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TRANSCRIPT OF PROCEEDINGS
BEFORE THE
TEXAS WORKFORCE COMMISSION
AUSTIN, TEXAS

PUBLIC MEETING)
FOR THE TEXAS)
WORKFORCE COMMISSION)

COMMISSION MEETING
MONDAY, NOVEMBER 16, 2015

BE IT REMEMBERED THAT at 10:00 a.m. on
Monday, the 16th day of November, 2015, the above-entitled
matter came on for hearing at the Texas Workforce
Commission, TWC Building, 101 East 15th Street, Room 244,
Austin, Texas, before ANDRES ALCANTAR, Chairman, RONALD G.
CONGLETON and RUTH R. HUGHS, Commissioners

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3 Discussion, Consideration and Possible Action
4 Regarding Higher Level Appeals in Unemployment Compensation
5 Cases Listed on the Texas Workforce Commission Docket 46.

6 The Commission considered and took action on all
7 unemployment compensation cases listed on Docket 46.

8 AGENDA ITEM NO. 6

9 CHAIRMAN ALCANTAR: Jewell, has anyone signed up
10 for public comment?

11 MS. PATRICIO: Yes, Mr. Chairman -- sorry. Yes,
12 Mr. Chairman, it's Jewell Patricio with the Office of
13 General Counsel. And we have Mr. Lance Foss this morning
14 representing himself.

15 CHAIRMAN ALCANTAR: All right. Thank you. Good
16 morning, Mr. Foss. If you -- good to see you again. If you
17 would limit your testimony to three minutes, please.

18 MR. FOSS: Yes, sir. Chairman and Commissioners,
19 business and public, Lance Foss, 1409 Oday Road, Number 57,
20 Pearland, Texas. I have 15 minutes' worth of material. I'm
21 cutting it way down. From this morning, I heard -- this
22 isn't planned but the polygraph pressure, imagine how much
23 pressure you would be in to force, subconsciously, yourself
24 to pass a polygraph test. Incredible. Your whole life.
25 Probably a good job to lose.

1 What I -- what I came to say. Just a little bit
2 of humor. I heard last week someone tell me this story.
3 There's a \$1 million plant being built. It's big. The --
4 the officials are really excited about it. But when they're
5 asked about employment, they said there's just one person
6 that will be hired and a Doberman. The question is why?

7 Well, the person that they're hiring is one highly
8 certified document signing engineer and the Doberman is
9 trained and in place so that the engineer doesn't touch
10 anything. So this is the circuitous route that we're in and
11 heading more towards where, you know, people don't have
12 money to spend. And they don't have jobs. So it affects the
13 employment, the employers leave, so on.

14 Dilbert. Boss: Don't let this happen again.
15 Dilbert: It wasn't my fault and you know it. Boss: It's
16 easier if we don't try to link performance to outcomes.
17 Dilbert: I'll try. Dilbert: (sees another employee down the
18 hall later) It was hard at first, but now I'm just about
19 totally stress free. The other employee: I just got a 30
20 percent raise.

21 So this is how businesses are working on -- not
22 new, happening for 30 years -- how -- what -- how they work
23 on what happens in a work place, how they're working on
24 what's happening politically, and so on. I'll go into that
25 more later.

1 The amount we're paying people for this whole
2 unemployment thing, it's poverty wages. If you make
3 \$50,000, you can get paid half of what you made for 26
4 weeks. You're already fired. Your bills are already
5 probably beyond what you were making, so we're giving, you
6 know, someone making -- this is even -- this is more than
7 minimum wage, 20,000. That's \$200 a week. How far does
8 \$800 taxed go? You know, paying your COBRA? And, again --
9 and to me, this is reason enough for some non-sacrifice
10 believing Christians to literally jump off a bridge, a
11 fellow American Texan jumping off a bridge. I can
12 understand it.

13 I have whole neat story to read. There's no time
14 for it un -- unfortunately, but anyway, it's on YouTube, a
15 fox working, if you want to see the story, it's called "The
16 Boy Who Cried." It's a fable. It's one of the best things
17 I've ever written.

