

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

2 TUESDAY, MAY 5, 2015

3 (9:27 a.m.)

4 CHAIRMAN ALCANTAR: Good morning,
5 everyone. Good morning, Larry.

6 MR. TEMPLE: (Mic off) Good morning,
7 Commissioners.

8 CHAIRMAN ALCANTAR: We are ready to start
9 this work session on the response to the proposed
10 rulemaking.

11 Who's first, Larry?

12 MR. TEMPLE: (Mic off) Debbie.

13 CHAIRMAN ALCANTAR: Good morning, Debbie.
14 How are you?

15 MS. CARLSON: Good morning. Great. And
16 how are you-all?

17 CHAIRMAN ALCANTAR: Doing good. Thank
18 you.

19 MS. CARLSON: For the record, Debbie
20 Carlson, Workforce Division. This is our second weekly
21 work session on the NPRM for WIOA.

22 I would point out that the types of issues
23 we're finding do not warrant the very in-depth detailed
24 comments that we had last week with both performance and
25 adult education.

1 For our review so far, those two seem to
2 be the anomalies. Today's session will cover one-stop
3 delivery system, the governance structure of state and
4 local Boards and the Title I and III services for
5 adults, dislocated workers, youth and Wagner-Peyser.

6 The foundation of the Texas Workforce
7 System was established by Texas law in 1995. With the
8 Workforce Investment Act Congress recognized Texas'
9 foundation and 12 provisions were included in federal
10 law that allowed Texas to operate under prior consistent
11 state law.

12 Last July when WIOA was enacted, Congress
13 again recognized Texas' Workforce system and WIOA
14 maintained the provisions which allowed Texas to
15 continue to operate under prior consistent state law.

16 Absent any new direction from the Texas
17 Legislature, we will continue to operate under prior
18 consistent state law which we common refer to as the
19 "Grandfather" provisions.

20 As you read WIOA and proposed regulations,
21 you will not see reference to the Grandfather
22 provisions; you'll see language that refers to prior
23 consistent state law or alternative entity.

24 I mention this now because these will come
25 up in the regulations that we're reviewing today. If

1 you-all are ready, we'll get started with 652.206.

2 CHAIRMAN ALCANTAR: Let's get going.

3 MS. CARLSON: Okay. This provision is
4 about using the flexibility to use Wagner-Peyser funds
5 to provide career services.

6 We're in agreement with this.

7 CHAIRMAN ALCANTAR: We'd agree.

8 MS. CARLSON: 252.211 (sic) is the
9 requirement to include ES in the combined state plan.
10 We agree.

11 252.302 (sic), this is a requirement
12 that -- this gives the Secretary of Labor the
13 responsibility to develop standardized definitions in
14 regard to data elements of wage records.

15 Now, while we agree with the need for
16 consistency and the quality of the wages being reported,
17 we don't have any objection to the Secretary developing
18 standardized definitions; however, we would like to
19 point out the importance of getting employer input into
20 any changes in the wage record process.

21 While the regulations don't mention the
22 possibility of adding any data elements, we are
23 concerned that that could be a possibility, and that
24 potentiality is actually discussed at length in the
25 preamble.

1 So we would disagree with any federal
2 requirements for additional data elements. We believe
3 that the cost to employers has to be considered.

4 TWC during the course of things that have
5 come up in our legislative session this year, we have
6 actually cost this out, and the cost to modify our
7 systems alone for changes to the wage record reporting
8 would be a little over \$356,000.

9 CHAIRMAN ALCANTAR: Not including the cost
10 to employers.

11 MS. CARLSON: Absolutely. That's only
12 TWC's cost.

13 COMM. CONGLETON: Yeah. But this would
14 give us a lot more helpful outcomes in analyzing our --
15 what we have as employment in Texas.

16 MS. CARLSON: It does have the potential
17 to provide additional information. Yes, sir.

18 MR. TEMPLE: And we're tracking that
19 technical amendment that was through the Trade Act of
20 the Senator from Washington state that added occupation
21 data reporting as a technical amendment to WIOA.

22 So it came out of the committee, but we
23 don't know if that amendment will stay. We'll track
24 that and let you know.

25 COMM. ANDRADE: Well, I appreciate

1 certainly the concern that we have of, "What does this
2 mean for the employers." But on this 356,000, what fund
3 would it come from?

4 So it's a mandate without --

5 MR. TEMPLE: It would -- it basically
6 would have to come out of our UI tax administration
7 grant -- I mean our UI administration grant because it
8 would -- what we run tax with and we'd have to make the
9 changes in that unless Randy has any other ideas.

10 COMM. ANDRADE: Thank you.

11 CHAIRMAN ALCANTAR: And we would not have
12 any other good options. All right.

13 MS. CARLSON: 652.9(a). We disagree with
14 this provision. Now, while we agree that referrals
15 should not be made on job orders where the position is
16 vacant due to a lockout and, you know, something in the
17 course of a labor dispute, our objection is actually to
18 how the language is written.

19 It says that state agencies may not make a
20 referral on job orders. We think that there is the
21 possibility for confusion there and would recommend that
22 they amend the language to read, "State agencies shall
23 not make a referral."

24 COMM. CONGLETON: I agree with that.

25 COMM. ANDRADE: Me, too.

1 MS. CARLSON: 678.300. This requirement
2 is that there be at least one one-stop within each
3 Workforce area.

4 We agree with the proposed regulation.

5 CHAIRMAN ALCANTAR: Okay.

6 MS. CARLSON: 678.305(d). This defines
7 "access" to programs and services in the one-stop.

8 It does give us a little bit of
9 flexibility as being -- as providing that the linkage
10 can occur through technology. However, the way that
11 they have discussed direct linkage in the preamble is
12 very restrictive.

13 It actually goes so far as to indicate
14 that for claimants you cannot just -- we would not be
15 able to just give them a phone number to be able to call
16 into our tele-center for claim purposes.

17 There would have to be a direct line
18 dedicated specifically for people that come into the
19 one-stop. This is just contrary to even things that DOL
20 has done in the past. In 1997 Texas got a grant to move
21 towards tele-center, telephone operations, and so we are
22 just very opposed to how restrictive this regulation
23 would be.

24 CHAIRMAN ALCANTAR: Yeah. The focus isn't
25 on improving access and information flow to individuals.

1 The focus here is all on the bureaucracy and not on
2 outcomes, and I think I'd like to say that very clearly
3 somewhere in there.

4 MR. TEMPLE: You know, we have -- someone
5 could come. We could provide them direct linkage, say,
6 to the computers to do an online application, to do an
7 online status check, but what we're hearing from Gay
8 Gilbert, you know, personally is that she wants someone
9 to call and go to the head of the line for -- they
10 walked into the one-stop and to have people at the
11 one-stop who are UI experts that will be able -- and so
12 the call center, we just don't have that expertise in
13 the call centers.

14 Now, they did say that you could pay for
15 it with dislocated and what else -- well, UI, but we
16 know that's not growing. That's going the other way.
17 So there's a lot of push back on this because states
18 just don't have the resources.

19 They've moved to a call center and an
20 Internet environment, and it's a funding -- it's
21 certainly a funding issue there.

22 CHAIRMAN ALCANTAR: Next one.

23 MS. CARLSON: 678.430(a)(10). This is in
24 the same vein as the one that we just spoke about.

25 This one requires meaningful assistance to

1 individuals seeking to file a claim for UI. Again, we
2 believe that the regulatory language goes farther than
3 the requirement in the Act. "Meaningful assistance" is
4 defined as assistance on-site or providing assistance by
5 phone or other technology.

