

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

TRANSCRIPT OF PROCEEDINGS
BEFORE THE
TEXAS WORKFORCE COMMISSION
AUSTIN, TEXAS

PUBLIC MEETING)
FOR THE TEXAS)
WORKFORCE COMMISSION)

COMMISSION MEETING
TUESDAY, SEPTEMBER 1, 2015

BE IT REMEMBERED THAT at 9:00 a.m. on
Tuesday, the 1st day of September, 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; and the
following proceedings were reported by Alejandro Herrera,
Certified Court Reporter

	PAGE
1	TABLE OF CONTENTS
2	
3	PROCEEDINGS, TUESDAY, SEPTEMBER 1, 2015
4	AGENDA ITEM NO. 1 4
5	CHAIRMAN ALCANTAR
6	AGENDA ITEM NO. 2 4
7	SHERRI MILLER and DOUG CARNES
8	AGENDA ITEM NO. 3 4
9	DOUG CARNES
10	AGENDA ITEM NO. 4 4
11	SHERRI MILLER
12	AGENDA ITEM NO. 5 5
13	SHERRI MILLER
14	AGENDA ITEM NO. 6 5
15	PAUL N. JONES
16	AGENDA ITEM NO. 7 5
17	ADAM LEONARD and DAVID JOHNSON
18	AGENDA ITEM NO. 8 8
19	ADAM LEONARD and DAVID JOHNSON
20	AGENDA ITEM NO. 9 11
21	ADAM LEONARD and DAVID JOHNSON
22	AGENDA ITEM NO. 10 11
23	DEBBIE CARLSON
24	AGENDA ITEM NO. 11 12
25	JASON VADEN and DEBBIE CARLSON
	AGENDA ITEM NO. 12 12
	JOHN FULLER
	AGENDA ITEM NO. 13 12
	TOM McCARTY
	AGENDA ITEM NO. 14 13
	LARRY TEMPLE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

TABLE OF CONTENTS (Cont.)

PAGE

AGENDA ITEM NO. 15 14
EXECUTIVE SESSION

AGENDA ITEM NO. 17 14
ADJOURNMENT

REPORTER'S CERTIFICATE 15

P R O C E E D I N G S

TUESDAY, SEPTEMBER 1, 2015

(9:00 a.m.)

AGENDA ITEM NO. 1

CHAIRMAN ALCANTAR: Good morning, everyone. This meeting will now be called to order.

AGENDA ITEM NO. 2

Discussion, Consideration and Possible Action Regarding Whether to Assume Continuing Jurisdiction on Unemployment Compensation Cases, Wage Claim Cases, and/or Tax Liability Cases and Reconsideration of Unemployment Compensation Cases, Wage Claim Cases, and/or Tax Liability Cases, if Any.

No Discussion.

AGENDA ITEM NO. 3

Discussion, Consideration and Possible Action Regarding Tax Liability Cases Listed on the Texas Workforce Commission Docket 35.

The Commission considered and took action on all tax liability cases listed on Docket 35.

AGENDA ITEM NO. 4

Discussion, Consideration and Possible Action Regarding Higher Level Appeals in Wage Claim Cases Listed on the Texas Workforce Commission Docket 35.

The Commission considered and took action on all

1 wage claim cases listed on Docket 35.

2 AGENDA ITEM NO. 5

3 Discussion, Consideration and Possible Action
4 Regarding Higher Level Appeals in Unemployment Compensation
5 Cases Listed on the Texas Workforce Commission Docket 35.

6 The Commission considered and took action on all
7 unemployment compensation cases listed on Docket 35.

8 AGENDA ITEM NO. 6

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

11 MR. JONES: No public comment, Mr. Chairman.

12 CHARIMAN ALCANTAR: All right. Thank you.

13 AGENDA ITEM NO. 7

14 CHAIRMAN ALCANTAR: Item 7. Discussion,
15 Consideration and Possible Action Regarding Comments for
16 Submission to the U.S. Department of Labor and Education in
17 Response to July the 22nd WIOA Information Collection
18 Request, Adam Leonard. Good morning, Adam.

19 MR. LEONARD: Good morning, Commissioners. I
20 appreciate your time today, and kind of going with another
21 off-week meeting extending our weekly cycle one more week to
22 allow us to have two bites to look at this information
23 before the deadline.

