



**MEETING OF THE
TEXAS WORKFORCE COMMISSION**

DATE

MAY 21, 2024

1 Tuesday, May 21, 2024

2 CHAIRMAN DANIEL: Good morning, all. This
3 meeting is called to order. Mr. Trobman, has anyone signed up
4 for public comment? Thank you, Mr. Trobman, and good morning.

5 MS. MILLER: Good morning.

6 CHAIRMAN DANIEL: No, thank you. That brings
7 us to the end of Agenda Items 1 through 8. We'll take a short
8 recess.

9 CHAIRMAN DANIEL: All right, we're back.
10 This is Agenda Item 9, delegation of authority to the executive
11 director and deputy executive director for contracts exceeding
12 one million dollars.

13 MR. TROBMAN: Good morning, commissioners,
14 Mr. Townsend. Les Trobman, general counsel. On January 21, 2020,
15 in accordance with Texas Government Code, Section 2261.254, the
16 commission delegated to the executive director and the deputy
17 executive director the approval and signature authority
18 contracts that exceed one million dollars following commissioner
19 consultation. The commission order was subject to review on a
20 biennial basis. After recent review and consideration of the
21 optimal manner of ensuring commission engagement on high-value-
22 dollar contracts, staff recommends that the commission amend its
23 delegation order to reaffirm the delegation of signature
24 authority to the executive director and the deputy executive
25 director for contracts that do exceed one million dollars while

1 also directing the executive director or his designee to provide
2 the commissioners a quarterly report on all agency contracts
3 that exceed one million dollars, and I'm available to answer any
4 questions that you may have.

5 CHAIRMAN DANIEL: Comments or questions?

6 COMMISSIONER TREVIÑO: None here.

7 COMMISSIONER ESPARZA: No questions.

8 CHAIRMAN DANIEL: Is there a motion?

9 COMMISSIONER TREVIÑO: Chairman, I move we
10 approve the amended delegation of authority of the approval of
11 contracts exceeding one million dollars to the executive
12 director and the deputy executive director pursuant to Texas
13 Government Code, Section 2261.254.

14 CHAIRMAN DANIEL: I second the motion. Any
15 discussion? No discussion?

16 COMMISSIONER TREVIÑO: No discussion.

17 CHAIRMAN DANIEL: Is there any dissenting
18 votes?

19 COMMISSIONER ESPARZA: I dissent.

20 CHAIRMAN DANIEL: All right. The motion
21 carries. This is Agenda Item 10, final rule reviews relating to
22 the General Administration, and that's 40 TAC Chapter 800,
23 Integrity of the Texas Workforce System, 40 TAC Chapter 802, and
24 Choices, and 40 TAC Chapter 811.

25

1 REED O'BRIEN: Good morning, commissioners
2 and Mr. Townsend. For the record, I'm Reed O'Brien with the
3 Office of General Counsel. Texas Government Code, Section
4 2001.039, requires state agencies to review their rules every
5 four years and determine whether the initial reasons for
6 adopting the rules continue to exist. Before you today for your
7 consideration for readoption of rules are the following three
8 chapters from Title 40 of the Texas Administrative Code: Chapter
9 800, General Administration; Chapter 802, Integrity of the Texas
10 Workforce System; and Chapter 811, Choices. In an open meeting
11 on March 18, 2024, the commission approved the proposed reviews
12 of those chapters for publication in the Texas Register for a
13 30-day public comment period. The proposed rule reviews were
14 published in the March 29, 2024, issue of the Texas Register and
15 no comments were received. Staff reviewed the three chapters and
16 determined that the initial reasons for adopting the rules
17 continue to exist and that the chapters are still needed so in
18 accordance with the government code's requirements, staff
19 recommends that the commission readopt chapters 800, 802, and
20 811 as included in today's meeting notebook and published on the
21 agency's website. That concludes my presentation. I'm available
22 to answer any questions.

