



**MEETING OF THE
TEXAS WORKFORCE COMMISSION**

DATE

MAY 31, 2022

1 Tuesday, May 31, 2022

2 CHAIRMAN DANIEL: Good afternoon, everyone.
3 This meeting is called to order. Is anyone signed up for public
4 comment? Thank you so much. Good afternoon, Ms. Miller.

5 MS. MILLER: Good afternoon.

6 CHAIRMAN DANIEL: Thank you. This brings us
7 to the end of Agenda Items 3 through 7. We'll take a short
8 break. This is Agenda Item 8, WIOA and AEL allocations and
9 distributions for program year 2022, fiscal year 2023.

10 IRENE TANGUMA: Good afternoon, chairman,
11 commissioners, and Mr. Serna. For the record, Irene Tanguma, TWC
12 budget director. This afternoon you have before you, fiscal year
13 23, program year 22, WIOA adult and youth dislocated worker
14 allocations and associated rapid response distribution along
15 with the adult education and family literacy allocations for the
16 contracts beginning on July 1, 2022. Using the recently released
17 Department of Labor WIOA state allotment and the updated data
18 factors, TWC will be allocating \$190,287,611 in combined WIOA
19 adult and youth dislocated worker funds along with the
20 additional \$1,041,979 in rapid response funding. This represents
21 a 15.3 percent increase over the prior year allocation. The
22 rapid response funding is equal to 1.25 percent of the statewide
23 dislocated worker allotment, the same as FY22. TWC does not
24 normally receive the AEL state allotment until July 1st which is
25 when these contracts begin. Historically the planning estimate

1 amounts have not changed with the issuance of the final
2 allotment so I'm bringing forward the AEL allocations developed
3 with the updated data factors. With AEL planning estimate
4 amounts plus the available balances identified we are proposing
5 AEL allocation of \$82,249,494, a 3.7 percent increase over the
6 prior year. On page nine of nine, you will see the provider
7 allocation based on the demographic factors by county. That
8 concludes my remarks. Without any objection I will post these
9 planning estimates on our website, and I'm happy to answer any
10 questions.

11 CHAIRMAN DANIEL: Any comments or questions?

12 COMMISSIONER ALVAREZ: None here, chairman.

13 COMMISSIONER DEMERSON: None here.

14 IRENE TANGUMA: Thank you.

15 CHAIRMAN DANIEL: Do we have a motion?

16 COMMISSIONER ALVAREZ: Yes, sir. I move that
17 we approve program year 2022, fiscal year 2023, WIOA Title I,
18 block grant allocations in the amount of \$190,287,611, rapid
19 response distribution in the amount of \$1,041,979, and WIOA
20 Title II AEL allocations in the amount of \$82,249,494, and order
21 the executive director to administer these block grant
22 allocations and distributions in the most feasible and
23 economical manner within all guidance prescribed by the General
24 Appropriations Act consistent with federal and state program
25 requirements.

1 COMMISSIONER DEMERSON: Second.

2 CHAIRMAN DANIEL: It's been moved and
3 seconded. The motion carries. I think, gentlemen, we missed an
4 opportunity to ask some questions about Chris Nelson that we
5 might not get back. We need to think about that next time. This
6 is Agenda Item 9-

7 COMMISSIONER DEMERSON: Was that Irene's
8 first time presenting?

9 CHAIRMAN DANIEL: I think so.

10 COMMISSIONER ALVAREZ: Good job, Irene.

11 CHAIRMAN DANIEL: Well, I thought she did a
12 great job but I think we did miss some opportunities.

13 COMMISSIONER DEMERSON: I think we need to
14 call her back up.

15 CHAIRMAN DANIEL: Commissioner, that's
16 certainly your prerogative and you'd find no objection from the
17 chair.

18 COMMISSIONER DEMERSON: Irene?

19 COMMISSIONER ALVAREZ: I'd just like to say
20 for the record you did a lot better job than Chris did, just for
21 the record.

