

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE  
TEXAS WORKFORCE COMMISSION  
AUSTIN, TEXAS

PUBLIC MEETING            )  
FOR THE TEXAS            )  
WORKFORCE COMMISSION)

COMMISSION MEETING

TUESDAY, OCTOBER 13, 2009

BE IT REMEMBERED THAT at approximately  
9:00 a.m., Tuesday, the 13th day of October 2009, 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:

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

2 TUESDAY, OCTOBER 13, 2009

3 (9:00 a.m.)

## 4 AGENDA ITEM NO. 1

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

## 10 AGENDA ITEM NO. 2

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

## 18 AGENDA ITEM NO. 3

19 Discussion, Consideration and Possible  
20 Action Regarding Tax Liability Cases Listed on the  
21 Texas Workforce Commission Docket 41

22 The Commission considered and took  
23 action on all Tax Liability Cases listed on Docket 41.

## 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 Dockets 40 and 41

4 The Commission considered and took  
5 action on all Wage Claim Cases listed on Dockets 40  
6 and 41.

7 AGENDA ITEM NO. 5

8 Discussion, Consideration and Possible  
9 Action Regarding Higher Level Appeals in Unemployment  
10 Compensation Cases Listed on the Texas Workforce  
11 Commission Dockets 40 and 41

12 The Commission considered and took  
13 action on all Unemployment Compensation Cases listed  
14 on Dockets 40 and 41.

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

17 CHAIRMAN PAUKEN: Okay. Are we ready to  
18 reconvene?

19 AGENDA ITEM NO. 6

20 CHAIRMAN PAUKEN: Mr. Jones, anything in  
21 terms of public comment?

22 MR. PAUL N. JONES: No, sir.

23 CHAIRMAN PAUKEN: Mr. Temple, I  
24 understand we have a couple of --

25 MR. TEMPLE: Yes, sir.

1                   CHAIRMAN PAUKEN:  -- special  
2 announcements.

3                   MR. TEMPLE:  First, Mr. Crump, if you  
4 would step up.

5                   CHAIRMAN PAUKEN:  All right.  Well,  
6 let's go down.  What -- and we have --

7                   MR. TEMPLE:  Gene --

8                   CHAIRMAN PAUKEN:  -- and then we also  
9 have something after that.  Okay.

10                  MR. TEMPLE:  We'll stay down, and I'll  
11 introduce them.

12                  It's been 15 years, and they said it  
13 wouldn't last.

14                  (Laughter)

15                  MR. CRUMP:  Oh, goodness.

16                  CHAIRMAN PAUKEN:  Well, it's our  
17 honor -- you know, we used to use the term, those of  
18 us who served briefly or were volunteers in the  
19 military and were only there for a while, we referred  
20 to "lifers."  And, of course, he's a -- he's a  
21 double-lifer now, a distinguished career in the  
22 military.  And Gene Crump does a great job on the  
23 operations side, has definitely been a hero for this  
24 agency.

25                  So, it's my -- my honor, on behalf of

1 the Commission, to present this Service Recognition  
2 Award to, not Gene, but Henry Crump --

3 (Laughter)

4 CHAIRMAN PAUKEN: -- for his 15 years of  
5 service to -- to this agency. Thanks for doing such a  
6 fine job.

7 MR. CRUMP: Thank you, sir.

8 (Applause)

9 (Brief pause)

10 CHAIRMAN PAUKEN: All right. Speech.

11 COMM. CONGLETON: Congratulations.

12 MR. CRUMP: Thank you, sir.

13 COMM. ALCANTAR: Congratulations.

14 CHAIRMAN PAUKEN: Any words?

15 (Simultaneous discussion)

16 MR. CRUMP: Let's make it 15 more.

17 MR. TEMPLE: Yeah.

18 (Laughter)

19 MR. TEMPLE: All right. Mike, Mike

20 Boardman is -- Borderman (sic) --

21 MR. BOARDMAN: Boardman, yes, sir.

22 MR. TEMPLE: -- Boardman retired 22

23 years in the Army, served in Iraq, and has honored us

24 with a flag flown over -- you might have to tell where

25 it was flown, Mike.

1                   MR. BOARDMAN: It was flown over the --  
2 what they call the Victory Over America Palace, which  
3 is now a mass of rubble and -- and retaining rods  
4 and -- or reinforcing rods, et cetera, from the --  
5 from the Gulf War, of course. But there is a large  
6 palace complex, what they call the Victory Over Iran,  
7 the Victory Over America Palace. There's sort of a  
8 tradition of folks back home who support our Veterans  
9 and our soldiers and flying a flag over the -- over  
10 that facility, over that palace and then bringing it  
11 back.

12                   You and I have met a couple of times --

13                   (Simultaneous discussion)

14                   CHAIRMAN PAUKEN: -- in San Antonio,  
15 yeah.

16                   MR. BOARDMAN: -- personally --  
17 personally involved with some of these processes. A  
18 great many of your folks are involved in supporting  
19 our Veterans on their off-duty time, as well as what  
20 you do, obviously, as an organization to support our  
21 Veterans. As a recently retired lifer --

22                   (Laughter)

23                   MR. BOARDMAN: -- the -- we genuinely  
24 appreciate both the professional and the personal  
25 support that you give to our Veterans. I'm at

1 Fort Hood and -- and see when I talk to those guys  
2 everyday, and I know you're doing a lot of great work.  
3 And we appreciate it, so I just wanted to --

4 (Simultaneous discussion)

5 CHAIRMAN PAUKEN: That's very  
6 thoughtful. And really, let me -- let me just say,  
7 you know, Commissioner Congleton, who also served in  
8 Vietnam, as I did, was a big supporter prior to my  
9 arrival of this concept of -- of helping our returning  
10 Veterans from Iraq and Afghanistan. And Commissioner  
11 Alcantar has been a hundred percent behind this  
12 effort.

13 And really, they do such a great job,  
14 Jason Doran and -- and the team and, of course,  
15 what -- I know we had met up in San Antonio and have  
16 seen some of these returning Veterans with their  
17 injuries. And -- and it's Veteran helping Veteran, so  
18 this is greatly appreciated. Thank you so much.

19 MR. BOARDMAN: Yes, sir.

20 (Brief pause)

21 CHAIRMAN PAUKEN: In fact, we tried to  
22 hire him, but he got a better job. So --

23 (Laughter)

24 CHAIRMAN PAUKEN: -- but, anyway --

25 MR. BOARDMAN: It's contracting, so you

1 never know.

2 CHAIRMAN PAUKEN: -- he's -- he's  
3 helping us -- he's helping us anyway. Thank you very  
4 much.

5 MR. BOARDMAN: Yes, sir.

6 (Applause)

7 AGENDA ITEM NO. 7

8 CHAIRMAN PAUKEN: Okay. Let's start our  
9 Agenda Item No. 7, discussion, consideration, and  
10 possible action regarding the acceptance of pledges  
11 for Fiscal Year 2009 Child Care Matching funds.