23 CHAIRMAN DANIEL: Comments or questions?

24 COMMISSIONER TREVIÑO: None here.

25 COMMISSIONER ESPARZA: No questions.

1 CHAIRMAN DANIEL: Is there a motion?

2 COMMISSIONER TREVIÑO: Chairman, I move we
3 approve the adoption of the final rule reviews for 40 Texas
4 Administrative Code, Chapter 800, General Administration,
5 Chapter 802, Integrity of the Workforce System, and Chapter 811,
6 Choices, as recommended today by staff.

7 COMMISSIONER ESPARZA: I second.

8 CHAIRMAN DANIEL: It's been moved and
9 seconded and the motion carries. This is Agenda item 11,
10 proposed rules for 40 TAC Chapter 850, Vocational Rehabilitation
11 Services Administrative Rules and Procedures.

12 JAMIE HAYWOOD: Good morning, chairman,
13 commissioners, and Mr. Townsend. For the record, I'm Jamie
14 Haywood with VR. Commissioners, before you today for your
15 consideration for approval are proposed rule amendments to
16 Chapter 850, Vocational Rehabilitation general rules. These
17 proposed amendments clarify the VR Division's comprehensive
18 system of personnel development standards for qualified
19 vocational rehabilitation counselors. In alignment with 34 CFR
20 361.18, the proposed rule specifies the education and experience
21 requirements for VR counselors. It also clarifies that VR
22 counselors are considered qualified to perform nondelegable
23 duties upon meeting the minimum initial standards for hire,
24 successful completion of required training, and an initial
25 probationary period that allows demonstration of performance.

1 Finally, the rule clarifies that the VR Division helps VR
2 counselors advance as qualified personnel by making funds
3 available for the required graduate education under the
4 circumstances specified in the rule. Staff recommends submitting
5 the proposed rule for publication in the Texas Register for a
6 30-day public comment period. Staff also requests the ability to
7 make minor nonsubstantive changes to the document to comply with
8 publication requirements of the Texas Register and the Office of
9 the Secretary of State. This concludes my presentation and I'd
10 be happy to answer any questions that you have.

11 CHAIRMAN DANIEL: Any comments or questions?

12 COMMISSIONER TREVIÑO: None here.

13 COMMISSIONER ESPARZA: No, sir.

14 CHAIRMAN DANIEL: Is there a motion?

15 COMMISSIONER TREVIÑO: Chairman, I move we
16 approve the proposed amendments to 40 Texas Administrative Code,
17 Chapter 850, Vocational Rehabilitation Services Administrative
18 Rules and Procedures for publication for public comment as
19 recommended today by staff.

20 COMMISSIONER ESPARZA: I second.

21 CHAIRMAN DANIEL: It's been moved and
22 seconded, and the motion carries. This is Agenda Item 12, Texas
23 Education Code Chapter 133, Apprenticeship Training Program
24 Performance Measures.

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1 KERRY BALLAST: Good morning, Chairman
2 Daniel, Commissioner Treviño, Commissioner Esparza, and Mr.
3 Townsend. For the record, Kerry Ballast, Workforce Development
4 Division. As requested at the April 30th meeting, staff have
5 identified top-performing Texas Education Code Chapter 133
6 programs using performance measures adopted by the commission at
7 its August 22, 2023, meeting. The discussion paper in your
8 notebook materials gives an overview of the process and what was
9 learned while we did the analysis. Upon completion of this
10 analysis, staff recommend using the performance measures and the
11 associated program parameters for the award of fiscal year 2025
12 Chapter 133 Apprenticeship Training Program contracts. This
13 concludes my remarks. I'm happy to answer any questions.

14 CHAIRMAN DANIEL: Comments or questions?

15 COMMISSIONER TREVIÑO: The continued growth
16 of apprenticeship reflects how great this model is. The
17 parameters recommended will guarantee high-quality programs are
18 funded at the \$4 contact hour rate but the current funding
19 available could cause possible 40 percent reduction in awards
20 which in turn could have greater impact across all industry and
21 geographical distribution. I want to thank staff for continuing
22 the search for ways to sustain the contact hour rate and fund as
23 many contracts as possible.