22 CHAIRMAN DANIEL: I don't want to stir
23 anything up but that's a strong motion you just made. This is
24 Agenda Item 9, temporary suspension of apprenticeship and skills
25 development fund rules.

1 MARY YORK: Good afternoon, Chairman Daniel,
2 Commissioner Alvarez, Commissioner Demerson, and Mr. Serna. For
3 the record, I'm Mary York with the Outreach and Employer
4 Initiatives Division, and also for the record this is the first
5 time I've ever had to move up a microphone for myself. At the
6 commission meeting on May 24, 2022, Mr. Townsend provided
7 information responsive to a prior request for staff to review
8 statute and rule for barriers that would limit the participation
9 by public sector health care employers in the Chapter 133,
10 Apprenticeship Training Program, and the Skills Development
11 Fund. Following Mr. Townsend's update, the commission directed
12 staff to develop a discussion paper and recommendations to
13 address the limitations identified in each program's rules.
14 Commissioners, before you today for your consideration for
15 approval is the possible suspension of rules relating to 40
16 Texas Administrative Code, Chapter 837, Apprenticeship Training
17 Program, and suspension of rules related to 40 Texas
18 Administrative Code, Chapter 803, Skills Development Fund.
19 Although the Texas Education Code, Chapter 133, does not limit
20 participation in apprenticeship training programs to private
21 employers, the definition of apprentice in Chapter 837 of the
22 TAC does limit participation to the private sector. The proposed
23 suspension of Chapter 837.22 will allow the inclusion of
24 apprentices in health care occupations employed by public sector
25 health care employers for the FY23 Apprenticeship Training

1 Program. The commission has the authority to suspend these rules
2 under 800.8 of the TAC if the commission finds a public
3 emergency or imperative public necessity exists, and the
4 commission finds that the suspension will best serve the public
5 health, safety, or welfare. In examining the number of current
6 and anticipated openings in health care, we feel this necessity
7 exists. Additionally, the Texas Labor Code, Section 303, does
8 not limit participation in the Skills Development Fund but there
9 are multiple references in program rules to private business,
10 private partner, and business consortium. To support the
11 training of health care occupations for public sector employers,
12 these rules would need to be suspended under the authority
13 granted to the executive director in Section 803.32 of the TAC.
14 Therefore, staff recommends suspension of 40 TAC, Section
15 837.22, to allow for the inclusion of apprentices in health care
16 occupations employed by public sector health care employers for
17 the FY23 Apprenticeship Training Program, and suspension of
18 language in 40 TAC, Section 803, to allow up to \$5,000,000 from
19 the Skills Development Fund to be used to support training
20 health care occupations for public sector employers in FY2022
21 and FY2023. This concludes my presentation and I'm available for
22 questions if you have any.

23 CHAIRMAN DANIEL: Any comments or questions?

24 COMMISSIONER ALVAREZ: None here, chairman.

25

1 COMMISSIONER DEMERSON: I have to continue
2 to applaud the efforts that we're making in the health care
3 space for employers here in Texas. It needed help in that area.

4 CHAIRMAN DANIEL: Is there a motion?

5 COMMISSIONER ALVAREZ: Chairman, I move
6 suspended limitation to private sector within the definition of
7 apprentices as set forth by 40 TAC, Section 837.22, for fiscal
8 year 2023. Pursuant to the commission's rule suspension
9 authority in 40 TAC, Section 800.8, to allow apprentices in
10 health care occupations employed by public sector health care
11 employers to be included within the fiscal year 2023
12 Apprenticeship Training Program, and approve the executive
13 director's suspension of language in 40 TAC, Chapter 803, to
14 allow Skills Development Fund services to public sector health
15 care employers and making up to \$5,000,000 in fiscal year 2022,
16 2023 [inaudible] developmental funds available to public sector
17 health care employers as recommended today by staff.

