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

2 TUESDAY, JUNE 9, 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 The Commission agreed that Case Number  
15 1933331 be resubmitted to a later docket.

16 AGENDA ITEM NO. 3

17 Discussion, Consideration and Possible  
18 Action Regarding Tax Liability Cases Listed on the Texas  
19 Workforce Commission Docket 23.

20 No Discussion.

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  
25 23.

1                   The Commission considered and took action  
2 on all wage claim cases listed on Docket 23.

3                   AGENDA ITEM NO. 5

4                   Discussion, Consideration and Possible  
5 Action Regarding Higher Level Appeals in Unemployment  
6 Compensation Cases Listed on the Texas Workforce  
7 Commission Docket 23.

8                   The Commission considered and took action  
9 on all unemployment compensation cases listed on Docket  
10 23.

11                   The Commission paused, then continued with  
12 the remainder of the agenda.

13                   (Off the record: 9:01 a.m. to 9:18 a.m.)

14                   AGENDA ITEM NO. 6

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

18                   MR. JONES: No public comment.

19                   AGENDA ITEM NO. 7

20                   CHAIRMAN ALCANTAR: Thank you, sir.

21                   Item 7, Discussion, consideration,  
22 possible action regarding the estimated unemployment  
23 trust fund balance pursuant Labor Code 204.061.

24                   Randy Townsend, good morning.

25                   MR. TOWNSEND: Good morning, Chairman,

1 Commissioners for the record -- oh. Good morning,  
2 Commissioners. For the record Randy Townsend, Chief  
3 Financial Officer.

4 Presenting this morning the Unemployment  
5 Trust Fund projection for October of 2015. Of course,  
6 we started with a balance at the beginning of last  
7 October of just under 1.9 billion including the expected  
8 collections of just over 2.2 billion, and then the  
9 estimated payouts of just over 2.3 billion. That would  
10 leave us an estimated cash balance in the Trust Fund of  
11 just over 1.8 billion. Taking into account what we owe  
12 on the outstanding unemployment bonds, that net position  
13 of the Trust Fund would be 1,258,000,000 on October 1st  
14 of 2015. That would be about 200 million over the floor  
15 on that date.

16 Let me share with you some recent trends  
17 for the Unemployment Trust Fund. This would be for the  
18 last six weeks ending May 16th. The net benefits paid  
19 averaged 50.5 million per week. That was up about 28.7  
20 percent from the one-year-ago average.

21 The initial claims averaged 17,455, again  
22 for the six weeks ending May 16th. That was 12 percent  
23 above the one-year-ago average.

24 Continued claims averaged 154,210 for the  
25 six weeks ending May 16th. And that was 10 percent

1 above the one-year-ago average.

2                   Commissioners, that completes my  
3 presentation this morning, if you have any questions or  
4 comments?

5                   CHAIRMAN ALCANTAR: Commissioners, any  
6 questions of Randy?

7                   COMM. CONGLETON: No questions.

8                   CHAIRMAN ALCANTAR: Thank you, Randy,  
9 appreciate the updates.

10                  MR. TOWNSEND: Thank you.

11                                 AGENDA ITEM NO. 8

12                  CHAIRMAN ALCANTAR: Item 8, discussion,  
13 consideration and possible action regarding State Level  
14 Program Year 2015 Adult Performance Targets from the  
15 U.S. Department of Education, Adam Leonard.

16                                 Good morning, Adam.

17                  MR. LEONARD: Good morning, Commissioners.  
18 Today I'm here to present finally agreed-upon targets  
19 for the Adult Education Literacy Program that we reached  
20 last week with the U.S. Department of Education.  
21 Ultimately, our initial proposals were more or less in  
22 line with the instructions we were given by the  
23 Department of Education. There were three measures that  
24 we had some concerns about and we submitted alternate  
25 targets with some justification on that.

1                   They accepted two of those pretty much  
2                   straight away. One we went back and forth a few more  
3                   times and ultimately reached agreement on last week. So  
4                   I'm here to present to you the targets on Page 2 for  
5                   your approval today.

6                   CHAIRMAN ALCANTAR: Commissioner  
7                   Congleton?

8                   COMM. CONGLETON: I move that we approve  
9                   the agreed State Level Audit to Education and Literacy  
10                  Performance Measures Targets.