24 CHAIRMAN DANIEL: Additional comments or
25 questions? Is there a motion?

1 COMMISSIONER TREVIÑO: Chairman, I move we
2 approve the use of performance measures for the award of fiscal
3 year 2025 Texas Education Code Chapter 133 Apprenticeship
4 Training Program contracts and the associated program parameters
5 as described in the discussion paper and recommended today by
6 staff.

7 COMMISSIONER ESPARZA: I second.

8 CHAIRMAN DANIEL: It's been moved and
9 seconded, and the motion carries. Thank you. Agenda Item 13 has
10 been postponed to a future meeting. This is Agenda Item 14,
11 funding to support healthcare training initiatives. They're
12 ganging up on us here.

13 MARY YORK: Good morning, chairman,
14 commissioners, Mr. Townsend. For the record, I'm Mary York with
15 Outreach and Employer Initiatives. At the April 30, 2024,
16 commission meeting, staff were asked to bring forward a
17 discussion paper with initiatives to address the shortage of
18 healthcare workers in the state of Texas. Recent projections
19 indicate employment in healthcare occupations will grow 23.9
20 percent by 2030 adding over 298,000 new jobs. The demand for all
21 healthcare occupations is expected to grow faster than all other
22 occupations combined. Staff have identified eight opportunities
23 for increasing the number of healthcare workers across the
24 state, and those opportunities are outlined in your meeting
25 materials. Unless the commission prefers to skip straight to

1 discussion, we can provide some brief remarks on those eight
2 initiatives. The first three are from Outreach and Employer
3 Initiatives, the first of which is to allocate up to \$2,000,000
4 in 2024 WIOA statewide funds for Upskill Texas for healthcare
5 employers seeking to upscale incumbent workers providing patient
6 care. The second item is to use up to \$3,000,000 from the Skills
7 Development Fund in 2024 and 2025 to fund a new initiative to
8 support dual credit costs such as tuition and curriculum
9 development or acquisition, to expand the availability of these
10 programs across the state for healthcare occupations, and the
11 third is to allow up to \$2,000,000 from the Skills Development
12 Fund to be used for public sector healthcare employers seeking
13 to train new or incumbent workers. Along with that one, staff
14 recommends the temporary reduction of the prevailing wage
15 requirement from 25 percent to 10 percent to ensure all areas of
16 the state including rural areas have the opportunity to upskill
17 their healthcare staff. With that, I will pass the mic to Joel
18 Mullins to cover the five initiatives from Workforce
19 Development.

20 JOEL MULLINS: Good morning, chairman,
21 commissioners, Mr. Townsend. For the record, I'm Joel Mullins
22 with Workforce Development. Staff from the Workforce Development
23 Division have identified an additional five opportunities to
24 address the healthcare shortage. The first of these starts with
25 number four in the discussion paper which is to make 1.5 million

1 dollars in WIOA Title I statewide funding available to community
2 and technical colleges or independent school districts for the
3 purpose of developing capacity in nursing training programs.
4 This could include curricula, supplies, and instructor salary
5 costs. Next, to make \$1,000,000 in WIOA Title I statewide
6 funding available to local Workforce Development Boards by
7 application to support paid internships for eligible youth and
8 adults in private or public hospitals, healthcare clinics, home
9 health organizations, and skilled nursing facilities. Number six
10 would be to dedicate \$1,000,000 from the Texas Industry-
11 Recognized Apprenticeship Grant program specifically for
12 healthcare occupations. Number seven would be to dedicate
13 \$600,000 in DOL Apprenticeship Expansion Grant funding for
14 incentives to employers that opt to pursue establishment or
15 expansion of registered apprenticeship programs with pathways
16 leading to registered nurse. Then the eighth and final
17 initiative is to launch a \$500,000 adult education and literacy
18 initiative to assist internationally trained professionals in
19 obtaining the credentials needed to continue their education and
20 career pathways within Texas. This morning staff seeks direction
21 on the opportunities presented here today to support the growth
22 and development of the state's healthcare workforce. This
23 concludes our remarks and we're happy to answer any questions.