18 COMMISSIONER DEMERSON: I would second that
19 with the Skills Development Fund making those available so with
20 the Skills Development Fund, I second that.

21 CHAIRMAN DANIEL: It's been moved and
22 seconded. The motion carries.

23 MARY YORK: Thank you.
24
25

1 CHAIRMAN DANIEL: Thank you. This is Agenda
2 Item 10, acceptance of a Child Care Industry Partnership Program
3 matching donation.

4 SANDRA WILLIAMS: Good afternoon, Chair
5 Daniel, commissioners, Mr. Serna. For the record, Sandra
6 Williams, Workforce Development Division. On December 1, 2020,
7 the Texas Workforce Commission's three-member commission
8 approved \$5,000,000 in child care development fund, statewide
9 funds, for implementation of the Child Care Industry Partnership
10 Program. This was a result of many private employers and
11 corporate foundations voicing an interest in investing in the
12 early childhood education system to help build a strong
13 foundation of support for future workforce. Workforce in child
14 care and early learning is bringing forward a donation from
15 Texas Mutual Insurance to the United Way of Greater Austin in
16 the amount of \$87,500 to develop pre-K partnerships in the
17 Capital Area Workforce Development Board through the Child Care
18 Industry Partnership Program. The CCIP requires that local cash
19 matching funds be donated to the board and accepted by the
20 commission as CCDF funds. Workforce in child care early learning
21 seek approval for acceptance of the \$87,500 matching donation
22 and agreement for the United Way of Austin in partnership with
23 Workforce Solutions Capital Area as outlined above. I am happy
24 to answer any questions.

25 CHAIRMAN DANIEL: Any comments or questions?

1 COMMISSIONER ALVAREZ: None here, chairman.

2 COMMISSIONER DEMERSON: None here.

3 CHAIRMAN DANIEL: Is there a motion?

4 COMMISSIONER ALVAREZ: Chairman, I move we
5 accept the \$87,500 matching donation and agreement from United
6 Way of Austin in partnership with Workforce Solutions Capital
7 Area.

8 COMMISSIONER DEMERSON: Second.

9 CHAIRMAN DANIEL: It's been moved and
10 seconded. The motion carries.

11 SANDRA WILLIAMS: Thank you.

12 CHAIRMAN DANIEL: Thank you. This is Agenda
13 Item 11, resource utilization to provide child care or other
14 state-level funds.

15 REAGAN MILLER: Good afternoon, chairman,
16 commissioners. Reagan Miller with the Child Care and Early
17 Learning Division. This afternoon for your consideration are
18 several child care actions that we're recommending. We're
19 hopeful that these recommendations will help the board respond
20 to last week's events. In the first issue we've outlined several
21 existing strategies that the commission already approved and are
22 included in the TWC's CCDF disaster response plan. Although
23 already approved, we've included them in order to provide a
24 comprehensive picture of all of the actions that the commission
25 can take. We're recommending that TWC staff ensure that the

1 board is aware of these strategies that can be implemented for
2 families and providers in Uvalde County. First, that they may
3 extend eligibility redeterminations. Second, that they may
4 extend the current three-month period of continued child care
5 for parents who are not working or in education or training and
6 provide an additional three months that will allow up to a total
7 of six months of continued child care. Third, that the board may
8 make exceptions to the attendance standards and extend this
9 through the summer. This will allow children to remain eligible
10 in child care programs to continue being paid even if a child
11 has accrued more absences than generally allowed, and finally
12 that the board may continue reimbursing a child care provider
13 for up to four weeks if they were impacted. The second issue
14 that we're recommending is a new Uvalde emergency child care
15 program which we estimate would cost \$1,000,000. The board would
16 be authorized to approve child care for impacted families and
17 provide child care through this summer until the next public
18 school year begins. I also want to clarify some flexibility that
19 we're requesting that may not be clearly laid out to ensure that
20 we can address the needs of first responders, not all of whom
21 may live in Middle Rio Grande so this would allow us to address
22 any unforeseen needs for first responders to the event that came
23 from outside that region. The third issue concerns the 2022
24 child care relief funds, that's the 3.4 billion that you
25 approved, the application deadline is tomorrow, and we are

