



**MEETING OF THE
TEXAS WORKFORCE COMMISSION**

DATE

JULY 30, 2024

1 Tuesday, July 30, 2024

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

5 MR. TROBMAN: Good morning, commissioners.
6 We do have two individuals who would like to address the
7 commission when we get to Item Number 11.

8 CHAIRMAN DANIEL: Thank you. Moving on.

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

11 CHAIRMAN DANIEL: This is Agenda Item 9, the
12 readoption of the Texas Workforce Commission's ethics policy.

13 SHANA KELLY: Good morning, commissioners.
14 How are you today? My name is Shana Kelly. I'm an assistant
15 general counsel and I am here today to bring forth the ethics
16 policy readoption for your review and consideration. The last
17 time the commission reviewed and adopted the ethics policy was
18 January 17, 2018. Since then, there have been some changes in
19 the law that we needed to update within the ethics policy, and
20 so we've done so. A majority of the changes within there are
21 nonsubstantive, things like trying to move to more plain English
22 writing to make it more accessible and understandable, removing
23 as many links as possible to just say what we're going to say,
24 and making sure that the information is accurate and correct to
25 match things like the change from RID to FDCM. We have four

1 substantive changes in there as well. They are as follows.
2 Currently Section 1.9.3 now reflects that the chief ethics
3 officer and ethics advisor functions are both within the Office
4 of General Counsel where the ethics advisor was previously
5 within the Regulatory Integrity Division not FDCM like I
6 mentioned. We removed the lobbyist and lobbying firms from the
7 list of prohibited sources in Section 1.11.1 to reflect that the
8 acceptance of benefits from lobbyist and lobbying firms is
9 allowable under limited circumstances. Section 1.11.2.4 was
10 revised to reflect an increase in the threshold amount of
11 expenditures for food, lodging, and entertainment that a
12 lobbyist may provide to an individual public officer, official
13 or employee or the lobbyist must include the individual's name
14 on the activities report. This amount increased from 114 up to
15 132.60 between 2018 and 2024. The annual cap, however, remains
16 the same at \$500. Finally, Section 1.13.2 was revised to clarify
17 that candidacy for public office in a partisan election is only
18 a prohibited act if the employee candidate's salary is paid
19 completely from federal funds. This change was made because
20 after the legislative increase in salaries, only three percent
21 of TWC employees are paid fully from federal funds. Are there
22 any questions?

23 CHAIRMAN DANIEL: Any comments or questions?

24 COMMISSIONER TREVIÑO: You said your name
25 was Shana?

1 SHANA KELLY: Yes, Shana.

2 COMMISSIONER TREVIÑO: This is your first
3 time to present before us?

4 SHANA KELLY: It is not, no.

5 COMMISSIONER TREVIÑO: It's not, OK. Just
6 checking.

7 SHANA KELLY: Nice try, though.

8 COMMISSIONER TREVIÑO: No comments.

9 COMMISSIONER ESPARZA: No questions.

10 CHAIRMAN DANIEL: Excellent point,
11 Commissioner Treviño. About how long would you estimate did you
12 work on this project?

13 SHANA KELLY: I think we started on this
14 about four months ago.

15 CHAIRMAN DANIEL: Excellent work, very well
16 done. A useful tool for TWC employees. I hope that they will
17 read it. Any additional comments or questions.

18 COMMISSIONER TREVIÑO: None here.

19 CHAIRMAN DANIEL: Is there a motion?

20 COMMISSIONER TREVIÑO: Chairman, I move we
21 adopt the Texas Workforce Commission ethics policy as presented
22 today by staff.

23 COMMISSIONER ESPARZA: I second ethics.

24 CHAIRMAN DANIEL: It's been moved and
25 seconded, and the vote is unanimous. Thank you.

1 SHANA KELLY: Thank you.

2 CHAIRMAN DANIEL: This is Agenda Item 10,
3 publication for public comment of proposed amendments to 40
4 Texas Administrative Code Chapter 801, local Workforce
5 Development Boards. Commissioners, if there's not objection, I
6 would like to push this to the next commission meeting. I will
7 have an amendment. I think that there is an issue that needs to
8 be solved. I actually don't think staff probably went far enough
9 in solving the problem. I need to research the problem a little
10 bit more to be sure I have the language right because I don't
11 want to nuke a flea on this but by the same token, I think that
12 there is some more that needs to be done. I need to gain a
13 better understanding of the problem so I can craft a better
14 amendment. If there's an objection to that, we'll hear them out
15 and I guess we'll vote on it but I really would like to have two
16 more weeks so I can have an amendment ready for you to look at.
17 Any objection to pushing?