24 CHAIRMAN DANIEL: Any comments or questions?

25 COMMISSIONER TREVIÑO: None here.

1 COMMISSIONER ESPARZA: I do, chairman. Joel,
2 Mary, thank you all very much and thank you for doing the work
3 and creating these ideas. Chairman, thanks for the initiative to
4 support the healthcare, especially in rural areas. I'm happy to
5 support all these items. I want a little bit more information on
6 item seven, and again, I also want to thank Kerry for engaging
7 our office for answering a few questions that we had but
8 ultimately kind of a high level, what is the 600K provide in
9 addition to the healthcare apprenticeship program we already
10 have? Hi, Kerry.

11 KERRY BALLAST: Good morning. For the
12 record, Kerry Ballast. This is another unique opportunity we
13 have with expansion grant funds. We do have employers who come
14 to the agency and ask with assistance in registering
15 apprenticeship programs with DOL, and that's all they want. They
16 don't—they're not in pursuit of another grant or any of our
17 other initiatives. Through DOL we have the ability to pay those
18 employers roughly \$500 to \$600 per apprentice that they bring on
19 as they create or expand a new program. This is not in addition
20 to any other grant they're receiving.

21 COMMISSIONER ESPARZA: OK. So it's a new—
22 basically a new initiative to support those expansions.

23 KERRY BALLAST: Yes, sir.

24 COMMISSIONER ESPARZA: Are we able to
25 increase the funding for the healthcare apprenticeship grant in

1 another way because I know we have more money or we have money
2 available for that. The only thing I was making sure is that,
3 you know, I definitely want to be able to promote and engage
4 more hospitals and organizations to take advantage of that
5 apprenticeship money that we have but this is something separate
6 than that.

7 KERRY BALLAST: Yes, sir, it is, in addition
8 to.

9 CHAIRMAN DANIEL: Would it be fair to say
10 separate to yes but in addition to some things we're already
11 doing?

12 KERRY BALLAST: Yes.

13 COMMISSIONER ESPARZA: OK.

14 CHAIRMAN DANIEL: This is a list that would
15 increase available options that are available to whomever,
16 employers, nonprofits, whatever is going on.

17 KERRY BALLAST: Yes, sir.

18 COMMISSIONER ESPARZA: OK, thank you very
19 much on this. Thanks.

20 KERRY BALLAST: Thank you.

21 CHAIRMAN DANIEL: And she backed away from
22 that microphone. I had just gotten my first question. No, all
23 I'm going to say is this is very timely. This is very well
24 thought out. It is very comprehensive. I appreciate all the work
25 that went into this. I've met now at this point with probably,

1 conservatively, 15 to 20 different healthcare providers in the
2 state, hospitals, both public and private, others. There's just
3 a lot of concerns. We've done a lot of good. I think that our
4 healthcare apprenticeship program has been good but what I've
5 learned is is that employers like certain tools based on their
6 business model, and apprenticeship wasn't for everybody. Despite
7 what I think, they didn't think that worked in their model, and
8 I have to—you know, I think it's our job to respect that. I
9 think this gives them a very good available set of tools. I
10 think much of this could be used to help put good pipelines of
11 employees in place so then we can start addressing some of these
12 issues. There are things going on in other agencies and I think
13 that this will work very well in concert with those things, and
14 so we have a great list, I think a great opportunity for TWC to
15 do something very timely and concrete to address what's a very
16 real issue for Texas employers. If there's no further
17 discussion, is there a motion?