12 MS. MILLER: Good morning,  
13 Commissioners; Reagan Miller with Workforce  
14 Development.

15 This morning I'm here to request  
16 amending the East Texas Board's Fiscal Year 2009 Child  
17 Care Match. There is no net change to the total  
18 amount they're matching. They are submitting  
19 amendments to change the donors.

20 So, we're requesting your approval to  
21 amend the East Texas local match agreements totaling  
22 \$121,328.

23 CHAIRMAN PAUKEN: Okay. Commissioner  
24 Congleton.

25 COMM. CONGLETON: Move that we accept

1 the amended Child Care Match agreement for the East  
2 Texas Workforce Development Board for Fiscal Year 2009  
3 presented by staff.

4 CHAIRMAN PAUKEN: Okay.

5 COMM. ALCANTAR: I agree.

6 CHAIRMAN PAUKEN: Okay. It's unanimous.

7 AGENDA ITEM NO. 8

8 CHAIRMAN PAUKEN: Issue 8, decision --  
9 discussion, consideration, and possible action  
10 regarding the acceptance of pledges for Fiscal Year  
11 2010 Child Care Matching grants, Reagan Miller.

12 MS. MILLER: Again, Reagan Miller for  
13 the record.

14 This morning we're bringing forward the  
15 first of our Fiscal Year 2010 Child Care Match  
16 pledges. And today we have 355,000 in local match  
17 from two boards, Permian Basin and Central Texas, and  
18 we are requesting your approval.

19 CHAIRMAN PAUKEN: Commissioner  
20 Congleton.

21 COMM. CONGLETON: Move that we accept  
22 the Child Care pledges for Fiscal Year 2010 Child Care  
23 Matching funds in the amount of 355,000, as discussed  
24 by staff.

25 COMM. ALCANTAR: I would second.

1                   CHAIRMAN PAUKEN:  It's unanimous.  All  
2 right.  Thank you, Ms. Miller.

3                   AGENDA ITEM NO. 9

4                   CHAIRMAN PAUKEN:  Number -- let's see.  
5 No. 9, discussion, consideration, and possible action  
6 regarding the General Appropriations Act, Article VII,  
7 Rider 31(c), 81st Texas Legislature, Regular Session  
8 (2009), Reagan Miller and Debbie Carlson.

9                   MS. CARLSON:  Good morning; Debbie  
10 Carlson, Workforce Division.

11                   As you know, Rider 31(c) provided \$15  
12 million in General Revenue for Fiscal Years 2010 and  
13 2011 for public/private partnerships with employers to  
14 move Texans off public benefits and into the  
15 workforce.  This program targets first-time  
16 Unemployment Insurance claimants previously earning  
17 less than \$15 an hour.  On September 22nd the  
18 Commission took action on \$5 million of -- of these  
19 funds in support of pre-apprentice and apprenticeship  
20 programs.

21                   For your consideration today, we'll be  
22 asking you to take action on implementation of the  
23 remaining 10 million.  We've identified several issues  
24 for the Commission's consideration.  It may be simpler  
25 for you to consider each of these individually,

1 whatever is your pleasure.

2 CHAIRMAN PAUKEN: Commissioner Alcantar.

3 COMM. ALCANTAR: Yeah, that's fine.

4 CHAIRMAN PAUKEN: Okay.

5 MS. CARLSON: Okay.

6 Issue 1 relates to state level support  
7 of the Rider 31 initiative. Staff recommends that 3  
8 percent of the 10 million, or 300,000, be retained for  
9 state level support and oversight. This would fund  
10 two state level staff, which would be responsible for  
11 program development and oversight of performance and  
12 expenditure. In addition, these staff would provide  
13 technical assistance for the initiative.

14 CHAIRMAN PAUKEN: Commissioner Alcantar.

15 COMM. ALCANTAR: I have no questions.

16 CHAIRMAN PAUKEN: Commissioner  
17 Congleton.

18 COMM. CONGLETON: No questions.

19 CHAIRMAN PAUKEN: All right. Sounds  
20 fine.

21 MS. CARLSON: Issue 2 relates to the  
22 claimant eligibility to participate in the initiative.  
23 Staff recommends that first-time UI claimants be  
24 defined as claimants who filed an initial claim,  
25 received at least one payment for benefits, earned

1 less than \$15 an hour in their previous employment,  
2 and must have been in an active claims status on or  
3 after September 1st, 2009, which corresponds with the  
4 start date of this rider. While we would serve any  
5 claimant who meets this -- this definition, we would  
6 encourage boards to target claimants while they're  
7 receiving regular UI benefits in order to have the  
8 most positive impact on the state's UI Trust Fund.

9 CHAIRMAN PAUKEN: Commissioner Alcantar.

10 COMM. ALCANTAR: No questions or  
11 comments.

12 CHAIRMAN PAUKEN: Commissioner  
13 Congleton.

14 COMM. CONGLETON: I have one comment.  
15 I -- I don't see how we don't help those who have  
16 exhausted. You know, we -- those folks that are on  
17 unemployment still have assistance. The folks that  
18 exhausted don't have any. So, I -- that -- I don't  
19 see how we --

20 MR. TEMPLE: Exhaustees are included.  
21 Exhaustees are included.

22 COMM. CONGLETON: They are included?

23 MR. TEMPLE: Yes, sir.

24 COMM. CONGLETON: It says they are  
25 included?

1 MR. TEMPLE: Yes, sir. Yes, sir.

2 COMM. CONGLETON: I didn't see that --

3 MR. TEMPLE: Yes.

4 MS. MILLER: The -- the paper says that  
5 they were on an active claims status as of September  
6 1st. That would not eliminate somebody who exhausted  
7 after that date from being eligible to receive  
8 services.

9 COMM. CONGLETON: Okay.

10 CHAIRMAN PAUKEN: Okay. All right.

11 Next item.

12 MS. CARLSON: Okay. The next issue  
13 concerns the distribution of --

14 MR. TEMPLE: Hold on.

15 Commissioner Congleton, we'll make sure  
16 that that's clarified to the boards, that -- but  
17 that -- but that is the intent, that it would be  
18 anyone who received after September 1. But we'll make  
19 sure that's clarified.

20 MS. CARLSON: Okay. The next issue  
21 concerns the distribution of funds. And prior to  
22 the -- the start of this session of the Commission  
23 Meeting, I handed out Attachment 1. We failed to get  
24 that in your briefing notebooks. I -- I passed that  
25 out before the beginning of the meeting.