11                  COMM. ANDRADE: Second.

12                  CHAIRMAN ALCANTAR: It is unanimous.  
13                  Thank you, Adam.

14                  MR. LEONARD: Thank you.

15                                  AGENDA ITEM NO. 9

16                  CHAIRMAN ALCANTAR: Item 9, discussion,  
17                  consideration and possible action regarding Program Year  
18                  2015 Adult Education Literacy Grantee Performance  
19                  Targets.

20                                  Adam?

21                  MR. LEONARD: Good morning again. Today  
22                  I'm here to present targets for the grantees for this  
23                  year that starts July 1st for the federal measures,  
24                  which are the ones that you just approved a few moments  
25                  ago. We would recommend that the grantees be given

1 those targets as agreed to between Texas and the  
2 Department of Education.

3 Then from there we would be looking at  
4 several customers-served targets or enrollment targets  
5 that are focused on now joint definition of customers  
6 served, meaning that they received 12-plus hours. It  
7 used to be that there was a state version of the measure  
8 and a federal, but not there's just a single version  
9 that matches the feds' methodology.

10 In looking at the targets this year, what  
11 we're seeing is that because this year there's going to  
12 be a certain amount of carry-forward money from PY14  
13 into PY15, that we've come to you today to talk about  
14 setting a set of base targets based on their PY15  
15 allocations; and that when the year ends, the current  
16 year PY14 ends, and we find out how much money is left  
17 over and what the level of achievement ultimately was  
18 for PY14, that we would set supplemental targets based  
19 on that carry-forward money using a methodology that's  
20 outlined in this paper.

21 For the most part what we're talking about  
22 using is a standard methodology for everybody so the  
23 base targets, for instance, on the total customers  
24 served would be based on just under \$621 per student.  
25 And then for the Transitions and Career Pathways

1 Programs, we basically looked at a percentage of that  
2 number depending on where their initial proposals were  
3 for PY14.

4 And so what we would recommend is -- or  
5 request is that you approve the base targets today and  
6 grant us the authority to go ahead and apply the same  
7 methodology outlined in the paper for the supplemental  
8 targets for '15 once we have that information here late  
9 July, early August.

10 I'm happy to answer any questions you may  
11 have.

12 CHAIRMAN ALCANTAR: Any questions,  
13 Commissioners?

14 Commissioner Congleton?

15 COMM. CONGLETON: Move that we approve the  
16 discussed methodology for settling the AEL guaranteed  
17 performance targets and instruct staff to use it to set  
18 those targets for Program Year 2015.

19 COMM. ANDRADE: Second.

20 CHAIRMAN ALCANTAR: It is unanimous.

21 AGENDA ITEM NO. 10

22 CHAIRMAN ALCANTAR: Adam, do we have an  
23 update on Item 10?

24 MR. LEONARD: No. The one thing we're  
25 waiting for there is the veterans' measures, and there's



1 specific NPRM work sessions. For transparency and  
2 information dissemination purposes to stakeholders of  
3 the workforce system and to the public at large, these  
4 work sessions were publicly broadcasted.

5           The comments affirm TWC's commitment to  
6 the integration, improvement and accountability of the  
7 workforce system under WIOA, coupled with the importance  
8 of maintaining as much state and local flexibility as  
9 possible. TWC agrees with many of the rules as drafted,  
10 and others recommends changes in light of WIOA's intent  
11 to improve customer service and alignment in system  
12 operation. Suggested changes include revisions to the  
13 draft rules for performance accountability in reporting,  
14 better integration of the Adult Education and Literacy  
15 Program under WIOA, the need for streamlined, consistent  
16 guidance at the federal level to enable states  
17 sufficient time to meet statutory deadlines and the  
18 purpose of the Act, and a number of additional comments  
19 supporting TWC's commitment to integration, improvement  
20 and accountability throughout the five NPRMs.

21           This morning, staff recommends the  
22 approval of comments as discussed during work sessions  
23 and briefed the Commission offices to be submitted to  
24 the departments in response the WIOA NPRMs.

25           I'll be happy to answer any questions you

1 may have.

