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

2 TUESDAY, FEBRUARY 3, 2015

3 (9:00 a.m.)

4 AGENDA ITEM NO. 1

5 CHAIRMAN ALCANTAR: Good morning everyone.

6 This meeting will now be called to order.

7 AGENDA ITEM NO. 2

8 Discussion, consideration and possible  
9 action regarding whether to assume continuing  
10 jurisdiction on unemployment compensation cases, wage  
11 claim cases, and/or tax liability cases and  
12 reconsideration of unemployment compensation cases, wage  
13 claim cases, and/or tax liability cases, if any.

14 No discussion.

15 AGENDA ITEM NO. 3

16 Discussion, consideration and possible  
17 action regarding tax liability cases listed on the Texas  
18 Workforce Commission Docket 5.

19 The Commission considered and took action  
20 on all tax liability cases listed on Docket 5.

21 AGENDA ITEM NO. 4

22 Discussion, consideration and possible  
23 action regarding higher level appeals in wage claim  
24 cases listed on the Texas Workforce Commission Docket 5.

25 The Commission considered and took action

1 on all wage claim cases listed on Docket 5.

2 AGENDA ITEM NO. 5

3 Discussion, consideration and possible  
4 action regarding higher level appeals in unemployment  
5 compensation cases listed on the Texas Workforce  
6 Commission Docket 3.

7 The Commission considered and took action  
8 on all unemployment compensation cases listed on Docket  
9 5.

10 (The Commission paused, then continued  
11 with the remainder of the agenda)

12 (Off the record: 9:00 a.m. to 9:31 a.m.)

13 AGENDA ITEM NO. 6

14 CHAIRMAN ALCANTAR: Good morning everyone.  
15 Mr. Jones, has anyone signed up for public comment?

16 MR. JONES: No public comment,  
17 Mr. Chairman.

18 STAR AWARDS PRESENTATION

19 CHAIRMAN ALCANTAR: Good morning, Susanna.  
20 Do you want to join us this morning? You have something  
21 to announce.

22 MS. CUTRONE: Good morning, Chairman.  
23 Good morning, Commissioners. This morning we have one  
24 individual and two groups to recognize for our first  
25 quarterly Star Awards.

1                   As you know, the Star Awards are reviewed  
2 and they are nominated by peers and managers for  
3 individuals who consistently go above and beyond their  
4 performance expectations.

5                   They promote agency systems and solutions  
6 and provide outstanding customer service. The division  
7 directors want to recognize the individuals that work in  
8 their department.

9                   So we will start with Lisa Richardson, and  
10 if Ms. Blanca Flores-Arizpe would please stand. Lisa,  
11 come on up.

12                   MS. RICHARDSON: Good morning,  
13 Commissioners.

14                   CHAIRMAN ALCANTAR: Good morning, Lisa.

15                   MS. RICHARDSON: I'd like to recognize  
16 this morning Ms. Blanca Flores-Arizpe.

17                   As you-all know, IT performs so many  
18 services for this organization that most of these are  
19 performed behind the scenes.

20                   Our goal is to support our customers and  
21 ensure they have the necessary tools to accomplish their  
22 day-to-day jobs.

23                   Blanca is one of our IT All Stars who  
24 consistently goes above and beyond her normal duties to  
25 assist agency customers and ensure that all of the

1 computer operations that staff need on a daily basis  
2 runs smoothly.

3 She has a great attitude and a willingness  
4 to always do more for us. She always doublechecks with  
5 our customers after they fact to make sure any problem  
6 that has been reported has actually been resolved and  
7 hasn't recurred again.

8 She also works very closely with our  
9 Unisys help desk staff to ensure great success and  
10 customer satisfaction. Most recently Blanca personally  
11 assisted our employer outreach team and made sure that  
12 the high demand job training mailbox was working  
13 properly after an issue had been reported.

14 She immediately fixed the problem, and  
15 after receiving -- and all of those critical emails are  
16 now coming in smoothly. She is a valuable member of our  
17 team and is very, very deserving of this Star Award this  
18 morning.