1                   Staff recommends distributing the  
2 remaining \$9.7 million to all workforce areas  
3 proportionately based on the monthly average number of  
4 UI recipients in each area for the period of September  
5 2008 through August 2009 with each area receiving a  
6 base amount of \$100,000. Staff recommends one half of  
7 the funds be contracted to the board in the first year  
8 with the remaining funds provided for the second year  
9 contingent upon satisfactory performance and  
10 expenditures during Year 1.

11                   CHAIRMAN PAUKEN: Commissioner Alcantar.

12                   COMM. ALCANTAR: I would like to --  
13 where we talk -- where staff talks about a  
14 "comprehensive mid-project review," I would like for  
15 that to be six months. That way we have time to  
16 adjust and modify whatever action we take and not be  
17 limited in the second year.

18                   CHAIRMAN PAUKEN: Okay.

19                   MR. TEMPLE: Commissioners, I would --  
20 for our listening audience, I've just been notified  
21 that they are having some streaming problems. So,  
22 there may be some difficulty in hearing us, and  
23 they're trying to work on that. So, if you're having  
24 problems hearing us outside, well, that's -- we're  
25 aware of it, and we're trying to fix it. Excuse me.

1 CHAIRMAN PAUKEN: Okay. All right.

2 MS. CARLSON: Okay. Staff is seeking  
3 the Commission's guidance on several reemployment  
4 options we we've identified in Issue 4. Would you  
5 like to consider each of these options individually,  
6 or would you like to hear them all before providing  
7 guidance to us?

8 COMM. CONGLETON: Let's hear them all.

9 CHAIRMAN PAUKEN: Yeah, let's hear them  
10 all.

11 MS. CARLSON: Okay.

12 Option 1 would allow boards to create  
13 subsidized employment programs for private sector  
14 employers.

15 Option 2 allows boards to create unpaid  
16 work experience programs and offer a training stipend  
17 to claimants.

18 Option 3 would allow boards to fund  
19 occupational training that is linked to employment.  
20 Claimants may receive occupational training if an  
21 employer has committed to hiring a claimant upon  
22 successful completion of the training.

23 Option 4 would allow boards to create a  
24 retention bonus initiative for employers who employ a  
25 qualified claimant for at least 30 -- 30 hours or more

1 per week and retains the claimant continuously for a  
2 specified period of time.

3                   And Option 5 would allow boards the  
4 flexibility to develop programs that best suit  
5 employer needs in their workforce area and to meet the  
6 goals of Rider 31, provide immediate relief to the  
7 state's employers and citizens through short-term  
8 employment skills and training programs.

9                   CHAIRMAN PAUKEN: Well, I -- I just  
10 would add a -- a -- a comment. I mean, I know I've  
11 been out as other Commissioners are traveling around.  
12 And this flexibility, I think, the -- the staff has  
13 been very creative in laying out an agenda, an  
14 approach that is consistent with the legislative  
15 intent -- intent and at the same time allows local  
16 boards the flexibility as to how best to accomplish  
17 our objective, which is to get people back to work as  
18 quickly as possible. So, I applaud you for your good  
19 work here.

20                   Commissioner Alcantar.

21                   COMM. ALCANTAR: I -- I would echo that.  
22 I do have a couple of quick questions.

23                   No. 2, that is -- the idea there is very  
24 similar to the Georgia Works concept. Is that  
25 correct?

1 MS. CARLSON: That's correct, sir.

2 COMM. ALCANTAR: Okay. On Item 4, the  
3 "specified period of time," are we -- are we talking  
4 two months, or are we talking three months here? I  
5 think it's important for us to have a better feel for  
6 what we're talking about relative to the trigger for  
7 the -- for the retention bonus.

8 CHAIRMAN PAUKEN: I would assume that  
9 would be for a fairly good period of time. What is --  
10 what are the thoughts on that --

11 MR. TEMPLE: We were looking at the 8 to  
12 12 weeks but letting the boards tell us what they were  
13 coming back with, what they were finding. And it may  
14 be that they use a combination of some of these, and  
15 where they're using combinations it may be running  
16 into a lengthier period then, than if they just did  
17 them solo. So, the boards will be coming back to tell  
18 us in their plan --

19 COMM. ALCANTAR: I guess I would like to  
20 have a --

21 MR. TEMPLE: -- for lack of a better  
22 term.

23 COMM. ALCANTAR: -- I guess I would like  
24 to have a minimum. It's --

25 COMM. CONGLETON: I would -- I prefer it

1 at least 120 days and probably 150. I do prefer the  
2 retention bonus to subsidized wages, but we also need  
3 to make sure that they can't do both --

4 CHAIRMAN PAUKEN: They're not --

5 (Simultaneous discussion)

6 COMM. CONGLETON: -- that the employer  
7 can do both and double-dip. But I would prefer the  
8 retention bonus, as long as we could make it -- the  
9 claimant must stay employed at least 120 days, and I  
10 would prefer 150.

11 CHAIRMAN PAUKEN: I think 120 is  
12 reasonable. I have no problem with that.

13 COMM. ALCANTAR: Okay. That's fine.

14 MS. CARLSON: Okay. Thank you.

15 COMM. ALCANTAR: And on Item 5, well, I  
16 think the staff have -- has done a really nice job of  
17 providing options that really provide great  
18 flexibility. I think at the end of the day we have to  
19 have -- be able to demonstrate and be able to track  
20 what's actually going on out there. And 5 basically  
21 says, there's four options, but you can do anything  
22 else that you want.

23 And so that's -- I have some hesitancy  
24 in terms of what No. 5 says, and we cover some of that  
25 in the -- in Lines 1 through 6 of this where we talk

1 about the -- the -- the work with the -- with the  
2 local boards and the mid-year review. So, I would  
3 rather stick to 1 through 4 here, rather than adding  
4 No. 5, which says we're going to try to let the boards  
5 come up with something totally different. This has  
6 involved a lot of staff work over the past few weeks,  
7 including discussions at the local level, and I would  
8 rather leave out 5 at this point.

9                   CHAIRMAN PAUKEN: Could we -- could  
10 we -- I just -- I -- I think you make a very good  
11 observation, Commissioner Alcantar.

12                    Could we just ask staff to comment on  
13 your thoughts as to what the intent of No. 5 is, what  
14 you're trying to do here? I mean, I was out in  
15 Abilene, and they -- they had a program that -- that  
16 they wanted to, you know, implement that we had used  
17 in the past.

18                    I think I discussed that with you,  
19 Mr. Temple. And, yet, there were some parameters in  
20 terms of federal rules that -- that suddenly made that  
21 more difficult to do. And, yet, it was -- it seemed  
22 like a creative idea to get people hired, and I -- I  
23 would assume that would -- you know, that would be  
24 something they might be able to do with this. But I  
25 don't know if they can do that without No. 5.