6 But, again, just like we discussed in the
7 last one, we think that the requirements in the preamble
8 in the regulations exceed the scope of the Act. The
9 preamble states that any telephone line for assistance
10 must be a phone line dedicated to one-stop customers.

11 As Larry just mentioned, although this
12 would be an allowable expense under the UI
13 administrative grant, it's not affordable.

14 CHAIRMAN ALCANTAR: It's not paid for --

15 COMM. CONGLETON: Why is it not
16 affordable?

17 MR. TEMPLE: It would have to come out of
18 our UI grant which is already -- we're operating on
19 carry-forward which is going away.

20 CHAIRMAN ALCANTAR: We'd have to change
21 our whole business model to accommodate this in terms of
22 the way we've staffed up the call centers and --

23 COMM. CONGLETON: But, you know, there's
24 always room for improvement in our business model.

25 CHAIRMAN ALCANTAR: Well, there is if

1 the -- if the requirement or the mandate is financed,
2 and I'm not sure -- it doesn't appear to be included
3 anywhere in this language.

4 MR. TEMPLE: We would have to pull
5 resources off of the call centers just to take phone
6 calls from one-stop calls, is what we'd have to do.

7 So one-stop calls would be -- people that
8 walk to one-stop to make a phone call would bump over
9 the wait time of anyone that's had just called in.

10 So the wait time of the call centers would
11 be extended.

12 COMM. CONGLETON: So you wouldn't have one
13 dedicated operator for the phone line?

14 MR. TEMPLE: But it would be more than
15 one. We're talking about 200 one-stops. At any given
16 time a UI claimant could be walking in. So it would
17 have to be considerable resources available to be able
18 to have, basically, immediate access.

19 I mean, we could rob Peter to pay Paul, is
20 basically what we'd have to do on this.

21 CHAIRMAN ALCANTAR: Do you have some
22 additional comments, Commissioner?

23 COMM. CONGLETON: No. I'll reserve my
24 additional comments.

25 CHAIRMAN ALCANTAR: Okay. Commissioner

1 Andrade?

2 COMM. ANDRADE: No.

3 CHAIRMAN ALCANTAR: Okay. Next one.

4 MS. CARLSON: 678.605(a). This requires
5 that local Boards secure a one-stop operator through
6 competitive process at least once every four years.

7 We disagree with this. We think that the
8 four years is arbitrary. The federal acquisition
9 regulations establish a five-year time frame and we
10 would recommend that they modify this regulation to
11 mirror FARS.

12 MR. TEMPLE: Which is our current guidance
13 to the Workforce Boards.

14 CHAIRMAN ALCANTAR: So five years or less
15 is provided by states contracting in procurement
16 policies?

17 MR. TEMPLE: Yes.

18 CHAIRMAN ALCANTAR: Okay.

19 COMM. ANDRADE: Do we know how are Boards
20 are doing with the local -- I mean, with the policy that
21 we set in place?

22 COMM. CONGLETON: Last year.

23 MS. CARLSON: I've not heard any issues.

24 MS. MILLER: When we got input from the
25 Boards, none of them had a concern with the five-year.

1 Most of them followed that already. So there wasn't a
2 big impact to them. That was their standard operating
3 procedure.

4 COMM. ANDRADE: Because usually I've heard
5 from the vendor saying it's so expensive to bid that,
6 you know, they'd prefer probably the longer term, but
7 the ones we -- I didn't realize the policy was already
8 last year.

9 I didn't know we had had any feedback from
10 the Boards. Thank you.

11 CHAIRMAN ALCANTAR: I agree with the
12 general notion that we should have competition as a part
13 of our system, and I think that's what we -- that's the
14 balance we try to strike to make sure that these
15 contracts become available, that performance is a focus
16 and that accountability is in place.

17 I think the way we structured ours
18 provides our Boards with a great deal of flexibility in
19 terms of duration and the performance reviews at the end
20 of two-year periods. Great.

21 MS. CARLSON: 678.630. This provision is
22 in regard to state merit staff working in one-stop
23 centers where the government -- a government entity does
24 not operate the center.

25 We're in agreement with this because we've

1 that this new identifier has to be in place by July 1st
2 of 2016. However, in the preamble it says that it needs
3 to occur during Program Year '16 which allows that to go
4 all the way out to June 30th of 2017.

5 You know, we would recommend that they
6 clarify it to that later point just to give Boards a
7 little bit longer to make these changes happen, because
8 it's going to be expensive.

9 You know, they're going to have to change
10 everything. We would also suggest that they reconsider
11 the common identifier rather than refer to it as
12 American Job Centers. Consider the tag line of American
13 Career Centers which is more in line with the WIOA
14 principles of career pathways.

15 We just feel that career centers would not
16 be as limiting as job center.

17 COMM. ANDRADE: I agree.

18 MS. CARLSON: 679.140. This is in regard
19 to the State Board conducting business in an open
20 manner. We support this requirement.

21 Our State Board, the Texas Workforce
22 Investment Council, is already subject to the Texas Open
23 Meetings Act.

24 CHAIRMAN ALCANTAR: Can I go back real
25 quick --

1 MS. CARLSON: Yes, sir.

2 CHAIRMAN ALCANTAR: -- on that last one?
3 Where is the identifier required to be placed?

4 MR. TEMPLE: On your signage, I think your
5 stationery.

6 MS. CARLSON: Everywhere.

7 MR. TEMPLE: Everywhere.

8 MS. CARLSON: Your correspondence, any
9 pamphlets, brochures -- everywhere.

10 CHAIRMAN ALCANTAR: Is it that specific
11 that it has to be on anything or --

12 MR. TEMPLE: And I've seen them in other
13 states where it's kind of tag line, some bigger, some
14 smaller, some more like the FTD, you know, emblem or
15 something like that.

16 And then one consideration for us
17 time-wise and expense-wise, if, in fact, the
18 rehabilitation services moved over to us, we're going to
19 have even more signage changes at the local level.
20 So...

21 CHAIRMAN ALCANTAR: Are you -- is it that
22 explicit that it has to be on everything, or does it
23 just have to be on the buildings or on the Internet
24 sites or --

25 MR. TEMPLE: On all products, programs,

1 activities, services, facilities and related properties.

2 CHAIRMAN ALCANTAR: Services, facilities
3 and related properties...

4 MR. TEMPLE: And materials used in the
5 one-stop system.

6 CHAIRMAN ALCANTAR: And materials. Okay.
7 That covers everything. All right. Okay.

8 That is expensive. All right. Next one.
9 I'm sorry. Keep going.

10 MS. CARLSON: 679.150. This is in regard
11 to our State Board.

12 We are in agreement with this reference
13 section in regard to State Boards. This is one of those
14 where the alternative entity comes into play.

15 679.160. This is in regard to when a
16 State Board may hire staff.

17 We're in agreement with this section
18 regarding Boards.

19 CHAIRMAN ALCANTAR: Okay.

20 MS. CARLSON: 679.230.

21 MR. TEMPLE: We had to say we agree with
22 that because we have two TWIC staff members in the
23 audience today. So we'll talk to you later about that.

24 (Laughter)

25 MS. CARLSON: 679.230. This is in regard

1 to the general procedural requirements for designation
2 of Workforce areas. We're in agreement with this.

