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TRANSCRIPT OF PROCEEDINGS
BEFORE THE
TEXAS WORKFORCE COMMISSION
AUSTIN, TEXAS

PUBLIC MEETING)
FOR THE TEXAS)
WORKFORCE COMMISSION)

COMMISSION MEETING
TUESDAY, SEPTEMBER 22, 2015

BE IT REMEMBERED THAT at 9:00 a.m. on
Tuesday, the 22nd 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

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P R O C E E D I N G S

TUESDAY, SEPTEMBER 22, 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 Dockets 37 and 38.

The Commission considered and took action on all tax liability cases listed on Dockets 37 and 38.

AGENDA ITEM NO. 4

Discussion, Consideration and Possible Action Regarding Higher Level Appeals in Wage Claim Cases Listed on the Texas Workforce Commission Dockets 37 and 38.

The Commission considered and took action on all

1 wage claim cases listed on Dockets 37 and 38.

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 Dockets 37
6 and 38.

7 The Commission considered and took action on all
8 unemployment compensation cases listed on Docket 37 and 38.

9 AGENDA ITEM NO. 6

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

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

13 CHARIMAN ALCANTAR: Thank you.

14 AGENDA ITEM NO. 7

15 CHAIRMAN ALCANTAR: Item 7. Discussion,
16 Consideration and Possible Action Regarding the Request to
17 Exceed the Transfer Limitation on the Capital Budget
18 Expenditures for the Transition of Human Resources/Financial
19 Systems and Other Programs to TWC pursuant to the General
20 Appropriations Act, Article IX, Section 14.03, Randy
21 Townsend. Good morning, Randy.

22 MR. TOWNSEND: Good morning, Chairman,
23 Commissioners, for the record, Randy Townsend, Chief
24 Financial Officer. Commissioners, this morning I'd like to
25 present this item for your consideration. After briefing

1 your offices -- you and your offices, staff from your
2 offices determined that there might be some items that staff
3 need to take into account, so I'd like to just lay out what
4 we're asking for and then get direction and guidance from
5 you this morning and then bring this back for a final
6 approval at a future commission meeting if that would meet
7 with your approval this morning.

8 As you know, Commissioners, we're in the -- we've
9 been working diligently on a process for the transition of
10 plans and looking at what is going to take -- actually make
11 a successful transition of the vocational rehabilitation
12 programs and services from the DARS agency into our
13 Workforce Commission and into our agency. And as you know
14 one important piece of that is making sure you have all the
15 accounting, financial, human resource, contracting systems
16 in place. And so we have done some work working alongside
17 our counterparts from DARS, and to make sure that we've
18 identified what it's going to take to do that. And that's
19 what this proposal this morning includes.

20 And that -- the amount we have identified is not,
21 I don't believe at this point, we think that's a -- it's a
22 still a good estimate, it roughly is a 4.3 million amount
23 that would allow us to integrate in the systems for the
24 financial, HR, et cetera. And so that part is still fine.

25 I think what we would like to go back, based on

1 the comments and our briefings we received from you and any
2 further direction you can give us this morning to see if
3 there's any existing authority that might be available in
4 TWC's current capital budget for fiscal '16 that would -- as
5 opposed to asking for an overall increase. And I think we
6 need to go through that a little bit more carefully and
7 closely and bring that back and make -- get it around again,
8 of course, and brief your office, you and your offices,
9 about that as an option, if that would be something you'd
10 like to consider.

11 Just the way the capital budget section works and
12 the Appropriations Act, there's certainly -- in Article IX
13 there's a Section 14 that deals with this. I think would
14 still need to be asking for the authority to potentially
15 exceed the transfer amount. I think you're limited to 25
16 percent out of an existing project, and so that part would
17 still need your approval to submit a request to the Governor
18 and to the LBB. And so we'd like to go through and just
19 take a closer look at all that as opposed to just asking for
20 an overall increase. So with that I'll just -- if you have
21 any questions or further guidance or comments this morning.

22 CHAIRMAN ALCANTAR: Well, Randy, I really
23 appreciate your diligence and your hard work here. I am
24 comfortable with the 4.3, but I do think it's a good idea to
25 go back and see if we have some authority that we can

1 transfer over into these projects. So, Commissioners?

