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

2 TUESDAY, MAY 26, 2015

3 (1:00 p.m.)

4 AGENDA ITEM NO. 1

5 CHAIRMAN ALCANTAR: Good afternoon,
6 everyone. 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 21.

19 The Commission considered and took action
20 on all tax liability cases listed on Docket 21.

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 21.

1 The Commission considered and took action
2 on all wage claim cases listed on Docket 21.

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 21.

8 The Commission considered and took action
9 on all unemployment compensation cases listed on Docket
10 21.

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

13 (Off the record: 1:00 p.m. to 1:35 p.m.)

14 CHAIRMAN ALCANTAR: Good morning,
15 everyone.

16 AGENDA ITEM NO. 6

17 CHAIRMAN ALCANTAR: Good afternoon,
18 everyone.

19 Mr. Jones, has anyone signed up for public
20 comment?

21 MR. JONES: No public comment,
22 Mr. Chairman.

23 CHAIRMAN ALCANTAR: Thank you.

24 AGENDA ITEM NO. 7

25 CHAIRMAN ALCANTAR: Item 7. Discussion,

1 consideration and possible action regarding the adoption
2 of a Memorandum of Understanding between TWC and the
3 General Land Office, Ed Serna.

4 Good afternoon, Ed.

5 MR. SERNA: Good afternoon, Mr. Chairman.

6 I'm used to saying "Good morning."

7 Good afternoon, Mr. Chairman,
8 Commissioners. For the record, my name is Ed Serna and
9 I'm the Deputy Executive Director at TWC.

10 This is an informational item I wanted to
11 make the Commission aware of. We have a long-standing
12 interagency agreement with the General Land Office.

13 They sell the properties for us when we
14 decide that we no longer need properties. The terms of
15 agreement really haven't changed except I wanted to
16 point out that they are making a modification to the
17 agreement. That modification is they are changing the
18 fee structure.

19 Currently they assess -- we pay them for
20 any of their direct cost as well as indirect cost. We
21 will continue to pay for any direct cost, like any title
22 company, FedEx and the curriers, et cetera, et cetera,
23 et cetera.

24 But instead of paying for direct cost
25 based on their actual expenses, they've gone to a flat 2

1 percent reimbursement with a floor of \$500 and a ceiling
2 of \$15,000.

3 This is a significant change for us.
4 Historically we've only had one situation where we paid
5 slightly more than 2 percent, and most of the time we
6 pay less than 1 percent when you calculate the sale.

7 Our recent sale of the property in El
8 Paso, Texas we will net roughly 1.22 million off of
9 that. They charge the maximum fee in that case, because
10 2 percent would have been a whole lot more. So it's a
11 recurring agreement.

12 Statute indicates that GLO is the agency
13 assigned by the Legislature to handle state agencies'
14 properties, but I did want to make you-all aware of that
15 change.

16 You should see -- as we have sales you'll
17 be noticing that increase in that amount. I have had
18 staff ask about that, if we could sell our own property,
19 and the answer we got was, "Yeah, you could sell your
20 own property but we still charge a fee on that as well.
21 So we're trying to figure that part out, too.

22 So that was it. I just wanted to make
23 sure that you-all were aware of it, in an effort to just
24 make sure that there are no surprises that the
25 Commission suddenly has when they see something come

1 across their desks.

2 CHAIRMAN ALCANTAR: Commissioners, any
3 comments? We have no comments, Ed. Thank you.

4 MR. SERNA: Thank you.

5 AGENDA ITEM NO. 8

6 CHAIRMAN ALCANTAR: Item 8. Discussion,
7 consideration and possible action regarding TWC's LAR.
8 We have no update there.

9 AGENDA ITEM NO. 9

10 CHAIRMAN ALCANTAR: Item 9. Discussion,
11 consideration and possible action regarding adoption of
12 a resolution by the Commission that projected UI
13 obligation assessment revenue bond revenues for June 1
14 through December will equal or exceed the required
15 coverage, Randy Townsend.

16 Good afternoon, Randy.

17 MR. TOWNSEND: Good afternoon, Chairman,
18 Commissioners. For the record, Randy Townsend, Chief
19 Financial Officer.

20 Commissioners, as you will recall, there's
21 a bond resolution provision that requires you to make
22 this certification about this time of year until the
23 bonds are paid off.

