

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

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE  
TEXAS WORKFORCE COMMISSION  
AUSTIN, TEXAS

PUBLIC MEETING )  
FOR THE TEXAS )  
WORKFORCE COMMISSION )

COMMISSION MEETING  
TUESDAY, OCTOBER 6, 2015

BE IT REMEMBERED THAT at 9:00 a.m. on  
Tuesday, the 6th day of October, 2015, the above-entitled  
matter came on for hearing at the Texas Workforce  
Commission, TWC Building, 101 East 15<sup>th</sup> Street, Room 244,  
Austin, Texas, before ANDRES ALCANTAR, Chairman, RONALD G.  
CONGLETON and RUTH R. HUGHS, Commissioners; and the  
following proceedings were reported by Alejandro Herrera,  
Certified Court Reporter

TABLE OF CONTENTS

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

PAGE

PROCEEDINGS, TUESDAY, OCTOBER 6, 2015

AGENDA ITEM NO. 1 ..... 4  
CHAIRMAN ALCANTAR

AGENDA ITEM NO. 2 ..... 4  
SHERRI MILLER and DOUG CARNES

AGENDA ITEM NO. 3 ..... 4  
DOUG CARNES

AGENDA ITEM NO. 4 ..... 4  
SHERRI MILLER

AGENDA ITEM NO. 5 ..... 5  
SHERRI MILLER

AGENDA ITEM NO. 6 ..... 5  
PAUL N. JONES

AGENDA ITEM NO. 7 ..... 5  
ED SERNA

AGENDA ITEM NO. 8 ..... 7  
ADAM LEONARD and DAVID JOHNSON

AGENDA ITEM NO. 9 ..... 8  
ADAM LEONARD and DAVID JOHNSON

AGENDA ITEM NO. 10 ..... 10  
DEBBIE CARLSON

AGENDA ITEM NO. 11 ..... 10  
JOHN FULLER

AGENDA ITEM NO. 12 ..... 11  
TOM McCARTY

AGENDA ITEM NO. 13 ..... 12  
LARRY TEMPLE

TABLE OF CONTENTS (Cont.)

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

PAGE

AGENDA ITEM NO. 16 ..... 16  
ADJOURNMENT  
REPORTER'S CERTIFICATE ..... 17

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

TUESDAY, OCTOBER 6, 2015

(9:00 a.m.)

## AGENDA ITEM NO. 1

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

## AGENDA ITEM NO. 2

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

No Discussion.

## AGENDA ITEM NO. 3

Discussion, Consideration and Possible Action Regarding Tax Liability Cases Listed on the Texas Workforce Commission Docket 40.

The Commission considered and took action on all tax liability cases listed on Docket 40.

## AGENDA ITEM NO. 4

Discussion, Consideration and Possible Action Regarding Higher Level Appeals in Wage Claim Cases Listed on the Texas Workforce Commission Docket 40.

The Commission considered and took action on all

1 wage claim cases listed on Docket 40.

2 AGENDA ITEM NO. 5

3 Discussion, Consideration and Possible Action  
4 Regarding Higher Level Appeals in Unemployment Compensation  
5 Cases Listed on the Texas Workforce Commission Docket 40.

6 The Commission considered and took action on all  
7 unemployment compensation cases listed on Docket 40.

8 AGENDA ITEM NO. 6

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

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

12 CHARIMAN ALCANTAR: Thank you.

13 AGENDA ITEM NO. 7

14 CHAIRMAN ALCANTAR: Item 7. Discussion,  
15 Consideration and Possible Action Regarding the Appointment  
16 of Members to the Texas Advisory Committee for Purchasing  
17 from People with Disabilities, Ed, good morning.

18 MR. SERNA: Yes, sir. Good morning. For the  
19 record my name is Ed Serna. I'm Deputy Executive Director,  
20 Workforce Commission. Good morning, Mr. Chairman,  
21 Commissioners.

22 CHAIRMAN ALCANTAR: Good morning.

23 MR. SERNA: Last week -- at the last Commission  
24 meeting you all tasked us to go back and look through the  
25 applications we have for the two positions to be filled on

1 the Committee for the role representing individuals with a  
2 disability who work for CRP as described in the statute. We  
3 did that and staff really doesn't believe that we have a  
4 strong enough pool, so we would like to go back out for a  
5 call, two to three weeks, of that specific group. We'll  
6 attempt additional outreach, a little bit more than we did  
7 last time. The last time we sent an email notifying Texas  
8 Industries of the Blind and Handicapped asking them to  
9 share, and we also sent it to the 116 CRPs asking them to  
10 share it with their staff. We're going to see if we can do  
11 a little bit better reach -- outreach, collect, hopefully, a  
12 broader pool, and then come back with some recommendations  
13 again for that pool committee, but focusing on hopefully a  
14 different set of individuals in -- in that one category. So  
15 we'll probably do that in three to four weeks.