24 CHAIRMAN ALCANTAR: Sure.

25 MR. LEONARD: As you know, the Workforce

1 Investment Act require the Departments of Education and
2 Labor to get together to put out a set of common report
3 templates and business rules associated with reporting the
4 performance measures and accommodate elements for the six
5 WIOA partner programs. And this ICR that they put out
6 addresses that requirement. It's a somewhat incomplete
7 list. It doesn't include, for instance, a kind of handbook
8 that helps us really understand some of the scenarios and
9 things, but it does technically provide the information
10 needed to get a general sense of what they're doing. And so
11 what I thought I would do today is walk through the key
12 policy issues with you all that staff have identified and
13 our recommendations so we can get your input on that.

14 On that point, we -- in looking at this material,
15 it really does kind of divide into policy issues and some
16 technical issues. And examples of technical issues might be
17 the way that they wrote this pseudo code that explains how
18 you combine the data elements or the logic that's used to
19 calculate measure and things. Or some of the
20 inconsistencies between the various pieces of the product,
21 but that they don't necessarily reach to the point of real
22 questions about whether we should do it, you know, one way
23 or another and what implications that may have towards
24 service delivery or strategic vision of the programs.

25 So with that in mind what we are asking today is

1 for your feedback on the policy issues and the cover letter.
2 And then depending on the direction that you give us on
3 that, that we would be given permission to continue to work
4 on the technical issues -- the purely technical aspects of
5 our recommendations for submission by the 21st of September,
6 when this whole product is due.

7 CHAIRMAN ALCANTAR: Commissioners, any comments or
8 questions?

9 COMM. HUGHS: I don't. I appreciate your
10 thoroughness in presenting this to us.

11 CHAIRMAN ALCANTAR: And Commissioner Congleton?

12 COMM. CONGLETON: No comment.

13 MR. LEONARD: Okay. Would you like me to go
14 through the issues one by one or do we need to -- what is
15 your thinking on that, I'm happy to handle it either way?

16 CHAIRMAN ALCANTAR: Is there anything you want
17 Adam to highlight or are we good?

18 UNIDENTIFIED VOICE: How about a second copy?

19 MR. LEONARD: Okay. That's fine.

20 CHAIRMAN ALCANTAR: I think we're good, Adam.
21 Let's go on to the next one.

22 COMM. HUGHS: Thank you.

23 CHAIRMAN ALCANTAR: And really echoing
24 Commissioner Hughes' comments, we really appreciate all the
25 hard work.

1 available and work in Texas and our ability to really track
2 the types of hires that are being made because those
3 postings don't really have a click to apply button
4 associated with them.

5 And so what's happening here is that within the
6 text of in many cases work in Texas jobs but also especially
7 in the US.jobs they'll embed a link telling you where to go
8 to apply for the jobs directly. And so as we began looking
9 at this we began wondering whether there was another way
10 that we could evaluate this data to try to do a better job
11 by telling the full story of when we're able to take one of
12 our employer customers who we're trying to help hire people
13 hire some of our qualified job seekers, recently served job
14 seekers.

15 And then in looking at that date we began using
16 the employment connection concept that we rolled out for the
17 Boards informally a couple of years ago and that has had
18 general support from them. So this involves using wage data
19 to identify instances where there's a probable new hire by
20 comparing the wages from quarter to quarter. We then match
21 that up against our claimant server -- or sorry, our job
22 seeker services to figure who -- which of those connections
23 involved recently served job seekers, and also against the
24 employer data to see which ones recently received employment
25 connection services, things like postings and job fair

1 assistance and things like that.

2 And one of the things we found in this data was
3 that while the employer job opening fill data was not as
4 representative of the full pictures of what we had hoped
5 that it would be and what it perhaps used to be, our concept
6 of what we call the priority employment connection, that
7 data really did seem to tell a fuller story of where things
8 are going. And so based on that information we began
9 looking at things like what was the job seeker to priority
10 employment connection ratios or the job seeker to employment
11 connection ratios and what percent of all of our employment
12 connections involved pri -- our employers or priority
13 employment connections and those numbers really tended to
14 show good.

15 So on the one hand the existing performance
16 measures showed half the boards failing. On the other hand
17 when we evaluated it, really 12 of those 15 boards were
18 doing what we believed to be quite well if you kind of
19 looked at these other factors. And with that in mind we
20 just -- we -- I'm sorry, we came to the conclusion that this
21 measure was really not quite as viable as it used to be.
22 And what we would like to recommend today is that the
23 measure be discontinued as a formerly contracted measure for
24 Board Contract Year '15 and that we would continue to work
25 with the Measurement Matters Work Group to further develop

1 these other ideas and come back to you all with some
2 recommendations for perhaps using them for incentive
3 criteria for year '16, and then perhaps a formally
4 contracted measure in year '17.

