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TRANSCRIPT OF PROCEEDINGS
BEFORE THE
TEXAS WORKFORCE COMMISSION
AUSTIN, TEXAS

PUBLIC MEETING)
PURCHASING FROM)
PEOPLE WITH)
DISABILITIES)

ADVISORY COMMITTEE MEETING
FRIDAY, JULY 27, 2018

BE IT REMEMBERED THAT at 9:31 a.m. on Friday,
the 27th day of July, 2018, the above-entitled matter came
on for hearing at the Texas Workforce Commission, 101 E.
15th Street, Austin, TX 78701-0001, Room 244.

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PROCEEDINGS, FRIDAY, JULY 27, 2018

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P R O C E E D I N G S

FRIDAY, JULY 27, 2018

(9:31 a.m.)

AGENDA ITEM NO. 1

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5 MR. JACKSON: 27th of July, 2018. And before
6 we get started with this morning's meetings, we don't quite
7 yet have a quorum set so Kelvin is going to round up
8 everybody up to make sure we have the appropriate numbers so
9 we can begin our meeting today. So, if you can be patient
10 with us for a couple of minutes. We got them? Okay.
11 Great.

12 Well, again, we have a quorum now, so, I
13 would like to welcome everyone to our Friday the 27th of
14 July, 2018 Advisory Committee Meeting of the Texas Workforce
15 Commission, Purchasing from People with Disabilities
16 meeting. I'd like to go around and like to introduce
17 ourselves to members of the Advisory Committee as well as
18 all of our meeting participants and attendees. So, I'm
19 going to begin on our far right of the table please, if you
20 can identify who you are what organization you're with or if
21 you're a community representative. I believe Brandye is
22 going to be first on the list.

23 MS. LACY: Okay, yeah. I'm Brandye Lacy. I'm
24 a community representative that works at a CRP.

25 MS. ZAVALLA: I'm --

1 MS. LACY: Austin lighthouse.

2 MS. ZAVALLA: Excuse me. I'm Judy Zavalla.
3 My daughter Amanda Miles and I are on the Gulf Coast ARC and
4 Mandy is a member of Self-Advocates. And I'm also on the
5 board for Coventry Apartments which are for people with
6 mental disabilities.

7 MR. JACKSON: Great. Thank you. May I
8 interrupt? Can everybody hear us okay? Are these
9 microphones tuned into speakers or should we speak a little
10 louder?

11 MR. SERNA: They're -- they're tuned into
12 speakers Mr. Chairman. So --

13 MR. JACKSON: Okay. Great. Thank you.
14 Thank you, Ed. And to your left please, Judy.

15 MR. GRAHAM: I'm Charlie Graham. I'm the CEO
16 of Peak Performers and I don't usually need a microphone,
17 I'm loud and obnoxious without one. That's it.

18 MR. JACKSON: Thank you Charlie. To your
19 left please.

20 MS. HOWARD-HERBEIN: Michelle Howard-Herbein,
21 the Executive Director of The Arc of Greater Houston.

22 MR. JACKSON: Great. Thank you, Michelle.
23 And I'm Kevin Jackson. I'm a community representative here
24 from the Austin area. And to my left?

25 MR. ALLEN: I'm Platt Allen with the

1 Lighthouse for the Blind in Fort Worth.

2 MR. JACKSON: Thank you Platt. To your left
3 please.

4 MS. WILLIS: I'm Rosalin Willis and I'm
5 representing the Health and Human Services Commission.

6 MR. JACKSON: Thank you Roselyn. And to your
7 left.

8 MS. LOGAN: I'm Linda Logan and I'm
9 representing the Texas Council for Developmental
10 Disabilities.

11 MR. JACKSON: Thank you. And to your left
12 please Linda.

13 MS. WATSON: Hi. I'm Kim Watson. I'm in
14 Chairman Andre Alcantar's office here at the TWC.

15 MR. JACKSON: Great.

16 MS. PARKER: I'm Diane Parker, representing
17 the office of General Counsel, Texas Workforce Commission.

18 MR. JACKSON: Thank you. And to your left
19 please.

20 MR. JOSEPH: Howard Joseph, Program Manager,
21 Texas Workforce Commission.

22 MR. JACKSON: Thank you Howard.

23 MR. SERNA: Ed Serna, Deputy Executive
24 Director, Texas Workforce Commission.

25 MR. MOORE: Kelvin Moore, Program Manager

1 Purchasing from People with Disabilities.

2 MR. WEBER: Fred Weber, TIBH.

3 MS. ZAVALLA: Mandy?

4 MS. MILES: Amanda Miles.

5 MR. CAUDILL: Hi, Kevin Caudill, Advocacy
6 Specialist Easterseals Central Texas.

7 MR. JACKSON: Thank you.

8 MR. VANLOO: Roxy VanLoo, TIBH.

9 MR. MEYER: Rick Meyer, counsel for TIBH.

10 MS. RICHARDS: Marie Richards, TIBH.

11 MR. RADFORD: Kyle Radford, TIBH.

12 MS. ZAVALA: That's it.

13 MR. GRAHAM: That's it Kelvin.

14 MR. JACKSON: Anyone else? Great. Thank
15 you. And thank you very much.

16 One thing that I would ask if you all don't
17 mind is that Brandye and I have a little difficult with our
18 -- our vision, so, as we go through and we are asking for a
19 yes or no's or whatnot, if you could please provide us with
20 an audible because I know everybody is clean-shaven and
21 everybody has their hair -- well, I can't tell if you're
22 shaking your head up and down or left or right, so, if you
23 could provide us with an audible we'd greatly appreciate
24 that. Any questions there please? Okay.

25 AGENDA ITEM NO. 2

1 MR. JACKSON: The next thing on our agenda is
2 we're going to take a look and I'm going to ask all of our
3 committee members if you have any questions to the meeting
4 minutes from our May meeting and the minutes that were taken
5 in, any questions there please?

6 MR. WEBER: No, sir.

7 MS. WILLIS: No.

8 MR. JACKSON: No questions? Okay. Great.
9 Now, Kelvin, do we need to vote on this? Is this going to
10 be a vote item or not?

11 MR. MOORE: Yeah, that's up to you sir, if
12 you would like to have a vote on approving the minutes that
13 would be up to you, your discretion.

14 MR. JACKSON: Okay. At this point in time,
15 then, I'd like to make a motion that the meeting minutes
16 from the last meeting be accepted by the committee, may I
17 have a motion?

18 MS. LACY: I'll make a motion that we accept
19 them.

20 MR. JACKSON: Motion's been made. Do I hear
21 a second?

22 MR. GRAHAM: Second.

23 MR. JACKSON: Second made. All in favor may
24 I hear Aye.

25 (Chorus of "ayes")

1 MR. JACKSON: Ayes have it. Any Nos? The
2 Ayes have it then the meeting minutes are taken. Thank you
3 very much.

4 AGENDA ITEM NO. 3

5 MR. JACKSON: Ladies and gentlemen if you
6 take a look at our next agenda item we're going to be
7 talking about some performance measures. And with that in
8 mind what I thought we'd do first is actually have TBI --
9 TIBH speak to us about how they tabulate -- how they compile
10 the data, for example, is this data compiled on the annual
11 anniversary date that the CRP entered the program, do they
12 provide the data to TIBH at the end of the fiscal year
13 calendar year, when do they provide this data and on what
14 frequent a basis to TIBH. Because much of the information
15 that TIBH is able to calculate for us it will be their
16 annual report. In addition they'll be able to make
17 calculations based on the measurements that we propose and
18 the Texas Workforce does enforce, they do accept.

19 One other thing I'd like to do before we
20 start getting to that please and I know Mr. Fred Weber and
21 his staff is representing TIBH, but I'm going to ask you to
22 briefly speak on your compliance seminars please. And the
23 reason I'm asking that is because some of us may have not
24 had an opportunity to attend one of the TIBH and the CRP
25 compliance seminars and I think there's a lot of good

1 information that's shared there and I would encourage all of
2 our committee members if you have not had opportunity to
3 attend a TIBH compliance seminar, please do so because
4 there's quite -- there's some quite good information that's
5 shared there. That's a lot of good talk -- conversation
6 back and forth. So, would Fred or -- Fred or one of your
7 representatives like to address that please?

8 MR. WEBER: Kyle leads that -- those seminars
9 and the training and so I'm going to let Kyle speak to the
10 -- speak to the seminars and the goal and purpose and such,
11 Kevin if that's okay?

12 MR. JACKSON: Great. That's fine. Thank
13 you, Kyle.

14 MR. RADFORD: Good morning.

15 MR. JACKSON: Good morning.

16 MR. RADFORD: Kyle Radford, TIBH. Yes. One
17 of the -- on the things I get to do is help and provide the
18 training to our CRPs. Our regional compliance seminars,
19 compliance and training seminars are something that's
20 actually a requirement of the rules, the CNA has laid out in
21 the rules. So, annually we go out to the different regions
22 and provide seminars to the CRPs.

23 This year our focus on compliance is -- in
24 the morning we do a session from 9:00 to about 12:00 on
25 state use requirements as a CRP that's the different -- some

1 of the information that you all are about to go over in the
2 performance measures that's collected. Kind of working with
3 them on how they submit that information to TIBH. Their --
4 how they become certified and recertified in the program,
5 the different forms requirements of them. We go over
6 government contracting and purchasing procedures. So,
7 they're aware of any changes that have happened throughout
8 the year to the program, any new requirements on them, on
9 the CNA, on the Workforce Commission and just any general
10 updates with the program.

11 This year in the afternoon, we have an
12 additional session for our CRPs really to focus on
13 employment goals. Competitive integrated employment
14 placement and the person centered planning requirements that
15 are now part of being a CRP. All CRPs have to have person
16 centered plans on file for all their individuals with
17 disabilities participating in the program.

18 So, we contracted with a man by the name of
19 Dr. Bill Weber who is a Professor of Vocational
20 Rehabilitation at Stephen F. Austin University. The Weber
21 is just a coincidence. I think both -- I think Dr. Weber
22 and Fred would tell you that they are of no relation. They
23 -- they are both a Weber with one B which I don't think is
24 very common but we just managed to find another somewhere in
25 the state. But Dr. Weber has almost 50 years' experience in

1 vocational rehabilitation from the education side and then
2 the rehabilitation side working in various, now, TWC VR
3 CRPs. And at -- at SFA they're actually setup as a VR CRP
4 themselves doing job placement services.

5 So, he's developed a training covering a
6 myriad of issues for the CRPs to kind of train the trainer,
7 train those staff at CRPs to work with the individuals
8 employed at their different facilities. On person centered
9 planning, staff development, career counseling, training, so
10 he goes over how to actually develop a person centered plan.
11 He's developed some materials to give to the CRPs to help
12 them with that. To do functional assessments at different
13 job sites, to actually take them out and determine what
14 their interest and goals what different jobs, what best fit
15 them in the community. To develop continuing education --
16 custom employment development with the employers, developing
17 -- identifying employers and after those functional
18 assessments doing some carve outs or customized employment
19 options and working with the individuals to meet their
20 needs. Both benefits they receive and just their overall
21 goals and desires for employment.

22 And then continuing education for staff
23 through the UTN -- UNT WISE program or other options that
24 they have to get some continuing education on how to provide
25 job placement and employment services.

1 So, that afternoon session goes, it's been
2 well received, we've done two compliance seminars so far.
3 This past Tuesday we had a seminar in Austin and yesterday
4 we were in Arlington. They've been well attended. On Tues
5 -- next Tuesday we'll be in Houston and that seminar will
6 have a corresponding webinar, so, if you're not able to
7 attend any of the seminars and you're interested there is a
8 webinar as well. Then next Thursday will be in Corpus. And
9 then with UN -- or with SFA starting up classes the next
10 time we could get Dr. Webber was September, so then
11 September the 10th I believe we'll be in Abilene, so we're
12 wrapping up our seminars.

13 So, it's a great opportunity to go out and
14 meet with the CRPs, talk about what they are experiencing
15 and then share some information based on the program
16 requirements. Any questions?

17 MS. ZAVALA: If he's with Stephen F. Austin
18 he's really good. That's my home town.

19 MR. RADFORD: Oh, great. He is. He's --
20 he's been there for quite some time. He's -- he's very
21 proud of his university and he does a good job relating to
22 what the CRPs and the types of jobs and things they're doing
23 so it's a -- it's a really great seminar.

24 MS. ZAVALA: That was some of the questions I
25 had on these goals, so now that's already answered. Thank

1 you.

2 MR. RADFORD: Yes ma'am.

3 MR. JACKSON: Great. Wonderful. Any other
4 questions for Kyle please ladies and gents?

5 MR. GRAHAM: None.

6 MR. JACKSON: Kyle, thank you very much.

7 MR. RADFORD: Thank you.

8 MR. JACKSON: Thank you Mr. Graham, I
9 appreciate that audible.

10 MR. GRAHAM: Yes.

11 MR. JACKSON: All right. Thank you. Okay.
12 And Fred, who from TIBH is going to give us a real brief
13 overview in regards to the measurements?

14 MR. WEBER: I like that real brief, I guess.
15 I guess, Kevin, I will.

16 MR. JACKSON: Thank you sir.

17 MR. WEBER: And Nacogdoches is a -- is a
18 beautiful --

19 MS. ZAVALA: Indeed.

20 MR. WEBER: -- a beautiful town, we've
21 enjoyed visiting with Dr. Weber there.

22 Just a quick update, the numbers that you see
23 on the proposed -- not on the proposed but on the Advisory
24 Committee on those percentages and such, those numbers we
25 gather from the CRPs community rehabilitation programs every

1 quarter. The quarters -- the timing on that Mr. Jackson is
2 a little -- a little different, these numbers are -- go
3 through June. So, the reason being, if you read the
4 legislation we have to have the draft and all of the numbers
5 over to TWC and have -- have all that -- it has to be the
6 legislature on or before November the 1st. So, to do that
7 we can't end it in September, get all of those, get them
8 verified in that short a time so we just picked -- we didn't
9 pick but we used the quarter ending in June and then we --
10 we provide that. So, when you see that, that's where the
11 numbers -- that's where the numbers come from.

12 All the numbers that we get, each one is a
13 CRP and these are -- these are actual numbers I know -- as
14 you well know, serving on the pricing sub-committee before,
15 the others when they do their proposals on their contracts
16 and such, those are only proposals. So, these are the
17 actual numbers that the CRPs provide in -- in wages. They
18 are as to -- each one of these is -- is calculated on what
19 each CRPs average wage rate is within -- within the CRP.

20 And then on number eight, anything that the
21 Workforce Commission would like or need for us to include.
22 So, starting in -- in April of '18 we started collecting the
23 number the percentages of persons with disabilities who
24 participate in the program who are place -- but including
25 competitive management administration within the CRPs. So,

1 anything that this committee or TWC needs to add or find out
2 from the -- from the CRPs then will be included into end of
3 this -- end of this quarterly report.

4 I'm -- I'm pleased to pronoun -- announce
5 that -- that the CRPs do have the ability now to fill those
6 -- fill their requirements out online, so we should be
7 getting the numbers a lot -- a lot faster and hopefully
8 that'll -- that'll help with some accuracy. I know when --
9 when Kelvin and Howard go out and do their assessments with
10 the CRPs and such, if information is needed then we can --
11 we can readily provide them with -- with information on
12 that.

13 So, a couple of things I just wanted to note,
14 you know, the only things on here that we probably needed,
15 you know, that we would need to decide and looking at the
16 legislation was how much of the sales revenue attributed to
17 direct training and professional development for people with
18 disabilities and probably need a little guidance on -- what
19 yours all requirements, what's yours all definition would be
20 on -- on having those -- those CRPs fill that particular --
21 fill that particular out -- number out.

22 What you heard with Kyle and with Dr. Weber,
23 one of the contract requirements this year has been to
24 provide and inform our -- our CRPs our own Competitive
25 Integrated Employment to help assist them in getting their

1 program, their person centered training -- person centered
2 evaluation training in-house and so we're spending that time
3 and effort as Kyle stated in the afternoons providing that
4 information, so -- and that instruction on -- on how they
5 can -- they can accomplish that -- that mission.

6 So, we can come up and we can add some --
7 figure out how we want to -- to start tracking that
8 particular -- that particular area on the -- on the
9 tracking. Is that -- was that what you -- about what you
10 needed Mr. Chairman?

11 MR. JACKSON: Yes, sir. Yeah. And thank you
12 for that information and the frequency in which that data is
13 collected. I think that's very important for us to
14 understand in particular the measurements that are going to
15 be taken. And now that they have an opportunity to supply
16 that data electronically via computer that's even better, so
17 that's great.

18 MR. WEBER: Yes, sir.

19 MR. JACKSON: Great. Thank you.

20 MS. HOWARD-HERBEIN: Mr. Chairman, can I ask
21 a question -- questions?

22 MR. JACKSON: Yes. Please ask him.

23 MS. HOWARD-HERBEIN: Just to clarify, first
24 of all, is this data from all CRPs? Is it required data?

25 MR. WEBER: Yes. It is. It's all CRPs that

1 are participating in the program.

2 MS. HOWARD-HERBEIN: Okay. And --

3 MR. WEBER: And it's only for -- for State
4 Use work.

5 MS. HOWARD-HERBEIN: It's only for State Use
6 work, so it's not all CRPs that would have other TWC
7 contracts?

8 MR. WEBER: Right. I mean we -- if they're
9 doing other work, this is only -- this is only specific to --
10 - to the State Use Program.

11 MS. HOWARD-HERBEIN: And is it only specific
12 if -- if a CRP was doing State Use and also had perhaps a
13 sheltered workshop or something else funded in another way,
14 would that all be included or is this only for folks that
15 are under those State Use contracts?

16 MR. WEBER: It's only for those folks that
17 are under State Use contracts. That being said I think
18 maybe to answer your question, if -- if someone per say at a
19 lighthouse spends 20 hours a week working on -- on a project
20 and they go to another project then it should be only the
21 hours that they spend on State Use. So, when we get this
22 information -- and this information is all accumulated in
23 that annual report, so they want to know specifically what's
24 going on with -- with State Use.

25 MS. HOWARD-HERBEIN: I'm sorry, one last

1 question. Under number seven, is that true that 12 hours a
2 week is the average? Do you like have a high and low?

3 MR. WEBER: We have plenty of folks that work
4 40 hours a week in the program. If you just take the -- if
5 you took the total number of hours by the number of
6 individuals we have some that are in Austin State School and
7 maybe they work -- maybe they have a small -- a real, real
8 small contract and they work two hours a week on that
9 particular contract, so on the -- on the average going --
10 going back and forth but, you know, plenty of folks that we
11 have that work -- that work 40. So, it includes everybody
12 and the -- the small contracts along with the -- with the
13 larger -- with the larger contracts.

14 MS. HOWARD-HERBEIN: Okay. But just appears
15 to be a little low, the average hourly wage is not
16 particularly low, so it was just interesting. Thank you.

17 MR. JACKSON: Does that answer your question
18 okay?

19 MS. HOWARD-HERBEIN: Yes.

20 MR. JACKSON: Thank you.

21 MR. GRAHAM: Linda has her hand up.

22 MR. JACKSON: Linda?

23 MS. LOGAN: Hi.

24 MR. JACKSON: Hi.

25 MS. LOGAN: I thank you for bringing these

1 speakers, it's -- it's good. I have a couple of questions.
2 On number four the average hourly wage and then it says like
3 for example for individuals with disabilities \$11.34 an
4 hour.

