanimous.

9 AGENDA ITEM NO. 15

10 CHAIRMAN PAUKEN: Is there a motion to
11 adjourn?

12 COMM. CONGLETON: So made.

13 COMM. ALCANTAR: Second.

14 (Proceedings concluded at 9:46 a.m.)

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

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3 STATE OF TEXAS)

4 COUNTY OF TRAVIS)

5

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

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

15 IN WITNESS WHEREOF, I have hereunto set
16 my hand and seal this 9th day of March 2010.

17

18

19 _____
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