16 CHAIRMAN ALCANTAR: And by strong you really had  
17 limited number of applicants; is that correct.

18 MR. SERNA: Yes, sir. We --

19 CHAIRMAN ALCANTAR: Yeah, it was very small.

20 MR. SERNA: -- we didn't have -- we -- we had four  
21 -- I believe it was only four individuals because it's a  
22 very specific category. Of those four individuals two of  
23 them indicated that they were disabled and worked for CRP  
24 but were the head of a CRP, I want to say (indiscernible)  
25 and the other was Goodwill of South Texas or South Texas

1 Goodwill, and then the other two individuals were also in  
2 more of a management role. And we heard the feedback from  
3 the people that testified and from the -- from the  
4 Commission itself.

5 CHAIRMAN ALCANTAR: Okay, Commissioner Hughs.

6 COMM. HUGHS: I just want to thank you for the  
7 time you're putting into this. I know you had good  
8 candidates that you presented to us, but I think this is a  
9 great example of open government at its best that we were  
10 able to hear from the public and that you're taking this  
11 time to open that pool. And I really appreciate your work  
12 on it --

13 MR. SERNA: That's fine.

14 COMM. HUGHS: -- in the past.

15 MR. SERNA: We appreciate the feedback in support.

16 COMM. CONGLETON: Thanks.

17 MR. SERNA: Yes, sir.

18 CHAIRMAN ALCANTAR: All right. Thank you, Ed.

19 AGENDA ITEM NO. 8

20 CHAIRMAN ALCANTAR: Item 8. We have no update on  
21 Performance Measure Targets. Oh, we do? We do, David.  
22 Okay. Discussion, Consideration and Possible Action  
23 Regarding Board Contract Year 2015 Performance Measure  
24 Targets.

25 MR. JOHNSON: Yes, sir.

1                   CHAIRMAN ALCANTAR:  There's no update there, so I  
2 was correct.

3                   MR. JOHNSON:  Yes.

4   AGENDA ITEM NO. 9

5                   CHAIRMAN ALCANTAR:  Item 9.  Discussion,  
6 Consideration and Possible Action Regarding Comments for  
7 Submission to the U.S. Department of Labor, David Johnson.  
8 Good morning, David.

9                   MR. JOHNSON:  Good morning, Mr. Chairman,  
10 Commissioners, David Johnson, with Operational Insight.  As  
11 you're aware from our briefings last week DOL has released  
12 performance reporting guidance specific to DOL programs for  
13 public comment.  This guidance was released on September 3rd  
14 and comments are due on November 2nd.

15                                       As he -- as we did with the Joint Performance ICR,  
16 we will bring before you policy issues and concerns brought  
17 about by the guidance and ask for the Commission's approval  
18 to develop and submit the comments regarding the technical  
19 aspects of the guidance.

20                                       The purpose of today's item is to gather any input  
21 you may wish to provide to direct the remainder of our  
22 efforts.  During the briefings we've received input from  
23 your offices and will work to incorporate that input into  
24 the next version of the comments.  Generally speaking, some  
25 of the changes we're looking at are more thoroughly and

1 clearly explaining the full -- philosophical reasons for  
2 some of the comments. For example, the comment regarding  
3 the expansion of required information will be further  
4 developed to articulate that all requirements should be  
5 focused on the best interest of the customer and that this  
6 has always been TWC's position.

7           Additionally, moving the discussion about  
8 supporting occupational reporting so long as it remains an  
9 optional element as it is today under pre-WIOA reporting  
10 from the technical sections of the policy section. We'll be  
11 making edits over the next week and will brief the edits  
12 version over the week of October 12th. We will return on  
13 the 20th of October to ask for the Commission's final  
14 approval of the cover letter and policy related comments.

15           Staff will then finalize the technical portion and  
16 submit all comments by the November 2nd deadline. That  
17 concludes my prepared remarks. I'm happy to answer any  
18 questions you may have, walk through any portion of the  
19 document or receive any input you may have.

20           CHAIRMAN ALCANTAR: Commissioners, any questions  
21 or comments?

22           COMM. CONGLETON: No comment.

23           COMM. HUGHS. No, thank you.

24           CHAIRMAN ALCANTAR: And I want to thank you and  
25 Adam for all your hard work on this. I appreciate the

1 diligence and all the hard work. Thank you.

2 MR. JOHNSON: Thank you.

3 AGENDA ITEM NO. 10

4 CHAIRMAN ALCANTAR: Item 10. Discussion,  
5 Consideration and Possible Action Regarding the WIOA. We  
6 have no update there.