1 Can you give me some thoughts on that?

2 MS. MILLER: I'm not aware of the  
3 specific program you're talking about if it didn't --  
4 if it didn't fall into the No. 1 through 4 parameters.  
5 No. 5 was intended to provide a little more  
6 flexibility to the boards with the understanding that  
7 this next issue that we're going to discuss is a plan  
8 that they have to submit on how they want to use the  
9 money. So, anything that they would propose under  
10 No. 5, TWC would have an opportunity to review it  
11 before --

12 CHAIRMAN PAUKEN: Okay. Prior to  
13 implementation?

14 MS. MILLER: -- before it was  
15 authorized --

16 CHAIRMAN PAUKEN: I think that --

17 MS. MILLER: -- and we could certainly  
18 keep all of you updated.

19 CHAIRMAN PAUKEN: Yeah, I think that  
20 would address your concerns, Commissioner Alcantar. I  
21 mean, if -- if there are some --

22 COMM. CONGLETON: Well, we need -- you  
23 know, you need some rules, though, because we just  
24 can't hand this money out to anybody, because -- one  
25 of the things I'd like to see, we -- have we done

1 anything to make sure these people that get this money  
2 are going to have Worker's Comp for their workers?  
3 This is federal money, and that's a federal law.

4 MS. MILLER: That was a --

5 MR. TEMPLE: This -- this will be state  
6 dollars. They're not federal dollars.

7 COMM. CONGLETON: Are they state  
8 dollars?

9 CHAIRMAN PAUKEN: Yeah, it's all state  
10 dollars.

11 MS. MILLER: That -- that was a  
12 question --

13 COMM. CONGLETON: In Texas that means  
14 you can swing by your neck --

15 MR. TEMPLE: (Laughter) What we would  
16 say would be that these individuals would be offered  
17 anything that any normal new hires would be offered in  
18 the same position, so --

19 COMM. CONGLETON: Yeah --

20 MR. TEMPLE: -- whatever that would be.

21 COMM. CONGLETON: (Laughter)

22 COMM. ALCANTAR: Chairman Pauken, might  
23 I suggest that we -- I think I understand what -- I'm  
24 very much in agreement with where you want to go. I  
25 think it's important -- but I also believe it would be

1 good for us to kind of set some general program  
2 parameters, and then use number -- Issue 5 and have  
3 staff come back to us upon review of that and say --

4 CHAIRMAN PAUKEN: Okay.

5 COMM. ALCANTAR: -- "based on that, we  
6 think option -- you know, this other alternative is  
7 very good." And let's add that specific one into the  
8 menu options --

9 CHAIRMAN PAUKEN: That's fine. And  
10 then, you know, Mr. Jones and others can kind of lay  
11 out what some of the local boards have said, you know,  
12 to -- to us as to what they would like to do to be  
13 able to get people hired.

14 MR. TEMPLE: And what we're planning on  
15 doing is -- is during this six-month period is doing  
16 conference calls or quarterly forums and letting  
17 individuals share some best practices so we can get  
18 some good ideas out there.

19 CHAIRMAN PAUKEN: Okay.

20 COMM. ALCANTAR: Chairman, I have one  
21 other thing.

22 Relative to Item 1 these are state  
23 dollars that we're talking about for -- under Rider  
24 31. But if we're going to go out there and do some of  
25 this subsidized employment, I think anything -- is

1 there anything that we can do to try to take advantage  
2 of the TANF emergency contingency fund provisions and  
3 maybe add some additional TANF dollars, 1 or 2 million  
4 to this, to try to get a return on that investment?  
5 And could you speak to that, Larry, what the  
6 provisions say, you know, what the reimbursement is,  
7 80 percent of --

8 MR. TEMPLE: The -- the -- the Stimulus  
9 Act provides for states who can demonstrate that  
10 they've increased their expenditures on TANF eligible  
11 clients in wage subsidies that, on a quarterly basis,  
12 they can invoice Health and Human Services at the  
13 federal level and be reimbursed 80 percent of what  
14 they spend. And what we were considering was an idea  
15 of possibly using some TANF dollars but -- but,  
16 because all of these individuals fall under that below  
17 37,000 per individual, which is our Self-Sufficiency  
18 grant as part of our state plan, is the possibility of  
19 amending our state plan to include any of these  
20 subsidized -- whether it be General Revenue or TANF  
21 and -- and contact Tom Suehs over at HHSC, let him  
22 know that we've got some General Revenue expenditures  
23 that could be counted as MOE as well.

24 And then, when we submit that, that  
25 money goes to -- it's reimbursed back to Health and

1 Human Services. So, we need to work with them on --  
2 on -- on cutting a deal on getting some of our money  
3 back. So, there are several ways to skin this cat for  
4 the next two years to where we could actually get 80  
5 percent of what we're spending back to the state.

6 COMM. ALCANTAR: The --

7 MS. MILLER: If I --

8 COMM. ALCANTAR: -- so the concept is,  
9 you know, if we have a -- a million worth of wage  
10 subsidy expenditures in the first quarter of this  
11 initiative, we have the potential to gain \$800,000 of  
12 it back and reimburse it, and I think --

13 (Simultaneous discussion)

14 MR. TEMPLE: And to the degree that the  
15 individuals will be eligible -- everyone may not be  
16 eligible, but -- but we're -- we're believing that a  
17 large portion of -- of these expenditures will be on  
18 folks with the right amendment to the state plan, the  
19 TANF State Plan, that we could recoup some of these  
20 dollars.

21 COMM. ALCANTAR: So -- and I think we  
22 can -- we may be able to do that with some of the GR  
23 dollars --

24 MR. TEMPLE: Correct.

25 COMM. ALCANTAR: -- but, definitely, if

1 we use some of the federal TANF dollars that we have  
2 in reserve, Commissioners, that, clearly, is -- those  
3 are dollars that we have in reserve that could also be  
4 used for this purpose. So, rather than having a \$9.7  
5 million flowing out to the local boards, we could make  
6 that maybe by adding another 2 million, an \$11.7  
7 million initiative and then have the potential to get  
8 most of it back in the coming -- in the months ahead.

9 CHAIRMAN PAUKEN: Okay. Well, let's  
10 just have staff look at that.

11 COMM. ALCANTAR: Okay.

12 CHAIRMAN PAUKEN: All right. Okay.

13 MR. TEMPLE: We'll -- we'll look at what  
14 all is involved. I'll have conversations with HHSC.  
15 I have a meeting today with them at 11:00 on the Food  
16 Stamp issue. So, I'll -- I'll bring this up as well.