1 recommending that we extend this through the second week in June
2 so providers in Uvalde County would have until June 10th to
3 apply. The last issue is funding to support mental health
4 counseling which we estimated at \$1,000,000. Child care funding
5 could be used to provide mental health consulting and counseling
6 within regulated child care programs. Talking to Mr. Serna, we
7 understand that HHSC is really taking the lead on counseling
8 efforts so we're not sure if this is needed but in the event
9 that some child care funding could be used to supplement what
10 HHSC is already doing, then we are requesting your approval for
11 that use of funds. That concludes my remarks.

12 CHAIRMAN DANIEL: Any comments or questions?

13 COMMISSIONER ALVAREZ: Chairman, I have some
14 comments. I want to thank staff for their hard work on this. I
15 just want to make sure that we are doing everything we can to
16 make the most effective use of our resources to help this
17 community in any way we can. I would like to know what steps
18 staff intend to make to publicize these programs so those who
19 most in need can take advantage of them. I also want to make
20 sure that all the written materials we make available to the
21 public are in English and Spanish. The timeframe in which these
22 measures are going to have the most impact is very short, and I
23 would encourage staff to act with urgency over the coming days
24 so that these child care programs are available to families when
25 they need them the most.

1 COMMISSIONER DEMERSON: Commissioner Alvarez
2 raises questions, Reagan, so to that point, what steps will
3 staff take, and will they be produced in Spanish? You may just
4 knock those off your plate right now.

5 REAGAN MILLER: We actually have already
6 been in contact with the board. We're trying to help them
7 implement this new emergency child care program by developing
8 some forms that they can use so they don't have to spend their
9 time on some of this paperwork that we know has to be done.
10 Those will be made available in English and in Spanish, and
11 following Mr. Serna's visit to the area at the end of last week,
12 we actually made a modification to the first draft of this paper
13 when we're talking about that emergency child care, adding in
14 that fourth bullet saying other families who were impacted by
15 the event as determined by the board because Mr. Serna came back
16 with an example, a scenario that we hadn't contemplated but
17 clearly was a family who had been impacted so we're grateful for
18 the discussions that have already taken place that have allowed
19 us to draft something that we hope allows them to do what they
20 need to do to help those families.

21 COMMISSIONER DEMERSON: I, too, commend
22 staff for the work that you've done and those efforts. Mr.
23 Chairman, is that a motion that Commissioner Alvarez raised?

24 CHAIRMAN DANIEL: [inaudible].

25

1 MR. SERNA: Commissioner, very quickly,
2 Commissioner Alvarez, we intend to, one, work with a local board
3 who's got very good connections in the community with regard to
4 getting information out on the available services, not just in
5 child care but in other areas that I'll talk about in a little
6 bit but also we will put together some outreach materials that
7 can be used in the local area and the surrounding areas to make
8 sure that the folks there know about the services that at least
9 TWC has available to assist them to overcome some of what
10 they're going through right now. That's in child care, in
11 workforce, in unemployment insurance, and in vocational
12 rehabilitation.

13 COMMISSIONER ALVAREZ: Thank you, Ed. I
14 appreciate your visit last week. Thank you.

15 CHAIRMAN DANIEL: With regard to the
16 extension of the CCRF deadline, the June 10th, why June 10th?

17 REAGAN MILLER: So we looked at the numbers.
18 There are actually only—there are 16 providers in the county.
19 Only three haven't applied, and we think that we can work with
20 those three providers in a two-week period to make sure that
21 they're aware about this opportunity and have enough time to
22 submit an application.