5 CHAIRMAN ALCANTAR: Commissioners, any questions
6 or comments?

7 COMM. HUGHS: No, I agree.

8 CHAIRMAN ALCANTAR: Commissioner Congleton?

9 COMM. CONGLETON: Move that we remove the number
10 of employer job openings filled as a formally contracted
11 measure for Board Contract Year 2015, develop additional
12 measurement matters based on the priority employment
13 connection and the employment connection concepts for use in
14 the Board Contract Year 2016.

15 COMM. HUGHS: I second the motion.

16 CHARIMAN ALCANTAR: Thank you, I really appreciate
17 all your hard work on that.

18 MR. LEONARD: Thank you, appreciate your time.

19 AGENDA ITEM NO. 9

20 CHAIRMAN ALCANTAR: Item 9. There is no date on
21 2016 targets, any further discussion there?

22 AGENDA ITEM NO. 10

23 CHAIRMAN ALCANTAR: There is no WIOA update for
24 Item 10.

25 //

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

AGENDA ITEM NO. 11

CHAIRMAN ALCANTAR: Item 11? There is no discussion at this point on Vision and Goals for WIOA.

AGENDA ITEM NO. 12

CHAIRMAN ALCANTAR: And Item 12, we have no Board nominees.

AGENDA ITEM NO. 13

CHAIRMAN ALCANTAR: Tom McCarty, do you have an update for us on state and legislative matters?

MR. McCARTY: Yes, sir, I do. Good morning, Chairman Alcantar, Commissioner Hughs, Commissioner Congleton. It's Tom McCarty, External Relations. Congress will return next week from their August recess and in the -- on the state side, the speaker yesterday appointed four members to the Transition Oversight Committee for Health and Human Services. This is the oversight committee that will also see the transition of the DARS Programs Two TWC.

The four House members are Representative Prius, who will serve as Co-Chair, Representative Rose, Representative Burkett and Representative Raymond. The Senate still has to appoint their four members. And then the Governor has three public members to appoint. They have until October 1st to make those appointments. I'm available for any questions you may have.

CHAIRMAN ALCANTAR: Commissioners?

1 COMM. HUGHS: No questions.

2 COMM. CONGLETON: No questions.

3 CHAIRMAN ALCANTAR: Thank you, Tom, appreciate the
4 update.

5 AGENDA ITEM NO. 14

6 CHAIRMAN ALCANTAR: Item 14. Report and Update by
7 the Executive Director. What do you have for us this
8 morning?

9 MR. TEMPLE: Just a real quick update. Our
10 transition teams have been working very hard, and we had our
11 first combined meeting with HHSC and DARS counterparts and
12 presented to them mid-August our take on the individual
13 areas of what we needed and a timeline for the transition
14 plan, got their feedback pretty much all the areas received
15 feedback August 24th, with that we have put together a
16 really rough draft transition plan which incorporates
17 changes or revisions or what-not that HHSC and DARS
18 submitted. And we will begin briefing you this week and
19 give you that plan. We'll have to flesh this out,
20 obviously, more and -- before we ever send it over to HHSC
21 and DARS. And then once we get a final plan we'll bring, of
22 course, that to you for formal adoption. So you'll start
23 your briefings this week. And then every two weeks
24 thereafter unless something comes up that we need to get to
25 you quick. So that's kind of the schedule now, and it's

1 moving hopefully on time here.

2 CHAIRMAN ALCANTAR: Great. Commissioners, any
3 questions on any other matters?

4 COMM. HUGHS: No.

5 COMM. CONGLETON: No, thank you.

6 CHAIRMAN ALCANTAR: Okay, thank you.

7 AGENDA ITEM NO. 15

8 CHAIRMAN ALCANTAR: The Commissioners will be
9 going into Executive Session pursuant to Government Code
10 §551.071(1) to discuss pending litigation related to John
11 Benevides v. TWC.

12 (Off the record: 9:42:43 to 9:56 a.m.)

13 AGENDA ITEM NO. 17

14 CHAIRMAN ALCANTAR: It is 9:56. We are back in
15 session. Is there a motion to adjourn?

16 COMM. CONGLETON: So made.

17 COMM. HUGHS: Second.

18 CHAIRMAN ALCANTAR: We're adjourned. Have a great
19 day.

20 (Proceedings concluded at 9:57 a.m.)

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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 15th day of September, 2015.

/s/ Kimberly C. McCright
Kimberly C. McCright
Certified Vendor and Notary Public

Verbatim Reporting & Transcription, LLC
1322 Space Park Drive, Suite C165
Houston, Texas 77058
281.724.8600