24 I've put together some information under
25 your Tab 9 in this regard. We're estimating that the

1 required coverage, of course, is going to be about 91.5
2 million -- just under.

3 We've looked at our estimates for the
4 obligation assessment collections, what we're expecting
5 to see in pledge assessments from June 2015 through
6 December 1 of 2015. That number is estimated to be 93.9
7 million.

8 Therefore, the expected pledge assessments
9 exceed the required coverage, and we'll be happy to
10 answer any questions or if you have any comments.

11 CHAIRMAN ALCANTAR: Commissioner
12 Congleton.

13 COMM. CONGLETON: (Mic off) I have no
14 questions. I move we adopt the bond resolution as
15 discussed and that we certify the expected pledge
16 assessments will exceed the required coverage amount for
17 the 2010 revenue bonds and the 2014 revenue refunding
18 bonds.

19 COMM. ANDRADE: And I second.

20 CHAIRMAN ALCANTAR: It's unanimous. Thank
21 you, Randy.

22 AGENDA ITEM NO. 10

23 CHAIRMAN ALCANTAR: Item 10. Discussion,
24 consideration and possible action regarding Program Year
25 2015 local Board allocations, Randy Townsend.

1 what you've have done in the past. I've gone over this
2 individually in briefings with you. If you have some
3 additional questions I'd be happy to cover that this
4 afternoon, but essentially staff is recommending that
5 you consider setting aside 1.5 million -- funding 1.5
6 million for WIOA rapid response funding as opposed to
7 having the Boards fund that separately out of their
8 dislocated worker formula funds; that we'd use prior
9 balances for that 1.5 million and that we'd propose a
10 distribution -- that would be a two-part funding
11 distribution -- of one-third using an equal base amount.

12 In other words, each of the 28 areas would
13 receive the same exact amount of funding, and then a
14 two-thirds basis that would be using our proportional
15 funding for the dislocated worker formula, and you'll
16 see that amount again as I mention on Page A-6.

17 We would propose to have separate
18 contracts with those rapid response funds -- one-year
19 contracts -- beginning July 1 of this year running
20 through June 30th of next year. Any unexpended balances
21 on those contracts as of next June 30th when they were
22 closed out would be recaptured for use by the
23 Commission.

24 The other item for consideration,
25 Commissioners, with respect to our WIOA Title I funding

1 deals with rapid response, but the current year rapid
2 response funds.

3 You will find this on Page A4. Again, I
4 went over some of this with you in your individual
5 briefings. It's the Program Year '15 rapid response
6 reserve amount. This is just for your consideration.

7 I had run the numbers, as I mentioned to
8 you in those briefings, using 2.5 percent which equated
9 to --

10 CHAIRMAN ALCANTAR: What page is that,
11 Randy?

12 MR. TOWNSEND: I think you will find that
13 on Page A-4 in your materials. You'll actually find it
14 at the very bottom right-hand portion of that page --
15 2.5 percent -- which compares to the PY14 percentage of
16 2 percent and the PY13 percentage of 3.5 percent.

17 The funding amount if that's -- should you
18 want to go down this -- go with this percentage, it
19 would total just under 1.4 million -- precisely
20 1,389,969.

21 That would compare to what the Commission
22 had previously set aside in reserve; last year 1. --
23 just under 1.12 million and then compared to 2 million
24 the year before that.

25 So that is a decision item for the

1 Commission to make this afternoon in determining the
2 dislocated worker formula amount. So that's a reserve
3 and that's using current year funding.

4 The previous 1.5 million of rapid response
5 again was the prior year funding balance; so not this
6 year's funding, in other words.

7 CHAIRMAN ALCANTAR: Commissioners, I'm
8 fine with that. Do you have any comments or --

9 COMM. ANDRADE: No.

10 CHAIRMAN ALCANTAR: Okay. We're fine with
11 that, Randy.

12 MR. TOWNSEND: Unless you had other
13 comments or questions on WIOA Title I, the adult, youth
14 and dislocated worker I was going to move on to the
15 other allocation formulas for your consideration this
16 afternoon dealing with Adult Education and Literacy.