5 MR. WEBER: Uh-huh (affirmative).

6 MS. LOGAN: And it says including benefits,
7 does that mean that the cost of benefits is calculated into
8 the hourly wage? I don't -- or do you mean plus benefits?
9 \$11.34 an hour plus benefits or \$11.34 -

10 MR. WEBER: \$11.34 includes the benefits.

11 MS. LOGAN: So, the value of the benefits is
12 how much? Can we get the figure like how much an hour not
13 including benefits?

14 MR. WEBER: I don't have that number right --
15 right -- I don't have that right now, I mean I could -- I
16 could see if I can figure the -- the number on there but,
17 you know, --

18 MS. LOGAN: That would be --

19 MR. WEBER: -- as an overall -- as an overall
20 -- as an overall percentage and such but I would, you know,
21 I'd say probably the bulk of that would probably be about
22 the -- I just don't want to guess at a -- at a particular
23 percentage.

24 MS. LOGAN: But the -- but the information is
25 available?

1 MR. WEBER: I can get that information.

2 MS. LOGAN: Okay. That would be really,
3 really helpful. The next question relates to number five.
4 And it assumes \$11.34 which is including benefits times 2080
5 hours which is, you know, a 40 hour work week.

6 MR. WEBER: Uh-huh (affirmative).

7 MS. LOGAN: But when you come over and look
8 at the average on number seven it's 12 hours a week, so it's
9 misleading to me to multiply the figure \$11.34 by 2080.

10 MR. WEBER: Well, I -- I -- I understand your
11 question. The average annual salary when you're doing what
12 somebody's average if they worked annually, that's how --
13 that's how I read the -- read the question. If everybody
14 worked the -- the full annual amount then it would be -- it
15 would be that amount but, you know, the 12 hours a week it's
16 not -- some of them worked less hours some of them worked --
17 worked more hours and I guess I read the question is, is
18 that what would be the average annual salary if -- if they
19 worked annually. That's -- that's just my interpretation of
20 that.

21 MS. LOGAN: Right. I understand -- I
22 understand the basis for -- for that but I think it would be
23 more meaningful to people advocating for people with
24 disabilities to get the -- strip the benefits off, get the
25 hourly and then multiply whatever that number is by the

1 average I guess. Or maybe you could show a range, people
2 work 12 hours what's the average or if they work 40 hours,
3 you know, then it would be something times 2080. I have --
4 I think I have one -- one more question. So, two more
5 questions. Well, I've already asked that one.

6 And so, not based on this but is it -- so
7 there are like 200 and some odd people that are still being
8 paid subminimum wage in the State Use Program?

9 MR. WEBER: That was the number that we got
10 off of the last annual report, the 238. It's gone down. I
11 think it's -- it's -- I know that it's in the -- it's under
12 200 -- it's under 200 individuals.

13 MS. LOGAN: And I guess my final question is
14 --

15 MR. WEBER: And like I said we'll get that --
16 we'll have that information, you know, that's the
17 information that we're compiling, you know, that we'll --
18 we'll be compiling now.

19 MS. LOGAN: Right. That would be really
20 helpful. My last question relates to, you have sales of 154
21 million.

22 MR. WEBER: Uh-huh (affirmative).

23 MS. LOGAN: And wages and benefits
24 individuals with disability is less than a third of that
25 since, what is it, 75% of the people theoretically that are

1 served in the program are people with disabilities?

2 MR. WEBER: 75% of direct labor hours, right.

3 MS. LOGAN: What are -- what are non-direct
4 labor hours? Or let's say --

5 MR. WEBER: Non-direct labor hours?

6 MS. LOGAN: Non-direct labor hours.

7 MR. WEBER: That would be for supervisory
8 cost and such.

9 MS. LOGAN: Okay.

10 MR. ALLEN: Warehouse workers.

11 MR. JACKSON: Administration and so forth.

12 MS. LOGAN: And do you have a figure
13 associated with the training you're providing? And how much
14 is it -- how much does it cost to provide the training?

15 MR. WEBER: You mean that we're doing -- that
16 we're doing --

17 MS. LOGAN: All the training that you've
18 provided including what you've described -- the webinars.

19 MR. WEBER: I don't have the -- I don't have
20 the exact figure right now. I know that we -- I'll have to
21 get that -- I'll have to get that number for you.

22 MS. LOGAN: Okay. Thank you.

23 MR. WEBER: I mean a lot of that too we're
24 going to be, you know, as we're moving forward on this --
25 this training. I know what our overall training budget, I

1 don't have it in front of me, are you asking what
2 specifically -- I mean we do -- are you asking for training
3 for Competitive Integrated Employment or are you talking
4 about our overall training budget to the CRPs?

5 MS. LOGAN: Well, both actually.

6 MR. WEBER: Okay.

7 MS. LOGAN: I'm interested in -- it looks
8 like in sales and then -- and then the percentage that you
9 have available to spend on the program, I'm just curious how
10 the money is spent, that's all.

11 MR. WEBER: Okay.

12 MR. JACKSON: May I ask a follow up question
13 if you don't mind?

14 MS. LOGAN: Sure.

15 MR. JACKSON: With that in mind, you asked a
16 good question actually but help me understand how that would
17 be beneficial for the long term qualitative and quantitative
18 success of the program.

19 MS. LOGAN: I'm interested in the long term
20 quantitative and qualitative success of individuals with
21 disabilities.

22 MR. JACKSON: Right.

23 MS. LOGAN: So, I mean the program is
24 instrumental --

25 MR. JACKSON: Right.

1 MS. LOGAN: -- in getting us there and that's
2 why to me it's important how all the money that's being
3 collected is put back into the program to achieve the goals
4 that have been delineated around reducing the number of
5 people being paid subminimum wage.

6 MR. SERNA: Mr. Chairman?

7 MR. JACKSON: Question, please, Ed.

8 MR. SERNA: Ms. -- Ms. Logan -- I understand
9 Ms. Logan what you're -- what you're asking and I think the
10 -- the way that can best be depicted is if we provide a
11 breakdown of the total expenditures of the program that
12 would include training and then a sub breakdown of the
13 training that would say this is training for the CRPs as a
14 business, this is training for the employees of the CRPs
15 that have disabilities either provided by TIBH or by the
16 CRPs and we can -- we'll work to collect that information.
17 I think also from a -- from a kind of broader perspective
18 the question and answer -- and of course I'm not on the
19 committee but the question and answer between you and Mr.
20 Jackson, your -- your questioning boiled down a little bit
21 further to just those individuals with disabilities who were
22 paid subminimum wage?

23 MS. LOGAN: Not really but that is -- but
24 that is like the focal down the tunnel at the end of the
25 tunnel the number we're looking at.

1 MR. SERNA: Yes, ma'am.

2 MS. LOGAN: And -- and -- but that does not
3 exclude people with disabilities who are being paid minimum
4 wage or better but, you know, that they're getting what they
5 need in the way of vocational development.

6 MR. SERNA: Right. And that's what I wanted
7 to clarify is, I recognize that from our perspective our
8 focus are all the individuals with disabilities that are
9 engaged in the program, of course TWC's focus is broader
10 than that but for this program -- And I think we can begin
11 to look at the feedback from the -- from the committee and
12 working with -- with TIBH and the CNA and with the CRPs, we
13 begin -- we can begin to look at one, what information we
14 can collect that's delineated or has a little bit more of a
15 granularity with regard to the individuals that are being
16 served and what's been provided to them, those individuals
17 that are -- that are employees of the CRP with regard to
18 training, with regard to pay, with regards to benefits
19 across the spectrum. The spectrum meaning, you know, where
20 they're paid including the subminimum wage.

21 And then second working with the committee
22 take steps to once we understand that and I think this came
23 up at the last committee meeting, we can refine these
24 measures but once we -- once we study that more we may want
25 to refine it and have something that's further broken down

1 with regard to the training or with regard to the benefits
2 or with regard to something else that we're not even
3 thinking of right now. That says for these employees and --
4 that are inclusive with CRP with disabilities being paid
5 above subminimum wage and then for these employees that are
6 being paid less, kind of the same thing or maybe it's
7 something different that we haven't imagined.

8 But -- but I understand the questioning and I
9 think one of the things that at least at this point what we
10 can do is we can probably easily facilitate that, and I say
11 we TIBH but TWC working with TIBH, we can easily facilitate
12 that by breaking down how the -- how the funds are expended
13 which is included in the annual report by the way, there is
14 some breakdown in there.

15 MS. LOGAN: Right. And I -- for some reason
16 I didn't find it illuminating.

17 MR. WEBER: Right. And we can -- we can
18 attempt to shine more light on it. But we can also then
19 continue to refine what information we're collecting from
20 the CRPs because some of what TIBH provides is -- is limited
21 by what they have been collecting and we've slowly started
22 expanding that since the program has been here, now we're
23 talking about training for individuals and expenditures
24 there and Dr. Weber has been brought on board to assist with
25 that. We can begin to -- we can begin to record some of

1 that information to answer those questions. So, I think the
2 exchange is valuable.

3 And I also think that it would be good for us
4 to -- to maybe have some of the earlier questions to see --
5 to see some kind of a range on the -- on the hours worked
6 spectrum because there are a lot of employees that work 40
7 hours or 32 hours or whatever it is at a CRP but the numbers
8 that work less than that of course in average like our
9 executive director Larry Temple is fond saying you can drown
10 in an average of three inches of water.

11 MS. LOGAN: Right.

12 MR. SERNA: If you're considering average.
13 So, we'll look at how we can depict that a little bit better
14 in some kind of -- in some kind of range that says --
15 without having to go, you know, maybe we'll say, you know,
16 30 and above, 40, 30 and above, 20 and above, less than 15
17 or something like that, so that we don't have, you know,
18 6000 different points of -- points of time so.

19 MS. LOGAN: Right.

20 MR. WEBER: I wanted to add one thing that
21 you had stated. I think our percentage paid to individuals
22 with disabilities and the benefits is as far as I know and
23 I've been checking I think it's probably about the highest
24 in the country. When you were talking about the 75%, you
25 know, the one thing when individuals go and work out on a --

1 on a service contract it's pretty labor intensive, so there
2 is a lot of labor involved in those particular -- particular
3 contracts.

4 MS. LOGAN: Uh-huh (affirmative).

5 MR. WEBER: When -- we also sell a good
6 number or a third of the program at least a good number of
7 products. So, they're -- they're at 100% disabled labor but
8 when you look and you're selling the product for, you know,
9 for \$30 you have about \$3 or maybe \$5 in labor or whatever
10 it may be because you do have the cost of the products and
11 such.

12 So, when you look at the -- the different
13 types of services that we provide, products provide, I think
14 most of those are for the most part 100% direct labor on the
15 product because you do have the cost of the product and you
16 have the cost of the materials raw materials and such like
17 that. So, you know, when you look at the program as a
18 whole, you have a lot of diversity in service contracts and
19 product contracts. So, when you look at that and you say
20 well the 75%, yeah, we have 100% of those people getting
21 paid on the products but you also have a different --
22 different type of -- you're also doing a different type of
23 project, you're doing -- you're making something that you're
24 selling at a -- at a fee. I don't know if that helps when
25 you're looking at those -- when you're looking at those

1 numbers but when you go out and you have 75 folks -- 75% and
2 -- and most of that contract is done on labor intensive
3 landscape maintenance or something to that affect then
4 you're going to have a lot higher number of hours per
5 dollar, you know, per dollar sold. I don't know if that
6 helps or makes sense.

7 MR. JACKSON: Does that answer your question
8 okay?

9 MR. GRAHAM: Mr. - Mr. Chairman?

10 MS. LOGAN: Well, I think -- I think it's a
11 start.

12 MR. WEBER: Okay.

13 MS. LOGAN: Okay.

14 MR. JACKSON: Thank you. Any other questions
15 for Fred or ED at this time? Anything that you all would
16 like to add gentlemen?

17 MR. GRAHAM: I have a question.

18 MR. JACKSON: Question sir.

19 MR. GRAHAM: Michelle, would you like to go
20 first? You had your hand up.

21 MS. HOWARD-HERBEIN: Sure. Again, I think
22 I've been one that who's really asked for this data before
23 we set any targets and I definitely appreciate it. Do you
24 -- Is it possible to go back to 2015, 2016 on some of these
25 points such as number still working at subminimum wage,

1 number placed in competitive employment hours per week? It
2 would be really helpful to see has that been trending up,
3 has it been trending down, is it pretty much flat lined the
4 last few years.

5 MR. WEBER: I think most of that information
6 we've been tracking -- we've been tracking on that, so I
7 think we can go back on a lot of that -- on a lot of that
8 information. I know that our competitive placements on that
9 I think were up a little bit from '16 to '17. I don't --

10 MS. HOWARD-HERBEIN: The committee previously
11 had wanted to set some targets around percentages and that
12 would just be very helpful to kind of see whether those have
13 been going up or down. If you have that data for '15 '16 as
14 well as any national data I think that that would give us a
15 lot more basis to be able to set some goals.

16 MR. WEBER: Okay.

17 MS. HOWARD-HERBEIN: Thanks.

18 MR. GRAHAM: Thank you. Mr. Chairman?

19 MR. JACKSON: Yeah. Go ahead please.

20 MR. GRAHAM: Thank you. Linda, I -- I
21 multiplied out what you were --

22 MS. LOGAN: Saying.

23 MR. GRAHAM: -- saying there with the 12
24 hours a week average worked.

25 MS. LOGAN: Uh-huh (affirmative).

1 MR. GRAHAM: And it comes to \$7,076 a year
2 again as an average annual compensation for people
3 participating in the program who have a disability. So, I
4 think your discussion is not necessarily just about minimum
5 wage but also about a living wage --

6 MS. LOGAN: Correct.

7 MR. GRAHAM: -- and I don't think \$7,000 a
8 year is really a living wage.

9 MS. LOGAN: Yeah.

10 MR. GRAHAM: But I want to -- to Fred, sales
11 in -- sales in '17 were 154,000?

12 MS. LOGAN: Millions.

13 MR. GRAHAM: Millions, excuse me.

14 MR. WEBER: 154 million.

15 MR. GRAHAM: Yeah, yeah.

16 MR. WEBER: I thought maybe I missed some
17 zeros.

18 MR. GRAHAM: I missed the zeros. Is that up,
19 down? That -- that seems really good like really good
20 growth.

21 MR. WEBER: It's up a little bit from -- from
22 the previous -- from the previous year probably somewhere
23 around 3% to 5% above. It's continual -- continual -- it's
24 grown some. You know, you look back a couple of years ago,
25 and this is an example, we had finished a huge contract

1 temporary service contract for -- for the Office of the
2 Attorney General and basically that \$6 million contract we
3 finished and so we kind of -- we had a little bit of a dip
4 and so we've added and then I think -- I think we had
5 another good year and temp services has been, you know, has
6 been building up. And so, it's been -- we've been steady
7 with our growth.

8 MR. GRAHAM: Okay. And going to Michelle's
9 point here on sales and the amount of wages paid to folks,
10 are those rising in tandem? Is one rising faster than the
11 other?

12 MR. WEBER: They are rising.

13 MR. GRAHAM: I would like to see trends.

14 MR. WEBER: Yeah. I -- I think each year we
15 have -- those wages have increased. You know, just a few
16 years ago I think we were in the \$10 range and we -- we
17 those have steadily been -- been increasing, those averages
18 and such.

19 MR. GRAHAM: Okay. Thank you.

20 MR. WEBER: So.

21 MR. GRAHAM: I have one more question.

22 MR. WEBER: Go ahead please.

23 MR. GRAHAM: Item number eight on your
24 report, the -- the committee here in previous meeting had
25 been considering a number for outplacement, independent

1 outplacement of like 4% and I think I had thrown out 12% and
2 I look at your numbers here for actuals, and it's 24%.
3 That's one in every four people being outplaced, is that
4 true?

5 MR. WEBER: That's the information that we
6 receive, you know, based -- that we receive from the -- from
7 the CRPs.

8 MR. GRAHAM: Wow.

9 MS, LOGAN: Yeah.

10 MR. WEBER: You know, when that -- the
11 definition of that that we have used is, you know, that they
12 have received -- that they're receiving minimum wage and
13 receiving the full -- and the full benefits of -- at the
14 CRPs.

15 MR. GRAHAM: Oh, that includes placements in
16 the CRP?

17 MR. WEBER: Uh-huh (affirmative).

18 MR. GRAHAM: To a higher position in the CRP?
19 I don't get it.

20 MR. WEBER: In the benefits. Isn't -- isn't
21 that correct?

22 MR. GRAHAM: Number eight?

23 MR. RADFORD: That -- that's overall so we
24 just recently and TWC has started tracking individuals
25 outplaced individuals working on State Use contracts.

1 Previously it was all individuals that at the CRP
2 outplacements, those are the individuals working on other
3 contracts or things like that.

4 So, looking at the 6000 to the 1400
5 outplacements or whatever that is, those aren't two similar
6 data sets.

7 MR. WEBER: What he -- what he's saying is,
8 is that we asked for outplacement for the CRPs. And what I
9 was trying to say, I didn't say it correctly, was those ones
10 that are working on State Use contracts are the ones that
11 we're going to track now. So, in other words if there was
12 an out -- we ask for all of the outplacements within the
13 CRPs but now we've narrowed it back down to say it's got to
14 be outplacement for those folks that have worked on State
15 Use.

16 So, in other words if Platt had 50
17 outplacements but 30 of those -- he would report 50 on his
18 -- on his outplacements in the -- with the CRPs but we're
19 only looking at the number of outplacements now that have
20 actually worked on State Use contracts.

21 MR. GRAHAM: Okay. So, that number of 1473
22 includes all outplacements?

23 MR. WEBER: By the CRPs, right? Right Kyle?

24 MR. GRAHAM: By the CRP.

25 MR. RADFORD: That's correct.

1 MR. GRAHAM: And those are outplacements in
2 the Competitive Integrated Employment?

3 MR. WEBER: Yeah. That's -- that's the
4 definition that they're filling out, yeah.

5 MS. HOWARD-HERBEIN: So, they would meet the
6 current VR's definition of competitive employment?

7 MR. WEBER: I don't know that I --

8 MR. ALLEN: Mr. Chairman? Just for
9 clarification?

10 MR. JACKSON: Question please.

11 MR. ALLEN: This is Platt.

12 MR. JACKSON: Yes, Platt.

13 MR. ALLEN: We -- when we outplace someone we
14 are not evaluating the outplacement that they're going into.
15 So, if we have an individual that leaves our employment and
16 goes to work for Albertsons let's say, I don't have
17 qualified staff to go out and evaluate whether or not
18 Albertsons is a competitive integrated employer. So, if
19 they leave our employment and we -- we count them as one, I
20 cannot with confidence say that every one of those they went
21 into what the VR's definition of Competitive Integrated
22 Employment would be. Because that's not the way this
23 question is asked.

24 MR. WEBER: Okay. Charlie, to go back to
25 your question, this is -- this is what we're asking of the

1 CRPs -- the question.

2 MR. GRAHAM: Okay.

3 MR. WEBER: The percentage a person with
4 disability is going to participate in the program and are
5 placed in competitive positions including competitive
6 management or administrative position within the CRPs,
7 that's -- that's the definition that we are using.