19 CHAIRMAN ALCANTAR: Congratulations,  
20 Blanca. Thank you for all you do.

21 (Applause)

22 MS. CUTRONE: Our first group award is  
23 with the Labor Market and Career Information Department,  
24 the Quarterly Census of Employment and Wages Group. If  
25 Mr. Fuchs will come up, I will read the individuals'

1 names who are part of the group being recognized -- if  
2 you'll please stand -- Richard Adame, Cynthia Brewer,  
3 Honor Byrd, Katherine DeLaRosa-Duran, Terry Dittberner,  
4 Lisa Dunn, Nathan Jones, Monica Moguel, Mariana Vega and  
5 Stanley Whiting.

6 MR. FUCHS: Commissioners, Mr. Temple --

7 CHAIRMAN ALCANTAR: Good morning.

8 MR. FUCHS: -- it's my honor and privilege  
9 to present a Star Award to our Quarterly Census of  
10 Employment and Wages Unit.

11 The QCEW is a core activity for our  
12 department that provides not only key labor market data,  
13 but also the sampling frame for many of our other survey  
14 activities.

15 In the 18 months leading up to their  
16 nomination, the QCEW unit made tremendous strides to  
17 improve the quality of the data. For employers with  
18 multiple work sites, the unit concentrated their efforts  
19 on the largest delinquent accounts resulting in a  
20 25 percent reduction in estimated data.

21 In addition, they tightened internal  
22 deadlines and reemphasized the importance of their  
23 quality requirements. The data quality improvements  
24 that resulted from these and their other efforts  
25 garnered recognition from the National Department of

1 Labor-Bureau of Labor Statistics' leadership and  
2 ultimately led to this award.

3 I would like to personally thank them for  
4 their hard work and all their efforts, and please join  
5 me in congratulating them.

6 CHAIRMAN ALCANTAR: Thank you --

7 (Applause)

8 CHAIRMAN ALCANTAR: -- the QCEW team.

9 MS. CUTRONE: Commissioners, our third  
10 group is here via webcam. As you can see, we've got the  
11 TWC UI network.

12 CHAIRMAN ALCANTAR: Good morning.

13 MS. CUTRONE: Good morning. And if LaSha  
14 will come up we will recognize Juan J. "JJ" Gonzalez,  
15 Jose "Carlos" Herrera, Cisco Hernandez and Fernando  
16 Martinez.

17 MS. LENZY: Thank you, Susanna, for saving  
18 the best for last.

19 (Laughter)

20 MS. LENZY: Good morning, Chairman,  
21 Commissioners, Mr. Temple. To no surprise, as you know,  
22 the UI network has an elite, highly skilled group of  
23 individuals as our systems analyst.

24 With this McAllen group that you see here,  
25 they have taken a long-standing database with numerous

1 spreadsheets and they've created new ones which featured  
2 enhanced -- a new technology. The team automated and  
3 streamlined daily processes and improved and enhanced  
4 productivity.

5 All the applications are nicely arranged  
6 under our magnificent technology umbrella called "CAST"  
7 which stands for "Computer Applications of the State of  
8 Texas."

9 The new spreadsheets with numerous filters  
10 for the examiners resulted in better management and  
11 control of case loads facilitating productivity and  
12 real-time monitoring by the supervisors.

13 The team also created a management  
14 application which they used to control, update and roll  
15 out new applications and modifications. New programming  
16 and updates to the databases can now be installed on  
17 personal computers remotely through the network without  
18 having to visit or be there touching a PC.

19 The most valuable and important aspect of  
20 CAST is that it is user driven by the employee in all  
21 the tele-centers and the State Office UI Network  
22 Operations under Mr. Holen for the purposes of  
23 facilitating and simplifying employees' work processes.

24 For their dedication and professionalism  
25 this group of stars was nominated by Hermelinda

1 Benavides for this Star Award. Thank you all.

2 CHAIRMAN ALCANTAR: Thank you, Carlos,  
3 Cisco, JJ and Fernando. Congratulations.

4 (Applause)

5 CHAIRMAN ALCANTAR: Susanna, if they'll  
6 stay standing we'll go join them for a picture real  
7 quick.

8 MS. CUTRONE: Excellent. While you're  
9 coming down, I also wanted to recognize Ms. Cassandra  
10 Medrano who nominated Blanca and Veronica Downey who  
11 nominated the group from LMCI, and "thank you" to the  
12 selection committee for your time and your efforts in  
13 reviewing these nominations.