18 CHAIRMAN ALCANTAR: And, Mr. Foss, if you could
19 wrap up in the next 30 seconds.

20 MR. FOSS: Yes, sir. My name is Lance Foss. And
21 I'm obviously a writer, a public speaker, and a project
22 manager, and an accomplished MBA. I (indiscernible) will do
23 anything worthwhile and difficult in business and computers
24 that any big minds can offer. I ask for an enabling
25 conversation to this end. Warning -- I suppose I have to

1 make this warning -- I advocate for U.S. state business
2 patriotism, employee dedication, and reliable sustainable
3 100 percent U.S.A. citizen employment. I trust this is no
4 obstacle given my advanced age. And that's all I have.

5 CHAIRMAN ALCANTAR: Thank you.

6 COMM. CONGLETON: Thank you, Mr. Foss.

7 CHAIRMAN ALCANTAR: All the best, sir. Before we
8 proceed, I'd like to ask everyone to join me in a moment of
9 silence for our friends in -- in France.

10 (Moment of silence)

11 CHAIRMAN ALCANTAR: Okay, thank you.

12 AGENDA ITEM NO. 7

13 CHAIRMAN ALCANTAR: Item 7. I believe we -- we've
14 deferred discussion on Item 7, Regarding the Texas Advisory
15 Committee for Purchasing from People with Disabilities.

16 AGENDA ITEM NO. 8

17 CHAIRMAN ALCANTAR: Item 8. Discussion,
18 Consideration and Possible Action Regarding the Texas
19 Workforce Commission Itemized Operating Budget, Randy
20 Townsend. Morning, Randy.

21 MR. TOWNSEND: Good morning Chairman,
22 Commissioners. For the record Randy Townsend, Chief
23 Financial Officer. I'm with you this morning presenting an
24 update to our previously approved 2016 opportunity --
25 operating budget. We are due to submit our -- our final

1 approved operating budget to the WB and other offices by the
2 first part of December.

3 I sent around the materials and I'd done briefings
4 with you and -- and -- and I've made a few updates to that.
5 In -- in those -- from those discussions. But overall, I'm
6 asking your approval this morning for an overall increase of
7 21 -- 27.2 billion; just under 2 billion -- point 2 million.
8 Which is primarily due to available carry forward funds. I
9 noted those in -- in the e-mail to each of your offices this
10 past weekend. About 7.7 million that comes from adult ed.;
11 4.2 million from Workforce Invest Act; trade is about 2.8
12 million increase; and child care is 3 and a half million;
13 and then the other large increase is 3.1 million for
14 unemployment; so a total of 21.3 million in federal funds
15 transferring period 4 from unspent balances of the prior
16 year, 2015.

17 And then we also had two increases in our
18 interagency contract amounts. You're familiar with -- I
19 know one of these, the vocational rehabilitation, you'd
20 voted previously on that capital budget request that we have
21 submitted for 3.9 million. And then we finalized a contract
22 this first part of this State Fiscal Year for the
23 noncustodial program continuing from the Office of the
24 Attorney General; that's in the TANF strategy for 2 and a
25 half million.

1 That all totaled -- totaled -- will bring the op
2 -- 2016 operating budget to \$1,233,814,542. I'll have a
3 word for you this morning. I did find a typo. I fixed that
4 in the -- the next to the last or in the calendar 4 quarter.
5 There's an extra dollar sign, so I had caught that. And
6 with that, Commissioners, do you have any questions or --

7 CHAIRMAN ALCANTAR: Any other questions?
8 Commissioner Congleton?

9 COMM. CONGLETON: I move we apr -- approve the
10 final 2016 operating budget for \$1,233,814,542 as presented
11 by the staff and instruct the Executive Director to
12 administer in the most feasible and economic manner in
13 accordance with the General Appropriations Act.

14 COMM. HUGHS: I second the motion.

15 CHAIRMAN ALCANTAR: It is unanimous. Thank you,
16 Randy.

17 AGENDA ITEM NO. 9

18 CHAIRMAN ALCANTAR: Item 9. There is no updates
19 on the local Board targets.

20 AGENDA ITEM NO. 10

21 CHAIRMAN ALCANTAR: Item 10. Discussion,
22 Consideration and Possible Action. There is no updates on
23 the Board Contract Awards.