7 AGENDA ITEM NO. 11

8 CHAIRMAN ALCANTAR: Item 11. Discussion,  
9 Consideration and Possible Action Regarding Approval of  
10 Local Board Nominees, John Fuller. Good morning, John.

11 MR. FULLER: Good morning, Mr. Chairman,  
12 Commissioners, Mr. Senator. For the record, John Fuller,  
13 Workforce Development.

14 Commissioners, before you today we have nominees  
15 from Heart of Texas, North Central Texas, South Texas and  
16 Upper Rio Grande.

17 CHAIRMAN ALCANTAR: Commission Congleton.

18 COMM. CONGLETON: Move that we approve the Board  
19 nominees from Heart of Texas, North Central, South Texas and  
20 Upper Rio Grande.

21 COMM. HUGHS: I second the motion.

22 CHAIRMAN ALCANTAR: And it's unanimous. And,  
23 John, every week, every time you bring these nominees for  
24 approval I, you know, looking at the names and seeing the  
25 quality of these individuals that are -- that are serving,

1 and it's no wonder that we are such a top-notch system with  
2 a -- such high quality individuals volunteering to serve on  
3 our Board, so thank you for your role in all that.

4 MR. FULLER: Thank you. And we'll be sure to pass  
5 those words back on down to the Boards.

6 CHAIRMAN ALCANTAR: All right, thank you.

7 AGENDA ITEM NO. 12

8 CHAIRMAN ALCANTAR: Item 12. Discussion,  
9 Consideration and Possible Action Regarding Enacted,  
10 Proposed or Considered State or Federal Legislation,  
11 Michael. Good morning, Michael.

12 MR. BRITT: Good morning, Mr. Chairman,  
13 Commissioners, for the record, Michael Britt, Governmental  
14 Relations. Last Wednesday Congress passed and the President  
15 signed HR 719, which included the continuing resolution to  
16 fund the federal government from October 1st to December  
17 11th of this year. Also, this week Con -- the House will be  
18 voting -- the House Republican Caucus will be voting on  
19 their candidate to replace Speaker John Boehner. As you're  
20 aware he announced that he will resign as Speaker and retire  
21 from Congress on October the 30th.

22 Yesterday Speaker Boehner did announce that the  
23 vote for House Majority Leader and House Majority Whip will  
24 be postponed until next month. And, finally, we will also  
25 be monitoring the U.S. House Ways and Means Committee

1 Hearing tomorrow titled the Rising Costs of Higher Education  
2 and Tax Policy. That concludes my remarks, and I'll be  
3 happy to answer any questions you have.

4 CHAIRMAN ALCANTAR: Any questions, Commissioners?

5 COMM. CONGLETON: No questions.

6 COMM. HUGHS: No, thank you for the update.

7 CHAIRMAN ALCANTAR: Thank you, Michael.

8 AGENDA ITEM NO. 13

9 CHAIRMAN ALCANTAR: Item 13. Report and Update by  
10 the Executive Director, Ed.

11 MR. SERNA: One thing to report again on our  
12 activities with regard to DARS, staff continues to work with  
13 representatives from both the -- from both DARS and HHSC on  
14 several of the issues. Key among those issues is  
15 procurement and contracting, not only in light of Senate  
16 Bill 20, but also in light of the fact that the two  
17 organizations procure differently. So just to let the  
18 Commission know that we are dedicating a lot of resources  
19 and may also be looking at some outside assistance to help  
20 us evaluate those requirements and ensure that there's a  
21 smooth transition on September 1st at the -- at the  
22 counselor and consumer level as well as in the overall  
23 transition. So just a -- just a -- things are going well,  
24 we're having very productive meetings every time we do meet  
25 with DARS and HHSC, all three agencies seem to be open to

1 exchanging information and resources. Still hitting a few  
2 bumps every now and then but those are more just process  
3 bumps because of the size of the organization that we're  
4 dealing with.

5 CHARIMAN ALCANTAR: And certainly. And I've had  
6 discussions with Commissioner Durden and there's certainly  
7 an interest on the part of Commissioners here and  
8 Commissioner Durden to make sure that we're working together  
9 on these and communicating effectively. Certainly when  
10 we're on a -- conducting our joint public hearings on the  
11 transition and on the consolidated plan we did hear from our  
12 -- from interested stakeholders and people who are going to  
13 be impacted by this move.