18 COMMISSIONER TREVIÑO: No, no objections
19 here.

20 COMMISSIONER ESPARZA: No objection,
21 chairman.

22 CHAIRMAN DANIEL: Thank you. Sorry about
23 that. We'll see you in two weeks. Thank you.

24 JOEL MULLINS: No problem.

25

1 CHAIRMAN DANIEL: All right, does that bring
2 us to Item 11, this is child care services rule waivers
3 regarding the Texas Rising Star assessments. We've got two
4 public commenters that will speak right after staff and then
5 we'll--so you're going to need to hang around because we'll have
6 some questions.

7 LINDSAY HILL: Good morning, chairman and
8 commissioners. I'm Lindsay Hill with the Child Care & Early
9 Learning Division. This morning we're bringing forward waivers
10 of the child care rules which we are recommending in order to
11 implement temporary strategies intended to expedite the
12 assessment of entry-level designated programs. As you are aware,
13 the legislature enacted legislation which makes Texas Rising
14 Star certification a requirement for CCS providers. These
15 providers receive a two-year entry-level designation period
16 before they must attain at least a two-star certification. The
17 legislation and TWC rules also allow TWC to extend this entry-
18 level period for up to 36 months based on specific factors
19 including extenuating circumstances beyond the provider's
20 control. The first waiver we are recommending is for TWC rule
21 Section 809.133(c)(1) which requires that the centralized
22 assessment entity conduct an onsite assessment. If approved, TWC
23 will direct the centralized assessment entity to begin
24 conducting desk review assessments of the structural required
25 two-star measures. We will also allow providers the ability to

1 opt out of this two-star assessment and wait to receive an
2 onsite assessment of all Texas Rising Star measures. The second
3 waiver that we are requesting is for TWC rule Section 809.133(d)
4 which requires annual monitoring inspections. We are requesting
5 that for the newly assessed entry-level designated programs,
6 they be allowed an annual monitoring visit within 18 months
7 rather than 12 months. We are also asking that you extend a
8 current waiver of this section that was approved on November 7th
9 of last year through September 30, 2025. We are hopeful that
10 these rule waivers will allow the centralized assessment entity
11 to complete assessments of entry-level designated programs more
12 quickly and allow them to balance their future workload by
13 spreading out the required annual assessments over time. That
14 concludes my presentation.

15 CHAIRMAN DANIEL: Any comments or questions?

16 COMMISSIONER TREVIÑO: None here.

17 COMMISSIONER ESPARZA: I've got a question.

18 What's—so the second waiver is an extension. What do we measure
19 to see what happens in that six months after—we've giving them
20 six more months of time, what are we allowing for there?

21 LINDSAY HILL: Right, so our rule states
22 that they must be monitored annually so that needs to be
23 conducted within 12 months of the assessment. What we're saying
24 here is if the centralized assessment entity is conducting a lot
25 of initial assessments in, say, September, they're not going to

1 be able to do those onsite annuals in September by their due
2 date so we're allowing them six additional months to complete
3 those annual monitoring visits.

4 COMMISSIONER ESPARZA: OK, very good, thank
5 you.

6 LINDSAY HILL: Sure.

7 CHAIRMAN DANIEL: So the centralized
8 assessment entity in charge of these assessments, have they been
9 letting us know throughout the process that they were going to
10 have trouble covering all the assessments statewide?

11 LINDSAY HILL: Yes, we have been in
12 communication with them weekly if not monthly about this and
13 talking through different options and suggestions of how they
14 could implement the assessments faster.

15 CHAIRMAN DANIEL: To meet the requirements
16 of entry level and the two-star designation, what kind of
17 requirements does an onsite review add that a desk review
18 wouldn't be able to ascertain?

19 LINDSAY HILL: The desk review looks at only
20 our structural required measures which are a lot of the
21 paperwork. It's the parent policies, your employee handbook,
22 your staff education and training whereas the onsite assessment
23 will look at the actual classroom environment as well as the
24 teachers and some other points-based measures related to program
25 administration and staff education and qualifications.

1 CHAIRMAN DANIEL: What's the longest
2 timeline you think we would need to have these waivers in effect
3 for them to catch up?

4 LINDSAY HILL: I am not sure. We are hopeful
5 that this waiver will be enough time for them as they are also
6 strategically planning to look at their staffing to help support
7 more assessments being conducted.

8 CHAIRMAN DANIEL: Do we know at this point
9 if the centralized assessment entity is adding any additional
10 assessors above where they are so that they can do a better job
11 with this?