17 CHAIRMAN ALCANTAR: Any questions,
18 Commissioners?

19 COMM. CONGLETON: No questions.

20 COMM. ANDRADE: No questions.

21 CHAIRMAN ALCANTAR: Keep moving, Randy.

22 MR. TOWNSEND: Okay. On Page either A-8
23 or A-9 -- it just depends -- A-9 actually includes the
24 more detailed information by grant recipient for the
25 four local Workforce areas that have multiple grant

1 recipients. The bottom line numbers are the same on
2 both of those pages.

3 The total allocation amount being
4 recommended this afternoon for your consideration for
5 the Adult Education and Literacy is 62,718,386. Two
6 observations for you this afternoon -- again, this was
7 discussed individually with you that reflected a
8 decision point for the Commission -- the 2 percent
9 amount is being reserved -- proposed being reserved for
10 Adult Education and Literacy performance-based funding;
11 in other words, setting aside 1,229,772 determined by
12 each of the local grant recipients.

13 That would be an amount that the grant
14 recipients would have to earn, if you will, based on
15 meeting certain performance. If you need some
16 additional information in terms of that performance
17 criteria, I believe Anson is here this afternoon if
18 that's something you'd like to go over a little bit more
19 in terms of how that would work, but it is being
20 proposed.

21 Last year we had set aside I think a
22 higher amount initially up to 5 percent. I think we've
23 made some determinations that that was maybe a little
24 bit too high. The performance was actually determined
25 kind of late in the process.

1 It wasn't a real workable solution.

2 CHAIRMAN ALCANTAR: Well, I think that
3 when you're transitioning like we are and you're
4 establishing programs that it's important to get the
5 dollars out there to the grantees and let them go to
6 work on serving our customers.

7 I think one of the other items relative to
8 this is we're not really pulling back in performance.
9 We're just going to offer it in the form of incentives.

10 So in addition to this 2 percent we will
11 also make available some incentives tied to staff
12 recommendations regarding the sort of performance we
13 expect and want to see our grantees achieve.

14 So that's -- do we have any comments on
15 this, Commissioners?

16 COMM. ANDRADE: I'm good.

17 CHAIRMAN ALCANTAR: Okay.

18 MR. TOWNSEND: One other item relating to
19 the -- well, actually two other items relating to Adult
20 Education and Literacy, there's a separate 2 percent
21 amount being proposed to set aside for professional
22 development. That is also reflected on there.

23 That amount is just over 1.1 million.
24 We're actually multiplying 2 percent by a different
25 number. So that's why you have a slight difference, and

1 that's similar to professional development that we set
2 aside last year.

3 It was set aside at 4 percent last year.
4 I think looking at expenditure levels and use of those
5 funds this past year staff felt like it was proposed at
6 two percent made more sense.

7 CHAIRMAN ALCANTAR: And I think that staff
8 also considered the other investments that are being
9 made in support of our personnel out there making sure
10 that we account for what we're investing in relative to
11 some of the other tools that we've made over the past
12 few months and some of the things that they're working
13 on moving forward.

14 MR. TOWNSEND: Yes, sir. And the final
15 item on the Adult Education and Literacy, it actually
16 has to do with the data factors.

17 As some of the funding amounts shifted a
18 little bit between years we were receiving some
19 questions from grant recipients that were looking at the
20 information online from the materials available for
21 today's Commission meeting.

22 I think it's in your -- it's on Page B-8.
23 We had a single page that just included the data factors
24 for all the Adult Ed program. One of the things we
25 realized we had not done in there, we had not included

1 prior year information for comparison. So what I'm
2 proposing this afternoon if it's acceptable is that
3 we've actually gone back and prepared -- it's not in
4 your materials -- we've gone back and prepared that
5 comparison so that the grant recipients can more easily
6 see that trend line, if you will.

7 We do that -- we've done that pretty
8 consistently with our other allocations and think it
9 would be helpful to the folks seeing that information.

10 So we can make that addition when we
11 finalize this later.

12 CHAIRMAN ALCANTAR: And to clarify, you're
13 just suggesting no change to the components, just for
14 presentation purposes.