24 AGENDA ITEM NO. 11

25 CHAIRMAN ALCANTAR: Item 11. Discussion,

1 Consideration and Possible Action Regarding the Acceptance
2 of Pledges for Fiscal Year '16 Child Care Funds, Courtney.
3 Good morning, Courtney.

4 MS. ARBOUR: Good morning, Chairman,
5 Commissioners, Mr. Temple. For the record Courtney Arbour
6 of Workforce Division. Today's staff requests Commission
7 acceptance of Child Care pledges for donations, transfers,
8 and certifications of expense pursuant to Commission Rule
9 800.73 in the amount of \$2,726,524.

10 CHAIRMAN ALCANTAR: Commissioner Congleton?

11 COMM. CONGLETON: I move we accept the pledges for
12 the Board contract year 2016 in the amount of \$2,726,524 as
13 assessed by staff.

14 COMM. HUGHS: I second the motion.

15 CHAIRMAN ALCANTAR: It is unanimous.

16 CHAIRMAN ALCANTAR: Item 13. Discussion and
17 Consideration, Possible Action Regarding W.I.O.A State Fund
18 Initiatives and Increasing Funding for the Small Business
19 Initiative, Patricia Gonzalez.

20 COMM. HUGHS: We're skipping 12?

21 UNIDENTIFIED SPEAKER: You skipped --

22 CHAIRMAN ALCANTAR: I skipped 12? Okay, let's to
23 go 12 first.

24 AGENDA ITEM NO. 12

25 CHAIRMAN ALCANTAR: Discussion, Consideration and

1 Possible Action regarding Delivery of Services Funded with
2 Independent Liver -- Living Services for Older Individuals
3 Who Are Blind Beginning in Fiscal Year 2017, Reagan Miller.
4 Morning, Reagan.

5 MS. MILLER: Good morning, Commissioners. This
6 morning for your consideration is a discussion paper
7 regarding the administration of the Independent Living
8 Services for Older Individuals Who Are Blind Grant. This
9 grant is one of the vocational rehabilitation programs that
10 the Legislature transferred to TWC effective September of
11 2016.

12 DARS currently administers other grants to support
13 independent living services but those will not transfer to
14 TWC, instead those will transfer to HHSC. On October 12,
15 Commissioner Veronda Durden from DARS sent a letter to Larry
16 Temple requesting clarification on TWC's intent for
17 administering these funds in Fiscal Year 2017.

18 As outlined in your materials, staff are
19 recommending that we enter into an interagency contract with
20 HHSC effective September 1, 2016 to provide the Older Blind
21 Independent Living grant funds to HHSC, allowing that agency
22 to operate IL-Older Blind funded services in conjunction
23 with other independent funded services. And we've provided
24 the draft letter from Larry Temple to Verona Durden in this
25 recommendation. I would note that TWC would retain a small

1 percentage of these grant funds to cover our administrative
2 costs associated with overseeing the grant.

3 And finally we recommend entering into an MOU with
4 HHSC to ensure that older blind consumers who decide to seek
5 employment are referred to TWC's VR program as we'll be
6 operating it next year. TWC would also participate in the
7 evaluation of the Centers for Independent Living often
8 called CILS which is currently being conducted by DARS.
9 Based on the DARS Sunset Legislation, the Legislature has
10 instructed DARS and going forward HHSC to outsource
11 independent living services to CILS or other community-based
12 organizations.

13 Participation by TWC will allow DARS to provide us
14 with input on the outsourcing process and ensure that
15 independent living services for older blind individuals is
16 successfully implemented by DARS and HHSC. And I'd be happy
17 to answer any questions.

18 CHAIRMAN ALCANTAR: Any question? Commissioner
19 Congleton?

20 COMM. CONGLETON: Move that we enter into an
21 interagency contract with the Texas hoo -- Health and Human
22 Services Commission, for them to operate independently with
23 services for older individuals who are blind on our behalf.