2 CHAIRMAN ALCANTAR: Do we have any  
3 questions?

4 COMM. ANDRADE: No.

5 CHAIRMAN ALCANTAR: We don't have any  
6 questions, but I want to thank you, Jason, Debbie,  
7 Reagan, Larry and the rest of the staff for all their  
8 hard work. I really appreciated the attention to these  
9 important guidelines that are being proposed here. And  
10 I also want to thank my staff for their hard work on  
11 behalf of the this effort.

12 Commission Congleton?

13 COMM. CONGLETON: I'd like to thank my  
14 staff and the staff that prepared all of this. And,  
15 Jason, that was a very precise and professional  
16 presentation as well.

17 (Laughter)

18 MR. VADEN: Thank you.

19 COMM. CONGLETON: I move that we approve  
20 the proposed comments to the five notices of proposed  
21 rulemaking on the WIOA and submit them to DoL and  
22 Department of Education.

23 COMM. ANDRADE: Second.

24 CHAIRMAN ALCANTAR: It is unanimous.  
25 Appreciate it.

1 AGENDA ITEM NO. 13

2 CHAIRMAN ALCANTAR: Item 13, discussion,  
3 consideration, possible action regarding the  
4 apprenticeship training program funding for fiscal year  
5 2016.

6 Jason again.

7 MR. VADEN: Again, Jason Vaden, Workforce  
8 Development Division.

9 Each year the Texas Workforce Investment  
10 Council makes recommendations regarding Chapter 133  
11 Apprenticeship Training Program. These recommendations  
12 are for fiscal year 2016, and include a contact hour  
13 rate not to exceed \$4, a 5 percent reserve for new  
14 programs, and a \$28,000 reserve for apprenticeship  
15 instructor training.

16 With the approval of the Commission's  
17 legislative appropriation request of an additional \$1.5  
18 million in each year of this biennium, the  
19 apprenticeship program is poised for growth.  
20 Historically the Commission has prioritized funding for  
21 related instruction or apprenticeship consistent with  
22 Texas Administrative Code Rule 837.25. However, with  
23 the increased funding, TWC may consider funding journey  
24 worker and pre-apprenticeship training as directed by  
25 rule.

1                   Staff recommends the approval of the  
2 following for fiscal year 2016: A planning estimate of  
3 \$3,043,804 in general revenue of apprenticeship funds,  
4 and a \$28,000 reserve for apprenticeship instructor  
5 training, both contingent on the adoption of TWC's  
6 operating budget; a contact hour rate not to exceed \$4;  
7 a 5 percent reserve for planning estimate funds for new  
8 or established apprenticeship programs that did not  
9 receive Chapter 133 funds in fiscal year 2015; and  
10 distributing funds to support Apprenticeship First,  
11 followed by Journey Worker and then Pre-apprenticeship.

12                   Also as required by Texas Administrative  
13 Code Rule 837.21, with the Commission's approval of  
14 these remediations, we will provide public notice of the  
15 amount of funds available for support of apprenticeship  
16 training programs for FY 2016.

17                   And with that I'll be happy to answer any  
18 questions you may have.

19                   CHAIRMAN ALCANTAR: Commissioner  
20 Congleton, does -- do you have any comments on this?

21                   COMM. CONGLETON: I think this is  
22 excellent; I agree with all of it.

23                   CHAIRMAN ALCANTAR: Okay.

24                   COMM. CONGLETON: A lot of good work was  
25 done and we appreciate it. Thank you very much to

1 everybody, Michael for carrying the load over there for  
2 us and for everybody that planned it out for us.

3 CHAIRMAN ALCANTAR: And do you have a  
4 motion?

5 COMM. CONGLETON: I do have a motion. I  
6 move that we approve the planning estimate of.  
7 \$3,043,804 in GR for the FY16 apprenticeship program  
8 contact rate not to exceed \$4, a 5 percent reserve for  
9 new programs, and \$28,000 for instructor training.

10 I also move that we prioritize our funds  
11 for Apprenticeship First, Journey Worker Training  
12 second, and Pre-apprenticeship third.

13 And it's been estimated that we're looking  
14 at 6,000 apprentices now, which is three times the  
15 amount it was a few years ago.

16 CHAIRMAN ALCANTAR: Perfect. Thank you  
17 all.

18 COMM. ANDRADE: Second.

19 CHAIRMAN ALCANTAR: It is unanimous.  
20 Appreciate all the hard work.

21 AGENDA ITEM NO. 14

22 CHAIRMAN ALCANTAR: Item 14, discussion  
23 consideration, possible action regarding the  
24 distribution of additional SNAP E&T funding.