14 (Photos taken at this time)

15 CHAIRMAN ALCANTAR: Congratulations to all  
16 the award winners.

17 AGENDA ITEM NO. 7

18 CHAIRMAN ALCANTAR: Item 7. Discussion,  
19 consideration and possible action regarding acceptance  
20 of pledges for Board Contract Year 2015 child care  
21 matching funds, Courtney.

22 Good morning, Courtney.

23 MS. ARBOUR: Good morning. Commissioners,  
24 Mr. Temple, Courtney Arbour, Workforce Division.

25 Today we're requesting Commission

1 acceptance of child care pledges for donations,  
2 transfers and certifications of expense in the amount of  
3 \$1,955,558. The Boards have now secured 99.57 percent  
4 of the statewide child care match.

5 All agreements were received by the  
6 January 31st deadline, and those will be presented to  
7 you at the February 17th meeting. The Board will be  
8 fully -- the Boards will be fully secured at that time.

9 CHAIRMAN ALCANTAR: Commissioner  
10 Congleton.

11 COMM. CONGLETON: I move that we accept  
12 the pledges for Board Contract Year 2015 child care  
13 matching funds in the amount of \$1,995,558.

14 COMM. ANDRADE: Second.

15 CHAIRMAN ALCANTAR: It's unanimous. Thank  
16 you.

17 AGENDA ITEM NO. 8

18 CHAIRMAN ALCANTAR: Discussion,  
19 consideration and possible action regarding TWC's  
20 legislative appropriations request exceptional items,  
21 Randy Townsend.

22 Good morning, Randy.

23 MR. TOWNSEND: Good morning, Chairman and  
24 Commissioners. For the record, Randy Townsend, Chief  
25 Financial Officer.

1                   This is an agenda item that comes up every  
2 now and then, just depending on the need for the -- any  
3 updates. What I needed to do this morning is give you  
4 the latest update we have.

5                   We are needing to provide some information  
6 to the legislative budget board staff -- or analyst --  
7 for their information of the presentation before the  
8 House Appropriation Committee and Senate Finance  
9 Committee.

10                   You've already blessed off on most of this  
11 already, but there's a couple of new items I just need  
12 to bring to your attention this morning and see if  
13 there's any additional direction that you'd like to  
14 provide.

15                   But just by way of review, that first page  
16 that I've included in your notebook this morning on the  
17 exceptional item request is still the same. The first  
18 three items deal with our request that was included in  
19 our legislative appropriation request to ask for  
20 additional general funds to fund three initiatives; one  
21 being apprenticeship; one being our recruit -- second  
22 being our Recruit Texas; and the third being our  
23 Accelerate Texas.

24                   We added a new item -- a fourth item --  
25 that's not general revenue but it's funded with federal

1 funds that would be asking for appropriation  
2 authority -- not asking for anymore funding but just to  
3 give us additional time to utilize federal funds that  
4 are available for our UI/IT improvement project.

5                   So had received that -- all of that  
6 information previously, and that was still the same.  
7 Now, I understand there's one item I think we're needing  
8 to check with respect to our Accelerate Texas -- I'll  
9 just bring that up -- in terms of this -- this  
10 \$10 million was envisioned as being pass-through grants.

11                   There would be an RFP process envisioned  
12 and that sort of thing. This would be a new program  
13 within the agency. So some of the question is around  
14 whether it would take additional staff resources or if  
15 it would be done within the existing resources -- just  
16 allocated -- and the thinking was it would be the latter  
17 when we put this appropriation request together  
18 originally.

19                   So I think we're still working some  
20 information around this since it is new and that sort of  
21 thing. So I bring that up this morning just to mention  
22 we're --

23                   CHAIRMAN ALCANTAR: Yeah. I would just  
24 suggest that you make any adjustments as necessary to  
25 properly allocate the cost associated with the program.