24 COMM. HUGHS: This makes a lot of sense. And I
25 second the motion. Thank you.

1 CHAIRMAN ALCANTAR: It's unanimous. Thank you,
2 Reagan.

3 MS. MILLER: Thank you.

4 AGENDA ITEM NO. 13

5 CHAIRMAN ALCANTAR: Item 13. Discussion,
6 Consideration Regarding the Small Business Initiative,
7 Patricia Gonzalez. Good morning again.

8 MS. GONZALEZ: Good morning, Chairman,
9 Commissioners, Mr. Temple. For the record Patricia
10 Gonzalez, Workforce Development Division. This morning we
11 bring forward for your consideration a discussion paper to
12 provide additional funding for the small business initiative
13 with the Office of the Governor.

14 On November of 2014, the Workforce Commission
15 entered into an interagency cooperation contract with the
16 Office of the Governor to collaborate with local partners
17 across the State to host small business forums that provide
18 training, information, and resources to Texans interested in
19 starting or expanding a small business. The current
20 approved funding for this initiative is 650,000 in Workforce
21 Innovation and Opportunity Act funds.

22 Recently opportunities have been identified that
23 can enhance the program. Staff recommends increasing the
24 amount of funding for this initiative by adding 450,000 in
25 W.I.O.A. funds bringing the total funding for this

1 initiative to 1.1 million. This increased funding will
2 allow the Office of the Governor to expand the geographic
3 scope of the forums and workshops, expand the scope of
4 services in rural areas, increase efforts to small and
5 historically underutilized businesses, and generate new
6 markets for Texas small businesses through the support of
7 domestic and international trade shows. This concludes my
8 presentation. And I'm prepared to answer questions, if any.

9 CHAIRMAN ALCANTAR: We're really pleased and
10 excited about the way in which this year's -- this year's
11 forums are going and the purposed expansions and the new
12 focus is something I strongly support. Commissioners?
13 Commissioner Congleton?

14 COMM. CONGLETON: Move that we commit addi --
15 additional 450,000 of W.I.O.A. statewide funds to the small
16 business imitative bringing the total to 1.1 million.

17 COMM. HUGHS: I second the motion.

18 CHAIRMAN ALCANTAR: It is unanimous.

19 AGENDA ITEM NO. 14

20 CHAIRMAN ALCANTAR: Item 14. Discussion,
21 Consideration, Possible Action Regarding Statewide
22 Initiatives to Support Early Childhood Education, Patricia.

23 MS. GONZALEZ: Again, Patricia Gonzalez, Workforce
24 Development Division. This morning we bring forward for
25 your consideration a discussion paper on statewide

1 initiatives to support early childhood education. The Texas
2 Rising Star standards include increased educational
3 requirements for child care providers to reach the highest
4 levels of quality. In addition, certifying teachers and
5 caregivers need immediate and increased access to training
6 resulting in CDAs and other certifications critical to both
7 The Texas Rising Star certification and high-quality
8 prekindergarten programs.

9 Staff is recommending three statewide initiatives
10 funded by the Child Care and Development Fund in FY 2016.
11 Recommendation 1: To provide funding for two regional early
12 learning summer academy kickoff conferences designed the
13 support professional development needs of early learning
14 professionals and to eq -- equip child care providers,
15 school districts, and teachers with the information, tools,
16 and resources regarding the TRS program and the High-Quality
17 preki -- Prekindergarten Grant Program. The two sessions
18 tentatively scheduled to be held in Dallas and Houston in
19 summer of 2016 will each provide professional development
20 resources for up to 600 early childhood professionals.

21 Recommendation 2: To provide more in-depth
22 professional development opportunities for early childhood
23 professionals. Staff recommends funding to support a
24 competitive procurement for training for CDAs and other
25 required certifications.

1 Recommendation 3: Staff also recommends funding to
2 support the creation of an early learning and educational
3 web portal to provide a one-stop resource for parents and
4 educators designed to provide comprehensive early childhood
5 education information for the parents and the early learning
6 community and the general public.