25 Jason?

1                   MR. VADEN: On May 21st the U.S.  
2 Department of Agriculture's Food and Nutrition Service  
3 notified TWC that its request for additional funding in  
4 the amount of \$697,262 for federal fiscal year 2015 was  
5 approved. The additional funding supplements TWC's  
6 hundred percent SNAP E&T federal allocation received  
7 from FNS at the beginning of the fiscal year, and allows  
8 workforce boards to continue effectively serving SNAP  
9 recipients classified as SNAP E&T general population  
10 individuals.

11                   The methodology for the supplemental  
12 allocation is to allocate funds to workforce areas who's  
13 boards have met their April 2015 spending targets and  
14 who, therefore, are not subject to a potential  
15 deobligation of SNAP E&T funds and, who on the basis of  
16 this year's expenditure levels, stand the greatest  
17 chance of achieving full utilization of any upwardly  
18 revised allocations.

19                   This authority is provided under Texas  
20 Administrative Code Rule 800.51(f) that notwithstanding  
21 any other provision of the rules, the level of funding  
22 allocated to a workforce area may be determined,  
23 modified or reallocated by the Commission to ensure full  
24 utilization of funding.

25                   This morning staff recommends an

1 additional allocation -- recommends an allocation of  
2 additional SNAP E&T funding in the amount of \$697,262 to  
3 12 workforce areas using the allocation methodology set  
4 forth above.

5 And with that, I'll be happy to answer any  
6 questions you may have.

7 CHAIRMAN ALCANTAR: I don't have any  
8 questions on this. Go ahead -- your motion first,  
9 Commissioner Congleton.

10 COMM. CONGLETON: I move that we allocate  
11 the \$697,262 in additional 2015 SNAP funds to the boards  
12 in the manner presented by the staff.

13 COMM. ANDRADE: Second.

14 CHAIRMAN ALCANTAR: It is unanimous.

15 Jason, could you and the team work on  
16 examining what we can do to strengthen -- build a  
17 stronger partnership with our food pantries out there?  
18 I'd like for you guys to bring forth a recommendation in  
19 the weeks ahead.

20 MR. VADEN: Okay. We'll do that.

21 AGENDA ITEM NO. 15

22 CHAIRMAN ALCANTAR: All right. Thank you.

23 Item 15, discussion, consideration,  
24 possible action regarding approval of local board  
25 nominees, John Fuller.

1 Good morning, John.

2 MR. FULLER: Good morning, Mr. Chairman,  
3 Commissioners, Mr. Temple. For the record, John Fuller,  
4 Workforce Development Division.

5 Commissioners before you today you have  
6 the nominations from North Texas and Upper Rio Grande  
7 Workforce Development Boards for your consideration and  
8 possible approval.

9 CHAIRMAN ALCANTAR: Commissioner  
10 Congleton?

11 COMM. CONGLETON: I move that we approve  
12 the board nominees for North Texan and the Upper Rio  
13 Grande.

14 COMM. ANDRADE: Second.

15 CHAIRMAN ALCANTAR: It is unanimous.

16 Thank you, John.

17 MR. FULLER: Thank you.

18 AGENDA ITEM NO. 16

19 CHAIRMAN ALCANTAR: Item 16, discussion,  
20 consideration, possible action regarding enacted,  
21 proposed or considered state or federal legislation.

22 Michael, do we have an update on this one?

23 MR. BRITT: Yes, sir. Good morning,  
24 Chairman and Commissioners. For the record, Michael  
25 Britt, Governmental Relations. I wanted to provide you

1 a quick update on some bills of note that have been  
2 signed into law by Governor Abbott.

3 The first is House Bill 426 by  
4 Representative Howard. This bill requires all state  
5 agencies to accept job applications through Work in  
6 Texas. It also requires that Work in Texas allow an  
7 applicant for employment to complete a single state  
8 application online and be able to submit that to  
9 multiple agencies. That bill will be effective on  
10 September the 1st.

11 We also have House Bill 931 by  
12 Representative Murphy. This is the bill that alters  
13 when payment for the unemployment insurance waiting week  
14 is paid. Under the bill the waiting week will be paid  
15 once a claimant receives two times their weekly benefit  
16 amount and either returns to work or exhausts their  
17 unemployment benefits. Also this bill is effective on  
18 September the 1st.