17 COMM. ALCANTAR: Thank you.

18 CHAIRMAN PAUKEN: Is Azar going to be  
19 there for that meeting?

20 MR. TEMPLE: I -- I'll let you know.

21 (Laughter)

22 CHAIRMAN PAUKEN: All right.

23 MR. TEMPLE: I know I'm not it.

24 (Laughter)

25 CHAIRMAN PAUKEN: Issue 5.

1 MS. CARLSON: Okay. Issue 5, staff  
2 recommends boards be required to submit a plan on  
3 their planned uses of these funds. Staff further  
4 recommends that, upon approval of the plan,  
5 performance expectations would be negotiated with a  
6 board for inclusion in their contract.

7 CHAIRMAN PAUKEN: Okay. Commissioner  
8 Alcantar.

9 COMM. ALCANTAR: I have no questions.

10 CHAIRMAN PAUKEN: Commissioner  
11 Congleton.

12 COMM. CONGLETON: I have nothing.

13 CHAIRMAN PAUKEN: Okay. No. 6: Amount  
14 of Funds Available for Administration, Marketing and  
15 Oversight.

16 MS. CARLSON: This relates to  
17 establishing a limit of 5 percent of the funds that  
18 boards can use for administration and operational  
19 costs, including programmatic oversight.

20 CHAIRMAN PAUKEN: That's good, keep the  
21 administrative costs limited. That makes sense.

22 Any questions/comments?

23 (No response)

24 CHAIRMAN PAUKEN: Okay. No. 7.

25 MS. CARLSON: Okay. The next issue

1 staff recommends the boards be required to announce  
2 the availability of this initiative in their workforce  
3 area. This will help ensure that everyone has an  
4 opportunity to participate.

5 CHAIRMAN PAUKEN: Okay. Good idea. And  
6 we need to -- and we've already talked about it,  
7 Mr. Temple, to --

8 MR. TEMPLE: Yes, sir.

9 CHAIRMAN PAUKEN: -- make an aggressive  
10 marketing campaign to let people know about this,  
11 employers know about it, and -- and claimants know  
12 about it. All right.

13 MS. CARLSON: Okay. And we -- we have  
14 discussed the aggressive state level marketing  
15 campaign to ensure wide-spread awareness of this.

16 CHAIRMAN PAUKEN: Right.

17 MS. CARLSON: We've already been working  
18 with Mr. Lewis and staff of External Relations on  
19 potential marketing efforts, and we've tentatively  
20 referred to this effort at the Texas Back to Work  
21 Initiative.

22 CHAIRMAN PAUKEN: Good. Okay. And  
23 then, you've got apprenticeship initiatives, which  
24 we're all -- and we have --

25 MS. CARLSON: Yes.

1 CHAIRMAN PAUKEN: -- discussed before --

2 MS. CARLSON: One -- one --

3 CHAIRMAN PAUKEN: -- which are part of  
4 this. Is there anything --

5 MS. CARLSON: -- one -- one final point  
6 that we'd like you to consider. You had previously  
7 took action on Rider 31 funding for apprenticeship  
8 programs that might include a pre-apprentice  
9 component, and we recommend that participation in the  
10 pre-apprentice component or in the occupational  
11 training component that you just discussed as one of  
12 the earlier options that either of those -- anyone  
13 participating in either of those, that that would be  
14 defined as Commission-approved training --

15 CHAIRMAN PAUKEN: Okay.

16 MS. CARLSON: -- because it will lead to  
17 employment --

18 CHAIRMAN PAUKEN: That makes -- that  
19 makes sense. Okay.

20 All right. Is there a motion to  
21 approve?

22 COMM. CONGLETON: I will make a motion  
23 that we accept the apprenticeship part of this.

24 Are we using staff leasing and temporary  
25 services defined as companies or -- under this plan?

1 MS. CARLSON: What --

2 COMM. CONGLETON: Employers?

3 MS. CARLSON: Whatever is the  
4 Commission's preference.

5 MR. TEMPLE: Yeah. Kind of with the  
6 guidance that we had on the last issue that we worked  
7 in East Texas, on a case-by-case basis, we would  
8 demonstrate that that is the practice of the company  
9 when it leads to --

10 (Simultaneous discussion)

11 CHAIRMAN PAUKEN: I don't know -- yeah,  
12 I think we -- I know you've got an opposition to  
13 these --

14 COMM. CONGLETON: -- they're not  
15 employers. It's just --

16 CHAIRMAN PAUKEN: -- services. Well --  
17 but it's a -- but it's a question of they do hire, and  
18 they do -- companies work through them. And if we're  
19 going to get people back to work, we've got to deal  
20 with the reality that's out there, Commissioner  
21 Congleton. And, I mean, they're -- they're -- a lot  
22 of companies, as you know, work through the -- the  
23 temporary services and these employment entities, and  
24 I just -- I think it's important that they be  
25 included.

1                   COMM. CONGLETON: They don't hire. They  
2 hire -- if the company tells them they need so many  
3 people, they'll get the people for them.

4                   CHAIRMAN PAUKEN: Well --

5                   COMM. CONGLETON: But that's just a  
6 pass-through service --

7                   (Simultaneous discussion)

8                   COMM. ALCANTAR: Might -- might I  
9 suggest, Chairman and Commissioner, that when we  
10 talked about the -- the demonstration site, we asked  
11 staff to give us a three-month update and wait for  
12 that review to take place in terms of what impact it's  
13 had and -- and the role --

14                   (Simultaneous discussion)

15                   CHAIRMAN PAUKEN: Yeah, but I --

16                   COMM. ALCANTAR: -- moved it forward.

17                   CHAIRMAN PAUKEN: -- I think we leave  
18 this to the local board discretion.

19                   COMM. CONGLETON: I don't agree.

20                   CHAIRMAN PAUKEN: I just don't think we  
21 want to get -- here we're going to handicap the dadgum  
22 thing. And, I mean, we're trying to get people jobs,  
23 and I -- I think that -- let the local boards  
24 determine whether -- what they want to do here. And I  
25 think, you know, this delay in the -- I mean, we

1 just -- I think we just, you know, need to be --

2                   COMM. ALCANTAR: Well, definitely, on  
3 the -- on the retention initiative, that 120-day  
4 really -- 120-day provision really helps relative --

5                   CHAIRMAN PAUKEN: Absolutely.

6                   COMM. ALCANTAR: And so that's  
7 definitely a nice protective element that we've  
8 included there.

9                   CHAIRMAN PAUKEN: Is there a motion to  
10 approve this plan, Commissioner Alcantar?

11                   COMM. ALCANTAR: I move that we approve  
12 staff recommendations --

13                   CHAIRMAN PAUKEN: Okay.

14                   COMM. ALCANTAR: -- on implementation of  
15 Rider 31.

16                   CHAIRMAN PAUKEN: And I second.

17                   Is -- Commissioner Congleton --

18                   COMM. CONGLETON: I disagree with the  
19 staff leasing. Other than that, I vote yes.

20                   CHAIRMAN PAUKEN: Okay. It's approved.

21                   MS. CARLSON: Thank you.

22                   AGENDA ITEM NO. 10

23                   CHAIRMAN PAUKEN: All right. No. 10,  
24 discussion, consideration, and possible action  
25 regarding proposed Workforce Investment Act waiver

1 concerning needs-related payments for dislocated  
2 workers.