7 Estimated funding for the three initiatives is 1.1
8 million for early learning summer academy, 3 million for
9 professional development credentialing, 200,000 for the
10 early learning and education web portal. Staff is recommend
11 -- recommends budgeting 4.3 million for the three early
12 learning initiatives allowing for flexibility to move
13 funding among the three initiatives as necessary. This
14 concludes my presentation. And I'm prepared to answer
15 questions.

16 CHAIRMAN ALCANTAR: Any questions? Commissioner
17 Congleton?

18 COMM. CONGLETON: Move that we approve funding for
19 three discussed child care quality initiatives with the
20 4,300,000 of Child Care Development funds for the Federal
21 Fiscal Year 2016.

22 COMM. HUGHS: I second the motion.

23 CHAIRMAN ALCANTAR: Certainly all three of these
24 will do much to strengthen and enhance capacity of our
25 partners to provide a quality early learning experience.

1 And I earnestly support these. Thank you.

2 AGENDA ITEM NO. 15

3 CHAIRMAN ALCANTAR: Item 15. Discussion,
4 Consideration, and Possible Action Regarding Approval of the
5 Child Care Development Fund State Plan for Fiscal Years '16
6 to '18, Patricia.

7 MS. GONZALEZ: Again, Patricia Gonzalez, Workforce
8 Development Division. This morning we bring forward for
9 your consideration a draft Child Care and Development Fund
10 State Plan for federal fiscal years 2016 and 2018 -- through
11 2018.

12 The CCDF Plan details the following topics related
13 to the child care and quality improvement systems in Texas:
14 CCDF leadership and coordination with relevant systems,
15 promoting family engagement through outreach and consumer
16 education, providing stable child care financial assistance
17 to families, ensuring equal access to high-quality child
18 care for low-income children, establishing standards and
19 monitoring processes to ensure the health and safety of
20 child care settings, recruiting and retaining a qualified
21 and effective child care workforce, supporting continuous
22 quality improvement, and ensuring grantee accountability.

23 With your approval, we will post the plan for
24 public comment and in addition, we'll hold -- excuse me --
25 three public hearings to take public comment on the plan.

1 The three hearings are scheduled for December 3rd in
2 McAllen, December 8th in Austin, and December 16th in
3 Dallas. This concludes my presentation. And I'm prepared
4 to answer questions.

5 CHAIRMAN ALCANTAR: Commissioner Congleton?

6 COMM. CONGLETON: Move we approve the draft CCDF
7 State Plan and post it for public comment.

8 COMM. HUGHS: I second the motion.

9 CHAIRMAN ALCANTAR: It is unanimous.

10 CHAIRMAN ALCANTAR: Item 17. Discussion,
11 Consideration and Possible Action Regard --- Regarding the
12 Board Oversight Capacity Criteria, Jason. I'm sorry. I --
13 I jumped over one again.

14 (Laughter)

15 AGENDA ITEM NO. 16

16 CHAIRMAN ALCANTAR: Discussion, Consideration
17 Regarding the Submission of the 2015 Trade Adjustment
18 Assistance Annual Report to the Texas Legislature, Jason
19 Vaden. Good morning, Jason.

20 MR. VADEN: Good morning, Commissioners. Jason
21 Vaden, Workforce Division. For your consideration this
22 morning is the trade adjustment assistance program annual
23 report. Section 302.007 of the Texas Labor Code requires
24 that we report annually to the Texas Legislature on the
25 federally funded trade adjustment assistance program. The

1 period covered by this report is State Fiscal Year 2015.

2 So key facts from -- from the report this year
3 include 2,988 workers participating in TAA support and
4 training service; and a 76 percent entered employment rate.
5 The most common industry sectors in which workers secured
6 employment include administrative and support,
7 manufacturing, healthcare and social assistance. This
8 morning we're seeking your approval of the report for
9 submission to the Texas Legislature. I'll be happy to
10 answer any questions.