15 MR. TOWNSEND: Including last year's
16 numbers so folks can see that comparison --

17 CHAIRMAN ALCANTAR: All right. Great.

18 MR. TOWNSEND: -- just make it easier for
19 them.

20 CHAIRMAN ALCANTAR: I think that would be
21 great.

22 MR. TOWNSEND: And that concludes the
23 Adult Education. I will now -- unless there are other
24 questions about that, I was going to move on to a couple
25 of planning observations for you.

1 CHAIRMAN ALCANTAR: Okay.

2 MR. TOWNSEND: Okay. Child care planning
3 estimates which you can find those on A-12, I believe --
4 just a couple of things.

5 The -- this is a planning estimate and not
6 an allocation. We'll bring it back for your
7 consideration as we develop the budget this summer --
8 later this summer to finalize the allocation amounts.

9 We are proposing for our planning estimate
10 489.2 million, the same amount as we had allocated in
11 '15. It was what we had also assumed as part of our
12 appropriation request when we submitted it to the
13 Legislature.

14 The other thing, though, that's fairly
15 significant on here in terms of the -- just highlighting
16 for mostly the Boards, I guess, at this point is the
17 local match target. You will see that number is 37.8
18 million.

19 It compares to a 32 million target --
20 local match target. That's driven solely by the
21 matching rate, the Federal Medicaid Assistance Program,
22 the FMAP matching rate. It's just less favorable for
23 Texas.

24 So our general revenue dollars and, of
25 course, these local match dollars, it just takes a

1 higher amount to pull down the same amount of federal
2 funds. So this -- since receiving no general revenue
3 dollars, this target is going up. Having said all of
4 that, though, I am working on a -- hopefully a way to
5 bring their number down a little bit for the Boards
6 while working with the sister agency to see if we can't
7 claim some local match or state match that would
8 actually lower this target.

9 We don't have that worked out yet. So I
10 just am proposing to leave that as a planning estimate
11 target for this -- at this point in time. Hopefully we
12 can get that number reduced hopefully similar to at
13 least last year's numbers, if not lower. I did want to
14 point that out to you.

15 The other item I need to point out on
16 A-12, in the quality column -- it's the third column
17 from the right -- it totals down to
18 9-million-783-thousand and some change there.

19 In looking at that, that's 2 percent of
20 the total. That bottom line is total is correct. We
21 have discovered -- I looked at it this morning again and
22 just discovered the individual amounts by Workforce area
23 don't total to 2 percent each.

24 We need to correct that. It's -- out of
25 the total it doesn't change any bottom line totals, but

1 that target amount is slightly different by a small
2 amount. So we'll get that fixed as well. I just wanted
3 to point that out to you.

4 And then -- let me just -- two other items
5 on child care planning estimate. You'll see that on
6 Page A-12 as well. It's on the two far-right columns.
7 There's a 3.8 million number that's estimated for our
8 child care automated attendance tracking.

9 That's our -- the cards that are swiped
10 out there to track attendance for our children in
11 subsidized care. We just reimburse on actual. This is
12 our estimate of that.

13 It's pretty similar to what we've seen in
14 the past. The other item, though, is Texas Rising Star
15 Quality Support -- we started this the last year or
16 so -- totaling 3.6 million at this point. I believe,
17 Chairman, we had some conversations with you
18 subsequently to our briefings. I think you have --

19 CHAIRMAN ALCANTAR: Yes. Commissioners,
20 on this one, one of the things that I would like to do
21 is ask you to consider amending the total here to
22 correspond to the amounts that we had going to the
23 Boards in FY15.

24 What we're doing here is providing support
25 for these assessors and mentors that are out there.

1 What I do not think we should be doing in
2 the second year is shifting amounts from one Board to
3 another tied to the amounts that we send to each Board.

4 For that reason, if we stick to the '15 --
5 FY15 amounts that have gone to each of the Boards, we
6 won't create that situation where we're pulling from one
7 and giving a little bit extra to the other because it's
8 a fixed cost in terms of the FTEs that are out there.