3 We will continue to operate under a waiver
4 authority under WIOA Section 189(a), which, again, this
5 is one of those where we already had Workforce areas in
6 place, and this allows -- allows the state to carry
7 those forward under prior consistent state law.

8 COMM. CONGLETON: I disagree with this
9 comment. One of the major improvements in WIOA is the
10 increased labor participation and in particular the
11 requirement that apprenticeship training directors serve
12 on each Board.

13 This is a major upgrade that I would not
14 be willing to waive. I would like staff to explore our
15 options. It seems that we could find a way to comply
16 with both state law and the new WIOA requirements.
17 There aren't that many differences.

18 Both have a majority of employers, and we
19 would only be making adjustments on the margins, but
20 those margins are very important. Am I in the right
21 spot?

22 MS. CARLSON: This section is actually in
23 regard to the Workforce area, not the Board. We'll get
24 to the Board in just a couple of minutes.

25 COMM. CONGLETON: All right.

1 CHAIRMAN ALCANTAR: Okay. So you're okay
2 with --

3 COMM. CONGLETON: Huh?

4 CHAIRMAN ALCANTAR: Do you pull back on
5 your comments on this one?

6 COMM. CONGLETON: No.

7 CHAIRMAN ALCANTAR: Okay.

8 COMM. CONGLETON: I'm not pulling my
9 comment.

10 CHAIRMAN ALCANTAR: No, no. Okay. Keep
11 going.

12 MS. CARLSON: 679.260. This is in regard
13 to the definition of the terms "performed successfully"
14 and "sustained fiscal integrity."

15 We're in agreement with these definitions.

16 CHAIRMAN ALCANTAR: We agree.

17 MS. CARLSON: 679.320. This one is in
18 regard to the membership of the local Workforce
19 development Boards.

20 What we've offered up is that we're in
21 agreement that this complies with prior consistent state
22 law.

23 COMM. CONGLETON: I disagree with this
24 comment. One of the major improvements is expanding the
25 labor representation and in particular requiring

1 apprenticeship training directors to be on each Board.

2 CHAIRMAN ALCANTAR: I like the way that we
3 operate, and I would agree with the staff
4 recommendation.

5 COMM. CONGLETON: Do you like putting
6 those --

7 CHAIRMAN ALCANTAR: I'm sorry?

8 COMM. CONGLETON: Do you like putting
9 those people in CDO spots that are not really CDOs?

10 CHAIRMAN ALCANTAR: We vote every week on
11 these members, and the local officials have the
12 discretion to identify and recommend and we have been
13 voting for those appointees during my time here, and I
14 think my votes reflect my interest in --

15 COMM. CONGLETON: They do.

16 CHAIRMAN ALCANTAR: -- in making sure that
17 our local vetting process, the -- our staff review and
18 then our consideration honors the process that has been
19 working for Texas.

20 MS. CARLSON: Okay, next one. This one is
21 a series of several regulations, 679.330, 340 and 360.

22 We have 370 listed. That's actually an
23 error. We will get to that in a moment. These sections
24 address the "local Board Chair," the definition of
25 "optimum decision-making authority" and "standing

1 committees."

2 We are in agreement with these regulations
3 as proposed.

4 MR. TEMPLE: Debbie, there was a comment
5 yesterday -- I think Alan Miller brought it up -- about
6 whether or not relative to the operation of committees
7 and the Boards, is this the one he was referencing to?

8 MS. CARLSON: Yes. Yesterday at the
9 Executive Director Council meeting Alan Miller asked
10 about the requirements in regard to standing committees,
11 and the language in the Act in regard to local Boards is
12 actually permissive, not a requirement.

13 So Boards may -- local Boards may
14 establish whatever standing committees they want to.
15 Now, there are requirements that if you do establish a
16 standing committee you have to have one of your
17 Workforce Board members as the Chair of the committee,
18 and things like that. But it is -- it's permissive; not
19 required.

20 CHAIRMAN ALCANTAR: Okay. Keep going.

21 MS. CARLSON: 679.350. This is in regard
22 to the Chief Elected Official's appointment of Board
23 members. We're in agreement with this requirement.

24 And now we come to 679.370. This is in
25 regard to local Board functions. We agree with this.

1 This is another one of those provisions where we
2 function under prior consistent state law.

3 CHAIRMAN ALCANTAR: I would agree.

4 MS. CARLSON: 679.380. This is about
5 consumer choice for career services and training
6 services. We agree with this.

7 We think that there is some flexibility
8 there for Boards to make this work.

9 CHAIRMAN ALCANTAR: I would agree.

10 MS. CARLSON: 679.390. This requirement
11 is that local Boards conduct business under -- in an
12 open manner under the Sunshine provision. We're in
13 agreement with this.

14 Our Boards are already subject to the
15 Texas Open Meetings Act.

16 CHAIRMAN ALCANTAR: Agree.

17 MS. CARLSON: Now, our next one, 679.400,
18 you will note that our position is neutral.

19 I would like to mention that staff have
20 considered discussions on the proposed regs. We thought
21 about how the Department of Labor and Department of
22 Education would consider the comments they received.

23 Initially, regs like this we reviewed and
24 we felt that the regulation would work for us as written
25 but that it wasn't anything that we felt strongly in

1 favor of.

2 So we indicated that we were neutral, that
3 we wouldn't comment. However, as we've thought about
4 this more, we really believe that all of these for the
5 regulation will work for us as written.

6 We need to come from a position that we
7 agree and that we support the regulation as proposed
8 because we have a concern that if we don't and either
9 labor or education get comments opposed to the
10 regulation, then it could be rewritten in such a manner
11 that it will not work for us.

12 So with the Commission's agreement on any
13 of these where we initially marked "neutral" we would
14 recommend that we go back and change all of those to
15 "agree" and just make the statement that TWC supports
16 the proposed regulation as written.

17 CHAIRMAN ALCANTAR: Okay. Commissioners?

18 COMM. CONGLETON: I'm fine.

19 COMM. ANDRADE: I agree.

20 CHAIRMAN ALCANTAR: Okay.

21 MS. CARLSON: Okay. So that will apply to
22 679.400, local Board staff and their role.

23 On 679.420, this is in regard to local
24 fiscal agent functions. We support this regulation.

25 680.100 is the role of the adult and

1 dislocated worker programs in the one-stop system. We
2 would agree on this and support as written.

3 680.110. This is in regard to adult and
4 dislocated workers in the registration and participant
5 designation, and we disagree with this as written.

6 You will reflect back to last week in part
7 of Adam's discussion about, you know, the exclusion of
8 self-service customers, that we need to include those as
9 participants.

10 So we would just recommend their reference
11 back to our comments on 677.150 so that we're consistent
12 in how we're looking at all of these regs.

13 COMM. CONGLETON: I kind of disagree.
14 Until we provide better self-service options I'm against
15 self-service counting as participation. I would
16 disagree with the comment.

17 CHAIRMAN ALCANTAR: I'm sorry,
18 Commissioner. Could you repeat that?

19 COMM. CONGLETON: Until we provide better
20 service options I'm against the self-service counting as
21 participation.

22 I disagree with the comment.

23 CHAIRMAN ALCANTAR: And here the issue
24 is -- tell me again what DOL is trying to do here?

25 MS. CARLSON: In this language anyone

1 that -- and adult or dislocated worker that only
2 receives a self-service -- only self-serves would not be
3 counted as a participant.