2 COMM. CONGLETON: I would agree with that.

3 COMM. HUGHS: I'll agree as well. I know there
4 was some concern about the timeline and getting these things
5 going, so, you know --

6 MR. TOWNSEND: Right.

7 COMM. HUGHS: -- just let us know if there's
8 something we need to address sooner rather than later, on
9 where the money comes from and starting with the process.

10 MR. TOWNSEND: Yes, and that's a -- I appreciate
11 that observation there, and sort of the timeline is critical
12 and it's very aggressive. We think if we can get this back
13 for your consideration, I think we have a Commission meeting
14 scheduled for next Monday, I believe it is, we think that
15 would still be, you know, we would get the process moving,
16 which it will be out of our control at that point in terms
17 of the timing. But we think that, you know, that is not a
18 -- enough of a delay to be too concerned about in terms of
19 the request, so.

20 CHAIRMAN ALCANTAR: All right. Thank you, Randy.

21 MR. TOWNSEND: Thank you.

22 CHAIRMAN ALCANTAR: And you're going to work with
23 General Counsel on (indiscernible)?

24 MR. TOWNSEND: Yes, sir, absolutely.

25 CHAIRMAN ALCANTAR: Great, thank you.

1 AGENDA ITEM NO. 8

2 CHAIRMAN ALCANTAR: Item 8. Discussion,
3 Consideration and Possible Action Regarding 2015 Measures.
4 We have no update.

5 AGENDA ITEM NO. 9

6 CHAIRMAN ALCANTAR: We have no update on Number 9.

7 AGENDA ITEM NO. 10

8 CHAIRMAN ALCANTAR: And we have no update on WIOA.

9 AGENDA ITEM NO. 11

10 CHAIRMAN ALCANTAR: Item 11, Discussion,
11 Consideration and Possible Action Regarding Adult Education
12 Literacy Advisory Committee Membership, Anson Green. Good
13 morning, Anson.

14 MR. GREEN: Good morning, Chairman, Commissioners,
15 I'm Anson Green, State Director for Adult Education
16 Literacy. Senate Bill 307 from the 83rd Texas Legislature
17 transferred the Adult Education Literacy Program from the
18 Texas Education Agency to TWC and requires the Commission to
19 establish an Adult Education Literacy Advisory Committee.

20 The Advisory Committee must be composed of no more
21 than nine members, including at least one representative
22 from business -- from the business community and one from
23 local Workforce Boards. At its September 10th, 2013 meeting
24 the Commission appointed the initial members to the Advisory
25 Committee.

1 Recently business community representative David
2 Russell retired, and Board representative Alan Miller
3 resigned his position on the Advisory Committee. To comply
4 with the statutory requirement new members must be
5 appointed. Nominees for the vacant business community
6 member remain under review and additional vacancies are
7 pending as certain members are reaching the end of their
8 two-year term.

9 Staff recommends Gail Hathaway at this time,
10 Executive Director for the Alamo Workforce Development
11 Board, to fill the vacancy for the member representing the
12 Board. This item is up for decision and I'd be happy to
13 answer any questions.

14 CHAIRMAN ALCANTAR: Commissioner Congleton.

15 COMM. CONGLETON: Move that we approve the nominee
16 presented by the staff to the AEL Advisory Committee.

17 COMM. HUGHS: I second that motion.

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

20 MR. GREEN: Thank you.

21 AGENDA ITEM NO. 12

22 CHAIRMAN ALCANTAR: Item 12. Discussion,
23 Consideration and Possible Action Regarding Approval of
24 Local Board Nominees, John Fuller. Good morning, John.

25 MR. FULLER: Good morning, Mr. Chairman,

1 Commissioners, Mr. Temple, for the record, John Fuller,
2 Workforce Development Commission. Commissioners, before you
3 today you have nominations from Coastal Bend, Middle Rio
4 Grande, South Plains and Tarrant County.

5 CHAIRMAN ALCANTAR: Commissioner Congleton.

6 COMM. CONGLETON: Move that we approve the Board
7 nominees from Coastal Bend, Middle Rio, South Plains and
8 Tarrant County.