9 COMM. CONGLETON: I'm okay with it.

10 COMM. ANDRADE: I agree.

11 CHAIRMAN ALCANTAR: All right.

12 MR. TOWNSEND: And we'll work -- we can
13 reflect that change as we finalize this.

14 CHAIRMAN ALCANTAR: All right. Thank you,
15 Randy.

16 MR. TOWNSEND: I have one final item just
17 to point out, again, on planning estimates on the last
18 page of this -- A-18. This is a small Board --
19 essentially the small Board funding amounts being
20 proposed for Fiscal Year '16.

21 Some of you had some questions. I was not
22 sure I was as clear as I should have been in those
23 briefings with you on this.

24 I just want to go over this part one more
25 time to make sure that I'm getting your direction

1 correct in terms of how to look at the control total, if
2 you will, for each of these funding amounts.

3 What we do each year is we receive -- as
4 we look at allocations and then planning estimates, in
5 this case, for a couple of these as we moved to the
6 allocations, we calculate using the same methodology
7 here -- the same approach -- the amount for the current
8 year.

9 We then compare that -- this is the second
10 year to do it this way -- we then compare that to the
11 last year's amount and use the higher of. In this case,
12 what the higher of is last year's amount in all cases.

13 So it will get refreshed every year if
14 this is the approach the Commissioners want to continue
15 using. So it will self-adjust, if you will. Then the
16 current year amount for this, of course, when we do this
17 a year from now would become the control total to see if
18 it is higher or lower if that's something the
19 Commissioners would want to do in terms of the future
20 small Board funding.

21 So it's a pretty -- I think it's a fairly
22 consistent methodology. So it's just doing a one-year
23 look-back, if you will, in terms of which number was
24 higher for each of these programs.

25 CHAIRMAN ALCANTAR: Yeah. I think it's

1 fine the way we have it for now, but I do think that as
2 we get into future budget development that this is an
3 area that we examine in terms of whether or not it's the
4 best way to keep going.

5 MR. TOWNSEND: Okay.

6 CHAIRMAN ALCANTAR: All right. Thank you,
7 Randy.

8 MR. TOWNSEND: And that concludes my
9 comments. If you have any other questions for me or --

10 CHAIRMAN ALCANTAR: Commissioners, any
11 other comments or questions?

12 COMM. ANDRADE: Great job.

13 COMM. CONGLETON: I agree.

14 CHAIRMAN ALCANTAR: I would agree.

15 Commissioner Congleton.

16 COMM. CONGLETON: I move that we approve
17 the Program Year 2015 allocations of WIOA and Adult
18 Education and Literacy, as well as the FY2016 planning
19 estimates for child care choices, ES and SNAP as
20 discussed.

21 CHAIRMAN ALCANTAR: And as amended.

22 COMM. CONGLETON: And as amended.

23 COMM. ANDRADE: I second.

24 CHAIRMAN ALCANTAR: It's unanimous. Thank
25 you.

1 MR. TOWNSEND: Thank you, Commissioners.

2 AGENDA ITEM NO. 11

3 CHAIRMAN ALCANTAR: Item 11. Discussion,
4 consideration and possible action regarding Adult
5 Education and Literacy Performance Accountability
6 Benchmarks, Carrie.

7 Good afternoon, Carrie. How are you?

8 MS. TUPA: Good afternoon, Chairman. I'm
9 well. Thank you. Chairman, Commissioners, for the
10 record, Carrie Tupa, Adult Education and Literacy.

11 Today we bring before you discussion,
12 consideration and requested action for performance
13 accountability benchmarks for Program Year 2015 for
14 Adult Education and Literacy programs.

15 Feedback from the field and observations
16 in the first year of contract under TWC show a need to
17 have funds available sooner for grantees to adequately
18 plan for program implementation.

19 As was previously mentioned for Program
20 Year '15 second year of contracts for new TWC grantees
21 we're requesting a 2 percent holdback of funds for which
22 grantees can earn based on their achievement of one
23 measure.

24 The measure we proposed for the
25 performance accountability benchmarks is identical to

1 the first measure from Program Year 2014; that is,
2 grantees must enroll 60 percent of their contracted
3 unduplicated enrollment target with 12 or more hours by
4 the end of the second quarter.