8 MR. GRAHAM: Okay.

9 MR. WEBER: Whether that meets the state's
10 definition, I don't -- I don't think -- I don't know exactly
11 -- I think I kind of know what the state definition is but I
12 don't know that the state definition would allow for
13 individuals in the CRPs to go into a management position and
14 be considered competitive placement. So, I don't know. You
15 would -- that's the definition that they have to answer on
16 these competitive emplacements I guess is my point.

17 MR. GRAHAM: Okay. And the committee has
18 been asking for some months now for a baseline, is this a
19 baseline, is this the baseline that you want to present 24%?

20 MR. WEBER: Again, we just started in '18 in
21 April take -- getting the number of individuals that are
22 placed in competitive employment that are working on State
23 use contracts -- that are working on State use contracts.
24 Again, our point was, this was a total number of people
25 within the -- within the facilities total that are -- that

1 there please?

2 MR. SERNA: I will. This is Ed.

3 MR. JACKSON: Please.

4 MR. SERNA: I think Michelle is absolutely
5 right that there is no presentation by the VR counselor --
6 or -- or, not the counselor but the VR director at the last
7 committee meeting that explained what TWC was using via --
8 via the WIOA definition for Competitive Integrated
9 Employment.

10 With regard to this measure, what we want to
11 do and one of the things that the previous committee had
12 talked about, what we want to do is measure how many of the
13 employees, how many of those 6000 employees that the -- that
14 are working on the State Use Program are actually moving
15 from employment within a CRP to outside employment and if
16 necessary distinguish total movement to outside or upward
17 mobility to Competitive Integrated Employment outside of the
18 CRP. Because it's going to be almost impossible for there
19 to be, though I'm not an expert, I would think that it would
20 be almost impossible for there to be Competitive Integrated
21 Employment in a lot of our CRPs.

22 But for example, if a CRP were to train an
23 individual and that individual were then to move from, we'll
24 use Lighthouse -- one of the Lighthouses that individual
25 were then to move from employment in that Lighthouse -- in

1 that Lighthouse to employment with Mr. Graham in Mr.
2 Graham's business which we I think have defined as being
3 Competitive Integrated Employment, then we would want to
4 count that individual even though he's moved from one CRP to
5 another CRP.

6 If the individual in a CRP has moved into a
7 management position and those management positions are
8 competitively hired, you know, you had to submit -- that
9 individual had to submit an application within the same CRP
10 and had to go through an interview process and was selected,
11 then we would assume that that would have been a competitive
12 inte -- a competitive employment. But -- and those roles
13 are integrated. Once -- once you've moved into a management
14 role or a supervisory role or something else in some of the
15 CRPs, our assumption would be those roles would be Compet --
16 Competitive Integrated Employment. VR would have to weigh
17 in or somebody would have to weigh in to help us say yeah
18 those are, so this piece of the CRP is competitive
19 integrated, this piece is not, this CRP is, this CRP not
20 globally or globally is not.

21 But what -- so, one, we'd have to decide
22 that. Two, then we would have to decide how we would report
23 those things. This program has never collected the
24 information that we've asked them to collect now with regard
25 to Competitive Integrated Employment so it's going to be

1 almost impossible for us to provide historical information
2 or for TIBH to provide historical information to use as a
3 baseline. So, this may be one of those situations where we
4 want to sort of establish some target knowing that we're
5 going to adjust that target in a year based on more accurate
6 information versus waiting -- we collect data but versus
7 waiting to not report anything until we have enough data to
8 establish a measure.

9 It's not the normal way you would want to
10 establish a measure but if there is nothing there you have
11 to -- in my opinion you have to sort of stick a stake in the
12 sand if you say 4%, 2%, 24%, we have to sort of stick a
13 stake in the sand and see how we do relative to that
14 otherwise we're not really challenging anybody or
15 establishing any kind of a target for the program
16 participants to attempt to achieve, participants in this
17 case being CRP's attempt to achieve it. So, it is fair to
18 say that --

19 MS. HOWARD-HERBEIN: It's very scary. I mean
20 we want to look at what happened to, you know, Texas
21 Education Agency when they said, oh 8, you know, 8.5 sounds
22 good, I mean just be cautious because once you get something
23 in writing people take that as the gospel and --

24 MR. SERNA: And I'm -- and I'm fine with
25 there not being something there, it's a committee decision.

1 MS. HOWARD-HERBEIN: Right.

2 MR. SERNA: So, the committee may decide, and
3 it is a committee decision, this is simply my input, the
4 community may decide okay so this is not -- this is
5 something we want to measure in the future, we don't want to
6 measure it now until we get enough information and that may
7 be two years from now so that you have '18 and '19 worth of
8 data or we're going to miss an opportunity.

9 MR. GRAHAM: I think we have some matching
10 order from the Sunset Commission.

11 MR. JACKSON: Yes, exactly right. And in
12 fact with that in mind, with this conversation taking place
13 let me ask our Advisory Committee everyone here, based on
14 the data that Ed's just shared with us, should this be a
15 proposal that we discuss right now for measuring and whether
16 or not we want to put as the indicator a stake in the sand
17 to be a baseline?

18 MR. GRAHAM: I so move to put a stake in the
19 sand, pick a number and move forward with the proviso that
20 we as committee don't have to -- don't have to be the ones
21 responsible for moving that number if it can be moved
22 administratively within TWC.

23 MR. JACKSON: Okay.

24 MR. GRAHAM: That's the question, Ed.

25 MR. JACKSON: May I add also and I'm glad

1 that you brought this up Mr. Graham, thank you very much.
2 And where I'm going with this and I was going to save this
3 for later but I'm going to share with share with everyone
4 now. I was thinking about the proposals that we're going to
5 make and obviously it's all intended to benefit the program,
6 the Texans with disabilities, the CRP, the state clients,
7 everyone with the program, and what I was thinking of
8 recently was not only providing the proposal that we would
9 suggest to TWC but remember it's up to TWC whether or not
10 they accept the proposal we recommend. It's solely their
11 decision.

12 But with that being said with the proposal
13 that we do recommend, provide a reason why we're making that
14 recommendation. And what I was looking at there is to hope
15 -- hope fully better address that to the folks at TWC who
16 make -- who will make the decision and just as importantly
17 the Sunset Commission and the people set the state
18 legislature. So, when they look at the proposals that we've
19 made they'll know exactly why and they won't try to second
20 guess decisions that we've made. You see what I'm saying
21 ladies and gents?

22 MS. ZAVALLA: Yes, sir. Yes.

23 MR. JACKSON: In addition to that what I was
24 also looking at was not only the reason why but for example
25 when we submit it to TWC and they say no to that specific

1 proposal, perhaps with Ed's input and Howard and Kelvin,
2 they could come back and tell us why they said no to that
3 proposal. So, we may table it at this point in time but
4 based on changes in the state and federal legislation we may
5 want to come back and visit that. See what I'm saying?

6 Also, as we've talked about with some of the
7 measures it looks like the frequency, and Fred has done a
8 good job providing us with the frequency of the measures
9 that we make, but the one thing that I really don't want to
10 see us get into is the fact that we make one proposal that
11 may have a conflict with another proposal. And I don't want
12 to see that because that's going to going to go against the
13 grain of our committee, just in case that comes up with the
14 future sub, just thinking an advanced application. Does
15 anybody agree or disagree with what I just said?

16 MS. ZAVALLA: Mr. Chairman.

17 MR. JACKSON: Please.

18 MS. ZAVALLA: I appreciate y'all's (sic)
19 comments. The day we came up with these fictional numbers
20 we spent all day and I was -- I was -- I was very annoyed
21 because we didn't know what the bullseye was. I think this
22 collection of data you got to stick the stake in the ground.
23 And as parents of people with disabilities, that making
24 judgment phrase is music to my ears. That's the way we've
25 raised our children having to make adjustments so that's

1 what we know best. So, I applaud it to come up with -- with
2 something and adjust.

3 And I -- if I can just put one little thing
4 in here. I -- this training sounds really exciting to me.
5 The training material that's been used, was that Dr. Weber's
6 that was already created that we're using?

7 MR. SERNA: That's you guys. The training
8 material that's been used that Dr. Weber provided, was it
9 already created or is it being created?

10 MR. WEBER: Dr. Weber worked with our staff
11 and we worked with him to -- he is the -- he's our expert I
12 guess I'm going to say at Stephen F. Austin who teaches, you
13 know, rehabilitation, counseling and he developed that --
14 that information about how to go against, you know, how to
15 develop persons under training.

16 MS. ZAVALLA: And I think --

17 MR. WEBER: So, that was -- that was his --
18 that was not ours --

19 MS. ZAVALLA: -- no reason to reinvent the
20 wheel. That -- and I'm sure --

21 MR. WEBER: And so, he's going through there
22 and he's going all the way back to, and again Kyle can
23 probably speak to this as well but he's going back to, you
24 know, sitting down with that individual, going through --

25 MS. ZAVALLA: That's great.

1 MR. WEBER: -- what their goals are or what
2 their -- you know. And going through -- going through I
3 would assume -- and -- and to -- to continue with your
4 question Ms. Zavalla, was -- we sat down and we went over
5 this with the rehabilitation folks in TWC, so it was
6 coordinated with them about what we were going to be
7 teaching and what we're going to be expecting from our CRPs.
8 And we wanted it to be as closely parallel to what -- what
9 the -- what the VR folks who are out in the state are
10 expecting from the CRPs who are not included in our
11 programs.

12 MS. ZAVALLA: Couldn't be better I don't
13 think. I just like to be nosy and see a little bit of it.

14 MR. WEBER: Well, you're more than welcome.
15 We would love to have you come and -- we have two training
16 seminars next week and --

17 MS. ZAVALLA: It's what I was going to ask
18 next.

19 MR. WEBER: We have one in Houston on Tuesday
20 and then one in Corpus on Thursday.

21 MS. ZAVALLA: Right. I got all that written
22 down. Whereabouts in Houston is the training?

23 MR. WEBER: Well, let me tell you, I just
24 know what city I'm supposed to be in so I'll have to find
25 that out for you.

1 MR. JACKSON: Please.

2 MR. WEBER: Do you know where it is Kyle?

3 MR. RADFORD: At the Hilton Westchase.

4 MS. ZAVALLA: At where sir?

5 MR. RADFORD: The Hilton Westchase.

6 MS. ZAVALLA: And it starts at what time?

7 MR. RADFORD: 9 o'clock.

8 MR. WEBER: 9 o'clock begins the training for
9 CRPs about program requirements and that's where we go over
10 all of this information --

11 MS. ZAVALLA: Right.

12 MR. WEBER: -- about what they should be
13 reporting --

14 MS. ZAVALLA: Yes.

15 MR. WEBER: -- and all updates and that --
16 about the program. And then the person centered training,
17 that comes on right after -- right after lunch and then
18 that's the afternoon session.

19 MS. ZAVALLA: I haven't looked at my calendar
20 yet but if my calendar allows I really want to go to it.
21 And so, do we need to register or anything, tell them we're
22 coming?

23 MR. WEBER: No, ma'am. If -- if you want
24 just contact us we'd like to know that you're -- we'd like
25 to know that you're coming, so, we'd love to introduce you.

1 MS. ZAVALLA: Yeah. Sure.

2 MR. WEBER: And I know that -- I think saw
3 this on something that I read, I think it was a note from
4 Mr. Jackson, you know, I would like everybody from the
5 Advisory Committee to come, you know, I mean come to -- all
6 day but, you know, if you'd like to, you know, especially if
7 you're interested in that particular portion come in the
8 afternoon. And we have several -- and -- and we'll be glad
9 to, you know, -- and I'd love to -- I'd love to hear your --
10 I'd love to hear your feedback on it.

11 MS. ZAVALLA: I always have opinions, always,
12 so no problem.

13 MR. JACKSON: Thank you.

14 MR. GRAHAM: I want to thank you for
15 expressing your support of the stake in the sand idea.

16 MS. ZAVALLA: I like it, yes.

17 MR. GRAHAM: Would you be willing to second
18 my motion?

19 MS. ZAVALLA: I would.

20 MR. JACKSON: Before we do that, if you don't
21 mind Judy and Mr. Graham, can we get first of all a
22 clarification of the measurement that we're proposing so
23 that we could have a buy in from all of the other committee
24 members so we clearly understand what the proposal is we're
25 making?

1 MR. GRAHAM: I -- I'll -- yes. I move that we
2 agree to set a number today for our outplacement so defined
3 target for the program --

4 MR. JACKSON: Okay.

5 MR. GRAHAM: -- with the assumption that
6 whatever number we select in a second motion is adjustable
7 by the Commission administratively.

8 MS. ZAVALLA: I second.

9 MR. JACKSON: The motion has been made. The
10 second. All in favor may I hear aye?

11 (Chorus of "ayes")

12 MR. JACKSON: Any oppose? Ayes have it.
13 Motion is been made, so we will make that measurement. So,
14 the next part of the phase we'll be looking at the actual
15 number, correct Mr. Graham?

16 MR. GRAHAM: Correct.

17 MR. JACKSON: In addition to that may I say
18 that, again, just to help with the state legislature and the
19 Sunset Commission, why is this measurement important for
20 Texans with disabilities for the State Use Program?

21 MR. GRAHAM: Do you want me to recite the --
22 the Sunset Commission's findings?

23 MR. JACKSON: No. If -- if -- if it's
24 already -- I'm just saying because the folks who were on the
25 Sunset Commission before may not be that again and they're

1 going to be looking at some historical records to understand
2 but again to help the current legislative force and folks
3 within TWC to understand why we're making this proposal,
4 that's why I say I thought it might be helpful. If there is
5 already written information to that we can just refer to
6 that rather than going into a long reading of that area, do
7 you see what I'm saying?

8 MR. GRAHAM: Well, I will -- I will state my
9 understanding of what the last Sunset Commission of the
10 program concluded, and that is that the program is lacking
11 for performance standards and performance measures of any
12 kind.

13 MR. JACKSON: Right. Uh-huh (affirmative).

14 MR. GRAHAM: And that the future
15 administration of the program needs to have some
16 understandable and measurable performance expectations.

17 MR. JACKSON: I understand.

18 MS. ZAVALLA: any business model should.

19 MR. JACKSON: In regards to this current
20 measurement, why is it important? This current measurement.

21 MR. GRAHAM: To get something in place.

22 MR. JACKSON: Okay.

23 MR. GRAHAM: Something.

24 MR. JACKSON: Regarding competitive
25 integration?

1 MR. GRAHAM: Yes.

2 MR. JACKSON: Regarding outside employment?
3 Regarding -- so, this current measurement is important
4 because of being able to measure competitive integration
5 within a CRP or outside the CRP.

6 MS. ZAVALLA: It's vital to the people with
7 disabilities that we do this, they've been ignored for far
8 too long.

9 MR. GRAHAM: I got make a -- a bit of a
10 speech on this.

11 MR. JACKSON: And if you all think that
12 reason why behind the measures is a bad idea on my part
13 please let me know because we don't have to include that.

14 MR. GRAHAM: Okay. I really want to -- I
15 really want to talk to that Mr. Chairman.

16 MR. JACKSON: Yes, please.

17 MR. GRAHAM: Back 150-ish years ago the
18 United States Congress decided to pass legislation after the
19 Civil War that has become known in the popular vernacular as
20 separate but equal. That legislation stood for 100 years-
21 ish before African American in this country began to -- were
22 -- were permitted to experience independent integrated life
23 in the United States. It has not been too long since people
24 with disabilities of every stripe have been -- 150 years in
25 Paris a person with a disability, a minor disability in many

1 cases, was left to beg on the streets. 50 years ago my
2 sister-in-law when she was born with a severe disability was
3 -- was nearly taken away from her parents by the state of
4 Ohio and placed in a, quote/unquote, mental institution.
5 She was not mentally ill, she had electoral disabilities.
6 There was no need for her to go to a mental institution
7 where we -- we all know the kinds of things that people
8 experience there.

9 And so, my personal stake in the ground with
10 this committee is -- is to do everything I can to end that
11 notion that separate is equal because separate is not equal.

12 MR. JACKSON: Right.

13 MR. GRAHAM: End of speech.

14 MS. ZAVALLA: In the 60s I thought it was
15 perfectly normal I went to school in the Alvin District, we
16 shipped them off to Dickenson. And then in 1973 Amanda was
17 born and it -- that all changed in my brain.

18 MR. JACKSON: Okay. So, getting back again
19 to Mr. Graham's measurement that we're going to put a stake
20 in the sand, the actual title that we're proposing is that
21 clear measurements be made for the competitive employment
22 opportunities within a CRP, is that what we are proposing
23 the measurements to be taken for that?

24 MR. GRAHAM: Not within a CRP but --

25 MR. JACKSON: Okay. Outside? Okay. I just

1 want to make clarification.

2 MR. GRAHAM: Independent competitive
3 employment.

4 MR. JACKSON: Independent competitive
5 employment.

6 MR. ALLEN: Mr. Chairman?

7 MR. JACKSON: Question sir.

8 MR. ALLEN: Thank you. This is Platt. As a
9 -- as an individual who runs a CRP and is going to have to
10 respond to this question, --

11 MR. JACKSON: Yes.

12 MR. ALLEN: I'd love a definition.

13 MR. JACKSON: Great.

14 MR. ALLEN: Tell me what I'm supposed to
15 count. I'm happy to count it but until you give me
16 something I can count that I can segregate folks into
17 buckets and say here is who's in what bucket, I'm going to
18 be -- I'm going to fail and we will fail in being able to
19 accurately report against Mr. Graham's motion and desire for
20 that -- for that definitive measurable number. Okay. But I
21 can tell you that we're still having arguments about what
22 the definition of competitive integrate employment is based
23 upon what WIOA says.

24 MR. JACKSON: Yes.

25 MR. ALLEN: They're -- right now they're

1 considering that anybody that's doing business or working
2 within an AbilityOne Program is -- would be considered
3 competitively integrated employment. So, if that definition
4 moves this number is going to move, so, in my mind we're a
5 bit premature in trying to set a definition because the
6 definition is not -- has not yet been set.

7 MR. GRAHAM: We have language from the
8 previous meeting and it said, let me get the glasses on,
9 that helps to read:

10 The percentage of individuals with
11 disabilities participating in the program that are placed in
12 competitive positions outside the program or received
13 increased wages, responsibilities or supervisory duties
14 within the program. Report quarterly target 4% per year.
15 That was on the last agenda.

16 MR. ALLEN: And Mr. Graham, how do I
17 determine whether that outside employment is competitive?

18 MR. GRAHAM: I don't know, look at the
19 dictionary.

20 MR. ALLEN: No, sir. That's -- I appreciate
21 the quip but that's -- that's insufficient. How am I
22 supposed to determine if a position that one of my employees
23 takes at another company outside of my control, outside of
24 my jurisdiction, outside of my intelligence, whether or not
25 that position is truly competitive?

