



**MEETING OF THE
TEXAS WORKFORCE COMMISSION**

DATE

NOVEMBER 15, 2022

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Tuesday, November 15, 2022

CHAIRMAN DANIEL: Good morning, everyone.

This meeting is called to order. Mr. Trobman, has anyone signed up for public comment?

MR. TROBMAN: No, sir.

CHAIRMAN DANIEL: Thank you very much. Good morning, Ms. Gonzales.

CHAIRMAN DANIEL: The motion passes with the exceptions noted. We'll take a short break.

MS. GONZALES: Thank you.

CHAIRMAN DANIEL: This is Agenda Item 8, Acknowledgement of Gifts and Donations.

SHANA KELLY: Oh, technology is not my strong suit. Good thing law is. My name is Shana Kelly. I am assistant general counsel in the Office of General Counsel, and I'm here to talk to you about the gifts and donations from the last quarter. As you are aware, state law requires any, state law allows TWC to accept donations of money, services, or property that further the lawful objectives of the Workforce Commission as long as it's not a prohibited donation such as from a regulated party or someone who is under certain kinds of investigation. You have a list. Further, for gifts and donations over \$500, the name of the donor, the amount, and the item must be entered into the public record. That is what we are doing here today. In the last quarter we received 10 different, 10

1 different employees had their travel paid for by, eight
2 different employees went on 10 different trips paid for by five
3 outside parties, and we also received a donation of one
4 assistive technology device from a business here in Austin. All
5 of these donations were presented for inquiry and initial
6 acceptance to Executive Director Serna, and all of the details
7 have been provided into the packet that was provided to you and
8 entered into public record. That's all I have, but do you guys
9 have any questions for me?

10 CHAIRMAN DANIEL: Any comments or questions?

11 COMMISSIONER ALVAREZ: None here, chairman.

12 COMMISSIONER DEMERSON: None here.

13 SHANA KELLY: Well, thank you so much.

14 COMMISSIONER DEMERSON: [Inaudible].

15 CHAIRMAN DANIEL: Commissioner, are you
16 suggesting what I think you're suggesting?

17 COMMISSIONER DEMERSON: Probably so. I don't
18 know if this is her first time here. Your first-time testimony?

19 SHARA KELLY: Yes, it is.

20 CHAIRMAN DANIEL: Oh, it is, and she was
21 advised. I could tell because she tried to make a very hasty
22 getaway from the podium.

23 COMMISSIONER DEMERSON: She was running.

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1 CHAIRMAN DANIEL: I think there's this urban
2 legend that I'm not paying attention up here, but I was watching
3 the whole thing. There's no questions. Is there a motion?

4 COMMISSIONER DEMERSON: I have one question.
5 You mentioned that Executive Director Serna, the gifts were
6 given to Executive Director Serna, does he get to keep all of
7 the gifts?

8 SHANA KELLY: Unfortunately, no, that would
9 be a violation of another state law.

10 COMMISSIONER DEMERSON: Thank you. No other
11 questions.

12 CHAIRMAN DANIEL: Is it your expectation,
13 commissioner, that she would know all the laws?

14 COMMISSIONER DEMERSON: She's under Les so
15 probably so.

16 CHAIRMAN DANIEL: Yeah. Is there anything,
17 any other questions? Is there a motion?

18 COMMISSIONER ALVAREZ: I move that we accept
19 the gifts and donations valued at more than \$500 as discussed by
20 staff.

21 COMMISSIONER DEMERSON: Second the motion.

22 CHAIRMAN DANIEL: It's been moved and
23 seconded. We're unanimous. Thank you.

24 SHANA KELLY: Thank you.

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1 CHAIRMAN DANIEL: This is Agenda Item 9, AEL
2 Outcomes Report to the Texas Legislature for State Fiscal Year
3 2022.

4 MAHALIA BALDINI: Good morning, Chairman
5 Daniel, Commissioner Alvarez, Commissioner Demerson, and Mr.
6 Serna. For the record, Mahalia Baldini, Workforce Development
7 Division. For your consideration this morning I'm bringing
8 forward the Adult Education and Outcomes Report as outlined in
9 Texas Labor Code 315.002, which requires the Texas Workforce
10 Commission to report educational and employment outcomes for the
11 Adult Education and Literacy program by December 1st of every
12 even-numbered year to the Texas Legislature. Your notebook
13 materials outline performance-related data on AEL enrollment as
14 well as the educational and employment outcomes of AEL
15 participants. It also outlines the current adult education and
16 literacy grantees across the state, and the required state-
17 approved testing instruments used to measure literacy, numeracy,
18 and language gains for the purpose of federal and state
19 reporting. This concludes my remarks and I'm happy to answer any
20 questions you have about the contents of the report.