5 While only seven grantees met this measure
6 in Performance Year 2014, we are confident that grantees
7 have overcome the startup challenges felt in 2014 that
8 naturally come with significant program change.

9 What we are recommending a reduction in
10 the percentage allocation held back, as well as the
11 total performance accountability measures, we do plan to
12 recognize and reward achievement in performance
13 accountability through other means and will consider
14 performance outcomes in the decision to renew contracts
15 for PY16.

16 This item is up for approval and I'm happy
17 to answer any questions.

18 CHAIRMAN ALCANTAR: Do we have any
19 questions?

20 COMM. CONGLETON: No questions.

21 CHAIRMAN ALCANTAR: Commissioner
22 Congleton.

23 COMM. CONGLETON: I move that we approve
24 the Program Year 2015 performance allocations for Adult
25 Education and Literacy, set it at 2 percent of the total

1 allocation based on 60 percent of the target enrollment
2 with 12-plus hours.

3 COMM. ANDRADE: I second.

4 CHAIRMAN ALCANTAR: It's unanimous. Thank
5 you, Carrie.

6 MS. TUPA: Thank you.

7 AGENDA ITEM NO. 12

8 CHAIRMAN ALCANTAR: Item 12. Discussion,
9 consideration and possible action regarding comments to
10 the Architectural and Transportation Barriers Compliance
11 Board regarding IT standards and guidelines under
12 Section 508 of the Rehab Act of 1973, Seth.

13 Good afternoon.

14 MR. HART: Good afternoon, Chairman,
15 Commissioners. For the record, my name is Seth Hart.
16 I'm the Accessibility Coordinator for TWC.

17 If you can turn to Tab 12 in your
18 notebooks. This is a letter that we would like to
19 submit to the Architectural and Transportation Barriers
20 Compliance Board, more commonly known as the Access
21 Board which is a federal agency related to Section 508
22 of the U.S. Rehab Act of 1973 as amended in 1998.

23 Section 508 contains technical standards
24 for information, communication and technology and how to
25 ensure that it is accessible.

1 have any questions or comments?

2 COMM. CONGLETON: No questions.

3 COMM. ANDRADE: No questions.

4 CHAIRMAN ALCANTAR: Commissioner

5 Congleton.

6 COMM. CONGLETON: I move that we approve

7 the proposed comments to the Agricultural and

8 Transportation Barriers Compliance Board.

9 COMM. ANDRADE: Second.

10 CHAIRMAN ALCANTAR: It's unanimous. Thank

11 you, Seth. Appreciate your work on that.

12 AGENDA ITEM NO. 13

13 CHAIRMAN ALCANTAR: Item 13. Discussion,

14 consideration and possible action regarding negotiating

15 Program Year 2015 performance measure targets with the

16 U.S. Department of Labor, David.

17 Good afternoon.

18 MR. JOHNSON: Good afternoon, Chairman.

19 My name is David Johnson with the division of

20 operational insight.

21 The item I'm presenting to you today is

22 regarding the DOL performance targets for Program Year

23 2015 for the SCSEP program.

24 DOL generated our targets with the same

25 methodology that they've used for the past 11 years.

1 Operational insight has analyzed the targets and we find
2 them to be both reasonable and achievable.

3 Our contractor experience works agrees.
4 So today we're asking that the Commission authorize us
5 to accept the SCSEP targets. I'd be happy to answer any
6 questions you have.

7 CHAIRMAN ALCANTAR: Questions?
8 Commissioner Congleton.

9 COMM. CONGLETON: I move that we accept
10 and approve the Program Year 2015 Seniors Community
11 Service Employment Program performance measures as
12 discussed.

13 COMM. ANDRADE: Second.

14 CHAIRMAN ALCANTAR: It's unanimous. Thank
15 you, David.

16 MR. JOHNSON: Thank you.

17 AGENDA ITEM NO. 14

18 CHAIRMAN ALCANTAR: Item 14. Discussion,
19 consideration and possible action regarding the
20 implementation of WIOA, Jason.

21 Good afternoon. How are you?

22 MR. VADEN: I'm good. Good afternoon,
23 Commissioners. Again, Jason Vaden, Workforce
24 Development Division.

25 The Workforce Innovation and Opportunity

1 Act provides Workforce Boards with the flexibility to
2 transfer up to 100 percent of funds between their WIOA
3 adult and dislocated worker allocations.