1 MS. LOGAN: Excuse me, may I respond to that?

2 MR. JACKSON: Please.

3 MS. LOGAN: The term competitive is usually
4 used to mean at least minimum wage.

5 MR. ALLEN: Every job I have then is
6 competitive.

7 MS. LOGAN: Good.

8 MR. ALLEN: Okay. So, why would my -- why
9 would my jobs then be excluded from --

10 MR. WEBER: So, going to what you just read,
11 it included upward mobility inside the CRP?

12 MR. GRAHAM: Yes.

13 MR. WEBER: But I don't know that that's when
14 Michelle was talking about that, that's where the difference
15 is where she is saying are we following the state's VR.
16 That's where I'm getting -- I'm not trying to say but I'm --
17 we got a --

18 MR. GRAHAM: Well I don't think even VR
19 knows.

20 MR. WEBER: -- we have a definition that
21 we're tracking and we're saying these are the folks in the
22 program that are moving up in the program that are -- that
23 are supervisory in their own positions. And then her
24 comment to me was but that's not the state VR's definition.
25 I'm just trying to -- I'm not trying to start anything, you

1 know, what you just read is, you know, in counting and so if
2 Platt had an individual that was on the paper line and they
3 moved up to be a supervisor he would, I mean we -- would
4 that be okay or not? I think there is some --

5 MR. JACKSON: I think we have counsel here
6 from Voc Rehab, don't we?

7 MR. SERNA: Well, there is -- no, sir. We
8 have general counsel here.

9 MR. JACKSON: Oh.

10 MR. SERNA: There is a specific definition in
11 the Workforce Investment Opportunities Act that the Agency
12 uses. Mr. Platt raises a good point in that. If he places
13 someone versus if they take employment somewhere else, you
14 know, someone just leaves and look I found a better job, you
15 don't count that as one of your placements because you
16 didn't -- you may or may not have done anything to get them
17 there, maybe you did. So, we have to -- we have to refine
18 that.

19 MR. ALLEN: Sorry Ed. Some would -- some
20 would say that the training I gave them made them allow --
21 allowed them to be able to pursue that decision, so.

22 MR. SERNA: Right. Right. So, yeah. And
23 that's -- that's part of what we have to -- we have to
24 refine by outplacement. I mean outplacement is pretty
25 specific versus the training. And I -- I agree with you. I

1 think if someone learns something and they were able because
2 of that to take another job you helped them in that
3 perspective which you should have, I mean that was part of
4 the purpose, but then also you have -- you may have
5 encouraged or you may have had that initial introduction.

6 But that aside, Competitive Integrated
7 Employment is specifically defined in WIOA, it's not the
8 state's definition, it's a Federal definition that the state
9 -- it's a Federal definition that the state TWC and the VR
10 division uses. We have to use it, there is no -- we can't
11 bend it, we can't -- we can't mold it. One of the things
12 that I know our VR division is looking at is looking at the
13 CRPs individually not collectively and trying to determine
14 if there are, like Mr. Graham's temp services, opportunities
15 where a CRP providing a particular service and those are
16 your employees, they're going to have to go in and decide
17 pretty much looking on an almost case by case basis with
18 regard to the CRPs what's competitive and integrated.

19 And then second, beyond that, the definition
20 is pretty clear so that you don't have to worry unless
21 you've referred someone to another CRP. Unless your
22 outplacement took them from the Lighthouse to Mr. Graham's,
23 to -- to Peak -- Peak, then that would be our
24 responsibility.

25 So, one of the things that we may have to do

1 is add to the collection of where they went and then -- and
2 then it's on us, it's not on you. These are the numbers
3 that we report, I had 10 people that I placed, here is where
4 they were placed, you know, five at Albertsons, two at
5 Goodwill Temp Services and another three somewhere else.
6 And then we would say okay of those -- and I'm making this
7 up -- of those the Goodwill doesn't count or the Goodwill
8 does count and then we would -- we would say this is the
9 number. You would simply report to us.

10 Our goal, TWC's goal would be to minimize the
11 -- all the stuff you have to go through. It's not your job
12 to understand what WIOA's Competitive Integrated Employment
13 definition is, it's our job. It is your job to report to us
14 what we ask to be reported, and -- and all of y'all do so
15 I'm not griping about that. And then -- and then we'll work
16 through this.

17 MR. ALLEN: Just please don't ask to report
18 that much more.

19 MR. SERNA: Yeah. I'm trying to figure out
20 how to get the reporting so that it's -- it's almost
21 inconsequential.

22 But the one thing I'd like to ask is, Mr.
23 Chairman if I might?

24 MR. JACKSON: Please.

25 MR. SERNA: So, we have two CRPs here,

1 anecdotally how many people that are your employees have you
2 placed in outside employment, not promoted but in outside
3 employment in the past, pick a number, two years, one year,
4 whatever?

5 MR. ALLEN: You want me to go first?

6 MR. SERNA: Platt.

7 MR. ALLEN: This is Platt. I can tell you
8 none because we believe that every position we have in our -
9 - in our company is a competitive position. I don't -- I
10 don't have the need, my employees don't have the need to
11 want to be placed outside of our -- of our organization.
12 They are perfectly happy and perfectly satisfied with the
13 competitive positions that they are employed in, with the
14 job tasks that they are asking to do, they are rewarding and
15 -- and exciting. Our employees are excited about the new
16 products and services, I mean products that we're coming up
17 with, they -- they want us to do more.

18 The challenge, and I'll pontificate for a
19 moment, but the challenge we face is that the State Use
20 Program and the AbilityOne Program both requires to -- to
21 satisfy at least a minimum of 75% direct labor being blind
22 or severely disabled labor.

23 This definition of Competitive Integrated
24 Employment as it moves around and it continues to move, is
25 going to be in direct conflict with that 75% --

1 MR. SERNA: Uh-huh.

2 MR. ALLEN: -- requirement. So, if we
3 satisfy the law that allows us to participate in the -- in
4 the procurement side, we're not going to satisfy the
5 Competitive Integrated Employment. If we satisfy
6 Competitive Integrated Employment then I cannot participate
7 in the programs that give me the opportunity to provide the
8 jobs.

9 MR. SERNA: Uh-huh. I understand that.

10 MR. ALLEN: So, from -- from a leader of an
11 organization that's committed to employing people who are
12 blind in competitive jobs and paying competitive wages, all
13 of this commentary about Competitive Integrated Employment
14 is a slap in the face to everything that we are trying to do
15 in our -- in our location, in our business to provide
16 competitive positions for folks who -- who are blind.

17 Now, I know that those who are excited about
18 Competitive Integrated Employment hate the fact that I have
19 98% blind direct labor, because they -- they want that to be
20 50% or 40% or they want me to take all of my employees and
21 place them somewhere else in the community so that I end up
22 with no employees but yet they're not willing to provide me
23 any referrals to replace those employees because I don't
24 have a Competitive Integrated Employment environment. So,
25 I'm really curious with all of this interweaving that we are

1 creating, how am I supposed to succeed?

2 MR. SERNA: So --

3 MR. ALLEN: Because my board says that I
4 succeed when I -- when I exceed, when I am in excess of the
5 75% direct labor of folks with disabilities. I succeed when
6 my revenue numbers continue to grow, when my number of jobs
7 continue to grow, which I satisfy hopefully every year. Why
8 I get to keep my job. If I don't because of some regulatory
9 position that TWC takes or TIBH takes or the state
10 legislature takes, then now I -- it all runs contrary to
11 what my organization was setup to accomplish some 80 years
12 ago which was to provide competitive jobs for folks who are
13 blind.

14 MR. SERNA: So, zero?

15 MR. ALLEN: Yeah, thank you.

16 MR. SERNA: Mr. Graham, how many people have
17 you placed in outside Competitive Integrated Employment just
18 anecdotally?

19 MR. GRAHAM: In the last year about 400.

20 MR. SERNA: And now those are people that
21 you've actually placed and now they work for somebody else?

22 MR. GRAHAM: Oh, no. The number -- that
23 number on somebody else's payroll, many of them are now on
24 the state's payroll --

25 MR. SERNA: Right.

1 MR. GRAHAM: -- is last year I think it was
2 about 75, which was a bit of an anomaly for us because the
3 state had a hiring freeze and so they were hiring nobody for
4 seven months eight months -- seven months, and then all of a
5 sudden they hired 40 of our employees --

6 MR. SERNA: Right.

7 MR. GRAHAM: -- or 50. And my board
8 evaluates my performance on among other things maintaining a
9 minimum 75% direct labor ratio of employees who have
10 disabilities --

11 MR. SERNA: Uh-huh.

12 MR. GRAHAM: -- and the number of my
13 employees who have transitioned to independent competitive
14 employment outside of our CRP, and the number of new
15 employees we have recruited and/or brought back from
16 previous employees into the organization. So, we're --
17 we're actually cycling people in, out and in some cases back
18 in again and then back out again. So, it's -- yeah.

19 MR. ALLEN: Sorry. I was going to say your
20 business model and my business model are very different.

21 MR. GRAHAM: Understood. Understood.

22 MS. ZAVALLA: Before you came on the board we
23 toured the Lighthouse in San Antonio and I saw exactly what
24 you're talking about, the family environment them liking
25 being there, and the families liking that too.

1 MR. ALLEN: It's a job.

2 MS. ZAVALLA: Yes. Yes.

3 MR. SERNA: One of the things that -- and I
4 appreciate that from both of you, and Platt --

5 MR. GRAHAM: Oh, and by the way to follow one
6 other point there is, we employ five recruiters to keep our
7 workforce moving.

8 MR. ALLEN: All right. And I have none.

9 MR. GRAHAM: Okay.

10 MR. SERNA: Yeah, different business model.
11 So, and Mr. Chairman, I appreciate you allowing me.

12 MR. JACKSON: Yes. Go ahead.

13 MR. SERNA: One of the things I wanted to
14 point out to the committee and I know that this is stating
15 the obvious but, or maybe stating the obvious, but this
16 particular -- this particular proposed measure, when the
17 committee discussed it and brought it up, the -- the
18 definitions in WIOA were not publicly known. It was not
19 clear what the ramifications to Competitive Integrated
20 Employment which is why by the way that phrase is not used
21 in this particular measure, it's just competitive, and the
22 -- and the committee had the opportunity to define what
23 competitive was which was, you know, minimum wage or better
24 and -- and the opportunity to include promotion within an
25 organization which is -- which is practically excluded now

1 and Platt you pointed that out.

2 So, it could be that with this measure,
3 getting back Michelle to something that you said, even --
4 even worse than establishing a target it could be that until
5 there is something more clear that this is the measure that
6 the committee should table, until there can be a -- just
7 looking at the two examples of the models, the business
8 models. And Michelle I think you run a CRP at one point.

9 MS. HOWARD-HERBEIN: I have before, yes.

10 MR. SERNA: And I guess I should have asked
11 you, how many of your people did you outpace to what now
12 would be defined as Competitive Integrated Employment?

13 MS. HOWARD-HERBEIN: I -- I want to say 100%
14 but we also we had a lot AbilityOne contracts, they were all
15 service contracts, they were all integrated but it's my
16 understanding right now that still they're going through
17 every one by one to try to really figure out whether it's
18 competitive.

19 MR. SERNA: Right.

20 MS. HOWARD-HERBEIN: So, I want to say 100%
21 but maybe not.

22 MR. SERNA: Right. So -- so, the only point,
23 thank you Mr. Chairman me allowing or me asking you to
24 indulge me is, it could be that what we need to do is not
25 lose this measure, move forward with the other measures if

1 the -- when the committee is ready to but not lose this
2 measure and rather have the committee, and we can support
3 the committee, rework it so that it is relevant to the
4 current environment of WIOA which had not -- which was, you
5 know, WIOA had passed when the committee was working on this
6 but there were no definitions that were out, VR was still
7 referring individuals.

8 Some of the challenges that we're facing now
9 aren't some of the same challenges and maybe we need to look
10 at what it is -- we know what -- I think we the staff know
11 what it is the committee wants to capture. I know when
12 Sunset was even being conducted WIOA was nowhere, I mean
13 there was still WIA, the Workforce Investment Act without
14 the Opportunity, without the O, so none of that was
15 considered when they were discussing Competitive Integrated
16 Employment. Though they probably would have still pushed
17 for the same thing and I may be wrong but they probably
18 would have still pushed for the movement of individuals out.

19 But -- and Platt, you pointed out something
20 that we recognize in the Agency which is the two programs
21 are at odds except that there are other sources of
22 recruitment for you for your employees other than just VR
23 counselors. Our VR counselors don't serve 100% of the
24 individuals with disabilities in the state. And it becomes
25 more of a challenge but there are other source -- not just

1 for you, but there are other sources of -- of recruitment
2 for individuals with disabilities into your organization
3 that are outside of VR.

4 So, in that regard, while the two measures
5 are in conflict, the -- the programs are not. It changes
6 what you have to do with your guard up how you identify
7 potential employees into your operation. The 75% then is
8 unaffected by that. So --

9 MR. ALLEN: I respectfully -- No, sir. It's
10 just that in the poll of public opinion if the organization
11 that is so happy to take advantage of fees that we would be
12 charged to support education and other things to say yes but
13 your employment is not good enough for us to send you
14 prospects is contrary to me.

15 MR. SERNA: Well then, that's an issue that
16 needs to be addressed at the Federal level.

17 MR. ALLEN: And I believe it is being which
18 is why AbilityOne providers and those participating in State
19 Use are looking to be excluded from WIOA's definition.

20 MR. SERNA: Right. Yeah. But that needs to
21 be addressed at the state -- at a Federal level,

22 MR. ALLEN: And it -- it -- it's being done.

23 MR. SERNA: It hasn't been done yet it's
24 being proposed. I understand.

25 MR. JACKSON: So, let me ask you Ed, at this

1 point in time just to recapture, so, are we proposing that
2 we table the current measure that we voted on and so more
3 data can be collected to a better definition regarding
4 competitive integration be forthcoming?

5 MR. SERNA: I can't propose anything but I
6 would recommend that as staff, I would recommend that to the
7 committee, I would recommend that for consideration because
8 there is the conversation as indicated that there is enough
9 confusion, enough ambiguity with regard to this particular
10 measure and the definitions that are surrounding it and the
11 lack of historical data that it may not be a valuable
12 measure at this point as its currently structured.

13 MR. JACKSON: We haven't -- I'm sorry, go
14 ahead please. Please continue.

15 MR. WEBER: Oh, I was just going to say we
16 have started collecting that data based on the definition
17 that Mr. Graham read earlier. We can -- we will continue to
18 -- we will continue to collect that information based on
19 that. I mean we're not going to -- I want you all to know I
20 mean we'll continue to collect that information if that's
21 what's we're saying here. So, we'll have those, you know,
22 now we'll probably get a quarter number here on those and
23 then as it changes or refined or something then we'll --
24 we'll work on it. But we will continue to include that
25 definition that you read about State Use employees and then

1 we'll -- we'll continue to get that on the wage report.

2 MS. HOWARD-HERBEIN: Mr. Chairman, can I?

3 MR. JACKSON: Question please.

4 MS. HOWARD-HERBEIN: Perhaps this is the
5 elephant in the room so I apologize, but with all the
6 discussion of the different business models and what's
7 competitive and what's not competitive, what's the real
8 issue here? I mean isn't the real issue, and maybe I'm
9 wrong, of not using State Use dollars but don't get good
10 outcome for people? So, and I understand we have to define
11 what that is, but I'm much, much more concerned about these
12 200 and some people making under submin -- under subminimum
13 wage, I'm much more concerned about the people only working
14 five or 10 hours a week because the average is 12, then I'm
15 your business model versus your business model. So, maybe
16 we're looking at this in a way -- we need to what's the
17 problem.

18 MR. SERNA: And I think that, that's why I'm
19 -- that's why I'm saying perhaps the committee should
20 consider moving forward with the other measures as opposed
21 to spending as much energy on -- on this one measure, which
22 isn't -- which isn't really advancing or addressing
23 problems, the problem meaning moving people into minimum
24 wage or better, providing employment opportunities for
25 individuals with disabilities. And then within that the

1 measure on the average, we probably need to explore why it's
2 an average of two but again averages are averages, which
3 means you have a very high -- high number and a bunch of
4 lower numbers when you get a smaller average -- but to
5 expand individual's opportunities which would include
6 additional work where necessary, which is why TIBH is tasked
7 with marketing the program to the state -- to other entities
8 that can buy opp -- can expand the opportunities for -- for
9 individuals to work more hours. The CRPs can only provide
10 employment that is supported by the business that's bought
11 from the program. So, if there is a -- you know, we use the
12 example of the test caps, you know, if it takes five
13 employees 40 hours a week for a month and then TDCJ stops
14 buying the cups, those employees aren't going to continue to
15 work 40 hours a week for the next month because there is no
16 outbound volume.

17 So, I think to answer your question is, all
18 these other measures from my recollection of the last
19 committee was trying to address those things, are we paying
20 minimum wage or better, are we providing training
21 opportunities that help advance those individuals that want
22 to advance. And are we ensuring that there are hours
23 worked, enough hours available to be worked so that
24 individuals that want to work can work more than X number of
25 hours.

1 This one particular measure was intended to
2 address an issue that has -- that has been consistent that
3 was mentioned in Sunset that continues to be raised, it was
4 even mentioned at the Federal level though they took the
5 definition completely different, and that's simply moving
6 individuals to other opportunities. And I agree with --
7 with Platt, it's my opinion that the employment that's
8 provided by the vast majority of CRPs, and I say vast
9 majority because, with a few exceptions but the vast
10 majority of CRPs is employment that those individuals want
11 to engage in, nobody is held there hostage. At the same
12 time TWC's goal I think the legislature's intent is that
13 those individuals are aware that there are other
14 opportunities for them that they are not just in a -- in a,
15 for lack of a better description, maybe not the best
16 description, that are just available in a sheltered workshop
17 -- or sheltered operation.

18 Though there are employees that are want to
19 -- that will want to say, I have no intent of leaving. And
20 Judy you pointed this out, what we learned in San Antonio
21 and probably the same is true in Fort Worth, those employees
22 have no interest in leaving and some of them had left and
23 come back.

24 MS. ZAVALLA: There's social things filtered
25 into it.

1 MR. SERNA: But we -- but our objective goal
2 is to give them the opportunity to know that other things
3 that are available to them and then they can make that
4 conscious decision to say, yeah, I want to -- I want to go
5 do something else. And we understand that some of them have
6 and come back to that organization just like the employees
7 at Peak Performance that had taken the job with the state
8 and decided, yeah, this isn't going to work for me. I want
9 to go back and do temp work, I don't like doing fulltime
10 work. Or, it didn't work out for me, after all it was -- it
11 was not bad when I was there as a temp but when I wasn't
12 there as a temp when I was a fulltime employee it wasn't so
13 -- so nice.

14 So, I think that's what we're intending to
15 do. So, my whole point at least proposing to the committee
16 to consider maybe -- as staff I'd like to have some measures
17 that I can take to what would soon be a newly -- we're
18 losing a commissioner, our chairman to retirement, I'd like
19 to be able with the new commission, new person on the
20 commission -- take some measures to the commission again and
21 say here is what -- here is some measures that we want to --
22 we want to put in place. And then here is some stuff that
23 we're talking about doing and we'll work with the --
24 continue to work with the committee, we'll continue to work
25 with the VR division to refine this one measure or whatever

1 other measures, so.