14 And one of the things Commissioner Hughs and  
15 Commissioner Congleton and I heard was from some consumers  
16 and advocates who have gone into some of our one-stops and  
17 raised the issue of -- make sure that we have accessible  
18 stations, certainly our offices have these requirements that  
19 we've had in place but, I know that it's something that --  
20 that was discussed, Commissioner Hughes, during these public  
21 meetings, so could you brief us and -- I know that we've had  
22 this discussion, Ed and -- and Reagan and I and -- and Larry  
23 on the offices or our one-stops. To what extent do we have  
24 work stations that do meet the needs of our customers with  
25 these different challenges and could you work to bring us

1 those numbers in the weeks ahead?

2 MR. SERNA: Yes, sir. Staff is conducting -- has  
3 conducted a survey of our -- of our one-stops, excuse me,  
4 I'm sorry, with regard to two things, actually, physical  
5 accessibility --

6 CHAIRMAN ALCANTAR: Right.

7 MR. SERNA: -- and public transportation and the  
8 proximity of public transportation and then also comparing  
9 our locations and our accessibility to the DARS locations.  
10 One of the other things that we'll be doing, and John Fuller  
11 and his group are taking the lead on this, one of the other  
12 things that we'll be doing is we'll be asking our one-stops  
13 just for a brief period of time to maybe poll or -- or not  
14 poll but record some of the activity that we have so that we  
15 can make sure we have the right kind of accessibility, so  
16 that it's not just visual or -- or hearing, but the physical  
17 accessibility as well.

18 And then the second thing that we've done is we've  
19 contacted and polled all of our one-stops with regard to the  
20 equipment that they have and -- and the accessibility and  
21 software on that equipment. We're also currently going to  
22 be conducting some assessments of the tools that they have  
23 and working to establish a standard. We'll come back and  
24 report regularly to the Commission on where we're at with  
25 each of those items. And we'll either do it as part of our

1 Executive Director Report or have a separate stand-alone  
2 item that we --

3 CHAIRMAN ALCANTAR: And we'll --

4 MR. SERNA: -- (indiscernible).

5 CHAIRMAN ALCANTAR: And we'll actually have a work  
6 session on that in the weeks ahead, so I'll wait for us to  
7 have discussion with the Commissioners on those issues. So  
8 we'll be talking about setting that up so we can just talk  
9 through these issues. We can -- it's not just about having  
10 them there, it's to what extent are they apparent to  
11 everyone in the one-stop, where is that station if the  
12 person that is familiar with helping that particular group  
13 is not there. I want to make sure that it's apparent to  
14 everyone and it's -- everyone knows where that -- where  
15 those areas are if there are areas. And so let's talk about  
16 it not in general terms but in very detailed terms in terms  
17 of how if I walk into a one-stop or Commissioner Hughs or  
18 Commissioner Congleton walk in there, we'll know where they  
19 are, we'll know that they're there, and we'll know that it's  
20 something that we can all be proud of and apparent to the  
21 people that we service. Commissioners, any further  
22 comments?

23 COMM. HUGHS: No. I just want to thank you for  
24 the time you're putting into this. I realize the  
25 implementation is tiered, but it's great that we're ahead of

1 these things and looking at it now, so thank you.

2 CHAIRMAN ALCANTAR: Commissioner Congleton?

3 COMM. CONGLETON: I agree.

4 CHAIRMAN ALCANTAR: Thank you, sir, I appreciate  
5 all the hard work. Anything else, Ed?

6 MR. SERNA: No, sir, I have nothing else for you.

7 CHAIRMAN ALCANTAR: All right. Thank you.

8 AGENDA ITEM NO. 16

9 CHAIRMAN ALCANTAR: Commissioner Congleton, do we  
10 have a motion to adjourn?

11 UNIDENTIFIED SPEAKER: We're done with Executive  
12 Session today.

13 COMM. CONGLETON: I didn't get a paper, do you  
14 have anything?

15 UNIDENTIFIED SPEAKER: No.

16 UNIDENTIFIED SPEAKER: No, sir.

17 COMM. CONGLETON: So made then.

18 COMM. HUGHS: Second.

19 CHAIRMAN ALCANTAR: We are adjourned. Thank you.

20 (Proceedings concluded at 9:42 a.m.)

21

22

23

24

25

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

C E R T I F I C A T E

STATE OF TEXAS )

COUNTY OF TRAVIS )

I, Kimberly C. McCright, Certified Vendor and Notary in and for the State of Texas, do hereby certify that the above-mentioned matter occurred as hereinbefore set out.

I FURTHER CERTIFY THAT the proceedings of such were reported by me or under my supervision, later reduced to typewritten form under my supervision and control and that the foregoing pages are a full, true and correct transcription of the original notes.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 12th day of October, 2015.

\_\_\_\_\_  
Kimberly C. McCright  
Certified Vendor and Notary Public

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