9 COMM. HUGHS: Second the motion.

10 CHAIRMAN ALCANTAR: It's unanimous. Thank you,
11 John.

12 AGENDA ITEM NO. 13

13 CHAIRMAN ALCANTAR: Item 13. Discussion,
14 Consideration and Possible Action regarding Enacted or
15 Proposed Federal and State Legislation. Tom McCarty. Good
16 morning, Tom.

17 MR. McCARTY: Good morning, Mr. Chairman,
18 Commissioners, Tom McCarty, External Relations. Last week I
19 reported on Congress' activities towards developing a
20 continuing resolution to prevent a government shutdown.
21 They are continuing to work on that. And this week we
22 expect that the Senate will offer up some procedural votes
23 to allow them to start that process, which we should
24 hopefully see a resolution by the end of this week,
25 beginning of next week. The government shutdown, if they

1 don't, would occur on October 1 if there's not a continuing
2 resolution in place. That completes my remarks and I'm
3 available for any questions you may have.

4 CHAIRMAN ALCANTAR: Commissioners, do you have any
5 questions?

6 COMM. HUGHS: Not at this time.

7 CHAIRMAN ALCANTAR: Thank you, Tom, appreciate the
8 update.

9 MR. McCARTY: Thank you.

10 AGENDA ITEM NO. 14

11 CHAIRMAN ALCANTAR: Item 14. Report and Update by
12 the Executive Director.

13 MR. TEMPLE: To me?

14 CHARIMAN ALCANTAR: Yes, sir. Good morning,
15 Larry.

16 MR. TEMPLE: Good morning, Commissioners. Just a
17 report that Friday we used up our last -- my goodness, where
18 did --

19 CHARIMAN ALCANTAR: He's still here.

20 MR. TEMPLE: -- our -- it's like the house of
21 mirrors in here -- that wasn't very fair -- the last two of
22 our public hearings on WIOA and the transfer (indiscernible)
23 with Lubbock and El Paso had great turnout. The -- Lubbock
24 was probably the one that we had the most public comment
25 from parents and students, very informative. The deadline

1 for written testimony was Friday, the 18th, so we will be
2 summarizing all of the comments that we had as well as
3 collecting whatever written testimony we have. That's the
4 last piece that will go into the plan. And we were getting
5 the -- Glenn, we were getting the comments from HHSC and
6 DARS yesterday?

7 MR. NEAL: We did get them.

8 MR. TEMPLE: And we got their comments, we'll be
9 reviewing those and bringing to you the action next week on
10 that plan. So I just wanted to give you an update where we
11 were and thank all the staff and the Boards and the DARS and
12 HHSC people for a really good series of public hearings.

13 CHAIRMAN ALCANTAR: I agree. Is there anything
14 else, sir?

15 MR. TEMPLE: I think that's it.

16 CHAIRMAN ALCANTAR: Well, I wanted to take a
17 moment, what we have here in front of us is an award we
18 received from the Texas Veterans Commission. We were
19 honored as the large governmental entity employer of the
20 year for -- based on hard work of the collective efforts of
21 everyone in this agency. So pat yourselves on the back,
22 thank you for all that you're doing, and I really appreciate
23 it.

24 AGENDA ITEM NO. 15

25 CHAIRMAN ALCANTAR: With that, let's see, the

1 Commissioners will be going into Executive Session pursuant
2 to Government Code §551.071(1) to discuss pending litigation
3 related to John Benevides, et al. v. TWC, and pursuant to
4 Government Code §551.074(a)(1) to discuss employment
5 evaluation duties of the internal auditor.

6 (Off the record: 9:52:24 to 10:29:03 a.m.)

7 AGENDA ITEM NO. 17

8 CHAIRMAN ALCANTAR: All right. It is 10:29. We
9 are back in session. Is there a motion to adjourn?

10 COMM. CONGLETON: So made.

11 COMM. HUGHS: Second.

12 CHAIRMAN ALCANTAR: We are adjourned. Have a good
13 day.

14 COMM. HUGHS: Thank you.

15 COMM. CONGLETON: Safe travels.

16 CHAIRMAN ALCANTAR: Same to you, sir.

17 (Proceedings concluded at 10:29 a.m.)

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C E R T I F I C A T E

STATE OF TEXAS)
COUNTY OF TRAVIS)

I, 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 29th day of September, 2015.

Kimberly C. McCright
Certified Vendor and Notary Public

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