2 MR. WEBER: Mr. Chairman?

3 MR. JACKSON: Question Fred?

4 MR. WEBER: It's not a question it's just a
5 comment if that's okay. When you were -- in going to your
6 -- your thought there, you know, I've always felt like the
7 importance of this program is how much money and dollars go
8 into the pockets of the individuals that we serve. It's
9 about wages. We were sitting here talking about hours and
10 living wage, I will just say this, Charlie and both Platt
11 pay great wages to the people that they serve, but if I only
12 have a job for six hours a month for a court reporter that
13 Charlie's providing services to, then that's six hours a
14 month and that one person only had six hours and maybe they
15 only had 72 hours for the year. So, that's how the --
16 that's how the wages -- that's how the hours get a little
17 bit -- a little bit skewed.

18 And I'm going to say Charlie is doing a great
19 job of paying the people good wages but to say that we're
20 not -- we're not giving them a living wage, we got to find
21 -- it's our -- my job to find the sales and the work for
22 that person and to go out and get a contract so that
23 individual can work 40 hours a week making that wage and
24 doing it but if we don't -- if we don't have the service or
25 if I don't sell the paper then we don't get -- we don't have

1 the -- we don't have the -- we don't have the opportunity to
2 provide those -- to provide those -- to provide those jobs.

3 But that being said of that money that's paid
4 in that contract to Charlie or to -- or to -- to Platt,
5 we're making sure that whatever those sales are that those
6 dollars and the right dollars and a good -- and a good
7 number dollar -- \$11 an hour go into those -- as an average
8 go into those pockets of individuals with disabilities that
9 we serve. I think that's what we're -- I think that's what
10 we are all about and that's --

11 MR. GRAHAM: I completely agree that we -- we
12 are not in any disagreement at all. I must add though that
13 my perception of the problem is that in, I think it was
14 2001, the Sunset Commission reviewed the program and
15 published a very negative report, and then again 12 years
16 later reviewed the program again and not only published an
17 -- a subsequent very negative report but abolished the --
18 the structure, the management structure of the program with
19 the intent, the stated intent of making the program more
20 effective by putting presumably more money into the workers
21 -- into the pockets of the workers themselves. And I would
22 hate to get to the next legislative Sunset Commission review
23 which I believe is in a year -- two years?

24 MR. SERNA: Well, yeah.

25 MR. GRAHAM: -- ish, well, staff begins

1 earlier but I would hate to get to the next Sunset review
2 and have nothing done.

3 MR. JACKSON: And based on the fact that we
4 could potentially be looking at extending -- tabling this
5 motion to a future meeting, about how much time do you
6 anticipate we might get some clarification on this good
7 stuff?

8 MS, ZAVALLA: Yes.

9 MR. SERNA: We already understand what
10 Competitive Integrated Employment is based on what was --
11 the information that was provided to the committee the last
12 time the committee met.

13 MR. JACKSON: Okay.

14 MR. SERNA: What I'm talking about and
15 committee members can work on it and provide us feedback is,
16 restructuring that one -- that one measure. We -- we have
17 all the information we have now short of historical
18 information. We don't have historical information, we won't
19 have historical information, we can't -- we can't calculate
20 it because I don't believe the CRPs were collecting it nor
21 reporting it, so there is no data there.

22 But it's really a matter of the committee
23 members providing us with some proposed -- proposed revised
24 language to this.

25 MR. JACKSON: Okay.

1 MR. SERNA: And again that's why I'd like to
2 at least suggest to the committee that we -- those measures
3 that they are comfortable with that they advance the other
4 measures, if they're comfortable with doing any of that and
5 then we can work with the committee individually each
6 individual and come back with a couple of -- with a couple
7 of examples of what we put together without walking a
8 quorum.

9 MR. GRAHAM: Mr. Chairman?

10 MR. JACKSON: Yes.

11 MR. GRAHAM: A point of order. I think we
12 have a motion that's on the table that's be seconded. There
13 has been a lot of discussion. I'd like to call the question
14 on that motion and -- and move on from there.

15 MS. HOWARD-HERBEIN: Can you repeat that?

16 MR. ALLEN: Charlie, is that the motion to
17 set a stake in the ground?

18 MR. GRAHAM: Yes.

19 MS. ZAVALLA: Right.

20 MR. ALLEN: Yeah, that was voted on.

21 MR. GRAHAM: Was it?

22 MR. ALLEN: Yes. That was approved.

23 MR. SERNA: Yeah.

24 MR. JACKSON: And if I may say, would it be
25 possible then, feasible for us to establish a small working

1 group to better address this use so we can stay in good
2 continuity with it as time goes on? In other words if we
3 can establish a small working group if the Advisory
4 Committee members think appropriate, the next time we meet
5 hopefully we'll have a better -- more information to report
6 out on.

7 MR. SERNA: Yes -- yes, sir. You can. Just
8 not a -- not a quorum of the -- of the committee and no
9 decisions made by the working group but simply to report to
10 the full committee.

11 MR. JACKSON: Right.

12 MS. ZAVALLA: Right. You know, I need to go
13 back to something for clarification. When we first started
14 meeting we were in that other room, we had a whole room full
15 of parents and employers that were worried about raising the
16 wages would bump them out of Medicaid. These better
17 salaries that we're talking about, will that result occur if
18 they lose their Medicaid benefits?

19 MR. SERNA: I don't know that. I don't know
20 the answer to that question.

21 MS. ZAVALLA: Okay. I just thought I had
22 missed something --

23 MS. HOWARD-HERBEIN: But I do. And no. I
24 mean individuals can cert -- can actually earn up to over
25 \$34,000 a year and continue their Medicaid.

1 MS. ZAVALLA: Thank you.

2 MR. JACKSON: So, okay Platt, Mr. Graham, are
3 we okay to move forward or do we need to discuss anything --
4 anything more on that issue?

5 MR. GRAHAM: Can we get a motion?

6 MS. LOGAN: Excuse me. I don't understand --
7 okay. Somebody is going to make a motion.

8 MR. GRAHAM: I move that we table the
9 discussion of item number one in the previous proposed
10 performance measures until specific definition -- until the
11 language is revised.

12 MS. ZAVALLA: Second.

13 MR. JACKSON: Motion has been made, can I
14 hear a second?

15 MS. HOWARD-HERBEIN: I'm sorry, I -- well, I
16 think that we need table it. We have the language, I think
17 the problem is, is that we don't have the data. And so, can
18 the -- can the recommendation be that we're not going to
19 make a target there, we're not going to suggest something
20 but that we will start collecting the data based on the
21 definition of competitive employment as defined by the
22 Federal?

23 MR. GRAHAM: I'll be happy to modify my
24 motion to that affect.

25 MS. ZAVALLA: Second. I'm getting really

1 tired.

2 MR. JACKSON: Okay. So, motion's been made
3 and advised. Do I hear a second to that?

4 MR. GRAHAM: Judy seconded.

5 MS. ZAVALLA: I did, yes.

6 MR. JACKSON: It's been seconded.

7 MR. ALLEN: Mr. Chairman, can I -- can I ask
8 a question before we --?

9 MR. JACKSON: Question.

10 MR. ALLEN: Before we -- so, which -- which
11 definition do you want me to use?

12 MS. HOWARD-HERBEIN: The Federal definition.

13 MR. ALLEN: Which is not yet -- has not been
14 solidified?

15 MS. HOWARD-HERBEIN: It's -- it's there.

16 Yeah. It really is. It's there.

17 MR. ALLEN: Well, the Department of Education
18 is -- is my -- has put out their proposed interpretation. I
19 don't think that --

20 MR. SERNA: Department of Labor has their
21 definition.

22 MS. HOWARD-HERBEIN: Yeah, it's -- it's
23 there.

24 MR. ALLEN: I'd love to get some
25 clarification please.

1 MR. SERNA: Right.

2 MR. ALLEN: I'm happy to report it, I just
3 want to know what to report.

4 MS. HOWARD-HERBEIN: Well, and again I think
5 that we had also talked about maybe you just report of all
6 those placements that you know where people went and then
7 let VR figure out whether it's competitive or not.

8 MR. SERNA: We have counsel.

9 MS. PARKER: Yeah. So, for the record Diane
10 Parker, Office of General Counsel.

11 MR. JACKSON: Yes.

12 MS. PARKER: To Mr. Allen's point, we are
13 aware that there is proposed legislation, there is some
14 discussion about revising the law. And Mr. Allen, I'm not
15 trying to quip here but quite frankly Congress moves
16 sometimes and sometimes it doesn't.

17 MR. ALLEN: Right.

18 MS. PARKER: So, the law as it is today is
19 what it is, the rules which we as the state of Texas are
20 obligated to follow have been enacted since 2016. The
21 interpretation, while we understand the AbilityOne
22 contractor's current position, the law is what the law is
23 and we as the state of Texas are obligated to follow it.

24 So, there is no question today what
25 Competitive Integrated Employment means or what it source

1 is. It is subject to change as any regulation would and Mr.
2 Allen is correct that that is happening and should it change
3 we then have to modify as any state agency would have to.
4 But Competitive Integrated Employment is defined, it means
5 what -- I'm sure Ms. Fuller shared with you at your last
6 meeting and we frankly have no question about what it means
7 or how to interpret it and we are having to implement it as
8 we speak.

9 MR. ALLEN: Okay. Fine. Thank you.

10 MR. JACKSON: Does that answer your question?

11 MR. ALLEN: Yes, sir. Thank you.

12 MR. JACKSON: Great. So, again, the motion's
13 been -- refresh my memory, what was the exact literature of
14 the motion again?

15 MS. ZAVALLA: Oh dear.

16 MS. HOWARD-HERBEIN: Come on Charlie.

17 MR. GRAHAM: That was a long time ago.

18 MR. JACKSON: Must deal with competitive
19 employment and competitive integration, correct?

20 MR. GRAHAM: I believe -- I believe the
21 motion as modified was to table -- no, help me Michelle.

22 MS. HOWARD-HERBEIN: The motion was to not --
23 to table having a target at this point but to require CRPs
24 to collect or send in data about the numbers of persons from
25 State Use placed into competitive employment as defined by

1 the Federal government.

2 MR. JACKSON: So, that's the motion?

3 MS. HOWARD-HERBEIN: That's the motion.

4 Correct?

5 MR. GRAHAM: Yes.

6 MR. JACKSON: Motion has been made. Can I

7 hear a second?

8 MS. LOGAN: May I ask a question?

9 MR. JACKSON: Question.

10 MS. LOGAN: Competitive employment or

11 Competitive Integrated Employment?

12 MS. HOWARD-HERBEIN: Competitive Integrated

13 Employment because the Federal it says competitive

14 employment.

15 MR. JACKSON: Does that answer your question?

16 Okay.

17 MS. LOGAN: Yeah. It's the same definition.

18 Yeah.

19 MR. GRAHAM: Right.

20 MR. JACKSON: So, with that in mind the

21 motion has been made, may I hear a second?

22 MS. PARKER: One second Kevin.

23 MR. JACKSON: Another question?

24 MR. GRAHAM: You have counsel.

25 MS. PARKER: Counsel. So, I'm sorry to

1 interrupt but I think to your point this committee has come
2 up with a definition for as I understand it competitive
3 employment with some data collection efforts associated with
4 that particular definition. That definition is not the same
5 as the Federal Competitive Integrated Employment definition.
6 And that may very well be where this committee wants to go,
7 I just think you need to -- you need to clarify. You are
8 entitled to define things how you want in terms of a data
9 collection effort but please be advised that's not the same
10 thing as the Federal definition for Competitive Integrated
11 Employment.

12 MS. HOWARD-HERBEIN: I would just think it
13 would be very confusing to have two definitions. There is
14 that definition for --

15 MR. GRAHAM: And Fred is only collecting
16 information on competitive employment currently.

17 MR. WEBER: Our competitive employment
18 includes again that definition that Charlie read which
19 include management positions within the CRPs. So, I had
20 that, a quarter of that and if we're going to change that
21 then I will have to -- I will be sending out a new
22 definition.

23 And I believe, I'll ask the counsel, when we
24 saw the definition and when y'all all were kind enough to
25 come here and present to us at our last Advisory Committee,

1 I believe the definition said that AbilityOne and State Use
2 jobs may be considered -- it was a may be considered
3 Competitive Integrated Employment.

4 I'm sorry. At the -- at the time and I think
5 they're still going through it, VR was going through an
6 assessment of each of the CRPs and I don't know if they
7 completed that yet. So, it may -- so that is still
8 accurate, it may be -- I think from a data collection
9 perspective -- from TWC's staff from a data collection
10 perspective, it's going to be easier for us to simply
11 request that the CRPs provide us the number of people that
12 were outplaced, the number of people that were promoted and
13 then for those that were outplaced where they were
14 outplaced.

15 You don't have to worry about reporting it
16 was competitive or not competitive, simply tell us where did
17 you place those individuals. Then we -- once we get that
18 data from TIBH then we will work with VR to say this many of
19 those went into competitive, these many did not and we can
20 report that.

21 MR. WEBER: Since we -- thank you Mr.
22 Chairman (sic) that was -- that -- and being that we started
23 collecting that information I think they should -- we could
24 probably go back and find out what were those ones that
25 reported this order instead of going -- I mean I don't know

1 whether I can find out what they were doing five years ago
2 or three years ago but I think I can take those new numbers
3 and go back to those CRPs and tell me and ask me where were
4 these place. So, I think we can do that for you and then
5 not have to start from -- from the get-go. I can do that
6 with those numbers. We should be able to Mr. Chairman.

7 MR. JACKSON: Any other input there please
8 committee members? Ed? Fred?

9 MR. WEBER: Sir?

10 MR. JACKSON: Any other input, any other --

11 MR. SERNA: No, sir. I've already confused
12 things enough.

13 MR. WEBER: No, no. No, sir.

14 MS. ZAVALLA: Congratulations.

15 MR. JACKSON: Michelle, I know that we do
16 have a mission but based on legal counsel's input, do we
17 need to change the verbiage of the motion?

18 MS. HOWARD-HERBEIN: I don't think so.

19 MR. JACKSON: You don't think so? Okay. So,
20 that motion has been made. May I hear a second?

21 MS. ZAVALLA: Second.

22 MR. JACKSON: It's been seconded. All in
23 favor may I hear Aye?

24 (Chorus of "ayes")

25 MR. JACKSON: Any opposed? No opposed, the

1 motion carries. Thank you everyone.

2 MS. HOWARD-HERBEIN: I have one quick
3 question and I'm sure it will be a very simple one from our
4 own education. What would be an example of a scenario where
5 an individual would be making less than minimum wage?

6 MR. GRAHAM: We have some few facilities, I
7 think there is -- there is maybe four facilities that have
8 folks that 14(c), and that is a piece of Federal legislation
9 on the wage an hour which allows CRPs or anyone if they have
10 a special certificate to pay individuals less the minimum
11 wage based on their -- based on the productivity. So, they
12 -- we have some CRPs that -- I'm not -- I'm not here to
13 defend it, I'm just I'm going to try to explain it and you
14 all can -- you all can help add on to that.

15 So, for example, we have a group, one of our
16 CRPs that pay less the minimum wage, has some severely
17 disabled individuals -- severely individuals with
18 disabilities there and what they're doing is we have like a
19 small sheet lifter contract -- shift protector contract.
20 So, those sheet protectors like these they have to go
21 through and they have to count out, they get them in stacks
22 and they do the count out 15 or 20 whatever -- whatever the
23 -- the packaging is. So, there -- they do -- they do work
24 in that particular facility and they -- because of -- based
25 on the productivity of an individual when they look at that

1 what the 725 base rate, piece rate then they say they work
2 at 50% of that then they would receive 50% of the 725 of the
3 minimum wage.

4 And so that's how -- and then we have -- and
5 those are -- Ms. Willis, those -- those are contracts that
6 -- or product contracts, they're not -- they're not our
7 service -- are not our service contracts. And so -- and
8 then I think there is about four, is that right? Four or
9 five and some of them were under the same auspices under the
10 -- under one of the living centers I think.

11 MR. JACKSON: Does that answer your question
12 okay?

13 MS. HOWARD-HERBEIN: Yes, thank you.

14 MR. JACKSON: Thank you. Okay. Are there
15 any other measures we should look at proposing today
16 discussing or to the Texas Workforce?

17 MR. GRAHAM: We have a whole list.

18 MR. ALLEN: Mr. Chairman, can I?

19 MR. JACKSON: Question sir.

20 MR. ALLEN: Thank you. This is Platt Allen.
21 So, Fred, I just wanted to get clarification on a couple of
22 -- I want to make sure I understand and everybody else
23 understands that when we report the fiscal year '17 sales of
24 154 million, that's gross sales, correct?

25 MR. WEBER: Yes, sir.

1 MR. ALLEN: But it's not that entire amount
2 that TIBH has access to to provide training and education
3 and other --

4 MR. WEBER: Yeah, you're exactly right. We
5 only -- we only - our management fee on an average is 5 and,
6 you know, 5, a little over -- over 5%, so, our management
7 fee we don't -- we don't receive that. 95% of that -- 94%
8 of that goes to the CRPs of that \$154 million so it's not
9 what we have to operate and do training on, we only -- we're
10 only funded -- we're only funded through that management fee
11 and so is the -- are the services provided by the -- by TWC.
12 So, we're a fully self-supported program with no
13 appropriations.

14 MR. ALLEN: So, when we ask questions like --
15 like how many dollars were spent on training and compare
16 that back to the 154 million that's really not a fair
17 comparison?

18 MR. WEBER: No, sir. That's -- that's
19 exactly right because our budget may only be \$8 million for
20 the services, for the training and for all of that, not the
21 154 million.

22 MR. ALLEN: Okay. It might be worth
23 clarification then of what the basis for those percentages
24 would be because I don't want it to be confused that TIBH
25 has access to \$154 million to, you know, provide training

1 and education and services to individuals with disabilities
2 in Texas when really the number is closer to 5% of that
3 number, so. I think if you were then to look at what they
4 provide based upon the amount of money they have it's a
5 whole heck of a lot better, a lot more efficient than what
6 it might suggest just looking at the 154 million.

7 MR. WEBER: Good point.

8 MR. GRAHAM: It's about 8 million, right?

9 MR. WEBER: Yeah.

10 MR. ALLEN: Great.

11 MS. HOWARD-HERBEIN: Mr. Chairman, as we work
12 our way down kind of looking at some of the other proposed
13 targets, I -- I'm having a little bit of trouble I guess
14 understanding number three. And I guess I'm not
15 understanding why increasing the hours per week worked and
16 increasing wages wouldn't be two of the targets.

17 MR. GRAHAM: Are you on the prefer --
18 proposed performance measures?

19 MS. HOWARD-HERBEIN: Yeah.

20 MR. GRAHAM: On number three, increase hours
21 of minimum wage or higher, is that the one you're reading?
22 Okay.

23 MS. HOWARD-HERBEIN: I mean you clearly track
24 the number of hours worked per week and you clearly track
25 the wages, so it would seem like that we -- or hourly rate,

1 wouldn't we want to make targets or suggestions around those
2 two things so they will correspond to what you're already
3 tracking?

4 MR. GRAHAM: It's counterproductive to reduce
5 hours worked without also increasing sales, new products or
6 services. It's counterproductive for the CRPs.

7 MS. HOWARD-HERBEIN: Sure.

8 MR. GRAHAM: In other words, there would be
9 no point of putting five people on a product contract to
10 produce when it only takes two.