18 COMMISSIONER TREVIÑO: I just wanted to say
19 I agree with both the statements made by the chairman and
20 Commissioner Esparza on this. It's timely and very needed, and I
21 look forward to working with all of them. So I move to approve
22 the funding of opportunities for supporting healthcare training
23 initiatives as described in the discussion paper and presented
24 today by staff.

25 COMMISSIONER ESPARZA: I second.

1 CHAIRMAN DANIEL: It's been moved and
2 seconded, and the vote is unanimous. Thank you. Oh, he is ready
3 for an executive director's report. Mr. Townsend.

4 MR. TOWNSEND: Yes, sir. Good morning,
5 chairman, commissioners. Look, I have a couple items. Let me
6 start first with Eric Holen coming up to give us an update on
7 where we are with the disaster related in the Houston area, on
8 the unemployment claims part of it.

9 ERIC HOLEN: Good morning. Eric Holen with
10 Unemployment Insurance providing an update on serving Texans
11 affected by the recent severe storms. On May 17th the president
12 authorized federal disaster aid for Texas to assist individuals
13 affected by the severe storms under Declaration number DR-4781-
14 TX. Currently the disaster declaration covers the following
15 counties: Harris, Liberty, Montgomery, Polk, San Jacinto,
16 Trinity, and Walker. This afternoon we will issue a press
17 release announcing the availability of disaster unemployment
18 assistance or DUA. The deadline to apply for DUA claims is July
19 16th. Individuals will first apply for regular unemployment
20 benefits, however, if they are not eligible generally because
21 they did not have enough work history or are self-employed or
22 later exhausted benefits, we will take a DUA claim. We are
23 reaching out to customers who submitted disaster-affected claim
24 before the president's declaration and who are not eligible for
25 regular benefits. As of this morning, approximately 320

1 individuals have submitted disaster-affected regular
2 unemployment claims with 10 of those submitting a DUA claim.
3 That concludes my update and I'm available for any questions.

4 CHAIRMAN DANIEL: Any questions or comments?

5 COMMISSIONER TREVIÑO: None here.

6 CHAIRMAN DANIEL: Thank you.

7 MR. TOWNSEND: Thanks, Eric. The other item
8 I'm wanting to mention like breaking news shortly before the
9 commission meeting started, I think we all probably learned less
10 than 20 minutes before this morning that Courtney Arbour, our
11 Workforce Division director, has been selected as the new
12 executive director at the Texas Department of Licensing and
13 Regulation effective June 1st so obviously we're—I'm personally
14 sad to see this news but at the same time excited for Courtney
15 and of course thankful for all that she's brought to the
16 workforce system over the years with TWC and prior to that at
17 the local level so certainly we're supportive of that. I know
18 she's been meeting, discussing with Ed the transition plan and
19 that sort of thing so it's a very short window here we realize
20 but just want to make sure that you had seen that news and again
21 wish Courtney all the best and we'll move forward as we always
22 do on these things so just wanted to make you aware of that so
23 thank you. That's all I have.

24 CHAIRMAN DANIEL: All right, any other item
25 of business that needs to come before the commission?

1 COMMISSIONER TREVIÑO: I just want to say
2 congratulations also to Courtney. It will be a tremendous loss
3 for TWC but great for her. Wish her all the best.

4 COMMISSIONER ESPARZA: I second that also
5 but I'll—it stands a lot to know that she can be—she's able to
6 move at such a quick pace to get over there. I know TDLR is
7 already welcoming her because I'm getting text messages
8 [inaudible] so I'm excited for them but it's also a great
9 opportunity for our office, not to mention the gain of access
10 that we have over there at TDLR now with her there so it's also
11 helpful and good for our program too.

12 CHAIRMAN DANIEL: Agreed. All right, is
13 there is a motion to adjourn?

14 COMMISSIONER TREVIÑO: I move to adjourn.

15 COMMISSIONER ESPARZA: I second.

16 CHAIRMAN DANIEL: It's been moved and
17 seconded to adjourn, and we are adjourned.

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