21 CHAIRMAN DANIEL: Any comments or questions?

22 COMMISSIONER ALVAREZ: None here, chairman.

23 COMMISSIONER DEMERSON: None here.

24 CHAIRMAN DANIEL: Is there a motion?
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1 COMMISSIONER ALVAREZ: I move that we
2 approve the Adult Education and Literacy Outcomes Report for
3 Fiscal Year 2022 for submission to the Texas Legislature as
4 discussed by staff.

5 COMMISSIONER DEMERSON: I second.

6 CHAIRMAN DANIEL: It's been moved and
7 seconded. We're unanimous.

8 MAHALIA BALDINI: Thank you.

9 CHAIRMAN DANIEL: Thank you. Agenda Item 10,
10 Final Rules, Chapter 819, Civil Rights Division, Relating to
11 Sexual Harassment Complaints.

12 ROBERT GONZALEZ: Good morning, Chairman
13 Daniel, Commissioner Alvarez, Commissioner Demerson, and Mr.
14 Serna. For the record, I'm Robert Gonzalez with the Civil Rights
15 Division. Commissioners, before you today for your consideration
16 and adoption are final rule amendments to Chapter 819, Texas
17 Administrative Code. In an open meeting on August 9, 2022, the
18 commission approved proposed amendments to TWC's Chapter 819
19 rules, House Bill 21 and Senate Bill 45 relating to the statute
20 of limitations for filing a sexual harassment complaint against
21 an employer and prohibition of sexual harassment in the
22 workplace. The proposed rule amendments were published in the
23 August 26, 2022, issue of the Texas Register for a 30-day public
24 comment period. Public comments were received. Staff reviewed
25 and responded to comments. No changes were made to the proposed

1 rule. Additionally, staff conducted a four-year review of
2 Chapter 819 in accordance with Texas Government Code 2001.039,
3 and determined that the initial reasons for adopting the chapter
4 still exist and this chapter is still needed. Staff recommends
5 adopting the amendments to Chapter 819. Should the commission
6 adopt these rules, staff requests the ability to make minor
7 nonsubstantive changes to the document in order to comply with
8 the publication requirements of the Texas Register and the
9 Office of the Secretary of State. This concludes my presentation
10 and I'm available to answer any questions you may have. Thank
11 you.

12 CHAIRMAN DANIEL: Questions or comments?

13 COMMISSIONER ALVAREZ: Mr. Gonzalez, is this
14 your first time here for presentation.

15 ROBERT GONZALEZ: No, sir, I've been up here
16 several times but I've never [inaudible].

17 COMMISSIONER ALVAREZ: I was going to
18 introduce myself, but you make a good presentation.

19 ROBERT GONZALEZ: Thank you.

20 COMMISSIONER ALVAREZ: Nothing else.

21 COMMISSIONER DEMERSON: None from me.

22 CHAIRMAN DANIEL: Is there a motion?

23 COMMISSIONER ALVAREZ: I move that we
24 approve and adopt final rule amendments to Chapter 819, Civil
25 Rights Division, as recommended by staff.

1 COMMISSIONER DEMERSON: I second.

2 CHAIRMAN DANIEL: It's been moved and
3 seconded. We're unanimous.

4 ROBERT GONZALEZ: Thank you very much.

5 COMMISSIONER DEMERSON: I wonder if Robert
6 was being truthful there that he's been here several times, the
7 COVID time period so maybe we missed him. That's what it was.

8 CHAIRMAN DANIEL: Go ahead and come up here.
9 We're going to explore this other issue real quick. Several
10 times? You can do it from there.