4 All of those people that self-serve would
5 be excluded from our performance standards.

6 CHAIRMAN ALCANTAR: And so for Texas
7 who -- and for states like Louisiana, just like us, who
8 for the past "X" number of years have been receiving
9 fewer dollars, our labor force has been growing
10 significantly because of a number of different factors,
11 our reach -- we've gone from 250, 260 -- what was the
12 height -- where were we at the height of one-stop?

13 MR. TEMPLE: We've closed 100 in about the
14 last two years, two-and-a-half years, probably, offices.

15 CHAIRMAN ALCANTAR: And so, you know, the
16 challenge for states like us, like Texas, and states
17 like Louisiana and some of the others that are doing
18 well, it has been that the overall pot has been
19 shrinking and then our relative proportion has been
20 shrinking.

21 We need to do all that we can to make sure
22 that we provide access points for individuals.
23 Philosophically I think the right thing for us to do is
24 to -- although we can and, frankly, I think that's what
25 we all should be about in terms of -- and, you know,

1 when I say "all of us" I'm referring to DOL -- should be
2 the focus on an increasing access to get information to
3 current information in terms of jobs, in terms of the
4 ability to access different information that allows them
5 to move forward in their best interest.

6 So I do think that this is contrary to --
7 and the shifts from the need for states to be creative
8 in leveraging what we have to work with.

9 Is that what this does, or am I --

10 MS. CARLSON: I would agree with you,
11 Chairman. You know, many of our customers -- I have two
12 children in their 30s. Everything they do they do on
13 their phone.

14 So the fact that we've been able to create
15 a WIT mobile app, that's how they would do business.

16 CHAIRMAN ALCANTAR: Well -- and then you
17 look at San Angelo and that border has one one-stop, and
18 so all of these rural communities, how do we -- how do
19 we reach them and do they only count if they come in?

20 MS. CARLSON: They would only count if a
21 staff member directly provided them service.

22 If they came into a resource room and
23 self-served, they would not count in spite of the fact
24 that they were on-site.

25 CHAIRMAN ALCANTAR: Yeah. Okay. I think

1 that, you know, if they are financing the needs of
2 growing states and if they are financing and providing
3 resources to -- in a way that trends with where they
4 want to go, that's one thing, but that's not what
5 they're doing.

6 For that reason, we need -- again, my
7 focus is on the best interest of the job seeker, and I'm
8 interested in providing 24/7 type of access in terms of
9 rich information. Whether we could -- ultimately I
10 would like to be able to get credit for it, but even if
11 we don't we should still do those things.

12 So I disagree with where they want to go
13 with this. Okay.

14 COMM. ANDRADE: I agree with the Chairman.
15 I think we should have as many options available to our
16 job seekers. I think if you look at the future -- I
17 mean, everybody would like to be taken care of by an
18 individual, but any business that you call now days
19 that's how it's handled and it's because of the limited
20 funding that there is available.

21 So let's make sure that everyone has an
22 opportunity to reach us at any time.

23 MR. TEMPLE: Some of the discussion with
24 some of the directors when this early came on was, they
25 could see the next step that DOL would not see and the

1 RJM people who went online and applied for benefits
2 themselves because they weren't talking to somebody. I
3 mean, they just took this same approach that unless you
4 had an eyeball-to-eyeball experience or talked to
5 someone that the services didn't count.

6 CHAIRMAN ALCANTAR: Yeah. If the country
7 had a clear initiative to double the number of one-stops
8 and they were willing to fund it and that they were
9 willing to appropriately staff those operations, that's
10 one thing, but that's not where this is going.

11 It's a little unfair to individuals out
12 there that are in different situations in both urban and
13 rural areas to focus it in this way. It's not very --

14 MR. TEMPLE: And DOL has added SBRs over
15 the last couple of years specifically targeted at using
16 technology to serve people.

17 States have gone after that and made
18 investments in that and -- so, yeah, it's kind of --

19 CHAIRMAN ALCANTAR: Well, that's what our
20 local Boards are trying to do, too. They are making
21 investments in some of these virtual access points and
22 trying to enhance their information online because they
23 are trying to do right by these individuals.

24 Anyway, let's go to the next one.

25 MS. CARLSON: Okay. If it's okay with the

1 Commission, we could take the next four together,
2 680.200, 210, 220 and 230.

3 All of these are in regard to training
4 services and career services for adults as dislocated
5 workers, and we would agree and support the proposed
6 regulation as within on those four.

7 CHAIRMAN ALCANTAR: I would agree.
8 Commissioners?

9 COMM. ANDRADE: I agree.

10 COMM. CONGLETON: I agree.

11 MS. CARLSON: Okay. I believe that the
12 next three we could do together, 680.300, 310 and 320.
13 This is about training services, the duration of
14 individual training accounts and other mechanism -- or
15 mechanisms other than ITA's to fund training.

16 All three of these we would agree and
17 support the proposed reg as written.

18 CHAIRMAN ALCANTAR: I would agree, too.
19 Commissioners?

20 COMM. CONGLETON: I do agree.

21 COMM. ANDRADE: I agree.

22 MS. CARLSON: Okay. The next one,
23 680.330, is about individual training accounts, support
24 services and needs-related payments used to support
25 individuals who are in a registered apprenticeship

1 program. These support participants once they're in the
2 program. We agree with this.

3 We recognize the new emphasis placed on
4 apprenticeship, and we think this is an opportunity to
5 strengthen the relationship between local Boards and
6 apprenticeship programs.

7 CHAIRMAN ALCANTAR: Commissioner
8 Congleton, what do you think?

9 COMM. CONGLETON: I support this very
10 much, but I do think this is another reason you need a
11 training director on the Board so they can spot a bogus
12 training program right away.

13 CHAIRMAN ALCANTAR: All right.

14 MS. CARLSON: 680.340. This is a
15 requirement that local Boards provide consumer choice
16 for customers.

17 We agree and support as written.

18 680.700 is a --

19 CHAIRMAN ALCANTAR: Debbie, 680.640, 650
20 and 660 on Veterans and --

21 MS. CARLSON: I believe we have those
22 grouped, and they come up later.

23 CHAIRMAN ALCANTAR: Okay. All right.
24 Thank you. We'll get to them then.

25 MS. CARLSON: I think that we'll get to

1 them. If something has gone astray, we will bring them
2 back next week.

3 CHAIRMAN ALCANTAR: All right. Thank you.
4 Keep going.

5 MS. CARLSON: 680.700, a requirement for
6 on-the-job training. This one doesn't specifically
7 specify any kind of agreement in regard to OJT related
8 to apprenticeship programs.

9 There is language in 680.740(a) about OJT
10 related to apprenticeship, and we would just suggest
11 that for clarity that language in those two regulations
12 align better.

13 CHAIRMAN ALCANTAR: Agree.

14 COMM. CONGLETON: I agree.

15 CHAIRMAN ALCANTAR: Okay.

16 MS. CARLSON: 680.710. This is a
17 requirement for OJT contracts with employers. We agree
18 and support as written.

19 CHAIRMAN ALCANTAR: Agree.

20 MS. CARLSON: 680.720 is in regard to OJT
21 payments to employers. We would agree and support as
22 written.

23 CHAIRMAN ALCANTAR: I agree.

24 MS. CARLSON: 680.730. This is a
25 provision that allows the Governor or local Boards to

1 raise the OJT reimbursement for employers up to 75
2 percent.