11 MS. HOWARD-HERBEIN: No, I understand that.
12 But -- but we're tracking already. We're saying how much
13 somebody makes per hour is important, we're also saying how
14 many hours per week a person works is important.

15 MR. GRAHAM: Uh-huh (affirmative).

16 MS. HOWARD-HERBEIN: And yet that's -- we're
17 not really having goals or targets around.

18 MR. GRAHAM: Well, we're saying we want to
19 expand sales, add new products and add new services. And
20 that's the mechanism by which we're going to in -- increase
21 employment hours that are paying minimum wage or higher.

22 MS. HOWARD-HERBEIN: I hear you. It's just
23 so -- just so, I don't know.

24 MR. ALLEN: Michelle, you've also got the
25 other side to that where if you have someone that is bumping

1 up against the SGA limit and you give them an increase, now
2 they want to work fewer hours.

3 MS. HOWARD-HERBEIN: Right.

4 MR. ALLEN: So, you can have a higher wage
5 then they work less hours.

6 MS. HOWARD-HERBEN: And I guess I'm just
7 thinking that, going back to the subset, if you're happy to
8 justify this program it seems like -- and you're already
9 tracking this, it seems like that there would be targets
10 around how much money people make and how many hours they
11 work. That's -- that's my point.

12 MR. GRAHAM: I think you're suggesting a
13 completely new measures (sic).

14 MS. HOWARD-HERBEIN: Perhaps. Perhaps.

15 MR. GRAHAM: That's what I'm hearing.

16 MS: HOWARD-HERBEIN: And one that you're
17 already tracking anyway.

18 MR. GRAHAM: Right. Okay. You want to
19 introduce something?

20 MR. ALLEN: Well, my caution would be that
21 any -- with measurement, especially when you start dealing
22 with portion or average, you can skew --

23 MS. HOWARD-HERBEIN: Right.

24 MR. ALLEN: -- the portion or the average
25 based upon the leverage of the highest or smallest number.

1 MS. HOWARD-HERBEIN: Uh-huh.

2 MR. ALLEN: So, you have 90% of your
3 employees that are working at minimum age or above, and you
4 have one that is working at a severely discounted rate and
5 but the leverage of that severely discounted rate on that
6 average is going to be extreme. So, you let the leverage
7 with that one number what exerts on -- on the curve if you
8 will, so, you're going to get to that mean number, that
9 average number, the peakedness of that curve becomes skewed.

10 MS. HOWARD-HERBEIN: So, I guess then my
11 question is this, can you with what you're currently
12 tracking come up with a number and an answer for number
13 three? I'm sorry, that's to you.

14 MR. WEBER: Me?

15 MS. HOWARD-HERBEIN: Yeah.

16 MR. WEBER: Sure. Increase the hours, paying
17 minimum wage or higher for individuals with disabilities by
18 adding new products and services. Well, I can tell you what
19 our -- I mean I can certainly tell you our annual increase
20 and the hours worked. When it talks about -- and those --
21 the only way I can increase hours worked is by expanding
22 sales. So, if I -- if Platt's -- if Platt's received paper
23 orders and they went up -- they went up 50%, there is going
24 to be more hours associated with that. So, that's one way
25 of doing it.

1 Adding new products would add -- would hours.
2 And then services if I -- if we receive a new contract from
3 TWC to provide temp services hours we're going to add hours
4 to that -- hours to that contract from -- from Peak
5 Performers and such.

6 So, again, that's the only way, that's the
7 only way that I have of increasing employment hours under
8 this program, is by one of those three -- three methods.
9 So, -- but, like I said, if -- so, I don't know if that
10 answered your question but -- but that's how -- that's how I
11 increase -- I increase -- I increase hours.

12 MS. HOWARD-HERBEIN: I'm just thinking
13 anything that is a target you got to be able to track and
14 I'm just wondering if what you're currently tracking is --

15 MR. GRAHAM: And you got to be able to
16 control it.

17 MS. HOWARD-HERBEIN: Right -- is going to get
18 you to answer of that because we don't have a baseline for
19 that either.

20 MR. WEBER: Well, you know, theoretically I
21 can't, you know, we don't increase the program sales by -- I
22 mean if you increased the program sales or the services or
23 -- or if the dynamics change, if I did more service contract
24 as I was pointing out to Ms. Logan earlier, if I did -- if I
25 did -- if the dynamics changed and I did more service sales

1 then my hours would go -- would go up for sales I mean, in
2 other words. So, the type of services that I provide,
3 provide more sum and more hours or less hours than others.

4 So, 3% annual increase quite frankly
5 hopefully that would equate to at least -- probably a 3%
6 increase at least in sales and additional -- additional
7 sales to the -- to the program because whether that comes in
8 and expanding the sales or adding new products and services,
9 so.

10 MR. GRAHAM: Do you look at -- does TIBH look
11 at new products and new services on a regular basis?

12 MR. WEBER: Yeah. We're adding products and
13 services every -- every commission meeting that we come.

14 MR. GRAHAM: Okay.

15 MR. WEBER: And we lose some too. Like I
16 said as you well know two or three years ago we -- we were
17 doing the -- I always called it the Deadbeat Dad's contract
18 for -- for the Attorney General's Office on calling and that
19 was like a \$12 million contract that they had some money for
20 and we provided all that calling those -- calling those
21 dads. I don't know if they were moms, I'm just going to say
22 dads about paying their -- paying their bill. Well, that
23 money -- that money run, you know, that money run out and so
24 we had -- we had to find additional contracts on that but
25 that's the premise of what -- what the program, you know,

1 the program is.

2 MR. GRAHAM: Would you consider this a fair
3 and realistic -- not looking at the number -- would you
4 consider that statement as a goal fair and realistically
5 attainable?

6 MS. HOWARD-HERBEIN: And trackable.

7 MR. GRAHAM: Number three, and trackable.

8 To increase employment hours paying minimum
9 wage or higher for individuals with disabilities by
10 expanding sales, adding new products and adding new
11 services.

12 MR. SERNA: How do you feel about that Mr.
13 Allen?

14 MR. ALLEN: I think it's the causation that
15 we're having difficulty with. I think the metric itself is
16 what is the number of employment hours being paid minimum
17 wage or higher out of the total -- total employment hours.

18 MR. SERNA: Yeah.

19 MR. ALLEN: I think if we remove the, by
20 expanding sales adding new products or services, we isolate
21 out what is the metric itself without the causation of the
22 metric.

23 MR. JACKSON: Good point.

24 MR. ALLEN: So, we know that there are very
25 few ways that we can increase employment hours. They may

1 very well be limited to these three. If the objective is to
2 increase employment hours being paid minimum wage or better,
3 then we are going to -- we're going to have to use one of
4 these three or all three to achieve that but I don't think
5 it's necessarily part of the metric.

6 MR. GRAHAM: So, are you suggesting just
7 striking the, by expanding sales, the methodology?

8 MR. ALLEN: Yes.

9 MS. ZAVALLA: He knows what to do, we don't
10 have to tell him.

11 MR. GRAHAM: Yeah. Okay.

12 MR. ALLEN: I think that the metric itself is
13 -- is, what is the number of hours being paid minimum wage
14 or higher divided by the number of total hours.

15 MR. JACKSON: Right.

16 MR. WEBER: You want to -- you want to make a
17 motion?

18 MS. HOWARD-HERBEIN: And do we have that
19 information now?

20 MR. JACKSON: Fred?

21 MR. WEBER: I'm sorry?

22 MR. JACKSON: I'm sorry. Do we have the
23 information now?

24 MS. HOWARD-HERBEIN: Yeah, if we ask you
25 right now --

1 MR. WEBER: Well, I have the total -- I have
2 the total -- I have the total number of hours worked.

3 MR. ALLEN: Do we have the number of hours
4 being paid higher than minimum wage?

5 MR. WEBER: I would have to go to those few
6 CRPs and extrapolate that from -- from the total hours. I
7 think I can --

8 MR. ALLEN: Can we -- can we do that from
9 what we collect or we have to collect something new?

10 MR. WEBER: Well, I mean it would be easier
11 just to ask, I mean we start the next -- you know, we'll
12 start the next quarter --

13 MR. JACKSON: Right.

14 MR. WEBER: -- but I mean I can pretty much
15 look at the -- I mean there is --

16 MR. ALLEN: were talking about four or five
17 organizations.

18 MR. WEBER: Right. It's a small number out
19 of the -- out of the -- out of the 6 -- out of the 6 -- out
20 of the 6000. I don't know, you know, on the -- the 3% --

21 MR. SERNA: Mr. Chairman?

22 MR. JACKSON: Question Ed.

23 MR. SERNA: So, the -- I think Fred and I
24 were kind of sidebarring, striking the, by, makes sense
25 because the target is simply to increase employment hours

1 paying minimum wage or higher an annual increase of 3%.
2 We're looking at -- we're looking at the population of the
3 current information that we've provided 238 individuals, so
4 we're saying 3% of that 238 individuals because all the
5 other individuals in the program are being paid minimum wage
6 or higher.

7 MR. JACKSON: Right.

8 MR. SERNA: And if I recall correctly and
9 Linda you can -- or Judy, you can correct me if I'm wrong
10 but the intent of this was to focus on those individuals.

11 MS. ZAVALLA: Uh-huh (affirmative).

12 MR. SERNA: And the reason we added that, the
13 explanation, the, by, part was so that those CRPs wouldn't
14 be sort of left on their own to say you got to figure out
15 how to increase wage for, you know, 3% of 238 individuals to
16 -- to minimum wage without -- we'll help of sales and all
17 that. It's obvious that it's going to be through sales or
18 products or services. They're all doing products. There is
19 no one CRP that's requested approval to do a service so they
20 don't have any, it's a new CRP at subminimum wage.

21 But that was the intent. So, what we're
22 looking at is not the 6000 employees in the program but the
23 238 employees in the program.

24 MR. ALLEN: So, perhaps with a -- with a
25 target -- with the target better stated then that we

1 maintain at least 96% of all employment hours being paid
2 above minimum wage?

3 MS. HOWARD-HERBEIN: Or you can make this
4 real easy and just make a goal around reducing the 238
5 people making subminimum wage.

6 MR. ALLEN: Well, but you can accomplish that
7 without achieving the objective. You can accomplish
8 reducing the 239 just by letting them go.

9 MS. HOWARD-HERBEIN: Well, that's true. Or
10 putting them in dayhab programs and not having them work at
11 all. That's true.

12 MR. ALLEN: So, look you got to focus on what
13 the objective is and not just what the metric is.

14 MS. HOWARD-HERBEIN: Yeah.

15 MR. JACKSON: Right. Right.

16 MR. ALLEN: So, if -- if -- if the objective
17 is that we want to have more people -- we want to have more
18 hours at above minimum wage --

19 MS. HOWARD-HERBEIN: Wage -- that makes
20 sense.

21 MR. ALLEN: -- then let's set what the target
22 is that we want to have for the number of hours above
23 minimum wage. If that's 96% of all hour be -- be paid above
24 minimum wage.

25 MS. HOWARD-HERBEIN: Do we know what that

1 percentage is now?

2 MR. ALLEN: We're at roughly 3.9% of
3 employees. Okay? The 3 -- the 238 are 3.9% of all
4 employees.

5 MS. HOWARD-HERBEIN: Are making under.

6 MR. JACKSON: Are making under.

7 MR. ALLEN: So, I think -- I think you're
8 going to find that this is going to be smaller than 3% that
9 -- in the total number of hours because my guess is those
10 239 are not working 40 hour work weeks.

11 MS. HOWARD-HERBEIN: Right, right. They're
12 probably the same people that are not earning nearly as much
13 per --

14 MR. ALLEN: Right. So, you're going to have,
15 you know, maybe it's 10 hours a week at, you know, \$3 an
16 hour.

17 MR. JACKSON: Right.

18 MR. ALLEN: So, it -- you're going to have --
19 paying on an hourly basis is going to be extremely small.
20 Just -- just a guess. I don't -- I don't -- not knowing the
21 data and not knowing the number.

22 MR. JACKSON: Right.

23 MR. ALLEN: If I had to make an assumption on
24 it I would assume that that number is going to be very small
25 on a proportional basis. So, I think about it kind of in --

1 sorry. I apologize, Kevin.

2 MR. JACKSON: No, no, no. Go ahead.

3 MR. ALLEN: I think about it almost in terms
4 of like the 75% direct disabled labor requirement, if we
5 have a similar requirement that sets that -- that minimum --
6 minimum allowed, we would have at least 96% of all hours be
7 paid above minimum wage. I think that -- that to me is a
8 very positive state to be able to take back to the
9 legislature to say 96% of all hours -- of all hours paid are
10 being paid at above minimum wage.

11 MS. HOWARD-HERBEIN: And then a target around
12 that would be to --

13 MR. ALLEN: I think that's your target.

14 MS. HOWARD-HERBEIN: That is the target.

15 MR. ALLEN: It'd be at least 96%.

16 MS. HOWARD-HERBEIN: But are we already
17 there?

18 MR. ALLEN: Probably. But at least we don't
19 go backwards.

20 MR. JACKSON: Or pretty close to it. Or
21 close to it.

22 MR. ALLEN: I think the answer is we don't
23 know where we are.

24 MS. HOWARD-HERBEIN: Right. Right.

25 MR. ALLEN: So, going to Charlie's point to

1 just put a stake in the ground --

2 MR. JACKSON: Yeah.

3 MR. ALLEN: -- if we put the stake at the
4 ground at 96%, 95% whatever it is we choose, yes we may
5 already be there but at least we've said to the legislature
6 the sense that we have a metric and the metric reporting how
7 many hours are being paid, what proportion of hours are
8 being paid and being paid above minimum wage.

9 MR, JACKSON: Good point. Any other --

10 MR. ALLEN: Does that make sense?

11 MR. GRAHAM: If you make a motion I'll
12 second.

13 MR. JACKSON: Okay. So, what exactly -- what
14 is -- what is the motion going to be? What is the --

15 MR. ALLEN: So, on item number three I would
16 -- I would move that we strike the language at the end of
17 that phrase, it says, by expanding sales, adding new
18 products and services.

19 MR. JACKSON: Okay.

20 MR. ALLEN: To start that motion. The second
21 would be that the target will be represented as 95% -- at
22 least 95% --

23 MR. JACKSON: 95%.

24 MR. ALLEN: -- of all hours worked are being
25 paid at minimum wage or better.

1 MS. HOWARD-HERBEIN: I liked your
2 (indiscernible) .

3 MS. LOGAN: To people with disabilities?

4 MR. JACKSON: Yes.

5 MR. ALLEN: I think that's -- we're saying
6 that already, aren't we?

7 MS. ZAVALLA: Yes.

8 MS. WILLIS: But I thought Mr. Weber said
9 that it was like 3.9 now and so to go to 5% you're actually
10 finding more leeway to pay more people subminimum wage.

11 MR. ALLEN: I don't think --

12 MS. ZAVALLA: No.

13 MR. ALLEN: Maybe I misheard. I thought I
14 heard Fred say that we don't have the data on how many hours
15 are being at --

16 MR. WEBER: Well, from the -- from -- from
17 the CRPs, we just looked it up in the book, I think from the
18 CRPs that are paying minimum wage, now they report their
19 whole -- they may have like two or three or they may have a
20 few people that are making above, of that -- of those five
21 CRPs it's only 3% of the total wage hours. Does that make
22 sense?

23 MR. GRAHAM: Then our number should be 98% or
24 97%?

25 MR. ALLEN: Start at 97%.

1 MR. JACKSON: Start at 97%?

2 MR. GRAHAM: Sold.

3 MR. JACKSON: Is that okay Mr. Platt (sic)?

4 Is that okay Michelle?

5 MS. HOWARD-BERBEIN: Yes.

6 MR. JACKSON: Other input from other

7 committee members?

8 MS. ZAVALLA: Good to me.

9 MS. WILLIS: That's a starting place.

10 MS. HOWARD-HERBEIN: Yeah.

11 MS. WILLIS: Absolutely.

12 MR. JACKSON: Okay. Great. So, again if you

13 don't mind --

14 MR. ALLEN: You need me to restate the

15 motion?

16 MR. JACKSON: If you could restate the motion

17 so we're clear.

18 MR. ALLEN: Absolutely Kevin. So, I move
19 that we strike the words, by expanding sales, adding new
20 products and services, from item number three and that the
21 target be represented at a minimum of 97% of all direct
22 labor hours paid to people with disabilities participating
23 in the program at 97% or better.

24 MR. JACKSON: Thank you. Motion has been
25 made, may I hear a second?

1 MR. GRAHAM: Second. Sorry Judy.

2 MR. JACKSON: Second has been made. All in
3 favor say Aye.

4 (Chorus of "ayes")

5 MR. JACKSON: Any opposed? The Ayes have it.
6 The motion carries forward. Thank you Mr. Platt.

7 MR. ALLEN: You're welcome.

8 MR. JACKSON: Thank you Michelle. Thank you
9 Mr. Graham. I appreciate that.

10 Okay. The next measurement that we're
11 looking at proposing -- is my computer went down, I'm sorry
12 guys. My headset went down so I've been trying to get this
13 thing to activate. It's like girlfriends I've had in the
14 past on my second date after going to Wendy's they always
15 shut me down.

16 MS. ZAVALLA: TMI. TMI.

17 MR. JACKSON: You haven't heard nothing yet.

18 MR. GRAHAM: Well, shall we take up number
19 one?

20 MR. JACKSON: What is -- yes. What is --

21 MR. GRAHAM: The number of hours offered of
22 career counseling services or training or professional
23 development or educational opportunities conducted for CRPs
24 employees with disabilities participating in the State Use
25 Programing -- Program where the CRP cannot provide the

1 training. Oh, that's -- that's an appendage to -- to the
2 earlier one.

3 MR. JACKSON: Correct.

4 MR. ALLEN: In what circumstances would the
5 CRP not be able to provide the training?

6 MR. GRAHAM: Why don't we take up the one
7 previous to that instead.

8 MR. ALLEN: Which one?

9 MR. GRAHAM: Number of hours offered of
10 career counseling services or training or professional
11 development or education opportunities that would assist
12 employees with disabilities advancing within the
13 organization or accepting competitive employment outside the
14 CRP.

15 MR. JACKSON: A question to you on that if
16 you don't mind. Would that be training that was
17 specifically provided by the CRP or would that be in part
18 provided by TIBH or combination of both?

19 MR. Graham: In reading the difference
20 between that and numbered item one, that one looks like it's
21 provided by the CRP not by the CNA.

22 MR. ALLEN: So, as an individual running in
23 CRP I'm probably not going to support having an outside
24 agency telling me what I have to do within my agency.

25 MR. GRAHAM: Well, I can support that notion.

1 MR. ALLEN: Maybe it's my political leaning.

2 MR. SERNA: Very quickly Platt to answer your
3 question for the -- the first part, you know, what situation
4 would a CRP not be able to. The committee's assumption at
5 the time was that it would be small CRPs, we have a lot of
6 mom and pop service CRPs that -- that may not have the
7 capacity to provide that training. So, while we wanted all
8 the employees in the program to have the benefit of
9 training, CRPs that could provide it would do that, material
10 -- they -- they could ask TIBH for the material that they
11 were going to use or not. For those CRPs that could not
12 then TIBH would provide the material to allow those
13 employees to get trained so that all 6000 of the employees
14 would have that same opportunity not just because -- not
15 just the Lighthouses and the Peaks and the Goodwills that
16 have a good infrastructure.