3 MS. CARLSON: Again, for the record,  
4 Debbie Carlson and Reagan Miller, Workforce Division.

5 On September 8 the Commission considered  
6 a proposed Workforce Investment Act waiver, which  
7 would remove the time limitation under which  
8 dislocated workers must be enrolled in training in  
9 order to remain eligible for needs-related payments.  
10 WIA requires that a dislocated worker must be enrolled  
11 in training by the end of the 13th week after the  
12 layoff or by the end of the eighth week after they're  
13 informed that a short-term layoff will exceed six  
14 months. In order -- this has to occur in order to  
15 receive needs-related payments.

16 If approved, this waiver would remove  
17 this time limitation. With your approval, we posted  
18 the proposed waiver to the Commission's Website for  
19 public comment. In addition, it was included as an  
20 agenda item on the September 11th biweekly conference  
21 call with the boards.

22 We received no public comment, and at  
23 this time staff are recommending submission of the  
24 proposed waiver to the Department of Labor.

25 CHAIRMAN PAUKEN: Commissioner

1 Congleton.

2                   COMM. CONGLETON: I move that we submit  
3 to the U.S. Department of Labor a request to waiver  
4 for the WIA time limits, an issue -- needs-related  
5 payments for people enrolled in WIA education and  
6 training activities, as discussed.

7                   COMM. ALCANTAR: I would second.

8                   CHAIRMAN PAUKEN: Okay. It's unanimous.

9                   AGENDA ITEM NO. 11

10                  CHAIRMAN PAUKEN: Number 11, discussion,  
11 consideration, and possible action regarding adoption  
12 of rules relating to Unemployment Insurance concerning  
13 extended benefits previously published for public  
14 comment in the Texas Register on August 14th, 2009,  
15 Reagan Miller and Debbie Carlson.

16                  MS. CARLSON: Again, for the record,  
17 Debbie Carlson and Reagan Miller.

18                  On July 28th the Commission approved  
19 proposed rules regarding 100 percent federally-shared  
20 extended benefits. The proposed rules were published  
21 for public comment in the Texas Register August 14th.  
22 We received one comment.

23                  The commenter questioned why we used the  
24 word "shall," instead of the word "may" in Section  
25 815.172 regarding the sequencing of concurrent

1 emergency unemployment compensation programs. By use  
2 of the term "shall," it would have required that we  
3 must pay all other emergency benefits prior to paying  
4 extended benefits.

5                   Since that -- since the time the rule  
6 was proposed, Congress has proposed an additional  
7 round of emergency benefits but offered an option for  
8 states to continue paying extended benefits rather  
9 than switching a claimant from extended benefits to  
10 emergency compensation and then back to extended  
11 benefits. As a result of the comment and the  
12 flexibility proposed by Congress, we revised the  
13 language in 815.172 to use the more permissive "may,"  
14 which will give the Commission the flexibility to  
15 continue paying extended benefits, then pay any  
16 additional emergency compensation.

17                   This ensures continuity for the  
18 claimants and eliminates an administrative burden for  
19 the state. Other than that change to 815.172, we  
20 present -- we present the rules as proposed for your  
21 consideration for adoption.

22                   CHAIRMAN PAUKEN: Commissioner  
23 Congleton.

24                   COMM. CONGLETON: I move that we approve  
25 the amendments to Chapter 815 of TWC's rules regarding

1 the state extended benefits, as discussed.

2 CHAIRMAN PAUKEN: Commissioner --

3 COMM. ALCANTAR: I would second.

4 CHAIRMAN PAUKEN: Okay. And it's  
5 unanimous.

6 AGENDA ITEM NO. 12

7 CHAIRMAN PAUKEN: All right. No. 12,  
8 discussion, consideration, and possible action  
9 regarding policy concepts concerning  
10 Commission-approved training pursuant to the Texas  
11 Unemployment Compensation Act Section 207.022 and the  
12 Texas Workforce Commission Unemployment Insurance Rule  
13 40 TAC Section 815.25, Ms. Carlson and Ms. Miller  
14 again.

15 MS. CARLSON: The U.S. Department of  
16 Labor issued Training and Employment Guidance Letter,  
17 TEGL, 2-09 on August 26th of this year encouraging  
18 states to review their policies and procedures on  
19 approved training for UI claimants. The TEGL  
20 encouraged states to consider areas such as -- such as  
21 the following regarding the approval of training:  
22 The current economic outlook, WIA funded training,  
23 part-time training, distance training.

24 Commission guidance on  
25 Commission-approved training will advise the current

1 practice within the existing rule while moving towards  
2 a formal rule amendment. Staff recommends that 815.25  
3 be amended to include a three-part approach to approve  
4 training that exempts claimants from work search.  
5 Staff recommends the rule be amended to include an  
6 assessment of the claimant's current occupation and  
7 skills to determine the claimant's likelihood of  
8 reemployment. We further recommend that 815.25 be  
9 amended to require that boards ensure workforce center  
10 staff approve training that, when coupled with the  
11 claimant's existing skills and abilities,  
12 substantially improves the claimant's reemployment  
13 prospects in an occupation included on the state or  
14 the board's target occupation list.

15                   Staff recommends that training provided  
16 entirely through distance learning must result in a  
17 nationally-recognized degree or credential, as defined  
18 in WD Letter 37-07, change 1.

19                   Staff recognizes that training provided  
20 under the authority of the Texas Department of  
21 Assistive and Rehabilitative Services, the Texas  
22 Department of Aging and Disability Services, and  
23 federal or state Veterans' services occurs after they  
24 have conducted their own assessment of an individual's  
25 likelihood for reemployment and the necessity for

1 training. Staff recommends that training provided  
2 under the authority of these entities automatically be  
3 considered Commission-approved.

4                   Staff recommends that 815.25 be amended  
5 to, one, recognize the current practice of accepting  
6 the claimant's affirmation at the time of the  
7 continued claim certification that he or she has  
8 attended the -- the training as required during the  
9 benefit period and, two, to clarify that UI staff may  
10 at any time request evidence of satisfactory progress  
11 in the training from the claimant or from the training  
12 provider. Staff also recommends that 815.25 be  
13 amended to clarify that the approval of training must  
14 not be denied Texas claimants solely because they  
15 reside outside the state.

16                   And, with that, we're available to  
17 answer any questions you may have.

18                   CHAIRMAN PAUKEN: Commissioner Alcantar.

19                   COMM. ALCANTAR: Lines 12 through 16,  
20 what does the TEGL say about that, Debbie? It's very  
21 consistent with the TEGL. Correct?