23 CHAIRMAN DANIEL: So there's only three
24 possible eligible applicants left?

25 REAGAN MILLER: Yes, sir.

1 CHAIRMAN DANIEL: OK, thank you. Is there a
2 motion?

3 COMMISSIONER ALVAREZ: Chairman, if I may
4 since it was brought up in four parts, do I make a motion for
5 all four or would like them all at one time?

6 CHAIRMAN DANIEL: You can do it however you
7 want.

8 COMMISSIONER ALVAREZ: I'll do it in four
9 different motions. I move that we notify the Middle Rio Grande
10 Valley Board that commission is implementing the strategies from
11 the Texas Statewide Child Care Emergency Preparedness and
12 Disaster Response plan described in issue one of the discussion
13 paper.

14 COMMISSIONER DEMERSON: Second.

15 CHAIRMAN DANIEL: It's been moved and
16 seconded. The motion carries.

17 COMMISSIONER ALVAREZ: Chairman, the second
18 motion, I move that we authorize \$1,000,000 for Uvalde emergency
19 child care program as recommended by staff and described in
20 issue two of the discussion paper.

21 COMMISSIONER DEMERSON: It's up to
22 \$1,000,000. I second that.

23 COMMISSIONER ALVAREZ: Yes, it's-

24 CHAIRMAN DANIEL: It's been moved and
25 seconded. The motion carries.

1 COMMISSIONER ALVAREZ: Chairman, bullet
2 point three, I move that we extend the 2022 CCRF deadline for
3 child care providers in Uvalde County through June 10, 2022, as
4 recommended by staff and described in issue three of the
5 discussion paper.

6 COMMISSIONER DEMERSON: I second.

7 CHAIRMAN DANIEL: It's been moved and
8 seconded. The motion carries.

9 COMMISSIONER ALVAREZ: Chairman, bullet
10 four, I move that we dedicate \$1,000,000 in funding to support
11 mental health counseling within all regulated child care
12 providers in Uvalde County as recommended by staff and outlined
13 in issue four of the discussion paper.

14 COMMISSIONER DEMERSON: I second that with
15 up to a \$1,000,000, second that.

16 CHAIRMAN DANIEL: It's been moved and
17 seconded. The motion carries.

18 REAGAN MILLER: Thank you.

19 CHAIRMAN DANIEL: Thank you. Nothing on 12
20 or 13. This is Agenda Item 14, board nominations.

21 CHERIE DUDLEY: Good afternoon, chairman,
22 commissioners, and Mr. Serna. For the record, Cherie Dudley with
23 the Workforce Development Division. For your consideration today
24 we have workforce nominations for Alamo, Heart of Texas, Golden
25 Crescent, Lower Rio Grande Valley, and West Central Texas. Staff

1 seeks guidance on the presented nominees, and I'm here to answer
2 any questions you may have.

3 CHAIRMAN DANIEL: Any comments or questions?

4 COMMISSIONER ALVAREZ: None here.

5 COMMISSIONER DEMERSON: None here.

6 CHAIRMAN DANIEL: Is there a motion?

7 COMMISSIONER ALVAREZ: Yes, I move to
8 approve the board nominees for Alamo, Heart of Texas, Golden
9 Crescent, Lower Rio Grande Valley, and West Central Texas.

10 COMMISSIONER DEMERSON: Second.

11 CHAIRMAN DANIEL: It's been moved and
12 seconded. The motion carries.

13 CHERIE DUDLEY: Thank you.

14 CHAIRMAN DANIEL: Thank you. There is not a
15 legislative report today but is there an executive director's
16 report?