3 We would agree with this. This gives the
4 locals some flexibility.

5 680.740, OJT funds used to support --

6 CHAIRMAN ALCANTAR: On that one, on 730 --

7 MS. CARLSON: Yes, sir.

8 CHAIRMAN ALCANTAR: -- I guess generally
9 these conditions should be set by the state if we
10 include that as part of their response.

11 MS. CARLSON: It can be done either way.
12 Either the state can set the provisions or we can be
13 silent on it and leave it to the local Boards.

14 They could establish what the policy would
15 be to raise that reimbursement up to 75.

16 COMM. CONGLETON: For OJT?

17 MS. CARLSON: Yes, sir.

18 COMM. CONGLETON: You understand the
19 difference between apprenticeship and OJT, I hope.

20 MS. CARLSON: Yes, sir.

21 COMM. CONGLETON: Okay. Well, you know,
22 every company out there uses OJT.

23 If I go to work for you and you tell me to
24 go out there with Sam and watch Sam for the next few
25 hours, that's OJT. That's not apprenticeship.

1 Apprenticeship is where it's all paid for by the
2 combination of the company and union and Governor.

3 MS. CARLSON: Yes, sir.

4 COMM. CONGLETON: Okay. Thank you.

5 CHAIRMAN ALCANTAR: .740?

6 MS. CARLSON: Thank you. I was like,
7 "Which one was I on?" Okay. 740. This is in regard to
8 OJT. And to Commissioner Congleton's point in
9 registered apprenticeship programs, we would agree with
10 this.

11 They did ask for input on what would be
12 the maximum time that you could use OJT funds to support
13 someone in an apprenticeship program, and we would
14 recommend -- apprenticeship programs vary between one
15 and five years depending on the craft.

16 We would recommend that OJT with
17 apprenticeship be limited to a one-year duration.

18 COMM. CONGLETON: Usually if you make it a
19 year in apprenticeship, you have a real high rate of
20 success.

21 It's the people who don't make the first
22 year that --

23 CHAIRMAN ALCANTAR: But even in something
24 like this, Commissioners, my preference would be to not
25 be clear about a one-year threshold unless you think

1 that's truly important that we do here.

2 My only request is that we consider --
3 we'd be established by the states consistent with local
4 and regional needs instead of specifying a specific time
5 frame.

6 So depending on the apprenticeship and the
7 occupation and the companies, give the local areas the
8 latitude to determine what the successful program will
9 look like.

10 COMM. CONGLETON: Well, I hate to pay for
11 OJT for more than a year. That would be kind of -- it's
12 kind of ridiculous to pay for it anyway since everybody
13 does it by themselves usually.

14 CHAIRMAN ALCANTAR: Okay.

15 COMM. CONGLETON: But you do what you
16 want.

17 CHAIRMAN ALCANTAR: Well, I would rather
18 defer to your expertise on this. So -- you're the
19 expert in this space. So --

20 COMM. CONGLETON: Well, this is not
21 apprenticeship as much as it is OJT.

22 CHAIRMAN ALCANTAR: I think if -- my
23 preference is always to provide maximum flexibility for
24 local areas to decide how to best invest their dollars
25 consistent with their prioritized needs, and if they can

1 bring in partners to support an initiative and it's a
2 three-month investment, a six-month or an 18-month
3 investment, I want them to do -- have the flexibility to
4 move forward with what's best.

5 COMM. ANDRADE: I agree.

6 CHAIRMAN ALCANTAR: So that's my only --
7 thank you. All right.

8 MS. CARLSON: Okay. 680.750. This is in
9 regard to combining ITAs and OJTs to support
10 participants in registered apprenticeship programs.

11 We would agree and support the regs as
12 written.

13 CHAIRMAN ALCANTAR: I agree.

14 COMM. CONGLETON: You've got "neutral" but
15 you're agreeing. Right?

16 MS. CARLSON: Yes, sir. This is one of
17 those things where originally we had "neutral" and we --

18 COMM. CONGLETON: All three of these are
19 going to be "agree"?

20 MS. CARLSON: Yes, sir.

21 COMM. CONGLETON: Okay.

22 CHAIRMAN ALCANTAR: We agree.

23 MS. CARLSON: 680.760 and 767 in regard to
24 customized training. Both of those we would agree and
25 support as written.

1 CHAIRMAN ALCANTAR: We would agree, too.

2 MS. CARLSON: 680.780, the definition of
3 "incumbent worker," we agree with this.

4 There's a proposal that a six-month
5 minimum employment history with the employer is
6 appropriate.

7 We would agree with that.

8 CHAIRMAN ALCANTAR: I don't disagree, but
9 do we want to ask for them to build in that this could
10 be waived in support of obtaining skills for incumbent
11 employees necessary to acquire needed skills?

12 MS. CARLSON: Would we want to offer that
13 it be waived or would we just want to recommend that
14 that period of time that you needed to be employed by a
15 business prior to being able to be trained as an
16 incumbent worker be shortened?

17 CHAIRMAN ALCANTAR: Yes. I want -- again,
18 I want to provide flexibility of -- you know, if people
19 just got hired three months ago and then the
20 manufacturing company just installed all of this new
21 technology in the facility, we want them to be
22 successful right away.

23 We want them to get the training now and
24 not -- you know, they need us today. We don't want them
25 to become separated because they didn't have the skills

1 that were required for success. I mean, just our recent
2 experience, you know, with advanced manufacturing tells
3 us how fast these changes are occurring in the most
4 advanced of our facilities and I'd rather minimize
5 separations by having this flexibility.

6 COMM. ANDRADE: I think the only comment I
7 have is that, you know, most employers have either 30
8 days or 60 days that they hire someone.

9 COMM. CONGLETON: Some as much as 90.

10 COMM. ANDRADE: Okay. 90. And so once an
11 employee becomes a permanent employee of that company --

12 COMM. CONGLETON: He should be an
13 incumbent worker at that point.

14 COMM. ANDRADE: -- so that we make a good
15 investment versus somebody that just got on 30 days and
16 is not going to become a permanent employee.

17 So that's the only thing is that I would
18 want to adhere to the employer's policy of when an
19 employer -- an employee becomes a permanent worker.

20 CHAIRMAN ALCANTAR: So it sounds like
21 we're generally agreeing that we need flexibility.

22 COMM. ANDRADE: Yes.

23 CHAIRMAN ALCANTAR: We don't want a
24 six-month period. We want the flexibility to work with
25 these individuals to make sure that we do what's

1 necessary to help them succeed, and once -- you know,
2 whether it's 30 or 60 days or 90 days in terms of the
3 end of the period, that's when we can work with them.
4 All right.

5 MR. TEMPLE: What if we just go with the
6 language that we believe the six-month period is
7 arbitrary and we -- it should be deemed at the local
8 level what the industry standard or the employer's needs
9 are or something like that?