22                   MS. MILLER: On -- on Page 2?

23                   COMM. ALCANTAR: On -- under Item 1,  
24 "The claimant's skills are" --

25                   CHAIRMAN PAUKEN: Workforce center

1 staff?

2                   COMM. ALCANTAR: Yes.

3                   MS. CARLSON: In -- in -- in the TEGL,  
4 it actually states that any workforce center staff can  
5 make this assessment and evaluation of the need for  
6 training that would -- that would be classified as  
7 Commission-approved training.

8                   COMM. ALCANTAR: Okay.

9                   MS. CARLSON: It does not specify that  
10 this has to be ES merit staff.

11                  COMM. ALCANTAR: Great. I like 43  
12 through 45, and I think, you know, those are very  
13 thorough assessments that they undertake. And I think  
14 that -- that it's very appropriate for us to deem  
15 those as sufficient assessment for the need for that  
16 training. So --

17                  CHAIRMAN PAUKEN: Well, what about the  
18 Apprenticeship program? Should that be added?

19                  COMM. CONGLETON: It's covered  
20 already --

21                  CHAIRMAN PAUKEN: Is it covered already  
22 or not? I'm not sure.

23                  MS. CARLSON: Well, in -- in the actual  
24 Apprenticeship program, those individuals --

25                  MR. TEMPLE: We're talking about

1 pre-apprenticeship.

2 MS. CARLSON: -- this wouldn't apply  
3 because they're working. But in pre-apprentice, with  
4 the action that you just took on Rider 31, you know,  
5 you -- you approved that we do consider that as  
6 Commission-approved.

7 CHAIRMAN PAUKEN: Okay. Just so -- I  
8 just clarified --

9 (Simultaneous discussion)

10 COMM. ALCANTAR: Could you go ahead and  
11 add it here?

12 COMM. CONGLETON: Let me clarify  
13 something.

14 CHAIRMAN PAUKEN: Okay.

15 COMM. CONGLETON: You're saying that  
16 workforce centers will determine where you had  
17 suitable work requirements or Work In Texas job  
18 matches or suitable -- which has always been a UI  
19 function, is that what you're saying?

20 MS. CARLSON: As part of the evaluation  
21 to see if a person has skills and -- and experience  
22 that is currently -- that there are currently jobs  
23 available, they would do a match in Work In Texas and  
24 see, based on this person's current work registration,  
25 are there jobs available. If there are jobs available

1 that meet this claimant's needs, then, you know, that  
2 would seem to negate the need for additional training.  
3 If there were no matches, then we would begin to look  
4 at other things, like in the worker profiling --

5 MR. TEMPLE: That match is done by Work  
6 In Texas, too, that would be -- it would be done by  
7 the job matching system in Work In Texas.

8 CHAIRMAN PAUKEN: We're talking about  
9 targeted occupations here, either statewide or local  
10 board targets. What if -- what if somebody -- there's  
11 training and maybe there's, you know, an area that  
12 opens up that's not being targeted, does that -- does  
13 the local board have a -- discretion to allow that  
14 training to go forward?

15 MS. CARLSON: At any point in time, when  
16 things change in the local area and a board needs to  
17 make a change in what occupations they determine as  
18 targeted, they have that option at any time. If some  
19 new company were to move in and, you know, a group of  
20 occupations would --

21 (Simultaneous discussion)

22 CHAIRMAN PAUKEN: Suddenly open up that  
23 are not included --

24 MR. TEMPLE: One example would be, you  
25 could be residing in -- in Dallas County in -- in UI,

1 and there may be something dealing with the  
2 petrochemical that you would like to get your  
3 certification for, because you're planning -- you have  
4 a job lined up and you're looking to move to Beaumont.

5 CHAIRMAN PAUKEN: Right.

6 MR. TEMPLE: In the -- currently, we  
7 have that within WIA to where the boards can approve  
8 something for their expenditures and as approved  
9 training, even though it's not part of their demand  
10 occupation. So, those are worked on a case-by-case  
11 basis, currently.

12 COMM. CONGLETON: So, we'll be able to  
13 obtain or allow approval of training not mentioned in  
14 the policy concept paper; for example, people who get  
15 training through the Pell grants --

16 MR. TEMPLE: Yes.

17 COMM. CONGLETON: -- approval of  
18 training jobs that are available and will provide a  
19 livable UI claimant even if the job is not on the  
20 target list --

21 MS. CARLSON: We -- we remained silent  
22 on the source of the funding because we -- we don't  
23 think -- you know, whether it's Pell-funded, it's  
24 WIA-funded, Trade-funded or, you know, if Grandma  
25 funded the training --

1                   COMM. CONGLETON: Well, we're going to  
2 be able to go outside of the box?

3                   MR. TEMPLE: We're -- we're expanding  
4 it --

5                   (Simultaneous discussion)

6                   MS. CARLSON: -- source of the funding.

7                   MR. TEMPLE: -- beyond what it currently  
8 is now. I think --

9                   MS. MILLER: Yeah, currently, it's  
10 WIA-funded training. What we're intending to do is,  
11 regardless of the source of funds, allow that. But,  
12 Commissioner, we would be looking at occupations that  
13 are targeted by the board or the state.

14                   COMM. CONGLETON: So, we -- we will be  
15 able to try -- even go out -- any training programs  
16 like Rider -- Rider 31 programs, all of those  
17 programs, okay.

18                   MR. TEMPLE: (Nodding) Regardless of  
19 funding.

20                   COMM. ALCANTAR: In regards to the -- to  
21 the letter, what's the plan on the letter? What sort  
22 of timelines are we looking at, the Pell grant letter?

23                   MS. CARLSON: We -- we have a draft of  
24 the letter that -- that we've been working on. We'll  
25 be sharing that with Mr. Temple later today. The

1 letter would be written to inform claimants of the  
2 availability of Pell to advise them that there are  
3 certain conditions that training might be -- I think  
4 we didn't use the -- the term "Commission-approved."  
5 That's probably meaningless to a claimant, but we  
6 advised them that, under certain conditions, they  
7 might have their work search waived and advise them  
8 that they need to contact their local workforce center  
9 in order to, you know, kind of move through the  
10 process of this.

11                   COMM. CONGLETON: If I find a training  
12 program out there and I go to the board, and they say,  
13 "No, that's not Commission-approved training," can I  
14 appeal that to UI?

15                   MS. CARLSON: I think that anything that  
16 happens to a claimant is probably appealable to UI.

17                   COMM. CONGLETON: Okay. I just want to  
18 make sure.

19                   COMM. ALCANTAR: The -- that's -- the  
20 letter applies to current claimants. What's the  
21 thinking for -- for those future claimants that have  
22 not yet filed?