11 ROBERT GONZALEZ: Yes, sir.

12 CHAIRMAN DANIEL: Like how many is several?
13 Like what's your definition of several?

14 ROBERT GONZALEZ: More than one.

15 CHAIRMAN DANIEL: Well done, well done.
16 Sorry about that.

17 CHERIE DUDLEY: All righty. Good morning,
18 chairman, commissioners, and Mr. Serna. For the record, Cherie
19 Dudley with Workforce Development. Today for your consideration
20 we have Workforce Board nominations for Borderplex, Capital
21 Area, Concho Valley, North Central Texas, Golden Crescent, North
22 Texas, West Central Texas, and Texoma. Staff recommends approval
23 on the presented nominees and I'm here to answer questions you
24 may have.

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 that

5 we approve the board nominees for Borderplex, Capital Area,

6 Concho Valley, North Central Texas, Golden Crescent, North

7 Texas, West Central Texas, and Texoma.

8 COMMISSIONER DEMERSON: Second.

9 CHAIRMAN DANIEL: It's been moved and
10 seconded. We're unanimous.

11 CHERIE DUDLEY: Thank you.

12 CHAIRMAN DANIEL: Thank you. Legislative
13 report?

14 MR. SERNA: No, sir.

15 CHAIRMAN DANIEL: Executive director's
16 report?

17 MR. SERNA: Just a brief one. We do have
18 with us a rarity in that IT is in the house versus at their
19 house working, but Heather Hall will come up and talk about our
20 apprentices. Now I would like to point out that two people
21 sitting back there, the one at the far right and the far left
22 are not apprentices. You may not remember seeing them but
23 they're not apprentices so.

24 HEATHER HALL: Good morning, Chairman
25 Daniel, Commissioner Alvarez, Commissioner Demerson, and Mr.

1 Serna. For the record, my name is Heather Hall and I'm the CIO
2 for TWC. It's good to be back with you again. As our agency
3 celebrates National Apprenticeship Week, I'm happy to be joined
4 today by three of our 10 software engineer apprentices, Rachel
5 Hunter, Andreas Vasquez, and Eddie Fehrenbach [SP]. As you know,
6 IT has worked with our amazing Workforce and HR divisions to
7 create, post, and fill 10 programmer positions as software
8 engineer apprentices. We've hired our apprentices from across
9 the state so the other seven are watching remotely today. This
10 talented team of employees has a variety of backgrounds, and
11 they have a passion for technology. In our two-year
12 apprenticeship program TWC has committed to provide training and
13 meaningful work assignments for them while they earn while they
14 learn. They have already started coding and making changes to
15 some of our critical systems, and they're working on defects for
16 our IT systems. Several of them are also participating on our
17 new rapid application team and learning to code with a low-code
18 tool. Rachel, Andreas, and Eddie are attending the
19 apprenticeship event at noon today, and I also wanted to mention
20 that Dorothy Fallin is in the audience as well. She's our
21 enterprise architect. She's also serving as the coach for this
22 apprenticeship team. Dorothy has taken this team under her wing,
23 and she is meeting with them every week, sharing information,
24 and answering questions, and providing them guidance. I'm happy
25 to mention also that yesterday Dorothy received an award at the

1 IT leadership government technology forum in part for her work
2 with the apprenticeship team. We also had another team member,
3 Greg Miller, he's one of our infrastructure managers, he also
4 received award at that event for his work on cloud
5 infrastructure. So just wanted to welcome the three apprentices
6 and, thank you for your ongoing support of our new program. I'm
7 happy to answer any questions.

8 CHAIRMAN DANIEL: Any questions or comments?

9 COMMISSIONER ALVAREZ: Congratulations, Dr.
10 Hall. How exciting. Yesterday we had an opportunity to kick off
11 National Apprenticeship Week or as we like to call it, Texas
12 Apprenticeship Week, at Raytheon, and during my comments I
13 mentioned how we were expanding apprenticeship programs through
14 state agencies and what a perfect example of what you've laid
15 out and the folks that you've hired. Dorothy, I know comes from
16 The University of Texas with experience working with interns so
17 that you know she's got some experience in that, and so we're
18 very excited in what you've done. We know that we'll have an
19 opportunity with Les and Jerry White, and what an example that
20 TWC is setting forth by activating and actually putting
21 something forward when it comes to apprentices. I mean who
22 better to do it than the agency that's leading the charge on TWC
23 apprentices. I'd also like to take this opportunity to thank,
24 you know, Desi. I've done it multiple times, you know.
25 Everywhere we go people continue to talk about and rave about

1 the great things that this agency is doing when it comes to
2 innovation, innovative things, thinking outside the box, how
3 we're, you know, in parts of Texas and explaining to them the
4 various services that this agency provides, it's just another
5 tool that we provide employers to be successful so thank you,
6 congratulations to the agency but Dr. Hall, thank you to you
7 for, you know, coming through with this vision that you had, and
8 we discussed it at state conference last year at a table so
9 thank you for that. I just wanted to congratulate you and your
10 team for doing this so thank you.