10 CHAIRMAN ALCANTAR: I think that's
11 probably a more flexible space that we need to be in,
12 that they should --

13 COMM. ANDRADE: That we let the
14 employer -- excuse me -- or let the employer define what
15 a permanent worker is.

16 COMM. CONGLETON: They'll never define
17 that.

18 COMM. ANDRADE: We do, so that they're
19 eligible for benefits.

20 MR. TEMPLE: Some of them will have a --
21 like you said, a probationary period --

22 CHAIRMAN ALCANTAR: Okay. Once an
23 employee has --

24 COMM. CONGLETON: Completed his
25 probationary --

1 CHAIRMAN ALCANTAR: -- completed his
2 probationary period.

3 MR. TEMPLE: Okay.

4 COMM. ANDRADE: Yes.

5 COMM. CONGLETON: That is the wise
6 decision.

7 CHAIRMAN ALCANTAR: There you go. We got
8 there.

9 MS. CARLSON: Got it.

10 CHAIRMAN ALCANTAR: All right. Thank you.

11 COMM. ANDRADE: Thank you, Mr. Chairman,
12 for clarifying that.

13 CHAIRMAN ALCANTAR: That was good group
14 thinking. All right. Next one.

15 MS. CARLSON: Okay. If you're okay with
16 this we can take the next several together, 790.800, 810
17 and 820.

18 These are all in regard to incumbent
19 worker training. We would agree and support the
20 regulations as proposed.

21 CHAIRMAN ALCANTAR: Commissioners?

22 COMM. CONGLETON: I agree.

23 COMM. ANDRADE: I agree for you to agree.

24 CHAIRMAN ALCANTAR: All right.

25 (Laughter)

1 MS. CARLSON: Okay. 680.830 and 840.
2 These are in regard to transitional jobs, and we would
3 agree and support the regulations as proposed.

4 CHAIRMAN ALCANTAR: I guess we agree.

5 COMM. ANDRADE: Yes.

6 CHAIRMAN ALCANTAR: Okay. Do we agree?

7 COMM. CONGLETON: Yeah.

8 MS. CARLSON: 680.850. This is about
9 employer funding for work-based training. This cannot
10 be used in anything related to union organizing.

11 We would agree and support as written.

12 COMM. CONGLETON: I agree.

13 COMM. ANDRADE: I agree.

14 CHAIRMAN ALCANTAR: Okay.

15 MS. CARLSON: The next three regulations,
16 681.100, 110 and 120, these are all about standing youth
17 committees. We would agree and support as written.

18 CHAIRMAN ALCANTAR: Agree.

19 COMM. CONGLETON: Uh-huh.

20 COMM. ANDRADE: I agree.

21 MS. CARLSON: 681.200 and 681 -- no. I'm
22 sorry. 681.200. This is just in general about youth
23 eligibility.

24 We would agree and support as written.

25 Now -- I'm sorry. But the next one on your page,

1 681.220, we're going to pass that one at the moment.
2 We're going to come back to that one and do two of them
3 together.

4 So we'll move on to 681.230. This is in
5 regard to the reference "school" and "not attending any
6 school" and the "out-of-school" and "in-school" youth
7 definitions.

8 This just explains that the providers of
9 adult education, youth build and job core, if a youth is
10 in one of those, that is not considered "school."

11 We would agree with this regulation as
12 proposed.

13 CHAIRMAN ALCANTAR: Okay.

14 MS. CARLSON: 681.240. This is in regard
15 to the verification of dropout status. We would agree
16 with the proposed reg.

17 CHAIRMAN ALCANTAR: I agree.

18 MS. CARLSON: Okay. Now we can take
19 several together here: 250, 260, 270, 280, 290 and 300.

20 These are all definitions in regard to
21 youth, low-income eligibility, high poverty area, being
22 able to use free or reduced school lunch as an
23 eligibility proxy, eligibility for disabled youth and
24 definition of basic skills deficient, and the definition
25 for requires additional assistance to complete an

1 educational program or secure and hold employment.

2 We would agree with all of those and
3 support the regulation as written.

4 CHAIRMAN ALCANTAR: Commissioners.

5 COMM. CONGLETON: Agree.

6 COMM. ANDRADE: I agree.

7 CHAIRMAN ALCANTAR: Okay.

8 MS. CARLSON: 681.310. This one says that
9 in order for a youth to participate they must enroll in
10 the program. We would agree.

11 681.400, 410 and 420 and 430. Again,
12 these are about the youth program in regard to eligible
13 youth providers, the 75 percent expenditure for
14 out-of-school youth, the youth program design and
15 co-enrollment either in youth and adult or youth and
16 Adult Education and Literacy.

17 We would support all of those as written.

18 CHAIRMAN ALCANTAR: Let's talk about 410.

19 MS. CARLSON: Okay.

20 CHAIRMAN ALCANTAR: Is there anything
21 there in terms of additional flexibility that we can
22 suggest?

23 MS. MILLER: They actually issued a TEGL
24 on the first year implementation, and in that TEGL they
25 are providing states with some flexibility to reach the

1 75 percent.

2 For those areas -- now, most in Texas,
3 I'll tell you, are doing a really good job of serving
4 out-of-school youth.

5 We probably have a handful of Boards who
6 are going to have to change their service delivery
7 design, but in that TEGL if you're making a significant
8 gain towards the 75 percent, then the first program year
9 they'll consider that as having met the requirement with
10 full implementation required in the second program year.

11 So I think that DOL has taken steps to try
12 to provide some transition flexibility towards 75
13 percent.

14 CHAIRMAN ALCANTAR: And on the statewide
15 activity funds, flexibility there?

16 MS. CARLSON: If we use statewide activity
17 funds that provide direct services to youth, that
18 portion of those funds we must hit the 75 percent
19 expenditure.

20 If there are statewide activity funds that
21 we use in regard to youth but it is not a direct service
22 provision, the 75 percent does not apply. Also, the 75
23 percent does not apply to administrative funds.

24 CHAIRMAN ALCANTAR: So developing models,
25 those sort of things, would not be included in the

1 threshold?

2 MS. CARLSON: Yes, sir.

3 CHAIRMAN ALCANTAR: Okay. All right. So
4 a soft agree on that one, I guess.

5 They're adhering to the statutory language
6 for the most part. Right?

7 MS. CARLSON: Yes, sir.

8 CHAIRMAN ALCANTAR: Okay. All right. And
9 420, the proposed requirements, are those --

10 MS. CARLSON: The youth program design
11 outlines the 14 program elements that Boards must
12 provide.

13 They have to make all the elements
14 available. Not every youth will need all 14 of those.
15 They should design a program for each youth depending on
16 what the needs of that youth are.

17 CHAIRMAN ALCANTAR: As proposed, is it
18 flexible enough or do you think it's too prescriptive or
19 do you think it allows enough flexibility to get the job
20 done?

21 MS. CARLSON: We do think that it provides
22 flexibility for the Boards.

23 CHAIRMAN ALCANTAR: All right. Then I
24 would agree. All right. You're on 430. You already
25 did 430. Right? We just did 430?

1 MS. CARLSON: Just blazed right over 430.
2 We're going to move to 681.440.

3 CHAIRMAN ALCANTAR: All right. Thank you.
4 Thank you, Commissioners.

5 MS. CARLSON: 440, 450, 460, 470 and 480
6 continue to be about the youth program. 18 to 24
7 year-olds may be co-enrolled in youth and adult;
8 discussion about how long a youth program can serve a
9 participant; services that are offered to youth; using
10 funds to support the 14 youth program elements; and
11 definition of pre-apprenticeship program, and we would
12 agree with all of those as written.

13 CHAIRMAN ALCANTAR: Commissioners?

14 COMM. CONGLETON: Agree.

15 COMM. ANDRADE: Agree.

16 CHAIRMAN ALCANTAR: We agree.

17 MS. CARLSON: On 681.490 they added a
18 definition for adult mentoring in regard to youth. And
19 while we agree with how they defined "mentoring," what
20 we disagree with is the requirement that mentoring needs
21 to occur for 12 months.

22 We feel like that we need to have some
23 flexibility there. That should be a decision between
24 the case manager, the mentor and the youth on just how
25 long that mentoring activity needs to occur.