12 LINDSAY HILL: Yes, they are continually
13 trying to staff up and employ.

14 CHAIRMAN DANIEL: How long is our contract
15 with this centralized assessment? Are there other entities in
16 the state that provide the same type of service?

17 LINDSAY HILL: Our current contract with
18 them is two years so we have just started year two. I am not
19 familiar with any other similar entity.

20 CHAIRMAN DANIEL: OK, thanks. Hang tight.
21 We've got two public commenters. Let's hear from them. There may
22 be additional questions after we hear public comment, and then
23 we'll have to move to a motion after that.

24

25

1 MR. TROBMAN: Good morning, commissioners.
2 Les Trobman, general counsel. We have two commenters. Ms.
3 Camargo, if you could unmute yourself and begin.

4 MS. CAMARGO: Can you hear me?

5 MR. TROBMAN: We can hear you.

6 MS. CAMARGO: OK, thank you. Good morning,
7 commissioners. My name is Kassondra Camargo. I represent
8 Christian Preschool Centers out of the Lubbock South Plains
9 area. I just wanted to thank you for allowing us to come to you
10 today and speak in regards to the waivers. The waivers I do
11 actually-am in agreement with. I'm interested to see how the
12 desk review will work and what exactly that will entail.
13 Currently the CAE I believe as of June had 3,200 assessments
14 still to be completed and even if they hire in some more
15 assessors, they're looking at about a six-month training span so
16 with the waivers being put in place, I think that that will be a
17 big help to be able to get caught up so I'm interested to see,
18 like I said, how the desk reviews will work. I do ask that the
19 waivers be granted for providers that are not considered
20 assessment ready be included in that waiver as well. We have a
21 specific school actually Ms. Jessike Cabello is going to speak
22 to you in regards of her situation but she's not deemed
23 assessment ready because she has a pending citation that is in
24 admin review and so she can't be deemed assessment ready and so
25 I just ask that that be included in that waiver as well. As far

1 as the waiver being proposed for current TRS providers, I agree
2 with this waiver due to the changes to the TRS measures. This
3 allows providers time to adjust to those measures that are being
4 made as of October so that's what I have to say today. Thank you
5 for the time allowing me to speak.

6 MR. TROBMAN: Thank you, and our final
7 commenter is Ms. Cabello. Ms. Cabello, if you could unmute
8 yourself and begin.

9 MS. CABELLO: Can you guys hear me?

10 MR. TROBMAN: We sure can.

11 MS. CABELLO: All right. Well, hello and
12 good morning. My name is Jessike Cabello and I am the director
13 at Treehouse Children's Academy. I would like to start off by
14 thanking you for the opportunity to speak in front of you guys
15 and voice my thoughts. I am a newer director and in the midst of
16 the transition we were given a citation. After reading over the
17 waiver, I will say I do like the ideals behind the desk review
18 of structural measures. However, with the pending citation and
19 our decision to administrative review, this would hold us back
20 from being set as assessment ready, and that would lead us not
21 to qualify for the desk review of structural measure. With that
22 being said, one of the things that we're also struggling with is
23 that we are being told, yes, you're good to go, yes, let's do
24 assessment ready while then being told, hold off, we have to
25 wait. So the timeline of this is elongating the onboarding

1 process for us which will also affect us with the pending
2 citation. This concludes my statement.

3 CHAIRMAN DANIEL: All right, thank you. Is
4 there any additional questions or comments, commissioners?

5 COMMISSIONER TREVIÑO: No, just thank you
6 for the comments from our commenters.

7 COMMISSIONER ESPARZA: No additional
8 questions.

9 CHAIRMAN DANIEL: All right, is there a
10 motion?

11 COMMISSIONER TREVIÑO: Chairman, I move that
12 we approve the temporary waivers of requirements contained in 40
13 Texas Administrative Code Section 809.133(c) (1) and 809.133(d)
14 to implement the temporary Texas Rising Star two-star strategy
15 as described in the discussion paper and recommended today by
16 staff.

17 COMMISSIONER ESPARZA: I second.

18 CHAIRMAN DANIEL: It's been moved and
19 seconded, and the motion carries. Thank you. All right, is there
20 an executive director's report today?

21 MR. SERNA: No, sir, not today.

22 CHAIRMAN DANIEL: Is there any other order
23 of business to come before the commission? Hearing none, is
24 there a motion to adjourn?

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COMMISSIONER TREVIÑO: Chairman, I move to
adjourn.

COMMISSIONER ESPARZA: I second.

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