11 CHAIRMAN ALCANTAR: Commissioner Congleton?

12 COMM. CONGLETON: Move we approve the 2015 TAA
13 annual report.

14 COMM. HUGHS: I second the motion.

15 CHAIRMAN ALCANTAR: It's unanimous. Good work,
16 Jason.

17 AGENDA ITEM NO. 17

18 CHAIRMAN ALCANTAR: Item 17. Discussion,
19 Consideration and Possible Action Regarding Board Oversight
20 Capacity Criteria.

21 MR. MULLINS: Good morning Chairman,
22 Commissioners, Mr. Temple. For the record I'm Joel Mullins
23 of Workforce Development. For your consideration this
24 morning we have our board oversight capacity evaluation
25 criteria. The Texas labor Code Section 302.048 requires

1 that TWC establish rules that set forth criteria for
2 evaluating each local Workforce Development Board's overall
3 capacity to oversee and manage local funds and the -- the --
4 the delivery of local workforce services. This criteria
5 must address each Board's oversight capacity in six
6 different areas.

7 These areas are -- are one, developing and
8 maintaining and upgrading comprehensive fiscal management
9 systems; two, hiring and training and retaining qualified
10 staff to carry out the Board's oversight activities; three,
11 selecting and overseeing local contractors to improve the
12 delivery of workforce services; four, overseeing and
13 improving the operations of Workforce Solutions Offices
14 served by the Board; five, managing each contractor's
15 performance across multiple Board programs; and six,
16 identifying and resolving longstanding Board oversight
17 problems and contract provider performance issues.

18 On October 21st of this year, the Commission
19 adopted a rule amendment that allows TWC to change on an
20 as-needed basis the specific criteria it used for evaluating
21 Board oversight capacity. The amended rule Section 802.67
22 specifies that TWC will evaluate on at least an annual basis
23 each Board's oversight capacity and post the results on the
24 TWC website. It also specifies that the Commission will
25 approve in an open meeting the specific criteria to be used

1 in its evaluation of Board oversight capacity.

2 To develop this criteria, staff from across the
3 Agency worked with a workgroup of Board Executive Directors.
4 The staff and the workgroup used those six areas that were
5 identified in the Texas Labor Code as separate categories,
6 each of which will receive an individual grade of either met
7 standards or below standards. Additionally, staff and the
8 workgroup identified specific factors to use in determining
9 the indiul -- individual grades for each of those six
10 categories. These categories and factors are shown on the
11 Board Oversight Capacity Rating Score Card that is in --
12 included in your notebooks.

13 You'll notice that the score card includes an
14 additional section at the bottom called "Community Impact
15 Statement." Both staff and the workgroup felt that the
16 addition of this Community Impact Statement would give
17 Boards the opportunity to highlight their efforts to
18 demonstrate and contribute to an effective workforce system,
19 especially any efforts that might not be reflected in those
20 -- those six categories. It's essentially the -- the
21 opportunity for the Boards to kind of tell their story.

22 Staff recommends approval of the methodology shown
23 in the Board Oversight Capacity Ratings Score Card to be
24 used in evaluating Boards' overall capacity to oversee and
25 manage local funds and the delivery of local workforce

1 services. And I'll be happy to answer any questions.

2 CHAIRMAN ALCANTAR: Commissioner Congleton?

3 COMM. CONGLETON: I have no questions. I move we
4 approve the Capacity Ratings Score Board and the discussed
5 methodology for evaluating Board financial and service
6 oversight capacity.

7 COMM. HUGHS: I second the motion.

8 CHAIRMAN ALCANTAR: It is unanimous.

9 MR. MULLINS: Thank you.

10 AGENDA ITEM NO. 18

11 CHAIRMAN ALCANTAR: Item 18. Discussion,
12 Consideration and Possible Action Regarding the Proposed
13 Repeal of Rules on Community Development Initiatives, Jason.

14 MR. VADEN: Again, Jason Vaden, Workforce
15 Division. On September 25th, the Commission approved a
16 policy concept that included a recommendation to repeal TWCs
17 Chapter 833 Rules regarding community development
18 initiatives. The policy concept was posted at TWC's website
19 for a three-week public comment period. And it was also
20 discussed on a conference call with Board Executive
21 Directors. No comments were received in regards to the
22 policy concept.