1 CHAIRMAN ALCANTAR: I would agree. They
2 need to be a little more careful about being so
3 arbitrary in setting these time frames in place in a
4 number of these items.

5 MS. CARLSON: We agree.

6 CHAIRMAN ALCANTAR: Okay.

7 MS. CARLSON: Okay. On your next page
8 there's several of these that are -- that deal with
9 individual youth elements. 500, 510, 520, 530 and 540,
10 these are just definitions of the elements in the 14
11 elements in the youth program.

12 We would support all of these as written.

13 CHAIRMAN ALCANTAR: Commissioners?

14 COMM. CONGLETON: I agree.

15 COMM. ANDRADE: I agree.

16 CHAIRMAN ALCANTAR: We agree.

17 MS. CARLSON: On 681.550, this is in
18 regard to being able to use individual training accounts
19 for youth participants. We agree with this, and this is
20 actually one that in the past we have received a waiver
21 to allow us to do this.

22 So we're glad that they actually wrote
23 this into the law.

24 CHAIRMAN ALCANTAR: Good.

25 MS. CARLSON: 681.560 and 570. This

1 defines "entrepreneurial skills training" and "support
2 services for youth."

3 We agree and would support as written.

4 CHAIRMAN ALCANTAR: Commissioners.

5 COMM. CONGLETON: Okay.

6 COMM. ANDRADE: Agree.

7 CHAIRMAN ALCANTAR: Okay.

8 MS. CARLSON: 681.580. This is about
9 follow-up services for youth. Follow-up services are
10 required for 12 months. This is not a new requirement.
11 This existed under WIA, but we would ask for some
12 flexibility here because there are situations where the
13 youth moves and the staff can no longer locate that
14 youth.

15 So it's a little ridiculous that month
16 after month after month I'm making a phone call to a
17 number that I know last month was disconnected. There
18 should be some provision that once staff have exhausted
19 all remote possibility of being able to locate that
20 youth, call it quits.

21 You know, don't just continue making that
22 effort month after month. That's -- it's just
23 arbitrary.

24 CHAIRMAN ALCANTAR: I would agree.
25 Commissioners.

1 COMM. ANDRADE: Yes.

2 CHAIRMAN ALCANTAR: All right.

3 MS. CARLSON: Okay. 681.590, 600 and 610,
4 all of these deal with work experience. We would agree
5 with all of those and support as written.

6 COMM. CONGLETON: Agree.

7 CHAIRMAN ALCANTAR: We agree.

8 MS. CARLSON: 681.620 and 630, these are
9 both about summer youth employment. We agree with them
10 as written.

11 COMM. CONGLETON: Agree.

12 CHAIRMAN ALCANTAR: We agree.

13 MS. CARLSON: 681.640. This is about
14 integrated education and training. And, actually, we
15 agree with this proposed regulation as written, and we
16 would like to comment that we would encourage DOL and
17 Department of Education to work together because this is
18 actually a much better definition of IET than what we
19 saw in the proposed regs for Adult Ed, and so we would
20 like for them to align those with this definition.

21 CHAIRMAN ALCANTAR: We would agree.

22 MS. CARLSON: 681.650. We disagree with
23 this one. We think that this is overly restrictive.

24 It is in regard to the use of incentives
25 for youth, and it narrows the use of incentives to just

1 training activities and work experience, and that is not
2 how we currently operate.

3 We -- the Boards use incentives now to
4 keep youth engaged and to recognize when they've had an
5 educational gain or had some other successes, and this
6 really an important tool to be able to keep those youth
7 engaged and keep them in the program. So we very much
8 disagree with this one.

9 CHAIRMAN ALCANTAR: Yeah. It ignores
10 career exploration and all those things that are being
11 done with youth out there. Okay.

12 Yeah, I would agree.

13 MS. CARLSON: 681.660. This is in regard
14 to parent, youth and community involvement in designing
15 the program. We would support this.

16 It just says that it allows for parents,
17 youth and the community to engage with the Board to help
18 design the program.

19 CHAIRMAN ALCANTAR: Commissioners.

20 COMM. ANDRADE: I completely agree.

21 CHAIRMAN ALCANTAR: Okay.

22 MS. CARLSON: 681.700. This is about the
23 connection between the youth program and the one-stop
24 delivery system. I really think this may be written for
25 other states where youth is a little disconnected from

1 our one-stop. We agree with this.

2 CHAIRMAN ALCANTAR: Agree.

3 MS. CARLSON: 681.710. Local Boards have
4 the flexibility to offer services to area youth who
5 aren't eligible for Title I of WIOA. They would serve
6 them through Wagner-Peyser.

7 We currently do that. We would agree.

8 CHAIRMAN ALCANTAR: Okay.

9 MS. CARLSON: Okay. 652.207 and 208. We
10 would agree with this. This just requires that labor
11 exchange services are available to all employers and job
12 seekers.

13 It gives states flexibility to make those
14 services available through self-serve means, through
15 technology. We agree with this. We think that it does
16 provide us flexibility.

17 CHAIRMAN ALCANTAR: Agree.

18 MS. CARLSON: 652.209 and 210. We
19 disagree with this. This is in regard to services
20 provided to claimants, and we believe that the
21 regulation goes farther than required by the law.

22 This requires that we must conduct
23 eligibility assessments and that this would reduce the
24 state and the local's flexibility. We just think that
25 this has gone too far.

1 There's an inconsistency here between the
2 Act and the regs. Where in the Act it's allowable; in
3 the regs it would be required.

4 So we would disagree.

5 CHAIRMAN ALCANTAR: We would agree.

6 MS. CARLSON: Okay. 678.400 to 678.425.
7 This describes one-stop partners and the roles and
8 responsibilities of the partners. We agree with the
9 proposed rules as written.

10 CHAIRMAN ALCANTAR: Commissioners.

11 COMM. ANDRADE: Agree.

12 CHAIRMAN ALCANTAR: Okay.

13 MS. CARLSON: 678.800(a)(2) and
14 678.800(b). In general, we're in agreement; however,
15 the proposed regulations require that the state include
16 customer satisfaction in the evaluation.

17 First of all, it goes farther than
18 required in the Act. We think that customer
19 satisfaction, while it's helpful, it's very expensive.
20 Yes, sir.

21 CHAIRMAN ALCANTAR: Commissioners, so what
22 are your thoughts on the staff's comments here?

23 COMM. ANDRADE: Well, I think they're one
24 of the -- well, until I heard Debbie --

25 CHAIRMAN ALCANTAR: In terms of customer

1 satisfaction?

2 COMM. ANDRADE: Satisfaction.

3 CHAIRMAN ALCANTAR: Okay. Keep going,
4 Debbie. I'm sorry.

5 MS. CARLSON: We think it's important. It
6 can help identify if you have an issue that you need to
7 address, but it's very costly.

8 Our experience with doing customer
9 satisfaction in the early days under WIA, it's costly.
10 It's very difficult to get a sample size that's
11 statistically significant.

12 It shouldn't be a standard performance
13 measure. This should be something that you do as a
14 management tool to improve your services.

15 COMM. ANDRADE: Well, Debbie, currently
16 our Boards do not do any type of customer satisfaction
17 service.

18 MS. CARLSON: I think many of them do
19 customer satisfaction, but they do it on their own.
20 They do it to evaluate what the -- you know, the
21 customer perception of the services, are there any
22 changes that they need to make, but we think that it
23 ought to be left at that point, that they should be able
24 to determine when and how to do that.