11 COMMISSIONER DEMERSON: It seems like
12 Commissioner Alvarez has echoed everything that I would say as
13 well so Dr. Hall, thank you for your leadership. This is
14 trailblazing, your leadership as well allowing it to happen.
15 It's something that we should share with other agencies as we
16 talk about the labor shortage. I represent the employers in the
17 state and the Workforce Commission is an employer in the state,
18 and you're finding a way to take care of that situation through
19 this program. I often say that apprenticeships offer employers
20 another tool in the toolbox, and if it works for them that's
21 great. If it doesn't that's great as well but it offers them an
22 opportunity and you're taking advantage of it. It takes
23 leadership and so thank you, Dr. Hall, for what you're doing,
24 your team, and, Ed, thank you for what you've done in that
25 regard.

1 HEATHER HALL: Thank you, sir.

2 CHAIRMAN DANIEL: You know, I would just say
3 I really have always appreciated innovative solutions to things.
4 I mean I think when people hear the term legacy computing
5 systems, it sort of creates this Hallmark movie picture of what
6 we're dealing with. I mean here we have to speak languages
7 ranging from Fortran to Python, and then we're working on no-
8 code options for advancing the agencies that we deal with.
9 Literally hundreds of vendors and there's so much activity going
10 on out there, and at the same time the state has a chronic
11 shortage of IT professionals that keep showing up on our top 10
12 list of most advertised jobs, and that's going to hit us too and
13 so finding someone with the enthusiasm to learn what for the
14 most part are dead languages with terms of hardware and software
15 that it runs even into the more innovative things, I think
16 that's just a daily difficult task. I appreciate this innovative
17 solution. I don't think turning it off and turning it back on
18 was going to get us kind of the computer personnel that we were
19 looking for here, and so I think there's a lot to be said for
20 finding an innovative staffing solution, and I think for you
21 guys that are participating in this internship program, this
22 apprenticeship program rather, you know, I think you're sort of
23 getting I think the best of both worlds in the sense that you
24 can learn, you can go to class and learn everything that you
25 need to learn but you'll remember it a lot better when you're

1 actually in there doing it, and I think it really creates an
2 opportunity for success for you for the long term which I hope
3 is all at TWC but I'm realistic about the fact of what goes on
4 in the world. I think for us it's twofold. We're excited to have
5 you here working with us, doing the things that need to be done
6 but I think I'm equally excited for us to have this
7 apprenticeship program that can be a model for other agencies or
8 perhaps we become the training provider for a lot of other
9 agencies. There's so many different ways it could go. We don't
10 know what's going to happen but it's going to be good, so I
11 appreciate you taking the time to come in here today, share this
12 with us. I look at the opportunities that are ahead of us and I
13 look at all the things that are happening in your shop, and I
14 just--again, I can't say enough. Finding innovative solutions is
15 the only way we're going to solve the problems, and I appreciate
16 you taking a risk on this. I think it's going to pay off for you
17 handsomely.

18 HEATHER HALL: Thank you, sir.

19 CHAIRMAN DANIEL: All right, is there any
20 other order of business to come before the commission?

21 COMMISSIONER ALVAREZ: None here.

22 COMMISSIONER DEMERSON: I was just impressed
23 with our executive director's rapper skills when he said that
24 they're in the house. He's glad to see them in the house rather

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1 than at the house. I thought that was pretty unique of Ed so
2 that's it, Mr. Chairman.

3 CHAIRMAN DANIEL: Is there a motion to
4 adjourn?

5 COMMISSIONER ALVAREZ: I move that we
6 adjourn.

7 COMMISSIONER DEMERSON: I second that
8 motion.

9 CHAIRMAN DANIEL: Chris says we're adjourned
10 so we're adjourned.

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