1                   MR. TOWNSEND: Okay. And I am working  
2 with Reagan, of course, and the Workforce staff.

3                   CHAIRMAN ALCANTAR: Sure.

4                   MR. TOWNSEND: The second page is new --  
5 two items on there -- No. 5, which is child care  
6 performance measures.

7                   And, Commissioners, I think you'll recall  
8 we actually went through this pretty extensively during  
9 the development of our appropriation request and  
10 particularly as it related to the cost of care going  
11 forward.

12                   We knew there were some changes that were  
13 going on in terms of the three items I've listed there.  
14 The increased child care provider rates, a lot of that  
15 is related to market rate surveys. As we monitor that  
16 we've seen on average about a 5 percent increase  
17 recently.

18                   We also are seeing more child care  
19 providers achieving child care quality designations that  
20 results in typically at least a 5 percent increase in  
21 the rates. And then the third item is just beginning  
22 the implementation, and that's some legislative changes  
23 from the last session, House Bill 376. Some of these  
24 you've already adopted rules recently revising Texas  
25 Rising Star standards, dedicating funding for more

1 mentoring and monitoring providers to achieve the TRS  
2 designations, and then this tiered reimbursement  
3 structure that goes into effect, that actually would  
4 potentially result in, we expect, higher child care  
5 costs per day in the terms of our measures.

6                   The way we approached that, as you'll  
7 recall, we did not ask for more funding. We adjusted  
8 the cost per day and then the corresponding number of  
9 children that would be served with the available  
10 funding, and that was what we requested for 2016 and  
11 '17.

12                   What is included in the introduced House  
13 Bill 1, as well as introduced Senate Bill 2, keeps those  
14 child care costs per day and the number of children  
15 served per day in those measures at the 2015 level.

16                   Generally speaking, we had assumed about a  
17 three-and-a-half percent overall, an increase cost per  
18 day for '16 -- Fiscal Year '16 -- and then essentially  
19 it would go up to, comparing to the '15 base, about 16.8  
20 percent increase for Fiscal '17.

21                   And that is what -- those were all the  
22 assumptions. I think there was quite a bit of  
23 conversation among all three of you at the time about  
24 getting some additional information just to verify that  
25 that was a reasonable request.

1                   What this is doing is essentially saying  
2 that we would continue with that requested -- those  
3 requested performance measures for '16 to '17 as we  
4 submitted them as part of our legislative appropriation  
5 request.

6                   We just need to let the LBB staff and, of  
7 course, the committees know if that's the direction  
8 we're headed. I don't see any reason to depart from the  
9 original decision the, you know, Commissioners made, but  
10 I just wanted to lay that out this morning if there was  
11 any additional information you needed or questions you  
12 had or further direction.

13                   CHAIRMAN ALCANTAR: So to clarify, Randy,  
14 these numbers are consistent with what we've previously  
15 submitted earlier?

16                   MR. TOWNSEND: Yes, sir. Absolutely.

17                   CHAIRMAN ALCANTAR: All right. I have no  
18 questions, Commissioners.

19                   MR. TOWNSEND: No. 6 is a fairly  
20 straightforward one. It's the -- we had -- and you had  
21 approved asking for some changes to be made to the rider  
22 for Adult Education. This just by way of review.

23                   This was a rider we inherited from the  
24 Texas Education Agency. It referenced some old rule  
25 language that was in effect previously.

1                   It referenced some direction with respect  
2 to contracts and arrangements with service providers,  
3 that with the adoption of the rules the Commissioners  
4 provided the allocation that was approved consistent  
5 with the legislation, it really made this rider language  
6 irrelevant and outdated.

7                   So we had asked for that to be --  
8 essentially that language to be stricken from the rider.  
9 There's still rider language there talking about  
10 funding. I think that was not done mainly just so there  
11 would be an opportunity, I think, for some discussion  
12 potentially during our committee hearings.

13                   The recommendation from staff is that we  
14 continue with the requested deletions from that rider  
15 language to clean that up as part of the transition from  
16 the Adult Ed program from TEA over to TWC.