25 It should not be prescriptive from the

1 feds down.

2 CHAIRMAN ALCANTAR: And this is as it
3 applies to the one-stop centers?

4 MS. CARLSON: Yes, sir.

5 CHAIRMAN ALCANTAR: So for every one-stop
6 center our Boards would have to do customer satisfaction
7 assessments once a year, routinely...

8 MS. CARLSON: I'm not sure about the
9 timing. There is a requirement that they would have to
10 certify one-stop centers every two years.

11 CHAIRMAN ALCANTAR: So at sometime during
12 that period they would have to have done a --

13 MS. CARLSON: Yeah. And I'm -- I'm sorry.
14 I'm just not sure if it's every year or if it would be
15 at the two-year mark that they would do that.

16 CHAIRMAN ALCANTAR: Okay. No, that's
17 fair. Commissioners, any thought on this?

18 COMM. ANDRADE: I mean, I certainly
19 encourage for us to receive feedback from the customer.

20 I guess I'm somewhat confused as to the
21 type of service that we offer and how each individual
22 feels about our service. For me the end result is, "Did
23 they get a job?"

24 So, you know, I think I would leave it up
25 to the Boards as to how they would want to take that on.

1 But maybe we also consider some kind of recognition for
2 the Boards that do customers' satisfaction to encourage
3 more participation.

4 CHAIRMAN ALCANTAR: I would agree. I
5 think it's important to understand how your customers
6 feel, but to the staff's observations the inclusion of
7 it not knowing the sample or the instrument -- the
8 survey instrument not knowing the randomness or the
9 sample size, all of those things being undefined, it
10 makes it very arbitrary and a snapshot type of
11 assessment.

12 I do think, Commissioner, you're right.
13 Making sure that we maintain a focus through some of the
14 things that we can encourage is probably the better way
15 to go. So, Commissioner.

16 COMM. CONGLETON: Well, I think if they're
17 not happy they'll let you know right away.

18 (Laughter)

19 CHAIRMAN ALCANTAR: Yeah. We get the
20 letters. Right?

21 COMM. CONGLETON: So all of those that
22 don't say anything to you, they're bound to be
23 satisfied. Right?

24 CHAIRMAN ALCANTAR: There you go. All
25 right. So we agree.

1 MS. CARLSON: 679.100 to 679.130. This is
2 in regard to the purpose and functions of the State
3 Board. We're in agreement with this, and this is where
4 Texas will continue to operate under the alternative
5 entity provision under prior consistent state law.

6 CHAIRMAN ALCANTAR: Okay. And for all of
7 these TWIC ones, let's make sure we coordinate with TWIC
8 on their response.

9 MS. CARLSON: Yes, sir. Ms. Rector and I
10 have been in contact.

11 CHAIRMAN ALCANTAR: Great. Thank you.
12 Thank you, Lee. All right.

13 MS. CARLSON: 679.270 to 679.310. This is
14 in regard to the designation and redesignation
15 procedures for local areas.

16 We are in agreement with those referenced
17 sections.

18 CHAIRMAN ALCANTAR: We would agree.

19 MS. CARLSON: Okay. 680.120 through
20 680.180. This is in regard to the section on the
21 eligibility for adults and dislocated workers for career
22 services and training.

23 We support these regulations.

24 COMM. CONGLETON: I agree.

25 CHAIRMAN ALCANTAR: Okay.

1 MS. CARLSON: 680.600 to 680.660. This is
2 in regard to priority and special populations.

3 We find that these are consistent with
4 statute and we support as proposed. Now, there is a
5 typographical error that we think needs to be corrected.

6 The priorities for recipients of public
7 assistance, other low-income individuals and individuals
8 who are basic skills deficient, it looks like they had a
9 little typographical error that makes it appear that
10 low-income individuals have to be basic skills
11 deficient.

12 That is not what the statute requires.

13 CHAIRMAN ALCANTAR: And this conforms with
14 our statutory requirements in terms of priority
15 populations.

16 MS. CARLSON: Yes, sir. Our priority in
17 Texas is public assistance recipient and other
18 low-income individuals.

19 We do not have a reference to basic skills
20 deficient in our statute.

21 CHAIRMAN ALCANTAR: But I'm referring to
22 Veterans and foster kids. It still provides for those?

23 MS. CARLSON: Yes, sir.

24 CHAIRMAN ALCANTAR: Okay. Good. All
25 right. Thank you.

1 MS. CARLSON: 680.900 through 680.970.
2 These regulations describe support services and when
3 participants would be eligible for them.

4 They are in -- we support these. They are
5 consistent with statute.

6 CHAIRMAN ALCANTAR: Commissioners.

7 COMM. CONGLETON: Agree.

8 CHAIRMAN ALCANTAR: All right.

9 MS. CARLSON: Okay. Now here's one that I
10 said that we would come back to, 681.210 and 681.220.
11 These are the definitions for out-of-school youth and
12 in-school youth, and we're concerned about the
13 inconsistency of the proposed regulations here.

14 The way that the regs are written,
15 out-of-school youth are defined as not attending any
16 school as defined by state law. Our state law defines
17 school attendance as K through 12.

18 The regulations on in-school youth
19 definition states that it's as defined -- attending
20 school as defined by state law, including secondary and
21 post-secondary.

22 So for in-school youth they've added
23 post-secondary. That's not in our state law and that's
24 not in the definition of out-of-school youth. So
25 there's just an inconsistency here that needs to be

1 cleared up.

2 We would recommend that they not make
3 reference to post-secondary. There are many instances
4 where we have youth that are in college, that without
5 the support of the Workforce system would not be able to
6 finish, but we think that those youth need to be defined
7 as out-of-school youth.

8 CHAIRMAN ALCANTAR: What if they're in a
9 dual credit or early college program?

10 MS. CARLSON: If they're in high school,
11 then because our state statute defines in-school as K
12 through 12, those would be classified as in-school.

13 CHAIRMAN ALCANTAR: They would still be
14 captured. Okay.

15 Commissioners.

16 COMM. ANDRADE: I agree.

17 CHAIRMAN ALCANTAR: We agree. All right.

18 MS. CARLSON: Okay. And that --

19 CHAIRMAN ALCANTAR: Did we wind up getting
20 back to Veterans and --

21 MS. CARLSON: I don't think we did. So
22 I'm going to check and see. I know that there's some
23 things on Veterans that occur in next week's briefing,
24 but I'll double-check and make sure that those -- that
25 we're going to pick up next week on Veterans.

1 CHAIRMAN ALCANTAR: Let's make sure that
2 we -- there was one for -- there were two provisions.
3 One dealt with Veterans and one dealt with individuals
4 with disabilities.

5 So I think -- if I remember correctly, I
6 think I agreed with those. I just want to make sure
7 that we highlight those. Was there one or two others,
8 Michael, that we -- I think -- we'll get back to you on
9 whether or not there was another one.

10 MS. CARLSON: Okay. And we'll make sure
11 that we pick them up next week so that they don't get
12 overlooked.

13 CHAIRMAN ALCANTAR: Great. Thank you.
14 Commissioners, any final thoughts or comments for staff?
15 Thank you for your hard work. You guys are doing a
16 fabulous job for us.

17 This concludes this work session. Thank
18 you and have a good day.

19 COMM. ANDRADE: Thank you-all very much.

20 COMM. CONGLETON: Thank you.

21 (Proceedings concluded at 10:36 a.m.)

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