17 MR. WEBER: Are we talking about number under
18 the central nonprofit agency Platt?

19 MR. GRAHAM: It's unnumbered Fred.

20 MS. WILLIS: I think it's the one above.

21 MR. WEBER: Okay. All right.

22 MR. ALLEN: It's the second bolded one at the
23 top of the page Fred.

24 MR. WEBER: Okay. All right.

25 MR. ALLEN: So, just out of --

1 MR. WEBER: And I just want to say this --

2 MR. ALLEN: I don't have trained trainers, I
3 don't --

4 MR. JACKSON: Yes.

5 MR. ALLEN: How am I supposed to --

6 MR. WEBER: Ours -- what Dr. Weber and what
7 we're -- what we're trying to do in our training is not for
8 TIBH to come in there and do that training and to tell you
9 how to do it and to line up these interviews with these
10 individuals. We're trying to -- our job is to have Dr.
11 Weber come in there, he's got a curriculum and it says this
12 is how you can accomplish this goal by sitting down with
13 these individuals every six months, going through, here is
14 the questions you should be asking them, here is -- many of
15 you all are already -- many of them already do that.

16 As I saw it and Ed can correct me but they're
17 saying that the number of -- that they're putting as a
18 proposed measure the number of hours of career counseling
19 that the CRPs would need to do and we're just giving you the
20 information on how a professional vo -- person can come in
21 and tell you how you can accomplish that. Does that make
22 sense?

23 MR. ALLEN: I certainly understand what
24 you're saying. It's more that now I -- I'm being dictated
25 to on -- we the CRPs prospects are being told now that you

1 have to do -- you have to do this and you have to do this
2 much. When -- again, and I always go back to my board, this
3 may not be a priority of my board. And giving -- given the
4 -- if I have to choose between what my board wants me to do
5 and what this measurement says I'm going to choose what my
6 board wants us to do because in the end they -- they are the
7 ones that are responsible for the mission of the
8 organization.

9 If -- if -- if TWC wishes to change the
10 mission of my organization they should take it up with my
11 board not by fiat.

12 MR. JACKSON: Good point. Advisory committee
13 members, any other input there please?

14 MS. ZAVALLA: I just want to make sure that
15 it's quality training they're getting. I mean if your
16 budget doesn't afford or your budget doesn't want it. I
17 don't want her to sit all day long and not be taught skills
18 and she's almost 50 years old, I want her to continue
19 learning.

20 MR. ALLEN: And I think any of us as
21 employers want that for all of our employees.

22 MR. GRAHAM: Well, I think you're going to
23 have to fish or cut bait as the old phrase goes because
24 there are -- there are CRPs in the state and -- and Peak
25 Performers is one of them where the board of directors is

1 committed to exactly those kinds of measures.

2 MR. ALLEN: This appears nowhere in any of my
3 information from either of them. So, again, every
4 organization is going to be different, every -- each one of
5 us has an independent board of directors that decides how
6 they want us to behave and what they want us to accomplish,
7 what the mission of the organization is.

8 MS. ZAVALLA: But I think they have to be
9 told that times are changing and that we're being dictated
10 to help these people with disabilities to the best of our
11 ability.

12 MR. ALLEN: I think I'm being inappropriately
13 characterized if you think I'm not wanting to help
14 individuals with disabilities, or that my board doesn't want
15 to help individuals with disabilities, they do.

16 MS. ZAVALLA: That's good to know because it
17 didn't sound like it previously. I don't mean to be ugly
18 but that's just what I felt before.

19 MR. ALLEN: No, no.

20 MS. ZAVALLA: And now you have made me
21 understand it better.

22 MR. ALLEN: You and I can talk offline about
23 how I characterized that comment to make it sound that way
24 but this is certainly not the case, it's certainly not the
25 case within our organization.

1 MR. JACKSON: Any other input from any other
2 Advisory Committee members please?

3 MS. WILLIS: I do have a clarifying question
4 if I may?

5 MR. JACKSON: Please.

6 MS. WILLIS: Is the term offered or
7 delivered? Does the training have to just be made available
8 and the -- the participants can choose not to have it or
9 does it have to be delivered? Are they required to have the
10 two hours per month of training?

11 MS. ZAVALLA: Good point.

12 MR. GRAHAM: Those are two different
13 measures.

14 MS. WILLIS: Uh-huh (affirmative).

15 MR. ALLEN: It does have to be offered during
16 business hours.

17 MR. GRAHAM: Well, no, that doesn't work for
18 me because I have a lot of people doing tutorials in the
19 jammies at home.

20 MR. ALLEN: So, it's not necessarily paid
21 training?

22 MR. GRAHAM: No, not necessarily and it's not
23 necessarily during business hours.

24 MR. JACKSON: So, the question is, is the
25 training going to be offered or is the training going to be

1 mandatory?

2 MS. WILLIS: Correct. That's correct.

3 MR. GRAHAM: Well, I think I heard not
4 mandatory but taken.

5 MR. JACKSON: Taken?

6 MR. GRAHAM: Was that your --

7 MS. WILLIS: Or delivered.

8 MS. LOGAN: Delivered, yeah.

9 MS. WILLIS: The training has to be
10 delivered, yeah.

11 MR. ALLEN: So, just for clarification, if we
12 were to do -- if we were to put up the webinar and make it
13 available to our employees, and the webinar is, what is it,
14 two and a half hours' worth of training three hours' worth
15 of training?

16 MR. WEBER: The Webinar is Dr. Weber's
17 responsibility and our responsibility is to he shows you how
18 you can come in and how you can complete the task of
19 offering counseling services or training persons with
20 disabilities. So, just having -- that would -- that would
21 teach whoever you designate to do the training but is not a
22 training video where your individuals that are working for
23 you would watch and that would meet the two hours.

24 MR. ALLEN: Okay. So, --

25 MR. WEBER: If that's clear. Is that clear?

1 MR. ALLEN: So, by extension then if we were
2 to take that training and convert and create a two hour long
3 video --

4 MR. WEBER: Yes, sir.

5 MR. ALLEN: -- and make that available online
6 to our employees to listen to it or watch given their
7 capability --

8 MS. ZAVALLA: Good point. I like that.

9 MR. ALLEN: -- would that satisfy the
10 requirement that's -- that's being asked for here?

11 MR. WEBER: Mr. Allen, I don't think I'm the
12 one to ask that. I think that's -- I think that's his
13 group's --

14 MR. ALLEN: But is that the intent is that I
15 can put up some passive training and say to my employees
16 it's available for the next two weeks at this link, please
17 go out at your leisure to take this training. I've now made
18 it available, it's been offered, it satisfies the two hour
19 requirement but there is no guarantee that I'm going to --
20 that I'm going to achieve any results from that.

21 MR. GRAHAM: Well, I would -- I would propose
22 that the word offered be replaced with delivered or taken.

23 MR. JACKSON: And Fred, just to clarify then
24 is what Mr. Platt is indicating with that webinar, as you
25 indicated that the doctor provides is more for Mr. Platt's

1 staff on how to present the infor --

2 MR. WEBER: Yes, sir. Exactly.

3 MS. ZAVALLA: Train the trainer.

4 MR. JACKSON: It's not the actual training
5 that the individual Texas with disability needs but taking
6 out --

7 MR. WEBER: Well, you can -- you can
8 transform that to be the training, so he tells you what the
9 -- what the steps are and what, you know, about what you
10 should interview the individual and to talk to the
11 individual about and their goals and objectives and where
12 they want to be in six months or where they want to be in a
13 year and -- and so, it does all of that. It's kind of just
14 a book a curriculum that he has that he goes to but someone
15 would have to sit down with those individuals and to go
16 through that interview -- it's an interview process and
17 there is time set aside with those individuals.

18 MR. JACKSON: Right.

19 MR. WEBER: Did I say that correctly Kyle?

20 MR. RADFORD: That's right. It's not a
21 passive training where I can see how you do it. I mean it
22 involves your staff getting involved and having discussions
23 and determining goals and things. So, this specific, and
24 I'm not saying that a training couldn't be developed but I
25 don't think you could use this specific training in that

1 way.

2 MS. HOWARD-HERBEIN: Mr. Chairman, again a
3 quest to try to kind of go down to the meat of this. And
4 again, I wasn't here when these were originally developed.
5 But what -- what's the issue here? It seems like to me the
6 issue is that there may be -- may or may not be, in some
7 CRPs individuals that have been there for years and years
8 and years and have never been given the opportunity to even
9 explore other things, is that what we're trying to get at?

10 MR. WEBER: Let me say it a little different
11 way in their interpretation. I think when Sunset came to
12 visit with us I think we as a program and the CRPs have done
13 a good job of providing quality products and services
14 because I got to tell you we do an exceptional, when I say
15 we I'm talking about CRP -- exceptional job of our services.
16 I think the concern about the program was are we meeting all
17 of the needs of the individuals with disabilities that we
18 serve inside the program.

19 And as things are happening and things are
20 changing with the WIOA Act that Mr. Serna had talked about,
21 the issue is that we need to be -- I'm speaking from the
22 Sunset and my interpretation is that we need to be more
23 accountable about the services that we provide to the
24 individual disabilities inside of our CRPs -- inside of the
25 CRPs.

1 And so, the whole Competitive Integrated
2 Employment and the personal evaluation of these individuals
3 is part of what's going on in the community that we serve
4 right now.

5 And so, we've been instructed, we've taken on
6 that instruction through our contract with TWC, is to
7 provide and to help CRPs with these area of services to
8 individuals with disabilities and my feeling is that that
9 that's what the Sunset people wanted us to do. They, you
10 know what, we have a 98% shipment rate and we got the best
11 services in the state but they want us to provide, you know,
12 or there's a bigger community for us -- a bigger service
13 that we have to provide and options and that's what they
14 want us to -- want us to do. And that's in our contract,
15 that's what we're committed to, that's why we hired Dr.
16 Weber.

17 And certainly I think the first question that
18 I've heard, I've sat through -- I knew nothing about
19 rehabilitation five years ago, I was selling products and
20 services, well, I had to learn a lot too. But if they walk
21 in to Mr. Allen's deal and they say to one of his employees,
22 and they say, Mr. Smith, do you want services outside of
23 this organization or do you want to be placed in Competitive
24 Integrated Employment, and he says no, I think that's kind
25 of the end of the discussion. I mean that's it. I mean I

1 don't know if that -- I mean that's the way I understand it.
2 You guys are a lot more. But we have to offer that to our
3 employees under the law under WIOA and that's what we're
4 trying to accomplish here.

5 So, I know that was a long question to your
6 answer, so, you know, what I've been told and my
7 instructions from the Sunset folks as I talk to them was we
8 need to do a better job of providing services to those
9 individuals with disabilities and make sure that they have
10 options even the ones that are working in this -- in this
11 program. And if they don't want to leave the CRP, you know,
12 then -- but we have to -- but we have to give them -- we
13 have to talk them about what they want and what their
14 options. And that's -- that's the way I understand things
15 and that's why we're -- we're talking about it and -- and I
16 think nature here provides an informed choice.

17 MR. JACKSON: Does that answer your question
18 Michelle?

19 MS. HOWARD-HERBAIN: Yes. Absolutely. And I
20 thought that was the case, it was just I want to make sure
21 that this wasn't just out of, you know, thin air or
22 someplace.

23 MR. ALLEN: Kelvin isn't there -- I'm sorry
24 Michelle.

25 MR. JACKSON: Go ahead.

1 MR ALLEN: Isn't there a form we fill out
2 today for each employee that says that we have had that
3 conversation with them during our -- our annual review with
4 them? Isn't that part of your desk review?

5 MR. MOORE: Is there a form? There's not a
6 form that indicates that you had that conversation.

7 MR: So maybe that's only on the -- on the
8 Federal side that we have that.

9 MS. HOWARD-HERBEIN: There is one on the
10 Federal side, yeah.

11 MR. GRAHAM: Yeah.

12 MR. ALLEN: Do we have to do it on -- for
13 those of us participating in the AbilityOne Program, we're
14 doing that already.

15 MR. JACKSON: Okay.

16 MR. ALLEN: For all employees, not just those
17 participating in the AbilityOne contracts.

18 MR. JACKSON: Okay. Well, question, at this
19 point in time then do we have a potential proposed measure
20 that we're willing to make at this point in time or?

21 MR. GRAHAM: Well, I will move that -- that
22 the measure state -- that the motion be, Number of hours
23 delivered of career counseling services or training or
24 professional development or education opportunities that
25 would assist employees with disabilities advancing with the

1 in -- within the organization or accepting competitive
2 employment outside the CRP. Note that does not say
3 Competitive Integrated Employment.

4 MR. JACKSON: Right.

5 MR. GRAHAM: That's my motion.

6 MS. ZAVALLA: Second.

7 MR. JACKSON: Motion has been made. Do I
8 hear a second?

9 MS. ZAVALLA: Me.

10 MR. JACKSON: Second has been made. All in
11 favor may I hear Aye?

12 (Chorus of "ayes")

13 MR. JACKSON: Any oppose? Ayes have it,
14 motion carries forward. Okay.

15 MS. HOWARD-HERBEIN: And is -- are you
16 recommending that that be the target that's listed there
17 now?

18 MR. GRAHAM: That has to be a separate motion
19 I think.

20 MS. LOGAN: My understanding is that's two
21 hours per person?

22 MR. GRAHAM: Per month?

23 MS. LOGAN: Per month, yeah.

24 MR. ALLEN: I would not be able to accomplish
25 that.

1 MR. JACKSON: What do you all do currently?

2 MR. ALLEN: Taking any -- any one of our
3 individuals off of the production line for two hours every
4 month is not a possibility.

5 MR. GRAHAM: 24 hours a year per person is a
6 very expensive proposal, I could not support that.

7 MR. JACKSON: What do you all propose then?

8 MR. ALLEN: In total I can do two hours a
9 month.

10 MR. JACKSON: Two hours a month?

11 MR. ALLEN: Possibly. I mean --

12 MR. GRAHAM: And that's what it says.

13 MS. WILLIS: That's what it says.

14 MR. ALLEN: Working with maybe two employees,
15 so.

16 MS. ZAVALLA: Of all employees?

17 MR. ALLEN: No, ma'am. Two hours -- two
18 hours in total across all employees.

19 MS. ZAVALLA: Yeah, that's what I meant, I'm
20 sorry.

21 MR. ALLEN: Not per employee but just two
22 hours of delivery.

23 MS. ZAVALLA: To everyone?

24 MR. ALLEN: To anyone or to any number of
25 individuals.

1 MS. ZAVALLA: Okay.

2 MR. ALLEN: When I count up the number of
3 hours I spend doing this it's going to be two per month.
4 Not two per employee but two per month.

5 MS. WILLIS: When I read it I didn't
6 interpret it to mean each individual had to have it
7 separately.

8 MR. GRAHAM: Oh, that's what I do read.

9 MS. WILLIS: Is that what --

10 MR. GRAHAM: In this.

11 MS. WILLIS: That it has to be done
12 separately for each individual?

13 MR. GRAHAM: Judy, you were here?

14 MS. LACY: Yeah, that's what was proposed.

15 MR. GRAHAM: Brandye, what was that?

16 MS. LACY: It was each person, two hours.
17 That's what was proposed originally when this was brought
18 up.

19 MR. GRAHAM: Thank you.

20 MS. LACY: Your welcome.

21 MR. JACKSON: I'm sorry Brandye, can you
22 repeat that please? I didn't hear you.

23 MS. LACY: When his proposal was brought up
24 it was two hours each person.

25 MR. JACKSON: Two hours each person per

1 month?

2 MS. LACY: Uh-huh (affirmative).

3 MR. JACKSON: Okay. Great. Thank you.

4 Should that be modified then based on your experiences?

5 MS. WILLIS: And I think what I'm seeing is
6 it is two hours per individual but it doesn't have to be
7 delivered separately for each individual, does that make
8 sense? That a collective group could be -- could receive
9 the training at once.

10 MS. ZAVALLA: Yes.

11 MS. WILLIS: And it doesn't necessarily have
12 to be two hours all at once, could be 30 minutes on one
13 thing, 30 minutes on another topic.

14 MS. ZAVALLA: In some instances that -- that
15 would be supported with their attention span too.

16 MS. WILLIS: Correct.

17 MR. JACKSON: Correct. That is correct.

18 MS. ZAVALLA: That would be much more
19 favorable.

20 MS. WILLIS: Uh-huh (affirmative).

21 MR. ALLEN: I would still say 24 hours per
22 employees is onerous.

23 MS. HOWARD-HERBEIN: What do you do for
24 staff? What's a typical amount of training that a staff
25 would receive per year?

1 MR. GRAHAM: Are you -- who are you asking?

2 MS. HOWARD-HERBEIN: Uh-huh (affirmative).

3 MR. GRAHAM: Who are you asking?

4 MS. HOWARD-HERBEIN: Anybody.

5 MR. GRAHAM: Oh.

6 MS. HOWARD-HERBEIN: That runs a CRP.

7 MR. ALLEN: What level of staff?

8 MS. HOWARD-HERBEIN: A direct service --

9 MR. GRAHAM: All levels.

10 MS. HOWARD-HERBEIN: -- direct service staff.

11 MR. ALLEN: So, a supervisor?

12 MS. HOWARD-HERBEIN: Sure.

13 MR. ALLEN: A couple, three hours maybe.

14 MS. HOWARD-HERBEIN: A month or a year?

15 MR. ALLEN: Total.

16 MS. HOWARD-HERBEIN: A year?

17 MR. ALLEN: We may send them to a half-day

18 seminar to, you know, be a better manager, be a better

19 supervisor but it's, you know.

20 MS. HOWARD-HERBEIN: And there's no health

21 and safety training, there's no --

22 MR. ALLEN: I mean we have safety committee

23 meetings if that's considered training.

24 MS. ZAVALLA: As long as you get to sign in I

25 would think it would be.

1 MR. GRAHAM: We do one hour --

2 MS. ZAVALLA: To document --

3 MR. GRAHAM: -- we do one hour a day per
4 associate that we hire for everybody that is hired of safety
5 training.

6 MS. ZAVALLA: It's so important.

7 MR. ALLEN: I suppose you could say --

8 MR. GRAHAM: But that's one time.

9 MR. ALLEN: Yeah. I suppose you could say
10 that every hour of every day we're doing training because
11 we're constantly working with our -- our employees to
12 improve product services, reliability and dependability, so.