17                   So that would be the recommendation from  
18 staff to move forward.

19                   CHAIRMAN ALCANTAR: Any questions,  
20 Commissioners?

21                   COMM. CONGLETON: No questions.

22                   CHAIRMAN ALCANTAR: No questions.

23                   MR. TOWNSEND: That's all I had this  
24 morning. Thank you.

25                   CHAIRMAN ALCANTAR: Thank you.

1 AGENDA ITEM NO. 9

2 CHAIRMAN ALCANTAR: Item 9. Discussion,  
3 consideration and possible action regarding the approval  
4 of local Board nominees, John Fuller.

5 Good morning, John.

6 MR. FULLER: Good morning, Mr. Chairman,  
7 Commissioners, Mr. Temple. For the record, John Fuller,  
8 Workforce Development.

9 Commissioners, before you today you have  
10 nominees from Dallas County, Deep East Texas, Golden  
11 Crescent, Lower Rio Grande and West Central.

12 CHAIRMAN ALCANTAR: Commissioner  
13 Congleton.

14 COMM. CONGLETON: I move that we approve  
15 the Workforce Board nominees from Dallas, Deep East,  
16 Golden Crescent, Lower Rio and West Central.

17 COMM. ANDRADE: Second.

18 CHAIRMAN ALCANTAR: It's unanimous. Thank  
19 you, John.

20 MR. FULLER: Thank you.

21 AGENDA ITEM NO. 10

22 CHAIRMAN ALCANTAR: Item 10. Discussion,  
23 consideration and possible action regarding legislative  
24 proposals, Tom McCarty.

25 Good morning, Tom.

1                   MR. McCARTY: Good morning. Nothing to  
2 report on Item 10.

3                   AGENDA ITEM NO. 11

4                   CHAIRMAN ALCANTAR: Item 11 would be  
5 discussion, consideration and possible action regarding  
6 enacted or proposed state or federal legislation. Tom  
7 McCarty.

8                   MR. McCARTY: Good morning, Chairman  
9 Alcantar, Commissioner Congleton and Commissioner  
10 Andrade. Tom McCarty, Internal Relations.

11                   President Obama released his budget  
12 yesterday for 2016. We do have a number of hearings  
13 this week that are scheduled at the congressional level  
14 to cover that budget.

15                   Two of them are today. The House Ways and  
16 Means Committee and the Senate Budget Committee, both of  
17 those are at 10:00 today.

18                   Then tomorrow we have -- the House Budget  
19 Committee will be 10:30 tomorrow to discuss the budget  
20 as well. We also have two additional hearings tomorrow,  
21 the House Education and Workforce Committee and the  
22 House Judiciary Subcommittee on Immigration and Border  
23 Security.

24                   Both of those are dealing with  
25 Workforce-related items, and they're at 10:00 tomorrow

1 morning as well. On Thursday there's the Senate Health,  
2 Education, Labor and Pensions Committee. We'll have a  
3 hearing at 10:00.

4                   Then here at the state level, the Senate  
5 committees had started their hearings. Senate Finance  
6 is hearing on Senate Bill 2 as well; the House, the  
7 Appropriations Bill. We are scheduled, actually, to be  
8 before them on the 24th, currently as it stands, at 9:00  
9 in the morning.

10                   And then to close, the Senate Health and  
11 Human Services Committee is going to hold a hearing on  
12 Wednesday at 1:30 on the HHSC umbrella of agencies, and  
13 then we're just waiting for committee appointments on  
14 the House side.

15                   That concludes my remarks.

16                   CHAIRMAN ALCANTAR: Any questions? Thank  
17 you, Tom.

18                   MR. McCARTY: Thank you.

19                   AGENDA ITEM NO. 12

20                   CHAIRMAN ALCANTAR: Item 12, report and  
21 update by the Executive Director.

22                   MR. TEMPLE: Mr. Chairman, Commissioners,  
23 I wanted to give you an update on the  
24 contracting-related directive we got from Governor  
25 Abbott earlier -- late last week and what we've done to

1 put it in place effective immediately.

2                   There are five bullets that I will kind of  
3 address and tell you how we're addressing that. One is  
4 the -- to require public disclosure of all no-bid  
5 contracts and a justification.