17 MR. SERNA: Yes, sir, just a brief note, and
18 we've talked about it a little bit. I wanted to share with the
19 commission and make sure that you all were aware that working
20 with the Governor's Office and the local board, we are prepared
21 to provide services to the Middle Rio board area as well as some
22 of the surrounding board areas, primarily child care but also in
23 workforce with regard to TANF and SNAP benefits, making sure
24 that individuals who are unable to complete their work or
25 training requirements don't lose those benefits, unable to

1 complete it because of the event. We also have given priority to
2 the 13 exchanges coming out of Uvalde in our unemployment
3 insurance call system so that individuals calling from those
4 areas will get priority treatment, and we will also prioritize
5 their actions or their requested actions with regard to appeals
6 or anything like that, either expediting them or suspending them
7 per their request, and then finally our vocational
8 rehabilitation efforts in that area which are probably longer
9 term will also be made available and we'll make sure the
10 community knows that we have a presence there, and that we're
11 prepared to support them as they overcome the tragedy and try to
12 get their lives as much as they can back to normal. We'll
13 continue to work very closely with the local Workforce Board.
14 I've been in regular communication with Ms. Betty Sifuentes and
15 her deputy and her staff. We feel very comfortable that they
16 understand the situation and will reach out to us if they need
17 anything plus, we'll probably take some steps directly to
18 getting engaged and providing some of the support to assist
19 them. I just wanted to make sure that the commission was aware
20 of that.

21 CHAIRMAN DANIEL: Thank you. Is there any
22 other order of business to come before the commission today?

23 COMMISSIONER ALVAREZ: Yes, chairman, I have
24 a couple of things I'd like to ask Ed. Ed, I would like your
25 briefing on the TANF allotment by board area, the number of TANF

1 customers being served by the boards broken down by board area
2 in detail on the number of TANF customers enrolled in training.
3 Second item, I'd like to pass these out. That's for you,
4 chairman. I just passed out account balances from the agency as
5 of yesterday or as of today. We are all aware of the tragic
6 events that unfolded last week in Uvalde, Texas. I want to begin
7 by extending our deepest sympathies to the families and the
8 community. We have an opportunity to support the community
9 through the education outreach specialist. With over 70,902
10 engagements today, the team provides critical information and
11 inspiration to that young people that can envision and connect
12 to their future in a positive way. According to finance, we have
13 a maximum commission reserve balance of \$408,845 in TANF,
14 \$3,033,679 in WIOA statewide, and \$855,487 in AEL state
15 leadership funding available. Ed, I would like staff to expedite
16 an initiative and bring back a discussion for next week's
17 commission meeting using fiscal year 2022 TANF and WIOA
18 statewide funding balances to support two education outreach
19 specialists to serve the Middle Rio local workforce board area
20 to work with the school districts in the area to provide
21 outreach services and identify out-of-school youth in community
22 and connect with them. I would also like to ensure that this
23 team has access to virtual reality technology that has been
24 afforded to other teams across the state. The education outreach
25 specialist shall serve both in-school and out-of-school youth

1 providing the following: Career exploration activities;
2 connecting high school students to training, internships,
3 apprenticeships, and mentoring opportunities; making connections
4 to the local workforce office for services and wraparound
5 services including child care services; connecting youth to
6 vocational rehabilitation counselors to accesses for services.
7 Because words matter and positive interactions are critical, the
8 education outreach specialist shall utilize the Search
9 Institute's, which I have here, assets or similar community
10 asset building to help communities establish positive age-
11 appropriate touchpoints to rebuild competencies in young people.
12 An example of this Search Institute [inaudible] assets is here
13 in front of me that Georgetown locally implemented.
14 Commissioners, I hope together we can support this initiative.
15 We have an opportunity to build a model that will benefit the
16 community and the workforce system by ensuring these young
17 people can envision a future that holds promise. Thank you.

18 CHAIRMAN DANIEL: Any other item of
19 business?

20 COMMISSIONER DEMERSON: None here.

21 CHAIRMAN DANIEL: None? Is there is a motion
22 to adjourn?

23 COMMISSIONER ALVAREZ: Chairman, I move that
24 we adjourn.

25 COMMISSIONER DEMERSON: I second.

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

CHAIRMAN DANIEL: It's been moved and
seconded to adjourn and we're adjourned.