23 This morning staff recommends approval of the
24 proposed repeal of Chapter 833 Rules regarding community
25 development initiatives so that they may be published in the

1 Texas Register for a 30-day public comment period. I'll be
2 happy to answer any questions.

3 CHAIRMAN ALCANTAR: Commissioner Congleton?

4 COMM. CONGLETON: Move that we file notice of our
5 intent to repeal the Chapter 833 Rules on community
6 development initiatives with the Secretary of State for
7 publication in the Texas Register.

8 COMM. HUGHS: I second the motion.

9 CHAIRMAN ALCANTAR: It is unanimous.

10 AGENDA ITEM NO. 19

11 CHAIRMAN ALCANTAR: Item 19. Discussion,
12 Consideration and Possible Action Regarding the Adoption of
13 Rules -- Rules Relating to Four-Year Review of the Integrity
14 of the Texas Workforce System, Jason.

15 MR. VADEN: Again, Jason Vaden, Workforce
16 Division. On September 8th, the Commission approved the
17 publication of the four-year rule review of the Chapters
18 noted before. This was done in accordance with Section
19 2001.039 of the Texas Government Code which requires all
20 state agencies to review their rules every four years to
21 determine if the reason for adopting the rules continue to
22 exist. We received no comments during the 30-day public
23 comment period and has determined that the reasons for
24 readopting rules do continue to exist.

25 This morning staff recommends that the Commission

1 readopt each of the four existing rule chapters: Chapters
2 802, 809, 823, and 845 that were reviewed as a part of this
3 four-year rule review. And I'll be happy to answer any
4 questions.

5 CHAIRMAN ALCANTAR: Commissioner Congleton?

6 COMM. CONGLETON: As discussed, I move we readopt
7 the rules contained in Chapters 802, 809, 823, and 845 of
8 Title 40 Part 20 of the Texas Administrative Code without
9 changes.

10 COMM. HUGHS: I second the motion.

11 CHAIRMAN ALCANTAR: It is unanimous.

12 AGENDA ITEM NO. 20

13 CHAIRMAN ALCANTAR: There is no discussion on Item
14 20 on Civil Rights.

15 AGENDA ITEM NO. 21

16 CHAIRMAN ALCANTAR: Item 21. Discussion,
17 Consideration and Possible Action Regarding Publication for
18 Public Comment on the Proposed Rules Relating to
19 Unemployment Insurance Tax, Chuck Ross. Good morning.

20 MR. ROSS: Good morning Mr. Chairman,
21 Commissioners, Mr. Temple. For the record my name is Chuck
22 Ross with the Regulatory Integrity Division. As you know,
23 House Bill 1251 effective on September 1st, 2015 provided
24 joint application and a two-year deadline for submission of
25 information in -- in certain cases of partial acquisition of

1 compensation experience. Commission Rule 815.111 currently
2 addresses the joint application by stipulating that the
3 application be filed with the Commission within one year from
4 the date of the partial acquisition.

5 At the September 28th public meeting, the
6 Commission authorized staff to move forward with the
7 development of proposed rule amendments to address the
8 requirements of House Bill 1251. To that end, staff is
9 proposing amendments to Commission Rule 815.111 in order to
10 clarify that the joint submission is permissive and to
11 retain the requirements that the submission is due within
12 one year of the partial acquisition for those acquisitions
13 that occurred prior to September 1st, 2015.

14 As required by law, the U.S. Department of Labor
15 reviewed the proposed rule amendments and determined that
16 they conformed to Federal Unemployment Compensation Law.
17 Staff is requesting your approval to publish these proposed
18 rule amendments for a 30-day public comment period in the
19 Texas Register. We also request permission to make any
20 non-substantive changes necessary for publication in the
21 Register. I'm happy to answer any questions that you might
22 have.

23 CHAIRMAN ALCANTAR: Any questions? Commissioner
24 Congleton?

25 COMM. CONGLETON: Move that we approve the publish

1 for public comment the proposed amendments to our Chapter
2 815 UI Rules regarding partial transfer of compensation
3 experience.