6                   We have a report Randy -- the nonfinancial  
7 annual report Randy submits. We're going to use that  
8 same format but put it on our website, but we can do  
9 that at the end of the year, but we can do that in  
10 real-time, and so we can put that up there.

11                   So it says to require all agencies  
12 involved to procure them in a contract management,  
13 disclose any possible conflicts of interest. We have  
14 disclosure statements that everyone that is involved,  
15 whether they're preparing an RFP, doing evaluations or  
16 someone else wants to look at an RFP that would require  
17 a disclosure statement.

18                   We will add language in there regarding  
19 the conflict of interest, as well as the next one, which  
20 says that any high-level leadership staff that have no  
21 financial interest that the people dealing with that RFP  
22 do not.

23                   What we thought we would do would be an  
24 executive team. The part that says that any executive,  
25 high-level agency personnel, that we'll have disclosure

1 to all the contracts that are going out, and if anyone  
2 on the executive team has any type of interest in that,  
3 no matter how remote, report.

4                   Ed Serna is going to be designated as our  
5 lead for procurement. Bus ops comes under him, and  
6 he'll be the one that signs off on anything over 5  
7 million that requires that whoever is over the  
8 procurement process sign off and say that everything  
9 went according to order, but also we'll have him be the  
10 one that people would report to if there was a conflict  
11 there.

12                   The only thing that we have there -- it's  
13 a little conflict with what we have -- it does ask  
14 anything for a million for the head of the Commission or  
15 Board or whatnot to sign those.

16                   We have legislative direction for me to  
17 sign those contracts. We understand that this doesn't  
18 change that, and we would keep that in place. But other  
19 than that, we'll have everything else in -- it's in  
20 place or in the process of being put in place.

21                   CHAIRMAN ALCANTAR: And regarding the  
22 no-bid contracts, we had already previously discussed  
23 just bringing -- making that a part of our quarterly  
24 briefings --

25                   MR. TEMPLE: Absolutely. Yes.

1                   CHAIRMAN ALCANTAR:  -- and we'll continue  
2 to do that.

3                   Commissioners, any comments?

4                   COMM. ANDRADE:  No.

5                   MR. TEMPLE:  Let me give you one update on  
6 the E-Verify.  We put that -- we had the Executive Order  
7 from Governor Perry.  We've talked with the Governor's  
8 staff.

9                   We've seen in the paper where Governor  
10 Abbott is still very supportive of that process.  We did  
11 put that in place for all of our hiring, any prospective  
12 hiring; nothing retroactive.  And all contracts -- well,  
13 there's actual language that the Comptroller uses that  
14 we're going to put in every contract -- new contract  
15 that we have -- contracts, excluding grants, colleges,  
16 skills grants; in other words, those types of things are  
17 grants, but all contracts will have this additional  
18 language in there -- language in there.

19                   And we thought we'd go what the  
20 Comptroller had because that's already been vetted by --  
21 you name the big companies' lawyers -- and so it's  
22 not -- it wouldn't be anything that would hold up our  
23 contracting process to cause any delays that way.  So...

24                   CHAIRMAN ALCANTAR:  Anything else, Larry?

25                   MR. TEMPLE:  That's it.

1 CHAIRMAN ALCANTAR: All right.

2 AGENDA ITEM NO. 15

3 CHAIRMAN ALCANTAR: Commissioner

4 Congleton, do you have a motion to adjourn?

5 COMM. CONGLETON: So made.

6 COMM. ANDRADE: Second.

7 CHAIRMAN ALCANTAR: We're adjourned. Have  
8 a good day.

9 (Proceedings concluded at 9:55 a.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 I, William C. Beardmore, Certified Shorthand  
5 Reporter in and for the State of Texas, do hereby  
6 certify that the above-mentioned matter occurred as  
7 hereinbefore set out.

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

13 IN WITNESS WHEREOF, I have hereunto set my hand  
14 and seal this 10th day of February, 2015.

15

16

17

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WILLIAM C. BEARDMORE  
Certified Shorthand Reporter  
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