4 This is a significant increase over the
5 20 percent threshold allowed under the Workforce
6 Investment Act.

7 TWC currently has a waiver that allows
8 Boards to transfer up to 50 percent between the two
9 funding streams. During the last three full program
10 years no more than 15 percent has been transferred
11 collectively on an annual basis between the Boards.

12 Staff established a work group of Board
13 executive directors and other staff to assist in
14 addressing fiscal issues related to the implementation
15 of WIOA.

16 The work group asked that TWC identify a
17 process for transferring adult and dislocated worker
18 funds that would not add any additional burden to the
19 Boards.

20 This afternoon staff recommends that the
21 Commission authorize any transfer between WIOA adult and
22 dislocated worker funds in amounts up to 50 percent with
23 Boards providing an email notification to TWC once a
24 transfer has been made and for transfers that exceed
25 50 percent the current contract action request process

1 be maintained.

2 With that, I'll answer any questions that
3 you might have.

4 CHAIRMAN ALCANTAR: Commissioners, on this
5 one, as background, one of the things that we've been
6 working on at the federal level is the ability for
7 states to transfer maximum amounts, and we advocated for
8 the 100 percent.

9 One of the things that we really believe
10 is that our local Boards are in position to best address
11 the different priorities and challenges that they have
12 in front of them, and that can change during economic
13 changes and shifts in the economy.

14 I believe strongly that we best support
15 our local Boards by giving them the belief that we trust
16 them to best spend these dollars. I would ask that we
17 amend this to allow for up to 100 percent
18 transferability as provided under the statute.

19 There's really no strong policy reason for
20 limiting that to 50 or 40 or 55 percent. They are all
21 arbitrary numbers.

22 We know based on past experience that they
23 judicially exercise that as Jason has just pointed out.
24 So rather than having them come to us when they get to
25 55 and do some sort of pro forma approval, that we just

1 go ahead and at the beginning allow them to transfer up
2 to the 100 percent. I believe staff has indicated to me
3 that that is something that's very doable, that we can
4 develop an approval process that accounts for the
5 requirement that's in place under the federal statute,
6 and that would be my only recommendation -- or that
7 would be my amendment to this, would be to allow for
8 100 percent transferability at the discretion of the
9 local Boards.

10 COMM. ANDRADE: I agree.

11 CHAIRMAN ALCANTAR: All right. Thank you.

12 MR. VADEN: Thank you.

13 CHAIRMAN ALCANTAR: And, Jason, would you
14 work with Legal on that in terms of how to meet the
15 intent?

16 I think you guys have already talked but
17 let's make sure we do it right. All right. Thank you.

18 AGENDA ITEM NO. 15

19 CHAIRMAN ALCANTAR: Item 15. Discussion,
20 consideration and possible action regarding approval of
21 local Board nominees, John Fuller.

22 MR. FULLER: Good morning, Mr. -- good
23 afternoon, Mr. Chairman, Commissioners. For the record,
24 John Fuller, local -- Workforce Development Division.

25 Commissioners, before you today you have

1 nominees from two Boards, Rural Capital Area and Upper
2 Rio Grande for your consideration.

3 CHAIRMAN ALCANTAR: Commissioner
4 Congleton.

5 COMM. CONGLETON: I move we approve the
6 Board nominees from Upper Rio Grande and Rural Capital.

7 COMM. ANDRADE: Second.

8 CHAIRMAN ALCANTAR: It's unanimous.

9 AGENDA ITEM NO. 16

10 CHAIRMAN ALCANTAR: Item 16, discussion,
11 consideration and possible action regarding our
12 legislative proposals.

13 Tom, do we have an update here?

14 MR. McCARTY: No update for Item 16.

15 CHAIRMAN ALCANTAR: Okay.

16 AGENDA ITEM NO. 17

17 CHAIRMAN ALCANTAR: Item 17. Discussion
18 and consideration regarding state and proposed federal
19 state legislation, Tom McCarty.