23                   MS. CARLSON: We're working with UI SS  
24 to get the initial claims, the -- the packet of  
25 information that goes to claimants to get that amended

1 to deal with this issue of Commission-approved  
2 training to correspond to the guidance that you  
3 provide to us today. And so we would do a first round  
4 of letters that would go out.

5                   As we're working on changing that  
6 initial information, then up to the point that that  
7 gets changed so that every new claimant is made aware,  
8 there would be a second or potentially a second and  
9 third round of letters that would pick up any of those  
10 claimants between the first wave of letters and when  
11 the -- the information gets updated.

12                   MR. TEMPLE: We received special funding  
13 from DOL to -- to fund the letters to inform them  
14 about the Pell grants, and we wanted to put this other  
15 information in that as well. So, we had been letting  
16 DOL know that, as soon as we had guidance from -- from  
17 the Commission, that we would be getting -- getting  
18 the letter out.

19                   COMM. ALCANTAR: All right. I have no  
20 additional questions.

21                   CHAIRMAN PAUKEN: Okay. All right. Is  
22 there a motion?

23                   COMM. CONGLETON: I would move that  
24 the -- we approve the policy concept as presented by  
25 staff.

1                   COMM. ALCANTAR: I would second.

2                   CHAIRMAN PAUKEN: It's --

3                   COMM. ALCANTAR: I would second.

4                   CHAIRMAN PAUKEN: -- unanimous. It's  
5 unanimous. Okay. Thank y'all.

6                   MS. CARLSON: Thank you.

7                   CHAIRMAN PAUKEN: Thanks for the good  
8 work. I know this was a difficult area. And this  
9 is -- we're -- we're trying, as best we can, to do --  
10 in a difficult economic climate to be as helpful as  
11 possible in order to get people back to work, and I  
12 think these are helpful initiatives. And if folks in  
13 Washington would do a little more, we might really get  
14 something going here, but that's not in our purview.

15                                   AGENDA ITEM NO. 13

16                   CHAIRMAN PAUKEN: No. 13, discussion,  
17 consideration, and possible action regarding approval  
18 of Local Workforce Development Board Nominees,  
19 Mr. Fuller -- oh --

20                   MS. MILLER: Mr. Fuller is on  
21 vacation --

22                   CHAIRMAN PAUKEN: Okay. So --

23                   MS. MILLER: -- well-deserved vacation.

24                                   So, for the record, Reagan Miller. And  
25 this morning we have board nominees for your

1 consideration from Middle Rio Grande, Alamo Workforce  
2 Board, Permian Basin, West Central, Upper Rio, North  
3 East Texas, Brazos Valley, North Central, and Concho  
4 Valley.

5 CHAIRMAN PAUKEN: I don't have any  
6 problems with any of the nominees. Any of my fellow  
7 Commissioners have any questions or concerns?

8 COMM. CONGLETON: I -- I would oppose  
9 the No. 14 from North East and No. 1 from Middle Rio,  
10 as they are members of the Chamber of Commerce and not  
11 CBOs or labor and should not fill those seats.

12 CHAIRMAN PAUKEN: Well, I -- I think  
13 that they are qualified. So, I -- I would -- is there  
14 a motion to approve the list as nominated?

15 COMM. ALCANTAR: I move that we approve  
16 the list as submitted.

17 CHAIRMAN PAUKEN: I second that.

18 COMM. CONGLETON: And I will maintain my  
19 dissent.

20 CHAIRMAN PAUKEN: Okay.

21 MS. MILLER: Thank you.

22 AGENDA ITEM NO. 14

23 CHAIRMAN PAUKEN: All right. 14,  
24 discussion, consideration, and possible action  
25 regarding enacted, proposed or considered federal

1 regulations, executive orders or federal or state  
2 enacted or proposed legislation, Mr. Lewis.

3 MR. McCARTY: Good morning --

4 CHAIRMAN PAUKEN: Not Mr. Lewis,  
5 Mr. McCarty. Sorry.

6 MR. McCARTY: Good morning, Chairman --  
7 Chairman Pauken, Commissioner Congleton, and  
8 Commissioner Alcantar; Tom McCarty, Government  
9 Relations.

10 The U.S. Senate has negotiated language  
11 to serve as a substitute to HR 3458 by McDermott from  
12 the House. The Senate language will do three things:  
13 Amend Tier 2 extended -- amend Tier 2 EUC by extending  
14 it to 14 weeks instead of the current 13 weeks, add a  
15 third tier EUC that would provide an additional 13  
16 weeks of benefits to all the states, and then add a  
17 fourth tier of benefits that would provide an  
18 additional six weeks of benefits to states that meet a  
19 three-month average of 8.25 percent of unemployment.  
20 We're expecting to see action on this proposal later  
21 this week in the Senate, once they conclude the  
22 healthcare debates.

23 That concludes my testimony, and I'm  
24 available for any questions.

25 CHAIRMAN PAUKEN: Commissioner

1 Congleton.

2                   COMM. CONGLETON: No questions.

3                   CHAIRMAN PAUKEN: Commissioner Alcantar.

4                   COMM. ALCANTAR: No questions. Thank  
5 you.

6                   CHAIRMAN PAUKEN: Thank you, Tom.

7                   All right, the last --

8                   MR. TEMPLE: Commissioners, we -- we --  
9 we are watching that. Any programming changes, we're  
10 on top of that. So, as soon as it goes, we'll be  
11 ready to move.

12                                   AGENDA ITEM NO. 15

13                   CHAIRMAN PAUKEN: No. 15, report and  
14 update by the Executive Director --

15                                   (Simultaneous discussion)

16                   MR. TEMPLE: One thing I'd like to --

17                   CHAIRMAN PAUKEN: -- Mr. Temple.

18                   MR. TEMPLE: -- Dee Meador, I don't  
19 think he's in the audience, is he?

20                   MR. CRUMP: He's at the academy.

21                   MR. TEMPLE: He's at the academy.

22                                   Dee was awarded yesterday Public Sector  
23 Chief Information Officer of the Year Award. So --

24                   CHAIRMAN PAUKEN: Good.

25 Congratulations.

1                   MR. TEMPLE: -- we always knew that, but  
2 we always knew that. So, please congratulate him.

3                   Other than that, I have nothing else,  
4 Commissioner.

5                   AGENDA ITEM NO. 18

6                   CHAIRMAN PAUKEN: Okay. Is there a  
7 motion to adjourn?

8                   COMM. CONGLETON: So made.

9                   COMM. ALCANTAR: Second.

10                  CHAIRMAN PAUKEN: Okay. It's unanimous.

11                  (Meeting adjourned: 10:29 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            2009.

JANIS SIMON  
Certified Shorthand Reporter  
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