19 We also have Senate Bill 20 by Senator  
20 Nelson. This, of course, is the omnibus state agency  
21 contracting bill, and that bill will be effective on  
22 September the 1st.

23 And, finally, we have Senate Bill 529 by  
24 Senator Hancock. And this bill applies a definition of  
25 a landman found in the Texas Occupation Code. It

1 applies that to the definition of a landman in Texas  
2 Unemployment Compensation Act for the purposes of  
3 applying the landman employment exception that is found  
4 for the purposes of unemployment benefits. The bill  
5 also clarifies that the landman employment exception  
6 applies when compensation paid to the landman was  
7 specifically for landman services, and the bill was  
8 effective on May 19th.

9 I'll be happy to answer any questions.

10 CHAIRMAN ALCANTAR: Do we have any  
11 questions of Michael?

12 COMM. CONGLETON: No questions.

13 CHAIRMAN ALCANTAR: Thank you, Michael.  
14 Great update.

15 AGENDA ITEM NO. 17

16 CHAIRMAN ALCANTAR: Item 17, report and  
17 update by the Executive Director.

18 Larry, good morning. What do you have for  
19 us?

20 MR. TEMPLE: Good morning. I'll get LeSha  
21 to give you an update on the disaster declared counties.  
22 And Reagan is going to give you an update on our  
23 conversations with the boards relative to the disaster.

24 MS. LENZY: Good morning, Chairman,  
25 Alcantar, Commissioner Andrade, Commissioner Congleton

1 and Mr. Temple. For the record I'm LeSha Lenzy,  
2 Unemployment Insurance Division.

3 As promised last week, we said that we  
4 would keep you-all updated, so I have a brief update  
5 about the disaster claims. During my report last week I  
6 had reported that Governor Abbott had declared 70  
7 counties as disaster affected, but the President had  
8 actually declared three counties as affected for  
9 individual assistance.

10 So the first update is that in addition to  
11 the declaration of the three counties, we've had an  
12 additional 20 counties added for additional individual  
13 assistance. So that brings it to a total of 23 for  
14 individual assistance.

15 Our claims count as of this morning for  
16 the new actual DUA federal paid claims, we've had an  
17 additional 14. So that brings the totals to 24. We're  
18 up to 571 total claims from all counties where 483 of  
19 those are actually deemed disaster affected. And of the  
20 483, 261 came from claimants living in those 23  
21 individual assistance counties.

22 Harris and Hays so far still have the  
23 highest numbers. We did learn that FEMA has opened two  
24 mobile disaster recovery centers in San Marcos, two in  
25 Houston, one in Vann and one in Wimberley.

1                   Another press release I believe was -- or  
2 will be released reiterating to the residents what the  
3 filing deadlines are, as well as announcing the  
4 additional counties that were added. Our field  
5 assistants are certainly engaged and have provided DUA  
6 materials to all the sites and they're going out to all  
7 the counties as well.

8                   Do you have any questions?

9                   CHAIRMAN ALCANTAR: Do we have any  
10 questions?

11                  COMM. ANDRADE: No.

12                  CHAIRMAN ALCANTAR: Thank you, LaSha,  
13 great update.

14                  MS. LENZY: We'll keep you updated.

15                  CHAIRMAN ALCANTAR: Keep up the good work.

16                  MR. TEMPLE: And Reagan's staff have been  
17 contact with the EDs of the affected counties and to --  
18 at this time, there's no requests or need for NEG --

19                  CHAIRMAN ALCANTAR: Okay.

20                  MR. TEMPLE: -- applications.

21                  CHAIRMAN ALCANTAR: Okay. Great.

22                  MR. TEMPLE: We'll keep you posted.

23                                 AGENDA ITEM NO. 20

24                  CHAIRMAN ALCANTAR: Appreciate it. We  
25 have no executive session.

1                   Is there a motion to adjourn?

2                   COMM. CONGLETON:   So made.

3                   COMM. ANDRADE:    Second.

4                   CHAIRMAN ALCANTAR:  We are adjourned.

5   Have a good day.

6                   (Proceedings concluded at 9:37 a.m.)

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