20 MR. McCARTY: Good afternoon. Tom
21 McCarty, External Relations.

22 The House just voted out the Sunset Bill,
23 Senate Bill 208. They did amend it twice -- two
24 amendments. So it will go over to the Senate for
25 concurrence and then to the Governor's desk.

1 So we should see that occur shortly. This
2 afternoon HB 3685, which is the rehabilitative service
3 exception, will be up in the Senate on the local
4 calendar. That is a TWC initiative.

5 Then we have a number of deadlines that
6 are hitting this week with sine die next Monday. So my
7 next report to you next week will be a summary of what
8 all happened for the past 140 days.

9 That concludes my remarks.

10 CHAIRMAN ALCANTAR: Well, Tom and Michael
11 and the rest of the team, I really understand how hard
12 you've been working. There's still some work to do, but
13 I really appreciate all the long hours and diligent work
14 on your behalf.

15 Commissioners.

16 COMM. ANDRADE: Thank you for all the
17 reporting -- it really keeps us updated -- even on
18 weekends.

19 So thank you very much.

20 MR. McCARTY: Yes, ma'am.

21 COMM. CONGLETON: Thanks always.

22 MR. McCARTY: Thank you. It's a good
23 team.

24 CHAIRMAN ALCANTAR: You absolutely do have
25 one. Thank you. We are a great team.

1 AGENDA ITEM NO. 18

2 CHAIRMAN ALCANTAR: Item 18, report and
3 update by the --

4 MR. TEMPLE: We've got --

5 CHAIRMAN ALCANTAR: Oh, we have one
6 clarification?

7 AGENDA ITEM NO. 14 (Cont'd)

8 MR. VADEN: (Mic off) My apologies. If
9 we could come back to Item 14. Could we -- could we get
10 you-all on record to approve that?

11 CHAIRMAN ALCANTAR: I thought we did.

12 MR. JONES: It was a little unclear.

13 So --

14 CHAIRMAN ALCANTAR: Okay. Yeah, we'll
15 clarify. Item 14 would be to -- I move that we amend
16 the staff recommendation to provide for 100 percent
17 transferability at the local level.

18 COMM. ANDRADE: And I second.

19 COMM. CONGLETON: Do you just want me to
20 say, "Yes"?

21 Is that what you want?

22 (Laughter)

23 COMM. CONGLETON: I'm not going to do it.

24 (Laughter)

25 COMM. CONGLETON: Yes.

1 CHAIRMAN ALCANTAR: All right. Thank you.
2 It's unanimous.

3 AGENDA ITEM NO. 18 (Cont'd)

4 CHAIRMAN ALCANTAR: Report and update by
5 the Executive Director. Thank you, Commissioner
6 Congleton.

7 MR. SERNA: One quick item that I'm sure
8 Mr. Temple would want to make sure that you-all are
9 aware of, and that is, with the imminent passage of
10 Senate Bill 208 we will be reestablishing our work teams
11 with our staff and the DARS staff to begin our
12 transition planning, and our goal is to have a draft
13 transition plan ready when the Legislative Oversight
14 Committee has its first meeting so that we're not really
15 waiting for things to get going, and that's really the
16 only thing that I feel we need to report at this point.

17 CHAIRMAN ALCANTAR: Thank you, Ed.
18 Commissioners, any questions of the staff?

19 COMM. CONGLETON: No.

20 CHAIRMAN ALCANTAR: I'm looking for a --
21 we're now going into --

22 COMM. ANDRADE: Oh, we are?

23 COMM. CONGLETON: We've got Executive
24 Session today? I didn't get that -- no, we don't. It's
25 next week we have --

1 CHAIRMAN ALCANTAR: We don't have
2 Executive Session today?

3 COMM. ANDRADE: No.

4 CHAIRMAN ALCANTAR: Okay. We're not going
5 into Executive Session.

6 AGENDA ITEM NO. 21

7 CHAIRMAN ALCANTAR: Do we have a motion to
8 adjourn?

9 COMM. CONGLETON: So made.

10 COMM. ANDRADE: Second.

11 CHAIRMAN ALCANTAR: We are adjourned.

12 Thank you.

13 (Proceedings concluded at 2:06 p.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 2nd day of June 2015.

15

16

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