13 MS. ZAVALLA: And safety.

14 MR. ALLEN: Yes ma'am.

15 MR. GRAHAM: We do about 40 hours a year of
16 --

17 MS. HOWARD-HERBEIN: About 40 hours a year.

18 MR. GRAHAM: -- training for the staff.

19 MR. ALLEN: Again, it's -- what's the
20 definition? What is it we're trying to count? If it's --
21 because I can -- if it's a strict definition of sitting
22 behind the desk receiving lectured instructions --

23 MS. ZAVALLA: No.

24 MR. ALLEN: -- I can tell you that's --

25 that's a very few number of hours but if it's -- if it's

1 total amount of time we spend working with people --

2 MR. GRAHAM: Well, it's career counseling
3 services or training.

4 MR. ALLEN: No, I'm -- Charlie, I'm just
5 responding to Michelle's question on how many hours do we
6 provide to staff not -- not directly --

7 MR. GRAHAM: Oh.

8 MR. ALLEN: -- associated for -- to what's on
9 the sheet.

10 MR. JACKSON: Any other input there please
11 Advisory Committee members?

12 MR. GRAHAM: I'm looking for a number.

13 MS. WILLIS: Right.

14 MR. GRAHAM: I don't have a baseline in my --
15 in my own organization in my head.

16 MR. JACKSON: Okay.

17 MS. WILLIS: I believe I would tend to agree
18 two hours a month is a lot. Maybe it could be a number per
19 quarter.

20 MR. GRAHAM: I could support two hours per
21 person per quarter I think.

22 MR. JACKSON: At a starting point.

23 MR. GRAHAM: That would be eight hours a
24 year.

25 MS. WILLIS: Uh-huh (affirmative).

1 MR. JACKSON: Mr. Platt, what do you think?

2 MR. ALLEN: Eight hours a year by 69
3 employees I don't have staff to deliver that kind of -- that
4 kind of training. That's a lot of hours.

5 MS. HOWARD-HERBEIN: But not -- but it
6 doesn't have to be individual.

7 MR. ALLEN: Well, for this it is.

8 MS. HOWARD-HERBEIN: It doesn't say indi -- I
9 mean you can do career counseling or professional
10 development that's not --

11 MR. ALLEN: Well, if you follow the
12 curriculum or if you build curriculum based upon what TIBH
13 is delivering, that is one on one conversations about what
14 your career objectives are and how do we get you there. It
15 is not something you can do in a group setting. So, if
16 you're -- if you're -- if you follow what the suggestion is,
17 what our expert is telling us that we ought to do, it is
18 individualized meetings. Now, I got 69 employees, if
19 spending eight hours a year with each one of them, I don't
20 have the staff to do that.

21 MR. GRAHAM: I got 250 employees and I'm
22 committed to doing it.

23 MR. ALLEN: You don't have the staff to do
24 that.

25 MS. ZAVALLA: Are you giving them safety

1 training at all?

2 MR. ALLEN: Yes, ma'am. Every day.

3 MS. ZAVALLA: That's the most important thing
4 to me.

5 MR. ALLEN: Right. I agree with you. We got
6 folks operating band saws, I have to have safety training.

7 MR. JACKSON: Well, Mr. Platt, what would you
8 recommend as a number, just as a baseline number? Just so
9 we can begin with. Because as -- obviously this is the
10 proposal we're going to make. The TWC may accept it and if
11 they do accept it we could always revisit it refine it based
12 on the measurements that we accumulate in time. So, what
13 would be a good starting point?

14 MR. ALLEN: Not having -- not having executed
15 the -- the training that's been talked to us this last --
16 this week --

17 MR. JACKSON: Okay.

18 MR. ALLEN: -- I have no idea Kevin how long
19 it's going to take to do it.

20 MR. JACKSON: Okay.

21 MR. ALLEN: I don't know if it's a -- if it's
22 a 30 minute conversation with each employee or if it's a
23 five hour conversation.

24 MR. JACKSON: Okay. What --

25 MR. ALLEN: I just -- I don't

1 (indiscernible). Fred, do you guys have any experience?
2 Kyle, do you guys have anybody that's executed that -- that
3 training yet? And I know you're just rolling it out so.

4 MR. RADFORD: Well, I mean the first training
5 was Tuesday. The -- the first part of Dr. Weber's training
6 of this model of professional development (indiscernible) so
7 the meeting you have the individuals discuss goals and
8 things like that, he suggested for that a two hour meeting.
9 Now, that's the only, kind of where I can qualify it with a
10 number, because then there's the promotional job assessments
11 and those sorts of other -- other evaluations you would do.
12 But just the meeting itself where you're sitting down and
13 developing a career plan or a person centered plan could be
14 a two hour meeting. He said it could be about that.

15 MR. ALLEN: And my comment would be that I'm
16 not going to do that for every person every year. It's not
17 going to change that -- that much within that 12-month
18 period.

19 MR. GRAHAM: We do a lot of it on the phone
20 now with our people. With our associates. We do a lot of
21 it by email back and forth with our people.

22 MR. JACKSON: So, based on what's going on
23 with the CRP it can vary quite wildly then then?

24 MR. GRAHAM: Oh yeah.

25 MR. JACKSON: Yeah. So, we can -- we know

1 that two hours could be very very difficult. How about one
2 hour? We shoot for one hour per, what, one hour per month
3 or one hour per quarter?

4 MR. GRAHAM: One hour per quarter, I'll go
5 along with that.

6 MR. JACKSON: One hour per quarter?

7 MS. ZAVALLA: Uh-huh (affirmative).

8 MR. JACKSON: And that would be one hour per
9 quarter for total training, is that correct sir?

10 MR. ALLEN: Not one hour per person?

11 MR. JACKSON: Not one hour per person.

12 MR. GRAHAM: What I heard is one hour per
13 person per quarter.

14 MR. ALLEN: That's why I'm asking for
15 clarification. You think it's one hour per person or just
16 one hour?

17 MR. JACKSON: What do you all think Advisory
18 Committee members?

19 MS. HOWARD-HERBEIN: Again, I think we got to
20 go back to this does not say that it's individualized. That
21 training that he's talking about is individualized. I mean
22 it's -- it's probably reasonable to think about once a year
23 just like you would within a staff that you sit down and you
24 come up with -- you do a performance appraisal and you come
25 up with goals and the you talk about career planning. So,

1 there is that piece but then there is also just more general
2 career counseling, what's out there, have you ever thought
3 about getting another job, that can certainly be done in
4 groups.

5 MS. WILLIS: Uh-huh. So, is it one hour per
6 quarter provided to all of the workers and then you
7 determine if that's a group or if it's individual? It still
8 ends up being one hour that each person receives.

9 MS. HOWARD-HERBEIN: Doesn't WIOA give some
10 specific guidelines about folks in sheltered workshops
11 receiving career counseling, or what does it say?

12 MR. SERNA: I'd have to go -- I'd have to go
13 specifically look or ask one of the VR staff to -- to hunt
14 that down for me. I think that there is language in there
15 but I think it's more geared towards individuals in a
16 subminimum wage environment and not just sheltered workshop
17 in general from what I recall.

18 MR. WEBER: The way I remembered it, it was
19 an individualized where you sit down and you ask that person
20 what they wanted as Mr. Serna just said. So, I mean that's
21 -- that's the way that -- I mean if you're talking about
22 WIOA I think it's individualized, I think, the way I've
23 heard it.

24 MS. HOWARD-HERBEIN: Yeah, I was just curious
25 if there was an amount or hour per month, or quarter, or

1 year in WIOA.

2 MR. JACKSON: Okay. So, we're looking at an
3 individual in a quarterly basis right now, we're looking at
4 one hour, we're looking at 30 minutes per quarter or we're
5 looking at a group session where we provide training in a
6 group per quarter?

7 MR. GRAHAM: I move one hour -- one hour of
8 training per quarter per person irrespective of whether it's
9 individualized or group.

10 MS. ZAVALLA: Second.

11 MR. JACKSON: So, that motion has been made,
12 do I hear a second?

13 MS. ZAVALLA: I did.

14 MR. JACKSON: Second has been made, all in
15 favor say Aye.

16 (Chorus of "ayes")

17 MR. JACKSON: Any oppose?

18 MR. ALLEN: Yes, sir, I'll oppose that.

19 MR. JACKSON: One opposition. So noted. The
20 motion moves forward.

21 MR. GRAHAM: I didn't hear a vote from --

22 MS. LOGAN: I abstain.

23 MR. GRAHAM: Okay.

24 MR. JACKSON: You abstain?

25 MS. LOGAN: I do.

1 MR. JACKSON: Great. Thank you.

2 MS. LOGAN: You're welcome.

3 MR. JACKSON: Committee members, let me ask
4 you this. I only have 12 O'clock and I don't know if anyone
5 is in need of a potty break, I want to make that obviously
6 clear because based on your schedules today, I think we have
7 addressed and we've made four proposals, is that correct? I
8 think my memory serves me correctly. Fred, Kelvin and Ed,
9 does that sound about right?

10 MR. SERNA: Yes, sir.

11 MR. JACKSON: We made four proposals. With
12 that in mind, should we look at tabling proposals for our
13 future meeting because I'm just --

14 MS. ZAVALLA: Please, my brain is gone.

15 MR. JACKSON: Or should -- should we take a
16 10-15 minute break and come back and move on with at least
17 one proposal?

18 MS. ZAVALLA: No. Unh-unh.

19 MR. JACKSON: Which one would you all like to
20 do? Should we call it an end to the day and come back in a
21 couple of months and take up more proposals?

22 MR. GRAHAM: I'm ready to work.

23 MS. LOGAN: Mr. Chairman, I'm wondering if
24 until we finish this task, if we could not agree on a more
25 frequent meeting schedule.

1 MR. JACKSON: I'm fine with that.

2 MS. LOGAN: Thank you.

3 MR. JACKSON: I'm fine with that. With that
4 in mind let me throw this proposal off. Based on your
5 schedule for today, would you all like to continue with the
6 proposal measurements that we're going to make at a future
7 -- at a meeting in the near future, not 60 days of
8 petitioning but perhaps 30 days, Kelvin if you can
9 coordinate that?

10 MS. ZAVALLA: Please.

11 MR. JACKSON: Is any one in favor of tabling
12 the rest of our proposals to the next meeting, can I hear
13 Aye?

14 (Chorus of "ayes")

15 MR. JACKSON: Any opposed? Ayes have it.
16 So, with that in mind, before I turn it over to -- because
17 we're getting out of a little sequence -- before I turn it
18 over to public comment, can we Kelvin, look at organizing a
19 date to have a next meeting within the next 30 days?

20 MR. MOORE: Sure. We can do that. I'll
21 contact everyone for their schedule.

22 MS. ZAVALLA: Okay.

23 MR. GRAHAM: You don't mean contact in the
24 next 30 days do you?

25 MS. ZAVALLA: Meeting.

1 MR. JACKSON: meeting in the next 30 days.

2 MR. GRAHAM: Okay.

3 MR. JACKSON: Great.

4 MS. HOWARD-HERBEIN: WIOA is -- just -- just
5 for the record, it is once every six months, in the first
6 year of an employment and then annually afterwards.

7 MR. GRAHAM: To do what?

8 MS. HOWARD-HERBEIN: That career counseling
9 is required.

10 MR. GRAHAM: Oh. Thank you.

11 MR. SERNA: But not the -- but not the
12 amount?

13 MS. HOWARD-HERBEIN: It does not give an
14 amount, it just says that it is -- it gives some examples of
15 what can be included in that and but it doesn't say a
16 timeframe other than it has to be once every six months for
17 the first year and annually after.

18 MR. GRAHAM: So, just frequency?

19 MS. HOWARD-HERBEIN: Yes.

20 MR. JACKSON: Was there a comment from over
21 here? I'm sorry.

22 MS. LOGAN: I had a question. Would it be
23 possible to get the minutes from this meeting prior to the
24 next meeting with a condensed timeframe?

25 MR. JACKSON: Kelvin, would that be possible?

1 MR. MOORE: Possible. I'll try to -- I'll
2 try to get that -- I'll try to expedite that.

3 MR. JACKSON: Okay. Great. Okay.

4 MS. ZAVALLA: Give up your lunch break.

5 MR. JACKSON: Any of -- input from Advisory
6 Committee members from Fred, Ed, Kelvin, Howard, the rest of
7 the team?

8 MS. ZAVALLA: No.

9 MR. JACKSON: Okay. How about at this point
10 in time, we're going to go ahead and submit our timeframes
11 for the potential next meeting to you Kelvin when you get
12 some stuff out to us.

13 AGENDA ITEM NO. 4

14 MR. JACKSON: And then I think I our next
15 agenda item will be any public comment, would anyone --
16 anyone like to provide us with a public comment please? If
17 not, I think that's all the agenda items. Is that correct
18 ladies and gents?

19 MS. WILLIS: That is correct.

20 MR. ALLEN: That's correct, sir. Yes.

21 MR. JACKSON: With that in mind -- first of
22 all let me ask this, is everybody okay, is everybody pleased
23 with the measurements of the steps you've taken so far
24 today?

25 MR GRAHAM: Yes.

1 MS. ZAVALLA: Yes.

2 MS. WILLIS: Yes.

3 MR. JACKSON: Any concerns, any complaints,
4 any -- any gripes, moans, groans, bitches, anything?

5 MS. LOGAN: My -- my only concern Mr.
6 Chairman --

7 MR. JACKSON: Yes.

8 MS. LOGAN: -- is whether by delaying by a
9 month, finishing up this task, we are upsetting the apple
10 with respect to presentation to TWC.

11 MR. SERNA: No, ma'am.

12 MS. LOGAN: Okay.

13 MR. SERNA: We'll -- we'll work with the --
14 with the committee.

15 MR. JACKSON: Okay. Great. Does that answer
16 your question okay?

17 MS. LOGAN: Yes, sir.

18 MR. JACKSON: Ed, one other question I have
19 for you please sir. With the proposals that we've made,
20 about what timeframe can we hear back from the TWC folks
21 making the decision whether or not they're going to
22 implement it or not, when can we expect to hear back from
23 them?

24 MR. SERNA: One -- once the Advisory
25 Committee has decided on the measures --

1 MR. JACKSON: Yes.

2 MR. SERNA: I would prefer to take all the
3 measures in one lump as opposed to trickling them in.

4 MR. JACKSON: Okay.

5 MR. SERNA: Once we do that then we'll work
6 expeditiously to get them on an agenda --

7 MR. JACKSON: Great. Great.

8 MR. SERNA: -- on a policy agenda. The
9 Committee meets here and has policy every other week. They
10 meet every Tuesday.

11 MR. JACKSON: Okay.

12 MR. SERNA: Every other week is a policy and
13 it includes an addition to the docket. We normally need two
14 weeks in advance to brief the Commission offices, get it on
15 an agenda, print the materials and get it in a Commission
16 book.

17 MR. JACKSON: Okay.

18 MR. SERNA: So, we could -- we could probably
19 move in less than 30 days.

20 MR. JACKSON: Great.

21 MR. SERNA: Depending on the timing. In
22 other words, if the Committee gets done and we're maybe
23 three weeks out from the next policy meeting, we can
24 probably catch that policy meeting and be done in three
25 weeks, maybe even as quickly as two but that would be very

1 aggressive but we can get it done very quickly after that.

2 MR. GRAHAM: Are we up against vacations?

3 MR. SERNA: No, sir.

4 MR. WEBER: Not now.

5 MR. SERNA: Well, for the -- for the -- from
6 the perspective of the -- of the Commission, the only thing
7 that would -- that would hold us up is if the Governor has a
8 long period of time before he appoints the replacement
9 Commissioner to replace our current Commissioner
10 representing the public but we don't anticipate that being
11 the case and it will be, you know, it will be 30 days, it's
12 going to be 30 days before you all meet again anyway, so.

13 MR. JACKSON: Great. Great.

14 MR. GRAHAM: Are you un -- is the Commission
15 unable to meet and take action?

16 MR. SERNA: The Commission can meet and take
17 action and they probably would take action on a policy item
18 and I'm not going to say that they will. I'd have to ask
19 the commissioners and see if they're both comfortable. They
20 normally try not to take action on a docket, which are the
21 unemployment cases, so that -- but I think that on a policy
22 issue they may be comfortable, if the two commissioners feel
23 comfortable acting but I can't speak for them. I'd have to
24 ask them.

25 MR. JACKSON: Okay. Any other questions,

1 sir, please ladies or gents?

2 MS. HOWARD-HERBEIN: I have just one other
3 quick question and I probably should have asked this
4 earlier. The -- you provided us with nine different items
5 under when you were coming up with some baseline, where did
6 those original --

7 MR. SERNA: Nine come from?

8 MS. HOWARD-HERBEIN: Nine come from?

9 MR. WEBER: Out of the -- out of the -- I
10 picked -- I pulled those out of the Chapter 122 of the Human
11 Resources Code about what the Advisory Committee was
12 supposed to look at.

13 MS. HOWARD-HERBEIN: Okay. And so, what you
14 ask of organizations to report to you comes directly from
15 that?

16 MR. WEBER: What I ask --

17 MS. HOWARD-HERBEIN: Organizations to report.

18 MR. WEBER: Comes -- yeah

19 MS. HOWARD-HERBEIN: It comes from that Code?

20 MR. WEBER: Well, yes.

21 MS. HOWARD-HERBEIN: Okay.

22 MR. WEBER: That's correct. Yeah. We have
23 to report certain things and it says what we have to report.
24 TWC has added some of the information that we have reported
25 over the last couple of years like how many individuals get

1 paid subminimum wage, that's in the report now, that's not
2 -- that wasn't in the requirement but TWC certainly has the
3 -- I mean they can tell us what -- It's their report I guess
4 is what I'm saying.

5 MS. HOWARD-HERBEIN: okay.

6 MR. WEBER: There is statutes, there is items
7 in there that we have to report by the statute and they're
8 all in there, so what we ask from the CRP is either what's
9 required in the statute or what's been required by us -- by
10 TWC to ask the CRPs for that information. And that's where,
11 you know, when I looked at saying, okay, well, it says how
12 many items -- wages to items that are repackaged. Well
13 that's -- we have to sit down with TWC and decide -- we're
14 going to have to decide what's repack -- definition of
15 repackaging take us all -- we'll be here, we'll be here
16 another 30 days trying to figure out what the idea of
17 repackaging is.

18 MS. ZAVALLA: I almost asked that question.

19 MR. WEBER: Well Ms. Zavalla, thank you for
20 -- thank you for not asking that question.

21 MS. ZAVALLA: I came very close.

22 MR. JACKSON: Ed, one other item please, sir
23 if you don't mind. Based on the fact that we've submitted
24 four proposals today, would it be possible to have someone
25 send to all the Advisory Committee members and all present

1 today, those specific proposals that we made because I know
2 that we're going to have a -- Kelvin is going to work on
3 getting the minutes to us, based on the people he's got to
4 interface with, it may not come out in time for the next
5 meeting within the next 30 days. So, just to give us, you
6 know, one of the -- one of the building blocks in our steps
7 that we're going to build, what the four proposals that we
8 submitted today are. Is that okay?

9 MR. SERNA: Yes, sir.

10 MR. JACKSON: Great. Thank you. With that
11 in mind if there are no further questions, can I hear a
12 motion to end today today's Advisory Committee meeting of
13 the Texas Workforce Purchasing from People with Disabilities
14 meeting?

15 MR. ALLEN: Move to adjourn.

16 MS. ZAVALLA: second.

17 MR. JACKSON: Move has been made, has been
18 seconded, all in favor say Aye.

19 (Chorus of "ayes")

20 MR. JACKSON: Any oppose? Ayes have it.

21 Thank you all so much everyone for your input today and
22 thank you for your patience. Thank you for everything.

23 Thank you so much Mr. Graham. Thank you. I couldn't do it
24 without you all. Thank you for the teamwork.

25 (Meeting adjourned at 12:19 p.m.)

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C E R T I F I C A T E

STATE OF TEXAS)
COUNTY OF TRAVIS)

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 12th day of August, 2018.

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

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