4 COMM. HUGHS: I second the motion.

5 CHAIRMAN ALCANTAR: It is unanimous. Thank you,
6 Mr. Ross.

7 MR. ROSS: Thank you.

8 AGENDA ITEM NO. 22

9 CHAIRMAN ALCANTAR: Item 22. Discussion,
10 Consideration and Possible Action Regarding -- Regarding the
11 Approval of Local Board Nominees, John Fuller.

12 MR. FULLER: Good morning, Mr. Chairman,
13 Commissioners, Mr. Temple. Commissioners for your review
14 and approval today we have nominations from the Alamo,
15 Brazos Valley, Cameron County, Golden Crescent, Gulf Coast,
16 North Central, North Texas, and Upper Rio Grande.

17 CHAIRMAN ALCANTAR: Commissioner Congleton?

18 COMM. CONGLETON: I move we approve the nominees
19 from Alamo, Brazos Valley, Cameron County, Golden Crescent,
20 Gulf Coast, North Central, North Texas, and Upper Rio
21 Grande.

22 COMM. HUGHS: I second the motion.

23 CHAIRMAN ALCANTAR: It is unanimous.

24 MR. FULLER: Thank you.

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AGENDA ITEM NO. 23

CHAIRMAN ALCANTAR: Item 23. Discussion, Consideration and Possible Action Regarding the Subsequent Certification of Local Workforce Development Boards Under the W.I.O.A., John Fuller.

MR. FULLER: For the record John Fuller, Workforce Development. Commissioners, today I'm bringing forth the subsequent certification for the 28 Workforce Development Boards. In accordance with Section 107C 2A of the Workforce Innovation and Opportunities Act, the Governor is required to certify local Workforce Development Boards every two years. The criteria established for the certification includes Board compensation and local performance.

The Texas Workforce Commission has conducted reviews of all 28 Boards and their operations throughout the two-year period. Workforce network support along with other Workforce staff monitors the compliance of the Board compensation requirements on an ongoing basis. Based on the staff's review of the Board compensation and performance, it is our recommendation that the Commission recommend to the Governor the subsequent certification of all 28 Workforce Development Boards. I'm available for any questions.

CHAIRMAN ALCANTAR: Commissioner Congleton?

COMM. CONGLETON: I move.

COMM. HUGHS: We agree. I understand a letter

1 might be going out today?

2 MR. FULLER: Yes, I will be circulating letters to
3 the offices after the Commission meeting.

4 COMM. HUGHS: I move that we approve that and send
5 the letter out as is recommended.

6 COMM. CONGLETON: I agree.

7 CHAIRMAN ALCANTAR: And it's unanimous. Thank
8 you.

9 MR. FULLER: Thank you.

10 AGENDA ITEM NO. 24

11 CHAIRMAN ALCANTAR: Item 24. Discussion,
12 Consideration and Possible Action Regarding En -- Enacted or
13 Proposed State or Federal Legislation. We have no update.

14 AGENDA ITEM NO. 25

15 CHAIRMAN ALCANTAR: Item 25. Report and update by
16 the Executive Director. Larry, what do you have for us?

17 MR. TEMPLE: There's one -- we -- the four of us
18 sent letters to the DARS -- current DARS employees who've
19 been identified as coming over to TWC last week. Got some
20 really good response from staff on that. Ran into several
21 of them at the -- at the job fairs last week. And I'm sure
22 you probably did too. We'll continue that dialogue with
23 them and regular communication. And second, we start our
24 conference -- our annual conference this week so hope
25 everyone's excited about that. And we'll see you in Dallas.

1 CHAIRMAN ALCANTAR: Do we have a motion to
2 adjourn?

3 COMM. CONGLETON: So moved.

4 COMM. HUGHS: Second.

5 CHAIRMAN ALCANTAR: We're adjourned.

6 (Proceedings concluded at 10:59 a.m.)

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C E R T I F I C A T E

STATE OF TEXAS)
COUNTY OF TRAVIS)

I, Kimberly C. McCright, Certified Vendor and Notary 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 21st day of November, 2015.

Kimberly C. McCright
Certified Vendor and Notary Public

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